Regulations Submitted
Pursuant to NRS 233B.067

2026

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2026 REGULATIONS		
R004-26	**502/503**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to permits for persons with disabilities **CONTACT Alejandra Medina (775) 688-1510** **amedina@ndow.org**
R005-26	**369**	**NEVADA TAX COMMISSION** A REGULATION revising provisions relating to alcoholic beverages (AB375, 2025) **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R006-26	**704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION revising provisions relating to gross domestic product deflator advice letters and applicability of certain provisions (AB 449, 2025) **CONTACT Adam Baker (702) 486-7231** **abaker@puc.nv.gov**
R008-26	**625A**	**BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS** A REGULATION revising provisions relating to practice under supervision and training programs **CONTACT Loretta Ponton (775) 746-9423** **board@nvrehs.org**
R018-26	**388D**	**DEPARTMENT OF EDUCATION** A REGULATION revising provisions relating to scholarship organizations **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R022-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising various provisions relating to human resources **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**
R023-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to grievances **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**

R024-26	**284**	**HUMAN RESOURCES COMMISSION** A REGULATION revising provisions relating to leave with pay **CONTACT Carrie Hughes (775) 684-0111** **cphughes@admin.nv.gov**
R028-26	**488**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION revising provisions relating to boating **CONTACT Alejandra Medina (775) 688-1510** **amedina@ndow.org**
R039-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to endorsements in trauma-informed instruction **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R043-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to early childhood and elementary education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R044-26	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to early childhood teaching endorsements for pupils who have autism **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R046-26	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION revising various provisions relating to health care **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
R047-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to proposals **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**
R048-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to delegation by the Board of Directors of the Department of Transportation **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**

R049-26	**408**	**DEPARTMENT OF TRANSPORTATION** A REGULATION establishing provisions relating to proposals by design-build teams **CONTACT Maya Bourgeois (775) 888-7458** **mbourgeois@dot.nv.gov**
R081-26	**360/361**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to revenue and taxation **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R082-26	**370**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to tobacco **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R085-26	**372**	**NEVADA TAX COMMISSION** A REGULATION revising and repealing various provisions relating to sales and use taxes **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R098-26	**361/375**	**NEVADA TAX COMMISSION** A REGULATION revising provisions relating to electronic signatures **CONTACT Kari Skalsky (775) 684-2041** **kskalsky@tax.state.nv.us**
R099-26	**504**	**BOARD OF WILDLIFE COMMISSIONERS** A REGULATION designating Windermere Hills as a cooperative wildlife management area **CONTACT Mabel Torres (775) 688-1576** **mabel.torres@ndow.org**
R107-26	**449**	**HEALTH CARE PURCHASING AND COMPLIANCE DIVISION OF THE NEVADA HEALTH AUTHORITY** A REGULATION establishing provisions relating to senior living communities and senior living community referral agencies (SB260, 2023) **CONTACT Tina Leopard (702) 486-6515** **TLeopard@nvha.nv.gov**
R109-26	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to minimum standards of training **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**

R110-26	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to basic training courses **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**
R114-26	**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**
R115-26	**680C**	**COMMISSIONER OF INSURANCE** A REGULATION revising provisions relating to fees **CONTACT Shayda Sanjideh (775) 687-0711** **shayda.sanjideh@doi.nv.gov**
R137-26	**640C**	**BOARD OF MASSAGE THERAPY** A REGULATION revising various provisions relating to massage therapy **CONTACT Colleen Platt (775) 848-2810** **cplatt@plattlawgroupreno.com**
R149-26	**634A**	**STATE BOARD OF ORIENTAL MEDICINE** A REGULATION revising various provisions relating to Oriental medicine **CONTACT Merle Lok (702) 675-5326** **omboardexecutivedirector@gmail.com**

ADOPTED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R004-26

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 hunting; revising provisions relating to special assistance permits; revising provisions relating to certain permits issued to a person with a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who hunts wildlife in this State to obtain a license or permit to do so and provides for the issuance of such a license or permit by the Department of Wildlife. (Chapters 502 and 503 of NRS) Existing law further requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a person with certain disabilities in hunting a big game mammal for which the person with a disability has obtained a tag. (NRS 501.181) Existing regulations authorize such a holder of a tag to hunt a big game mammal to apply for a special assistance permit authorizing a designated licensed assistant to assist the holder and set forth the information required to be included on an application for a special assistance permit. (NAC 502.42903) **Section 1** of this regulation removes the requirement for an applicant to include his or her social security number on the application.

Existing regulations require an applicant for a special assistance permit who holds more than one tag issued by the Department to complete a separate special assistance permit application for each tag. (NAC 502.42903) **Section 1** specifies that each separate application must designate one or more licensed assistants for each tag. **Section 1** further requires an applicant to designate a licensed assistant each year the valid permit will be used on a form provided by the Department. **Section 1** also provides that a special assistance permit expires 5 years after the date on which the permit is issued.

Existing regulations: (1) authorize the Department to issue a scope permit to a person with a visual disability; (2) set forth restrictions for the use of such a scope permit; and (3) set forth the application requirements for such a scope permit. Existing regulations further authorize a person with a scope permit to hunt during a type of hunt that is restricted to bows or muzzle-loading firearms. (NAC 503.146) **Section 2** of this regulation: (1) removes the authorization for a person with a scope permit to hunt during a type of hunt that is restricted to bows; (2) revises the type of scope a person with a scope permit may use when hunting; and (3) revises the definition of the term "visual disability."

Existing regulations require an applicant for a scope permit to include with his or her application a certificate issued by a licensed physician that certifies that the applicant has a visual

disability. (NAC 503.146) **Section 2** instead requires that the certificate be issued by a licensed optometrist or ophthalmologist.

Existing regulations provide that a scope permit is valid for 1 year after the date on which the permit is issued. (NAC 503.146) **Section 2** extends the time in which a scope permit is valid from 1 year to 5 years after the date on which the permit is issued.

Existing regulations: (1) authorize the Department to issue an archery disability permit to a person with a disability; (2) set forth the requirements for a person to be issued such a permit; and (3) provide that an archery disability permit expires 1 year after the date on which the permit is issued. (NAC 503.1465) **Section 3** of this regulation authorizes a person with an archery disability permit to hunt during a type of hunt that is restricted to the use of archery to use: (1) a crossbow equipped with certain types of sights; and (2) a bow equipped with certain modified archery equipment. Existing regulations require an applicant for an archery disability permit to include in his or her application a certificate issued by a licensed physician that certifies the applicant has a disability. (NAC 503.1465) **Section 3** instead requires the certificate to be issued by: (1) a physician; (2) a registered nurse or advanced practice registered nurse; or (3) a physician assistant who practices in certain specialized fields of medicine.

Section 3 also revises the definition of "disability" to include certain specific medical conditions and disorders.

Section 1. NAC 502.42903 is hereby amended to read as follows:

502.42903 1. The holder of a tag issued by the Department authorizing the holder to hunt a big game mammal may apply for a special assistance permit authorizing a designated licensed assistant to assist the holder in accordance with NAC 502.42905 if the holder:

(a) Is a paraplegic;

(b) Has had one or both legs amputated; or

(c) Has suffered a paralysis of one or both legs which severely impedes the holder's walking.

2. An application for a special assistance permit must:

(a) Be submitted on a form provided by the Department and must include, without limitation:

(1) The applicant's legal name, physical address, mailing address if different from the physical address and telephone number;

(2) The ~~[social security number and]~~ client number of the applicant;

(3) The class and number of the hunting license issued to the applicant in this State;

(4) The legal name of each designated licensed assistant;

(5) The physical mailing address and telephone number of each designated licensed assistant; and

(6) The hunting license number and client number of each designated licensed assistant.

(b) Include:

(1) A statement signed by the applicant which affirms that the applicant is eligible for the special assistance permit pursuant to subsection 1; and

(2) A signed statement from each designated licensed assistant named in the application affirming that the designated licensed assistant meets the requirements of subsection 4.

(c) Be accompanied by a certificate issued by a licensed physician certifying that the applicant meets the requirements of subsection 1.

3. An applicant for a special assistance permit pursuant to this section who holds more than one tag issued by the Department authorizing the holder to hunt a big game mammal must complete a separate application ***which designates a licensed assistant or assistants*** for each tag. The applicant:

(a) Is not required to use the same designated licensed assistant for each tag;

(b) May list more than one designated licensed assistant for each tag ***; and***

(c) Must designate a licensed assistant each year the valid permit will be used on a form provided by the Department.

4. To be a designated licensed assistant, a person:

(a) Must be 18 years of age or older;

(b) Must hold a valid hunting license in this State;

(c) Must not have any license, permit or privilege issued to him or her pursuant to title 45 of NRS suspended or revoked; and

(d) Is not required to hold a tag for the big game mammal which the holder of the special assistance permit is authorized to take.

5. A special assistance permit issued pursuant to this section ***is valid for 5 years after the date on which the permit is issued and*** must be issued free of charge to the applicant.

Sec. 2. NAC 503.146 is hereby amended to read as follows:

503.146 1. The Department may issue a scope permit to a person with a visual disability. The scope permit authorizes a person with a visual disability to hunt, during a type of hunt that is restricted to ~~[bows or]~~ muzzle-loading firearms, using a ~~[1x magnification rifle scope]~~ ***non-magnified sight or non-magnified electronic sight*** that is mounted on a ~~[bow or]~~ muzzle-loading rifle. A person using such a permit shall present the permit upon the request of a law enforcement officer.

2. An application for a scope permit must:

(a) Be submitted to the Department on a form provided by the Department;

(b) Include a certificate issued by a licensed ~~[physician]~~ ***optometrist or ophthalmologist*** certifying that the applicant has a visual disability; and

(c) Include any other information required by the Department to issue the permit.

3. A scope permit issued pursuant to this section is valid for ~~[1 year]~~ ***5 years*** after the date it is issued.

4. As used in this section, "visual disability" means a visual impairment which ~~[substantially limits a major life activity and is not correctable by glasses or contact lenses.]~~ ***is a***

permanent, uncorrectable and irreversible disease or disorder that meets one or more of the following criteria:

(a) Visual acuity when using corrective lenses does not exceed 20/70 in the better eye; or

(b) Vision in the better eye is restricted to a field which subtends an angle of not greater than 30 degrees.

Sec. 3. NAC 503.1465 is hereby amended to read as follows:

503.1465 1. The Department may issue an archery disability permit to a person with a disability. The permit authorizes a person with a disability to hunt, during a hunt that is restricted to the use of archery, using ~~[a]~~ ***:***

(a) A crossbow ~~[or a]~~ ***with an open or peep sight, non-magnified sight or non-magnified electronic sight; and***

(b) A bow ~~[that uses a]~~ ***with modified archery equipment that assists a person in the drawing back and firing of the bow and may include a*** mechanical device that is capable of anchoring a nocked arrow at full draw or partial full draw ***.*** ~~[and complies]~~ ***The bow must comply*** with the requirements of subsection 2 of NAC 503.144.

2. A person using an archery disability permit shall present the permit upon the request of a law enforcement officer.

3. An application for an archery disability permit must:

(a) Be submitted to the Department on a form provided by the Department;

(b) Include a certificate issued by a ~~[licensed]~~ physician, ***a registered nurse or advanced practice registered nurse or a physician assistant who practices in a field related to a medical condition described in subsection 5*** certifying that the applicant has a disability; and

(c) Include any other information required by the Department to issue the permit.

4. An archery disability permit issued pursuant to this section expires ~~[1 year]~~ ***5 years*** after the date on which the permit is issued.

5. As used in this section, "disability" means a ~~[disability which prohibits a person from manually drawing and holding at full draw a bow that complies with the provisions of subsection 2 of NAC 503.144.]~~ ***permanent, uncorrectable and irreversible medical condition resulting in a muscular or neurological deficiency of at least 80 percent to the neck, back, shoulder, arm, wrist or hand which prohibits the use of an unmodified bow and involves at least one of the following:***

(a) Amputation of at least four fingers or the wrist, elbow or shoulder;

(b) Peripheral nerve damage or spinal cord damage at or above the T-1 vertebra;

(c) Metastatic disease which impacts the neck, back, chest, shoulder, arm, wrist or hand;

(d) Spinal stenosis graded as severe or extreme which has been confirmed through medical imaging; or

(e) Coordination deficiency that is caused by a central nervous system disorder or a progressive neuromuscular disease, including, without limitation, Parkinson's disease, cerebral palsy, hemiplegia, hemipararesis, closed head trauma, muscular dystrophy, multiple sclerosis and amyotrophic lateral sclerosis.

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. R004-26
Commission General Regulation 529

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502 and 503.

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

   The benefit of the regulation change to our customers would be reduced time and cost associated with physician visits and confirmation of disability by lessening the burden of doctor's visit from an annual basis to a five-year basis. Other changes would better align the equipment requirements with the intent of affected weapon class seasons. Additional specificity on the medical conditions qualifying for the special permits would reduce subjectivity for medical professionals signing the certificate and for Department staff approving the permit.

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 January 2026, March 2026, and May 2026 and the adoption hearing in August 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

   Concerns were raised about HIPAA issues related to verifying medical provider credentials and cautioned against overly restrictive disability criteria. It was recommended to allow applications for unlisted conditions with appropriate medical documentation and considering general mobility disabilities for archery permits. Some commenters objected to removing crossbows from the archery category, noting it would reduce accessibility for disabled hunters. Others described successful use of adaptive hunting systems and supported the proposed language. Additional comments recommended aligning the regulation's definition of eligible medical providers with Nevada law and emphasized maintaining hunting opportunities for individuals with disabilities.

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)

January 23, 2026, NBWC Meeting

a. Attended: 26
b. Testified: 1
c. Written Comment: 0

March 14, 2026, NBWC Meeting

a. Attended: 49
b. Testified: 2
c. Written Comment: 0

May 08, 2026, NBWC Meeting

d. Attended: 48
e. Testified: 3
f. Written Comment: 0

August 15, 2026, NBWC Meeting

a. Attended: 13
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: Jayme Martinez
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address:
(f) Name of entity or organization represented: Private Citizen

(a) Name: Thomas Horzog
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address: therzog51@gmail.com
(f) Name of entity or organization represented: Private Citizen

(a) Name: Brad Hazelbaker
(b) Telephone number:
(c) Business address:
(d) Business telephone number:
(e) Electronic mail address: hazex4@gmail.com
(f) Name of entity or organization represented: Private Citizen

(a) Name: Larry Johnson
(b) Telephone number:

(c) **Business address:**
(d) **Business telephone number:**
(e) **Electronic mail address:** konkowkid@gmail.com
(f) **Name of entity or organization represented:** Nevada Outdoorsmen in Wheelchairs

(a) **Name:** Senator Robin Titus
(b) **Telephone number:**
(c) **Business address:**
(d) **Business telephone number:**
(e) **Electronic mail address:** robin.titus@sen.state.nv.us
(f) **Name of entity or organization represented:**

(a) **Name:** Paul Dixon
(b) **Telephone number:** 505-699-1744
(c) **Business address:**
(d) **Business telephone number:**
(e) **Electronic mail address:** noxid1960@gmail.com
(f) **Name of entity or organization represented:** Clark CABMW

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 businesses 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 businesses because it does not regulate the operation of any small business.

(a) Both adverse and beneficial effects on the public; and

There will be no adverse or beneficial effects from the proposed regulation to the public.

(b) **Both immediate and long-term effects on the public:**

There will be no immediate and long-term effects from the proposed regulation on the public.

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 COMMISSION
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B

Commission General Regulation 529 – LCB File No. RXXX-XX – Disability Permits

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 Commission. 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
Nevada Department of Wildlife

ADOPTED REGULATION OF THE

NEVADA TAX COMMISSION

LCB File No. R005-26

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

AUTHORITY: §§ 1-12, NRS 360.090, 369.150 and 369.4891.

A REGULATION relating to alcoholic beverages; imposing a surcharge on certain sales of alcoholic beverages by a covered food establishment for consumption off the premises of the establishment; providing for the administration, collection and remittance of the surcharge to the Department of Taxation; establishing provisions governing the delivery of alcoholic beverages in containers sealed by a covered food establishment to consumers in connection with a retail sale; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain establishments to sell alcoholic beverages by the drink for consumption on the premises of the establishment. (NRS 369.090, 369.620) Existing law authorizes the board of county commissioners of a county or the governing body of an incorporated city to enact an ordinance authorizing, under such conditions as may be imposed by the ordinance: (1) a covered food establishment to sell at retail alcoholic beverages in a container sealed by the covered food establishment for consumption off the premises; and (2) a covered food establishment, or delivery support service acting on behalf of a covered food establishment, to deliver an alcoholic beverage in a container sealed by the covered food establishment to a consumer in connection with a retail sale of such an alcoholic beverage. With respect to such retail sales of alcoholic beverages, existing law requires the Department of Taxation to adopt regulations that provide for the imposition and collection of a surcharge not to exceed 50 cents per retail sale. (NRS 369.4891)

Section 2 of this regulation defines "covered food establishment" for the purposes of this regulation. **Section 3** of this regulation imposes a surcharge of 50 cents on each retail sale of an alcoholic beverage in a container sealed by a covered food establishment for consumption off the premises. **Section 3** requires that, if multiple servings of an alcoholic beverage are sealed in a single container, the surcharge must be collected for each serving.

Section 4 of this regulation requires a covered food establishment, or a delivery support service acting on behalf of a covered food establishment under certain circumstances, to: (1) collect the surcharge from the purchaser at the time of the sale; and (2) electronically submit a return and remit the amount of the surcharges owed to the Department on or before the 20th day of the month following the reporting period in which the surcharges were collected. **Section 4** provides that the reporting period for the purposes of the surcharge is the same as the reporting period applicable to the covered food establishment or delivery support service for the purposes

of sales and use taxes. **Section 4** requires a covered food establishment or delivery support service to: (1) display the amount of the surcharge separately from the price of the alcoholic beverage; and (2) separately account for any surcharge collected and hold such surcharges in trust for the State until remitted to the Department.

Section 5 of this regulation requires any over-collection of the surcharge to be refunded to the person from whom it was collected or, if the over-collection cannot be refunded, paid to the Department. **Section 5** requires a covered food establishment or delivery support service acting on behalf of a covered food establishment to make an accounting to the Department of all refunds paid, accompanied by any supporting documents the Department requires.

Section 6 of this regulation requires a covered food establishment or delivery support service acting on behalf of a covered food establishment to maintain certain records regarding the surcharge and deliveries to which the surcharge applies. **Section 6** further authorizes the Department, or any person authorized by the Department, to examine the books, papers, records, receipts, invoices, delivery orders, delivery logs, journals and premises of a covered food establishment or delivery support service acting on behalf of a covered food establishment and investigate the business of the covered food establishment or delivery support service. **Section 7** of this regulation makes applicable to the payment, collection, administration and enforcement of the surcharge certain provisions of existing law relating to the payment, collection, administration and enforcement of taxes.

Section 8 of this regulation establishes requirements for the delivery of an alcoholic beverage in a container sealed by a covered food establishment to a consumer in connection with a retail sale of the alcoholic beverage. **Section 10** of this regulation establishes requirements for a person making such a delivery on behalf of a covered food establishment or a delivery support service acting on behalf of a covered food establishment. **Section 10** requires that any such delivery be made only to a person at the address specified in the order as the delivery address who is 21 years of age or older and prohibits the delivery of an alcoholic beverage to a person who shows signs of intoxication.

Existing law defines a "sale" for the purposes of the provisions of law governing sales of intoxicating liquor. (NRS 369.100) **Section 9** of this regulation provides that the actions of a delivery support service acting on behalf of a covered food establishment to facilitate the sale of an alcoholic beverage by the covered food establishment is not a sale by the delivery support service.

Section 11 of this regulation requires a person who makes deliveries on behalf of a covered food establishment or delivery support service acting on behalf of a covered food establishment to maintain a delivery log which contains certain information for each delivery made. **Section 11** also prohibits the release of a delivery by a person who makes deliveries on behalf of a covered food establishment or delivery support service until the person is shown an acceptable form of identification showing that the person accepting the delivery is 21 years of age or older.

Section 12 of this regulation authorizes the Department to impose civil penalties on a covered food establishment that violates the provisions of this regulation relating to the sale and delivery of alcoholic beverages for consumption off the premises of the establishment.

Section 1. Chapter 369 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this regulation, unless the context otherwise requires, "covered food establishment" means a covered food establishment, as defined in NRS 369.4891, that is authorized by an ordinance adopted by the board of county commissioners of a county or the governing body of an incorporated city, as applicable, pursuant to NRS 369.4891 to sell at retail alcoholic beverages in containers sealed by the covered food establishment for consumption off the premises.***

Sec. 3. ***1. In accordance with NRS 369.4891, there is hereby imposed a surcharge of 50 cents on each retail sale of an alcoholic beverage in a container sealed by a covered food establishment for consumption off the premises.***

2. For the purposes of calculating the surcharge imposed by subsection 1:

(a) The surcharge applies to the retail sale of each single serving of an alcoholic beverage.

(b) A single serving of an alcoholic beverage is the volume of an individual alcoholic beverage according to the menu, recipe or practice of the covered food establishment making the sale to a consumer.

(c) If multiple servings of an alcoholic beverage are sold at retail and sealed in a single container for consumption off the premises of a covered food establishment, the surcharge must be collected for each such serving.

Sec. 4. ***1. Except as otherwise provided in this subsection, a covered food establishment shall, at the time of the sale, collect the surcharge imposed by section 3 of this regulation from the purchaser. If, pursuant to NRS 372.751 and 374.756, a delivery support service acting on behalf of a covered food establishment is a marketplace facilitator and collects sales or use tax***

imposed on the sale pursuant to chapters 372 and 374 of NRS, the delivery support service shall, at the time of the sale, collect the surcharge.

2. The amount collected by the covered food establishment or delivery support service from the purchaser for the surcharge must be displayed separately from the list price of the alcoholic beverage, the price of the alcoholic beverage advertised on the premises, the marked price of the alcoholic beverage or any other price of the alcoholic beverage on the sales receipt or other proof of sale. The surcharge must be identified on the receipt or other proof of sale and must be added after the calculation of any tax.

3. The covered food establishment or delivery support service shall separately account for any surcharge collected pursuant to this section and hold such surcharges in trust for the State until remitted to the Department.

4. The reporting period for the surcharge collected pursuant to this section shall be the same as the reporting period applicable to the covered food establishment or delivery support service for the purposes of the sales and use taxes imposed by chapters 372 and 374 of NRS. Each covered food establishment or delivery support service that collects a surcharge pursuant to this section shall, on or before the 20th day of the month following the reporting period in which the surcharge is collected, submit electronically through the Department's online portal, at the same time as filing a return required by chapter 372 or 374 of NRS:

(a) A return for the surcharges collected during the reporting period on the form prescribed by the Department. The form must include, without limitation:

(1) The total number of retail sales of alcoholic beverages made pursuant to NRS 369.4891 during the reporting period;

(2) The total amount of surcharges collected pursuant to this section during the reporting period; and

(3) The signature of the person required to file the return or the signature of the person's authorized agent.

(b) The remittance of the amount of the surcharge that is payable to the Department.

Sec. 5. *1. Any over-collection of the surcharge imposed by section 3 of this regulation must, if possible, be refunded by the covered food establishment or delivery support service acting on behalf of a covered food establishment to the person from whom it was collected.*

2. If an audit deficiency exists involving any over-collection and the amount over-collected has not been paid to the Department, the Department will credit the covered food establishment or delivery support service if the Department is furnished with satisfactory proof that a refund has been given as required by subsection 1. The Department will not provide a credit for interest assessed on any over-collection that is not reported or that is under-reported, but the Executive Director may approve a credit of not more than 75 percent of the penalty assessed if a refund is given as required by subsection 1.

3. A covered food establishment or delivery support service shall:

(a) Use all practical methods to determine the amount to be refunded pursuant to subsection 1 and the name and address of the person to whom the refund is to be made.

(b) Within 60 days after receiving notice from the Department that a refund must be made, make an accounting to the Department of all refunds paid. The accounting must be accompanied by any supporting documents required by the Department.

4. Any over-collection that cannot be refunded for any reason must be paid to the Department.

5. As used in this section, "over-collection" means any money that is collected for the surcharge imposed by section 3 of this regulation on an exempt transaction or that exceeds the amount of the surcharge required to be collected pursuant to section 3 of this regulation.

Sec. 6. *1. A covered food establishment or delivery support service acting on behalf of a covered food establishment shall keep records, receipts, invoices and other relevant documents regarding any surcharge collected pursuant to section 4 of this regulation.*

2. Every covered food establishment, delivery support service acting on behalf of a covered food establishment or person who files the return required pursuant to section 4 of this regulation shall keep such records for a period of not less than 4 years after the later of the date on which the return to which the records pertain was due or the date on which the electronic return to which the records pertain was filed with the Department.

3. Every covered food establishment, delivery support service acting on behalf of a covered food establishment or person who fails to file the return required by section 4 of this regulation shall keep such records for a period of not less than 8 years after the date on which the return to which the records pertain was due.

4. Every covered food establishment or delivery support service acting on behalf of a covered food establishment shall maintain the delivery orders, delivery logs, receipts and journals relevant to each delivery made by the covered food establishment or delivery support service and preserve those records for at least 4 years after the date of their creation.

5. The Department, or any person authorized in writing by the Department, may examine the books, papers, records, receipts, invoices, delivery orders, delivery logs, journals and premises of any covered food establishment or delivery support service acting on behalf of a

covered food establishment and may investigate the nature of the business of the covered food establishment or delivery support service to:

(a) Verify the accuracy of any return made pursuant to section 4 of this regulation or, if no return is filed by the covered food establishment or delivery support service, to ascertain and determine the amount required to be paid to the Department.

(b) Determine the compliance of the covered food establishment or delivery support service with the requirements of sections 2 to 11, inclusive, of this regulation.

Sec. 7. *The provisions of chapters 360 and 369 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest or the suspension or revocation of any license, shall be deemed to apply to the payment, collection, administration and enforcement of the surcharge imposed by section 3 of this regulation to the extent that those provisions do not conflict with the provisions of NRS 369.4891 and sections 2 to 11, inclusive, of this regulation.*

Sec. 8. *A covered food establishment or delivery support service acting on behalf of a covered food establishment may accept orders for and deliver an alcoholic beverage in a container sealed by a covered food establishment to a consumer in connection with a retail sale of such an alcoholic beverage if:*

1. The alcoholic beverage is not for resale;

2. The alcoholic beverage originates from the premises of the covered food establishment;

3. The alcoholic beverage is sold by the covered food establishment;

4. The covered food establishment has met all local licensing requirements to sell alcoholic beverages at retail in the local jurisdiction where the covered food establishment is

located and is authorized by an ordinance adopted by that local jurisdiction pursuant to NRS 369.4891 to sell at retail an alcoholic beverage in a container sealed by the covered food establishment for consumption off the premises;

5. The delivery will be made to a location within the same jurisdiction in which the covered food establishment is authorized by an ordinance adopted pursuant to NRS 369.4891 by the board of county commissioners of a county or the governing body of an incorporated city, as applicable, to sell at retail alcoholic beverages in containers sealed by the covered food establishment for consumption off the premises;

6. The covered food establishment purchased the liquor constituting the alcoholic beverage from a wholesaler in compliance with the marketing area, as defined in NRS 597.136, of the wholesaler;

7. The delivery originates during the posted business hours of the covered food establishment; and

8. In the case of a delivery support service acting on behalf of a covered food establishment, the delivery support service has entered into a written agreement with the covered food establishment to deliver alcoholic beverages to consumers on behalf of the covered food establishment.

Sec. 9. *Action taken by a delivery support service on behalf of a covered food establishment to facilitate a sale of an alcoholic beverage by the covered food establishment, including, without limitation, the soliciting or receiving of an order for an alcoholic beverage or the delivery of an alcoholic beverage on behalf of a covered food establishment, shall not be deemed a sale, as defined in NRS 369.100, by the delivery support service.*

Sec. 10. *1. A covered food establishment or a delivery support service acting on behalf of a covered food establishment shall ensure that any person making a delivery on behalf of the covered food establishment or delivery support service pursuant to an ordinance adopted pursuant to NRS 369.4891:*

(a) Is not less than 21 years of age; and

(b) Maintains the delivery log required by section 11 of this regulation.

2. A covered food establishment or a delivery support service acting on behalf of a covered food establishment shall make a delivery of an alcoholic beverage pursuant to an ordinance adopted pursuant to NRS 369.4891 only to a person at the address specified in the order as the delivery address who is 21 years of age or older. If no person 21 years of age or older is present at the delivery address to accept the order, the covered food establishment or delivery support service acting on behalf of the covered food establishment shall retain possession of the alcoholic beverage and return it to the covered food establishment.

3. A covered food establishment or a delivery support service acting on behalf of a covered food establishment shall not make a delivery of an alcoholic beverage to a person who appears to show signs of intoxication.

Sec. 11. *1. Each person who makes a delivery pursuant to an ordinance adopted pursuant to NRS 369.4891 on behalf of a covered food establishment or delivery support service acting on behalf of a covered food establishment shall maintain a delivery log which includes the following for each delivery of liquor made:*

(a) The name of the purchaser;

(b) A description of the alcoholic beverage being delivered;

(c) If the delivery is made by a delivery support service, the name and address of the delivery support service and the name and address of the covered food establishment for which the delivery is made;

(d) The name and date of birth of the person who accepts delivery as shown on the form of identification of the person shown pursuant to subsection 2;

(e) The street address of the delivery location;

(f) The time and date of the purchase and delivery; and

(g) The signature or other verification of the identity of the person who accepts the delivery.

2. A person who makes a delivery pursuant to an ordinance adopted pursuant to NRS 369.4891 on behalf of a covered food establishment or delivery support service acting on behalf of a covered food establishment shall not release the delivery until he or she has been shown an acceptable form of identification by the person who accepts delivery at the address listed on the order as the delivery address. Acceptable forms of identification are a valid driver's license, identification card, permanent resident card, tribal identification card or any other written or documentary evidence issued by a governmental entity indicating that the person is 21 years of age or older.

Sec. 12. *The Department may impose the following civil penalties on a covered food establishment that violates any of the provisions of section 6 or 8 to 11, inclusive, of this regulation within any 24-month period:*

1. For the first violation, a civil penalty of not more than $500.

2. For the second violation, a civil penalty of not more than $1,000.

3. For the third and any subsequent violation, a civil penalty of not more than $5,000.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R005-26

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

Proposed permanent regulation (R005-26), establishes requirements related to alcoholic beverages; imposes a surcharge on certain sales of alcoholic beverages by a covered food establishment for consumption off the premises of the establishment; provides for the administration, collection and remittance of the surcharge to the Department of Taxation; establishes provisions governing the delivery of alcoholic beverages in containers sealed by a covered food establishment to consumers in connection with a retail sale; and provides other matters properly relating thereto.

This proposed permanent regulation is needed and intended to impose a surcharge on certain sales of alcoholic beverages by covered food establishments for off-premises consumption, providing a clear framework for its administration, collection, and enforcement. The purpose of the proposed permanent regulation is to ensure compliance among covered food establishments and clarify legal and administrative procedures relating thereto.

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearings to provide public comment by electronic or regular mail as follows:

Date of Notice	Workshop/ Hearing	Date of Workshop/Hearing	Number Notified
9/8/25	Workshop	10/7/25	219
4/1/26	Workshop	4/16/26	212
5/5/26	Workshop	5/21/26	211
7/13/26	Adoption Hearing	8/19/26	304

The Department held an initial Workshop on the agency's draft language in support of AB375 and AB404 on October 7, 2025, specifically AB375 section 1 and AB 404 section 4. This Workshop was noticed on September 18, 2025.

The Workshop scheduled for April 16, 2026 was not conducted for LCB File No. R005-26 due to an administrative oversight in which the posted packet was incomplete. The Department held a subsequent Workshop for LCB File No. R005-26 on May 21, 2026.

The mailing list included the interested parties list maintained by the Department. Notices were posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of the small business impact questionnaire response(s):
One response was received for the LCB Draft of Proposed Permanent Regulation, File No. R005-26. The respondent, who reported employing 117 individuals on the Small Business Impact Questionnaire, expressed concerns that the proposed regulation would create unnecessary complexity, impose significant tracking and record-retention burdens, and offer no meaningful benefit to small businesses that lack the computer systems required to comply. The commenter further noted challenges in calculating the correct surcharge amount and asserted that the regulation may ultimately cost the State more to administer than it would generate in revenue.

Summary of the public responses from the October 7, 2025 Workshop:
Michael Hillerby of Kaempfer Crowell provided testimony and written public comment requesting the inclusion of 'by a covered food establishment' in section 1 and 'covered food' in section 1 subsection a to clarify the role of the covered food establishments as envisioned in AB375.

Marc Suciu, Owner/Operator of the Cask, provided testimony and written public comment expressing concern that AB375's authorization of "to-go" alcohol sales by food establishments may create inequitable competition and diminish the value of existing off-premise licenses. Mr. Suciu requested that food establishments not be permitted to sell alcohol for off-premise consumption or, alternatively, that off-premise licensees be granted equal authority to offer to-go cocktails under the same fee structure. In addition, Mr. Suciu noted that retailers holding dual licenses with the capability to prepare cocktails on-site should likewise be permitted to participate in to-go cocktail sales and delivery—whether through third-party services such as DoorDash or through their own local delivery options—to ensure a level playing field with on-premise license holders now authorized to serve and deliver beverages off-premise.

During his testimony, Leif Reid on behalf of Nevada Beer Wholesalers Association asked that the regulation clearly affirm that suppliers who also operate restaurants, or entities that manufacture the alcoholic beverages themselves, are not permitted to deliver alcohol directly, noting that such activity appears to be prohibited under statute and inconsistent with the three-tier system.

Peter Saba, Senior Manager of Government Affairs and Communications for Nevada Restaurant Association provided written public comment that food establishments with on-site alcohol production, such as brew pubs and restaurants with small-batch licenses, should remain eligible for alcohol-to-go and delivery under AB375. Mr. Saba noted that these businesses operate as licensed retail premises and use only their regulated on-site inventory for such sales, which does not affect wholesalers or create a loophole in the three-tier system. They emphasized that excluding these establishments would disproportionately impact small, local operators and that allowing participation simply extends existing retail privileges in a controlled and transparent manner.

Summary of the public responses from the May 21, 2026 Workshop:
Robert Saucier provided testimony and requested clarification on the definitions and application of the surcharge to "individually packaged alcoholic beverages" as referenced in paragraphs 3 and 4 of Section 2 in Chapter 369 of the NAC. Mr. Saucier asked how individually packaged beverages are to be determined and whether container size is considered in applying the surcharge. Examples were provided, including ready-to-drink spirits sold in small multi-unit packages (such as four-packs or six-packs of 100 mL cans and

ten-packs of 50 mL containers), contrasted with larger individual containers such as 1-liter or 1.75-liter bottles. Mr. Saucier noted that applying the surcharge per individual container could result in substantially different tax outcomes despite smaller total volume and sought confirmation on whether such calculations are correct. Additional clarification was requested regarding whether a single sealed container containing multiple servings—such as a pitcher of margaritas accompanied by empty glasses—would constitute one individually packaged alcoholic beverage for purposes of the surcharge.

Portier, LLC, a wholly-owned subsidiary of Uber Technologies, Inc. provided written public comment expressing concerns regarding the technical feasibility of applying the proposed $0.50 alcoholic beverage delivery surcharge on a per-beverage basis. The company recommended adopting a per-unique-item model to reduce administrative complexity for delivery platforms and small retailers. Portier also requested clarification that the surcharge is excluded from the sales tax base. Additionally, Portier advocated for a platform remittance model, asserting that marketplace facilitators already remit sales tax in Nevada and are better positioned to handle surcharge reporting and remittance, thereby reducing burdens on small businesses and improving compliance.

Summary of the public responses from the August 19, 2026 Adoption Hearing:
Peter Saba, Senior Manager of Government Affairs and Communications for Nevada Restaurant Association provided written public comment requesting clarification regarding the applicability of Section 8, subsection 6 of the July 16 2026 draft regulation. This subsection conditions the delivery of alcoholic beverages on the covered food establishment having purchased the liquor from a wholesaler in compliance with NRS 597.136. Mr. Saba asked whether this condition applies to brew pubs that deliver malt beverages they manufacture on their own premises pursuant to NRS 597.230(3)(d), noting that such beverages are not purchased from a wholesaler. Mr. Saba sought clarification on whether Section 8(6) would permit delivery of these self-produced malt beverages or whether the absence of a wholesaler purchase would prevent the brew pub from meeting the condition set forth in the draft language.

The summary of the public/business response to the regulation, the record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

3. The number of persons (not including Department staff or Commission Members) who:
(a) Attended each hearing:
(b) Testified at each hearing:
(c) Submitted written comments:

Workshop date: October 7, 2025
(a) Number in attendance: 49
(b) Number testifying: 3
(c) Written statements submitted: 3

Workshop date: May 21, 2026
(a) Number in attendance: 9
(b) Number testifying: 1
(c) Written statements submitted: 1

Adoption Hearing date: August 19, 2026
(a) Number in attendance: 43
(b) Number testifying: 0
(c) Written statements submitted: 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:

Testified at October 7, 2025 Workshop:

Name: **Michael Hillerby**
Telephone number: **775-852-3900**
Business address: **50 West Liberty Street, Suite 1100, Reno, NV 89501**
Electronic mail address: mhillerby@kcnvlaw.com
Name of entity or organization represented: **DoorDash**

Name: **Marc Suciu**
Telephone number: **702-331-1348**
Business address: **19 S. Stephanie Street, Suite 180, Henderson, NV 89012**
Electronic mail address: marc@thecasklv.com
Name of entity or organization represented: **The Cask Wine and Beer Boutique**

Name: **Leif Reid**
Telephone number: **775-823-2900**
Business address: **1 East Liberty Street, Ste 300, Reno, NV 89501**
Electronic mail address: leif.reid@wb2-us.com
Name of entity or organization represented: **Nevada Beer Wholesalers Association**

Written statements submitted for October 7, 2025 Workshop:

Name: **Michael Hillerby**
Telephone number: **775-852-3900**
Business address: **50 West Liberty Street, Suite 1100, Reno, NV 89501**
Electronic mail address: mhillerby@kcnvlaw.com
Name of entity or organization represented: **DoorDash**

Name: **Marc Suciu**
Telephone number: **702-331-1348**
Business address: **19 S. Stephanie Street, Suite 180, Henderson, NV 89012**
Electronic mail address: marc@thecasklv.com
Name of entity or organization represented: **The Cask Wine and Beer Boutique**

Name: **Peter Saba**
Telephone number: **702-878-2313**
Business address: **2320 Paseo Del Prado, Suite 103, Las Vegas, NV 89102**
Electronic mail address: psaba@nvrestaurants.com
Name of entity or organization represented: **Nevada Restaurant Association**

Testified at May 21, 2026 Workshop:

Name: **Robert Saucier, Babette Buiten (Mr. Saucier's assistant)**
Telephone number: **702-461-4388 (Ms. Buiten's direct telephone number)**
Business address: **Not provided**
Electronic mail address: robertsaucier@chilkoot.com; babette@chilkoot.com
Name of entity or organization represented: **Not provided**

Written statements submitted for May 21, 2026 Workshop:

Name: **John Griffin**
Telephone number: **775-882-4002**
Business address: **Not provided**
Electronic mail address: john@g3nv.com
Name of entity or organization represented: **Portier LLC/ Uber**

Testified at August 19, 2026 Adoption Hearing: None.

Written statements submitted for August 19, 2026 Adoption Hearing:

Name: **Peter Saba**
Telephone number: **702-878-2313**
Business address: **2320 Paseo Del Prado, Suite 103, Las Vegas, NV 89102**
Electronic mail address: psaba@nvrestaurants.com
Name of entity or organization represented: **Nevada Restaurant Association**

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The summary of the public/business response to the regulation and/or the record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

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

The Nevada Tax Commission adopted the proposed permanent regulation on August 19, 2026, with the agreed-upon changes reflected in the LCB Second Revised Proposed Draft of the regulation. These changes were noticed to the public more than 30 days in advance of the Adoption Hearing to reflect stakeholder input and impact to the regulated industry.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

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

In an unsolicited fiscal note provided by the Department on May 15, 2025, for BDR 32-1049, Assembly Bill No. 375 Chapter 422, Statutes of Nevada 2025(AB375), Reprint 1, the Department included a $225,244 effect on future biennia to enforce the Proposed Permanent Regulation. Assembly Amendment 441 to AB375 included provisions in Section 1 subsection 2 outlining the distribution of revenues collected from the surcharge. The Department submitted a subsequent unsolicited fiscal note on May 30, 2025, acknowledging that with this inclusion there will not be an additional enforcement cost as the expense to the Department will be covered by the surcharge in the bill.

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 adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state 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 adopted permanent regulation establishes a new surcharge of $0.50 on each retail sale of an alcoholic beverage in a container sealed by a covered food establishment for off-premises consumption. Section 3 specifies that the surcharge applies to each single serving, and if multiple servings are sealed in a single container, the surcharge must be collected for each serving. Pursuant to Section 1, subsection 2 of AB375, revenues must first be distributed to the Department to administer the statute, in an amount not to exceed $250,000 annually, with all remaining funds deposited into the Account for the Ignition Interlock and DUI Reduction Program established in NRS 484C.454.

The Department anticipates annual surcharge collections to fall within a range of approximately $3.6 million to $11 million. The lower-range estimate of $3.6 million is based on statewide population projections, the percentage of adults who place weekly delivery orders, and the percentage of those orders that include an alcoholic beverage—resulting in an estimated 7.1 million qualifying servings multiplied by the $0.50 per-serving surcharge, totaling approximately $3.55 million. The upper-range estimate of $11 million reflects industry-provided statewide sales projections indicating approximately 22 million qualifying servings per year, which at $0.50 per serving yields an estimated $11 million in annual surcharge revenue. Actual collections will vary based on consumer demand and the number of servings sold for off-premises consumption. All funds will be used solely as directed in AB375 and NRS 484C.454.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608 and NRS 233B.0609

LCB File No. R005-26

1. Background

LCB File No. R005-26, establishes requirements related to intoxicating liquor; imposes a surcharge on certain sales of alcoholic beverages by a covered food establishment for consumption off the premises of the establishment; provides for the administration and collection of the surcharge; and provides other matters properly relating thereto.

Existing law requires: (1) the Department of Taxation to carry out the provisions of existing law regulating the distribution of alcoholic beverages in this State; and (2) the Nevada Tax Commission to adopt regulations for carrying on the business of the Department. (NRS 360.090, 369.150)

Existing law authorizes certain establishments to sell alcoholic beverages by the drink for consumption on the premises of the establishment. (NRS 369.090, 369.620) Existing law authorizes the board of county commissioners of a county or the governing body of an incorporated city to enact an ordinance authorizing, under such conditions as may be imposed by the ordinance: (1) a covered food establishment to sell at retail alcoholic beverages in a sealed container for consumption off the premises; and (2) a covered food establishment, or delivery support service acting on behalf of a covered food establishment, to deliver an alcoholic beverage in a sealed container to a consumer in connection with a retail sale of such an alcoholic beverage. With respect to such retail sales of alcoholic beverages, existing law requires the Department of Taxation to adopt regulations that provide for the imposition and collection of a surcharge not to exceed 50 cents per retail sale. (Section 1 of Assembly Bill No. 375, Chapter 422, Statutes of Nevada 2025, at page 2695)

Section 2 of this regulation provides that the surcharge applies only to a covered food establishment that holds a valid license to sell alcoholic beverages for consumption on the premises and that is authorized by local ordinance to sell alcoholic beverages in sealed containers for consumption off the premises. (Section 1 of Assembly Bill No. 375, chapter 422, Statures of Nevada 2025, at page 2695). Section 2 also imposes a surcharge of 50 cents upon each retail sale of an alcoholic beverage for consumption off the premises made by such a covered food establishment, including each retail sale that occurs as part of a single transaction.

Section 3 of this regulation requires a covered food establishment to: (1) collect the surcharge from the purchaser at the time of the sale; and (2) deliver a return and the remittance of the amount of the surcharges to the Department on or before the 20th day of the month following the filing period in which the surcharges were collected. **Section 3** also requires a covered food establishment to display the amount of the surcharge separately from the price of the alcoholic beverage.

Section 4 of this regulation requires a covered food establishment to maintain certain records regarding the surcharge. **Section 4** authorizes the Department, or any person authorized by the Department, to examine the books, papers, records and premises of a covered food establishment and investigate the business of the covered food establishment to verify the accuracy of a return or, if no return is made, determine the amount required to be paid to the Department.

Section 5 of this regulation adds enforcement provisions pursuant to chapter 369 of NRS and NAC.

2. **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.**

The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R005-26. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department 210 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

The content responses are summarized below:

- One response was received for LCB Draft of Proposed Permanent Regulation - File No. R005-26. The respondent listed 117 employees currently employed by their business on the Small Business Impact Questionnaire and provided the following summarized response:
    - The proposed regulation would create unnecessary complexity, impose tracking burdens, and offer no benefits to small businesses lacking the required computer systems. There was concern with calculating the amount to charge, the record retention requirement and that the proposed regulation may cost the state more to administer than it collects.

Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary can contact:

Kari Skalsky
Nevada Department of Taxation
3850 Arrowhead Drive
Carson City, NV 89706
kskalsky@tax.state.nv.us
Phone: (775) 684-2041

3. **The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.**

One response was received for LCB Draft of Proposed Regulation R005-26 for the questionnaire regarding the impact of the regulation on small businesses as summarized in the response to #2 above. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:**

Adverse and Beneficial Effects

The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

Direct and Indirect Effects

The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

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 Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R005-26. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department 210 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

One response was received for LCB Draft of Proposed Permanent Regulation R005-26 for the questionnaire regarding the impact of the regulation on small businesses as summarized in the response to #2 above. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

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

In an unsolicited fiscal note provided by the Department on May 15, 2025, for BDR 32-1049, Assembly Bill No. 375 Chapter 422, Statutes of Nevada 2025(AB375), Reprint 1, the Department included a $225,244 effect on future biennia to enforce the Proposed Permanent Regulation. Assembly Amendment 441 to AB375 included provisions in Section 1 subsection 2 outlining the distribution of revenues collected from the surcharge. The Department submitted a subsequent unsolicited fiscal note on May 30, 2025, acknowledging that with this inclusion there will not be an additional enforcement cost as the expense to the Department will be covered by the surcharge in the bill.

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.**

Pursuant to Section 1 subsection 2 of AB375, the revenues collected from the surcharge must be distributed (a) to the Department in an amount determined to be necessary by the Department in carrying out the provisions of this section, which must not exceed $250,000 each year; and (b) if any money remains after the revenues are distributed pursuant to paragraph (a), to the Account for the Ignition Interlock and DUI Reduction Program created by NRS 484C.454 to be used for purposes specified in that section.

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 arc necessary.**

   The Proposed Permanent Regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

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

   The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed regulation.

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.



Shellie Hughes, Executive Director
August 26, 2026

ADOPTED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

LCB File No. R006-26

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

AUTHORITY: §§ 1 and 2, NRS 703.025, 704.095 and 704.210; § 3, NRS 703.025, 704.110 and 704.210.

A REGULATION relating to public utilities; revising provisions governing letters of advice for certain proposed changes in rates or fees by certain water or sewage utilities; revising the applicability of certain requirements for a general rate case filed by certain water or sewage utilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the enactment of Assembly Bill No. 449 (A.B. 449) of the 2025 Legislative Session, existing law required the Public Utilities Commission of Nevada to adopt regulations which provide simplified procedures or methodologies for a change of rates for certain water or sewage utilities which: (1) serve 3,000 or fewer persons; and (2) had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to $2,000,000 or less. Existing law also required the regulations adopted by the Commission to authorize utilities that satisfy those requirements to file letters of advice to change rates based on a nationally recognized inflation index approved by the Commission. (NRS 704.095, as that section existed before October 1, 2025) A.B. 449 instead requires the regulations adopted by the Commission to provide for simplified procedures or methodologies for a change of any rates or fees for certain water or sewage utilities which: (1) serve 4,000 or fewer persons; and (2) had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to $4,000,000 or less. In addition to providing for the filing of letters of advice to change rates based on an approved nationally recognized inflation index, A.B. 449 also requires those regulations to provide for the filing of letters of advice to change fees, as authorized by the Commission, based on such an index. (NRS 704.095, as amended by section 1 of Assembly Bill No. 449, chapter 150, Statutes of Nevada 2025, at page 843)

Existing regulations adopted before the enactment of A.B. 449 establish procedures by which certain water and sewage utilities may file a gross domestic product deflator advice letter, which existing regulations define to mean a letter that a utility files with the Commission to request an increase or decrease, consistent with the percentage change in the gross domestic product deflator, in the fee for basic service or the charges for a commodity provided by the utility. (NAC 704.5714, 704.584) **Sections 1 and 2** of this regulation revise those provisions, consistent with the authorization provided by A.B. 449, to provide for the filing of a gross

domestic product deflator advice letter to request an increase or decrease in any rates or fees for the utility.

Existing regulations provide for the preparation and review of certain cost of service studies for the purpose of establishing the rates which may be charged and collected by certain water and sewage utilities. (NAC 704.6344-704.63455) Under existing regulations, those provisions apply only to a utility whose annual gross operating revenue with respect to the provision of water or sewer service had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years. (NAC 704.6344) **Section 3** of this regulation instead makes those provisions applicable only to a utility whose gross sales for water or services for the disposal of sewage exceeds the amount specified in existing law for a utility to qualify to use the simplified procedures or methodologies established by the Commission by regulation for a change of rates or fees. A.B. 449 sets that amount at $4,000,000. (NRS 704.095, as amended by section 1 of Assembly Bill No. 449, chapter 150, Statutes of Nevada 2025, at page 843)

Section 1. NAC 704.5714 is hereby amended to read as follows:

704.5714 "Gross domestic product deflator advice letter" means a letter that a utility files with the Commission to request an increase or decrease, consistent with the percentage change in the gross domestic product deflator, in ~~[the fee for basic service or the charges for a commodity provided by]~~ ***any rates or fees for*** the utility.

Sec. 2. NAC 704.584 is hereby amended to read as follows:

704.584 1. Except as otherwise provided in this subsection, on or before April 1 of each year, a utility may file a gross domestic product deflator advice letter. A utility may not file a gross domestic product deflator advice letter pursuant to this subsection if, within the preceding calendar year, the utility filed:

(a) An application for a general rate change pursuant to NAC 704.586; or

(b) An application to recover increased costs of fuel or power pursuant to NAC 704.595.

2. A gross domestic product deflator advice letter must include:

(a) A schedule of the proposed ~~[fee for basic service and charges for a commodity;]~~ ***rates or fees for the utility;***

(b) A comparison of the existing ~~[fee for service and charges for a commodity]~~ ***rates or fees for the utility*** and the proposed ~~[fee for service and charges for a commodity;]~~ ***rates or fees for the utility;***

(c) The dollar amount of the total increase or decrease in annual gross revenues expected to result from the proposed changes;

(d) The percentage amount of the total increase or decrease in annual gross revenues expected to result from the proposed changes;

(e) The dollar amount of the total increase or decrease in annual gross revenues expected to result from the proposed changes for each class or category of service or commodity;

(f) The percentage amount of the total increase or decrease in annual gross revenues expected to result from the proposed changes for each class or category of service or commodity;

(g) The number of customers at the time the gross domestic product deflator advice letter is filed to whom the proposed changes are expected to apply; and

(h) A copy of the workpapers that reflect the calculation of the proposed changes.

3. The utility must file copies of the gross domestic product deflator advice letter with the Regulatory Operations Staff and the Consumer's Advocate. The gross domestic product deflator advice letter filed with the Commission must be accompanied by proofs of service that copies of the gross domestic product deflator advice letter were filed pursuant to this subsection.

4. The Regulatory Operations Staff shall file with the Commission and serve on the parties a memorandum setting forth the recommendations of the Regulatory Operations Staff with respect to approval by the Commission of the proposed changes in the ~~[fee for service and charges for a commodity]~~ ***rates or fees for the utility*** and such other action by the Commission as the Regulatory Operations Staff deems reasonable under the circumstances. The Regulatory

Operations Staff shall file the memorandum required pursuant to this subsection within the later of:

(a) Thirty days after the utility filed the gross domestic product deflator advice letter with the Commission; or

(b) If the Commission has conducted a consumer session pursuant to NRS 704.069 relating to the proposed changes, 5 business days after the consumer session.

5. Not later than 10 business days after receipt of service of a memorandum served by the Regulatory Operations Staff pursuant to subsection 4, any party may file a response to the memorandum.

Sec. 3. NAC 704.6344 is hereby amended to read as follows:

704.6344 The provisions of NAC 704.63445, 704.6345 and 704.63455 apply only to a general rate case filed pursuant to NRS 704.110 by a utility that ~~[, with respect to the provision of]~~ ***had during the immediately preceding 12-month period gross sales for*** water or ~~[sewer service had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years.]~~ ***services for the disposal of sewage in an amount greater than the amount set forth in paragraph (b) of subsection 1 of NRS 704.095.*** If the utility furnishes both water and services for the disposal of sewage, its ~~[annual gross operating revenue]~~ ***gross sales*** for each service must be considered separately for determining whether the utility meets the requirements of this section for either service.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R006-26

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

The regulation is needed to update certain provisions of the Nevada Administrative Code ("NAC") to ensure that those provisions are consistent with the provisions of Assembly Bill 449 (2025) ("AB 449").

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:

Elko Daily Free Press
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"), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (collectively, "NV Energy"), Pahrump Utility Company, Inc. ("PUCI"), and the Regulatory Operations Staff ("Staff") of the Commission filed comments. Following commencement of NRS Chapter 233B proceedings, PUCI filed comments. PUCI initially opposed the amendment to NAC 704.6344 but dropped the objection upon understanding that the purpose of the amendment was to be consistent with the regulations that did need to be changed under AB 449. PUCI otherwise supported the regulation. Staff supported the regulation. NV Energy noted that AB 449 raised the ceiling for which a utility could file a letter of advice from an increase in revenue no greater than $15,000 to an increase in revenue no greater than $100,000. NV Energy stated that it believed that no regulation was needed to implement that part of AB 449.

(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: 2

(b) Testified at each hearing: 0

(c) Submitted written comments: 3

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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Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy
6100 Neil Rd.
Reno, NV 89511
michael.knox@nvenergy.com

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 NRS, NV Energy, PUCI, and Staff filed comments. Following commencement of NRS Chapter 233B proceedings, PUCI filed comments. PUCI initially opposed the amendment to NAC 704.6344 but dropped the objection upon understanding that the purpose of the amendment was to be consistent with the regulations that did need to be changed under AB 449. PUCI otherwise supported the 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 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. 25-07002 on April 6, 2026.

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

LCB File No. R006-26 (PUCN Docket No. 25-07002)

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 March 27, 2026, 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 April 6, 2026, 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, and NRS 233B.0608(2)(b) only requires an agency to notify chambers of commerce and trade associations whose members are owners or 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 consultation and this notification, as no such "affected" small businesses exist.

2. The total number of small businesses likely to be affected by the proposed regulation

The total number of small businesses likely to be affected by the proposed regulation is zero.

3. 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

The PUCN did not notify chambers of commerce and trade associations for the reasons stated in part 1, above, and thus no list exists.

4. 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 Policy Delphi method to determine the potential impact of a regulation on small businesses.

5. 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.

6. 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 April 6, 2026, 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.

7. 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.

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.**

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

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.**

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

10. **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 21 day of July, 2026.

STEPHANIE MULLEN,
Executive Director
PUBLIC UTILITIES COMMISSION OF NEVADA

ATTACHMENT 1

FILED WITH THE PUBLIC UTILITIES COMMISSION OF NEVADA - 3/27/2026

PUBLIC UTILITIES COMMISSION OF NEVADA
MEMORANDUM

DATE: March 17, 2026

TO: The Commission
Via: Anne-Marie Preisach, DRO

FROM: Tori Sundheim, Assistant Staff Counsel, Staff Counsel Division

SUBJECT: Small Business Impact Report
Agenda No. 05-26; Item No. 6A; Docket No. 25-07002;
Rulemaking to amend, adopt, and/or repeal regulations in accordance with Assembly Bill 449 (2025).

I. Summary

On July 1, 2025, the Public Utilities Commission of Nevada ("Commission") opened a rulemaking to amend, adopt, and/or repeal regulations in accordance with Assembly Bill ("AB") 449 (2025). This matter was designated as Commission Docket No. 25-07002.

On July 29, 2025, the Commission issued a Notice of Rulemaking and Notice of Workshop. That same day, the Presiding Officer issued a Procedural Order setting the procedural schedule.

On August 28, 2025, the Commission extended the comment deadlines due to ongoing State of Nevada network outages and related office closures.

On September 5, 2025, Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (collectively, "NV Energy") filed comments with the Commission on the need to amend, adopt, and/or repeal regulations in accordance with AB 449.

On September 15, 2025, the Regulatory Operations Staff of the Commission ("Staff") filed comments with the Commission on the need to amend, adopt, and/or repeal regulations in accordance with AB 449.

On September 18, 2025, the Presiding Officer issued Procedural Order No. 2, which modified the procedural schedule.

On September 19, 2025, Pahrump Utility Company, Inc. ("PUCI") filed Reply Comments with the Commission on the need to amend, adopt, and/or repeal regulations in accordance with AB 449. That same day, NV Energy filed a letter stating that it would not file comments.

On September 22, 2025, the Commission held a workshop. NV Energy and PUCI made appearances. Discussed was the possibility of other water and sewer companies taking part in these proceedings, informal discussions with Staff regarding which regulations should be amended, and a further procedural schedule.

On November 26, 2025, the Presiding Officer issued Procedural Order No. 3, inviting interested persons to file comments on the need to amend, adopt, and/or repeal regulations in accordance with AB 449.

On December 19, 2025, PUCI filed comments. That same day, Staff filed a letter stating that it would not file comments.

On January 14, 2026, the Commission sent a proposed regulation to the Legislative Counsel Bureau ("LCB") for pre-adoption review.

On February 25, 2026, LCB returned a revised proposed regulation.

On February 27, 2026, the Commission issued Procedural Order No. 4, directing Staff to investigate pursuant to Nevada Revised Statute ("NRS") 233B.0608(1) whether the proposed regulation, attached to Procedural Order No. 4 as Attachment A, is likely to affect small businesses as contemplated in NRS 233B.0608(1) and to present a report of the results of this investigation, including all the information required by NRS 233B.0609(1), along with a statement identifying the methodology used in determining the impact on small business. Staff was further directed to place this report on a Commission agenda meeting no later than the last open agenda meeting of the Commission in March of 2026, for Commission consideration.

II. Analysis and Investigation

This briefing memo constitutes the Staff Report regarding the Small Business Impact of the proposed regulation as directed by Procedural Order No. 4.

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.

One Staff Engineer and one Staff Accountant, both of whom were involved in the rulemaking proceeding, 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 and arrived at a consensus position.

Analysis

The proposed regulation does not impose any economic burdens on small businesses because it increases the threshold at which a utility is required to file a rate case. Small business customers will not be subject to any additional economic burden as a result of the proposed regulation.

First, the proposed regulation applies to certain public utilities which furnish water or services for the disposal of sewage, or both, and which: (1) serve 3,000 or fewer persons; and (2) had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to $2,000,000 or less. AB 449 increases the number of persons served from 3,000 to 4,000 and gross operating revenue change amount permitted for a public utility to file a letter of advice for certain proposed changes in schedules or rates or services from $2,000,000 to $4,000,000 or less in lieu of filing a general rate application with the Commission; it also requires a gross domestic product deflator advice letter to include "other fees."

The proposed regulation also allows public utilities, other than small-scale providers of last resort, to submit a letter of advice if the proposed change does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $100,000, an increase from the previous $15,000 amount.

Immediate Adverse Effects:

The proposed regulation will not have any direct immediate adverse effects on small businesses.

Immediate Beneficial Effects:

The proposed regulation will not have any direct immediate beneficial effects on small businesses. One Delphi method participant indicated that there are potential indirect beneficial economic effects due to cost savings to the utility that will be passed on to ratepayers, which includes small businesses.

Long-Term Adverse Effects:

Similar to the immediate adverse effects outlined above, the proposed regulation will not have any direct long-term adverse effects on small businesses.

Long-Term Beneficial Effects:

Similar to the immediate beneficial effects outlined above, the proposed regulation will not have any direct long-term beneficial effects on small businesses.

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

The proposed regulation is not anticipated to change the Commission's ongoing administrative costs to review the filings addressed in the regulation.

As a result of the investigation, Staff concludes that the proposed regulation is intended to regulate the activities of public 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 February 27, 2026, the Commission issued Procedural Order No. 4, 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. Conclusions and Recommendations

The proposed regulation is intended to regulate the activities of public utilities, not small businesses. Any potential indirect effects on small businesses are a result of AB 449, not the proposed regulation.

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 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.

ATTACHMENT 2

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Rulemaking to amend, adopt, and/or repeal regulations in accordance with Assembly Bill 449 (2025).	)))	Docket No. 25-07002

At a general session of the Public Utilities Commission of Nevada, held at its offices on March 31, 2026

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 a rulemaking, designated as Docket No. 25-07002, to amend, adopt, and/or repeal regulations in accordance with Assembly Bill 449 (2025) ("AB 449").

II. SUMMARY

The proposed regulation in Docket No. 25-07002 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 July 1, 2025, the Commission opened this rulemaking.

- This rulemaking is being conducted pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code Chapters 233B, 703 and 704, including, but not limited to, NRS 703.025, NRS 704.210, and AB 449.

- On July 29, 2025, the Commission published a notice of rulemaking and notice of workshop. That same day, the presiding officer issued Procedural Order No. 1, which set a procedural schedule.

- On September 18, 2025, the presiding officer issued Procedural Order No. 2.

- On September 22, 2025, the presiding officer held a workshop. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, "NV Energy"), Pahrump Utility Company, Inc. ("PUCI"), and the Regulatory Operations Staff ("Staff") of the Commission made appearances.

- On November 26, 2025, the presiding officer issued Procedural Order No. 3.

- On December 19, 2025, PUCI filed comments. That same day, Staff filed a letter stating that it will not file comments.

- On January 14, 2026, the Commission sent a proposed regulation to the Legislative Counsel Bureau ("LCB") for pre-adoption review.

- On February 25, 2026, LCB returned a revised proposed regulation.

- On February 27, 2026, the presiding officer issued Procedural Order No. 4, directing Staff to investigate whether the proposed regulation is likely to impact small business as contemplated in NRS 233B.0608(1).

- On March 27, 2026, 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 one Staff engineer and one Staff accountant, 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 certain utilities that furnish water or services for the disposal of sewage, or both, and which currently: (1) serve 3,000 or fewer persons and (2) had during the immediately preceding 12-month period

gross sales for water or services for the disposal of sewage amounting to $2,000,000 or less. (*Id.*) Staff notes that AB 449: (1) increases the number of persons served from 3,000 to 4,000; (2) increases the gross-operating-revenue amount allowed for filing a gross-domestic-product deflator advice letter in lieu of a general rate case from $2,000,000 or less to $4,000,000 or less; and (3) requires a gross-domestic-product deflator advice letter to include "other fees." (*Id.*)

3. Staff also notes that the proposed regulation allows public utilities, other than small-scale providers of last resort, to submit a letter of advice if the proposed change does not change any rate or will result in an increase in annual gross operating revenue that does not exceed $100,000, which is an increase from the previous limit of $15,000. (*Id.*)

4. 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.*) Staff does note that one Delphi-method participant indicated possible indirect economic benefits due to cost savings to the utility that will be passed on to ratepayers, including small businesses. (*Id.*)

5. 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.)

6. Staff states the proposed regulation is not expected to change the Commission's ongoing administrative costs to review the filings addressed in the regulation. (*Id.* at 4.)

7. Based on the foregoing, Staff recommends that the Commission find that the proposed regulation in Docket No. 25-07002 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

8. 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.

9. 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.

Therefore, it is ordered:

1. The proposed regulation in Docket No. 25-07002 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

TRISHA OSBORNE,
Assistant Commission Secretary
On behalf of the Commissioners

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

Dated: Carson City, Nevada

4/6/26

(SEAL)

PUBLIC UTILITIES COMMISSION OF NEVADA PUC

R008-26

ADOPTED REGULATION OF THE BOARD OF

ENVIRONMENTAL HEALTH SPECIALISTS

LCB File No. R008-26

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

AUTHORITY: § 1, NRS 625A.057; § 2, NRS 625A.057 and 625A.115.

A REGULATION relating to environmental health specialists; providing that the Board of Environmental Health Specialists will not deem a person to be engaged in the practice of environmental health due to his or her participation as an intern in a training program under certain circumstances; revising the list of entities whose training programs in the practice of environmental health are deemed to be approved by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Environmental Health Specialists to adopt regulations: (1) establishing standards of practice for registered environmental health specialists and environmental health specialist trainees; and (2) that are necessary to enable the Board to carry out the provisions of law relating to environmental health specialists and environmental health specialist trainees. (NRS 625A.057)

Existing law prohibits a person from engaging in the practice of environmental health in this State without holding a registration issued by the Board. Existing law authorizes the Board to take certain actions against a person who the Board determines has engaged in the practice of environmental health in this State without such a registration. (NRS 625A.900) **Section 1** of this regulation provides that the Board will not deem a person to be engaged in the practice of environmental health due to his or her participation as an intern in a training program relating to environmental health if: (1) the training program is approved by the Board; (2) the training program is provided by certain health districts or a department or division of the State of Nevada which regulates an environmental health program; (3) the participation of the person in the training program is limited to the receipt of training and education; and (4) the intern adheres to certain rules and criteria as a participant in the training program.

Existing regulations: (1) require an employer providing a training program for environmental health specialist trainees to submit to the Board a description of the training program and any other information related to the training program the Board may require; and (2) provide that a training program is not required to submit such information and is deemed to be approved by the Board if the training program is provided by certain entities. (NAC 625A.0132) **Section 2** of this regulation revises the list of entities whose training programs in the practice of environmental health are deemed to be approved without the submission of additional information to the Board to include certain health districts, a department or division of the State of Nevada which regulates an environmental health program or the Cannabis Compliance Board.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board will not deem a person to be engaged in the practice of environmental health in violation of NRS 625A.900 due to his or her participation as an intern in a training program relating to environmental health if:

(a) The training program is approved by the Board;

(b) The training program is provided by:

(1) A health district created pursuant to NRS 439.362 or 439.370; or

(2) A department or division of the State of Nevada which regulates an environmental health program;

(c) The participation of the person in the training program is limited to the receipt of training and education; and

(d) The person, at all times during his or her participation in the training program:

(1) Clearly identifies himself or herself as an intern;

(2) Is under the direct supervision of a registrant;

(3) Does not sign or approve any forms, reports or compliance documents; and

(4) Does not identify himself or herself as a registered environmental health specialist or environmental health specialist trainee or represent or imply that he or she holds a registration issued by the Board.

2. As used in this section, "direct supervision" means a registrant is physically on the premises and in the presence of the intern during his or her participation in the training program.

Sec. 2. NAC 625A.0132 is hereby amended to read as follows:

625A.0132 1. A training program described in NAC 625A.013 must be approved by the Board. Except as otherwise provided in subsection 2, to be approved by the Board, the employer providing the training program must submit to the Board a description of the training program and any other information related to the training program the Board may require.

2. A training program is not required to submit the information described in subsection 1 and shall be deemed to be approved by the Board if the training program is provided by:

(a) A health district created pursuant to NRS 439.362 or 439.370;

(b) ~~[The Department of Health and Human Services;~~

~~(c) A division of the Department of Health and Human Services;~~

~~(d)]~~ ***A department or division of the State of Nevada which regulates an environmental health program; or***

(c) The Cannabis Compliance Board **.** ~~[; or~~

~~(e) The State Department of Agriculture.]~~

3. A training program may consist of any combination of academic coursework, on-site training and work experience approved by the Board.

4. The Board will maintain a list of all employers that offer training programs that are approved by the Board pursuant to this section.

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

LCB FILE R008-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 625A.

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

The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent environmental health specialists and environmental health specialist trainees are registered to practice in the state.

The proposed regulation relates to the practice of environmental health; providing that the Board of Environmental Health Specialists will not deem a person to be engaged in the practice of environmental health due to his or her participation as an intern in a training program under certain circumstances; revising the list of entities whose training programs are deemed to be approved by the Board; and providing other matters properly relating thereto.

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, notices of workshops and notices of intent to act upon the regulation were sent by e-mail to all registered environmental health specialists and persons who were known to have an interest in environmental health as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Environmental Health Specialists, www.nvrehs.org, and posted at the following locations and websites:

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

State of Nevada, Department of Agriculture, 405 S. 21st St, Sparks, NV 89431
Northern Nevada Public Health, 1001 East 9th Street, Reno, NV 89501
Southern Nevada Health District, 280 S. Decatur Blvd., Las Vegas, NV 89107
Central Nevada Health District, 485 West B Street, Fallon, NV 89406
Board of Environmental Health Specialists, 6170 Mae Anne Ave Suite 1, Reno NV 89523

A Workshop was held to solicit comments on the proposed regulations on April 16, 2026.

There were no individuals representing small businesses or the public in attendance and no written comments were received at the workshop. Thereafter, on or about June 3, 2026, a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on July 16, 2026; there were no oral or written comments received at the Hearing.

A copy of this summary of the public response to the adopted regulation may be obtained from the Board of Environmental Health Specialists, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, 775-746-9423, or email to board@nvrehs.org.

3. The number of persons who:

(a)	**Attended each workshop:**	April 16, 2026	2
(b)	**Attended public hearing:**	July 16, 2026	0
(c)	**Testified at hearing:**	July 16, 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:

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from businesses or individuals.

A copy of this summary of the public response to the adopted regulations may be obtained from the Board of Environmental Health Specialists, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, 775-746-9423, or email to board@nvrehs.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 Environmental Health Specialists adopted the regulation on July 16, 2026, without change. There were no revisions or changes requested as a result of the public Workshop on April 16, 2026, or public Hearing on July 16, 2026. No public comments, written or oral, were received.

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.

(1) Adverse and beneficial effects on the business which it is to regulate;

There will be no adverse economic effect of these adopted regulations on the businesses which it is to regulate (environmental health specialists and environmental health specialist trainees).

The beneficial effects of the adopted regulations will provide clarity to the regulations on the use of interns and approved training programs.

(2) immediate and long term effects on the business which it is to regulate

The immediate beneficial effects for business of the adopted regulation will to improved clarity to existing law and regulatory requirements on the use of interns and approved training programs.

Businesses may experience the indirect effect of having qualified and knowledgeable environmental health practitioners.

Long-term effect for business will be clarity and consistency in the regulation of the practice of environmental health in Nevada.

(3) Adverse and beneficial effects on the public

There will be no adverse economic effect of these adopted regulations on the public.

The beneficial effects of the adopted regulations is improved clarity for the public in the regulations on the use of interns and approved training programs.

(4) Immediate and long term effects on the public

The immediate beneficial effects on the public will to improved clarity to existing law and regulatory requirements.

Long-term effect on the public will be clarity and consistency in the regulation of the practice of environmental health 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 Environmental Health Specialists is not aware of any similar federal, state or local standards regulating the environmental health specialist professions. .

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 Environmental Health Specialists 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 provide for new or increased fees.

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

LCB File No. R008-26

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.

Comments were solicited from affected small businesses in the same manner as they were solicited from the public. No comments were received from small businesses or the public.

Copies of the proposed regulations, notices of workshops and notice of intent to act upon the regulation were sent by email to persons who were known to have an interest in the practice of environmental health as well as any person who had specifically requested such notice. These documents were also made available at the website of the Board of Environmental Health Specialists, www.nvsrehs.org, and posted at the following locations:

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

State of Nevada, Department of Agriculture, 405 S. 21st St, Sparks, NV 89431
Northern Nevada Public Health, 1001 East 9th Street, Reno, NV 89501
Southern Nevada Health District, 280 S. Decatur Blvd., Las Vegas, NV 89107
Central Nevada Health District, 485 West B Street, Fallon, NV 89406
Board of Environmental Health Specialists, 6170 Mae Anne Ave Suite 1, Reno NV 89523

A Workshop was held to solicit comments on the proposed regulations on April 16, 2026. There were no small businesses or individuals in attendance at the workshop, no written comments were received. Thereafter, on or about June 16, 2026, a Hearing and Notice of Intent to Act Upon Regulations was issued.

A copy of this summary of the public response to the proposed regulations may be obtain from the Board of Environmental Health Specialists, 6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523, 775-746-9423, or email to board@nvrehs.org.

2. The total number of small businesses likely to be affected by the proposed regulation.

The total number of small businesses that would be affected is zero.

3. 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.

Due to the nature of the regulation, trade associations and chambers of commerce were not contacted directly.

4. 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 due to the nature of the regulation changes.

In making this determination, the Board considered whether or not the environmental health practitioners regulated by the Board will have their practice impacted. On the whole, the environmental health practices will not be impacted to any degree that a small business will be affected.

5. 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.

The Board of Environmental Health Specialists has determined that the adopted regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

(a) Both adverse and beneficial effects

There will be no adverse economic effect of these adopted regulations on small businesses. The adopted regulations will benefit small business by providing clarifications to the regulations.

(b) Both Direct and indirect effects.

Direct effect will be to improve and clarify existing law and regulatory requirements. Small business may experience the indirect effect of having more knowledgeable practitioners.

6. 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 total number of small businesses that would be affected is zero. The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the content and nature of the regulation changes.

All registrants were notified of the regulation. Less than 4% percentage of registrants are independent business owners. The Board did not receive any comments from the registrants that are business owners that hold Nevada business licenses.

7. 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.

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.

The regulation does not add new fees or increase 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.

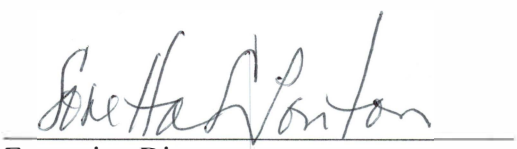
The Board of Environmental Health Specialists is not aware of any similar federal, state or local standards regulating to the practice of environmental health.

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

The adopted regulations do not impact small businesses.

The Board of Environmental Health Specialists regulates the practice of environmental health and registers qualified individuals as environmental health specialists and environmental health specialist trainees. The regulation clarifies the practice of environmental health, and updates the list of entities whose training programs are deemed to be approved by the Board.

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.



Executive Director

ADOPTED REGULATION OF THE

DEPARTMENT OF EDUCATION

LCB File No. R018-26

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

AUTHORITY: §§ 1 and 2, NRS 388D.270, 388D.294 and 388D.296.

A REGULATION relating to education; revising provisions governing the tracking and reporting of information for the Nevada Educational Choice Scholarship Program; repealing certain duplicative regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Educational Choice Scholarship Program to provide grants of money on behalf of certain pupils to pay for tuition and other expenses relating to attendance at certain schools, including, without limitation, private schools. (NRS 388D.250) Under the Program, each school that receives a grant of money on behalf of a pupil and each scholarship organization that awards such a grant are required to report certain information to the Department of Education. (NRS 388D.270, 388D.286, 388D.294, 388D.296) In addition, existing law requires the Department to adopt regulations establishing a method for schools to track the information required to be reported to the Department. (NRS 388D.294, 388D.296)

Existing law further requires the Superintendent of Public Instruction to prescribe a uniform program for the collection and maintenance of data concerning pupils. (NRS 385A.820) Existing regulations prescribe certain methods for public schools and school districts to collect and maintain such data, including the use of a list of codes and symbols published by the Department and the maintenance of records relating to the enrollment and attendance of pupils. (NAC 387.163, 387.165, 387.171)

Section 1 of this regulation establishes requirements to carry out the tracking and reporting of information for the Nevada Educational Choice Scholarship Program. Specifically, **section 1** requires each school that receives a grant of money on behalf of a pupil to assign a unique identification number to the pupil. **Section 1** also requires such a school, upon enrollment of the pupil, to provide that number to each scholarship organization that awarded a grant on behalf of the pupil. **Section 1** further requires such a school to use the list of codes and symbols published by the Department and the master register of enrollment and attendance to track the information required to be reported to the Department.

Existing regulations governing the Nevada Educational Choice Scholarship Program include certain provisions relating to the operation of the Program. (NAC 388D.030-388D.080) During the 2025 Legislative Session, the Legislature enacted Senate Bill No. 460 (S.B. 460), which codified those provisions into the Nevada Revised Statutes. (Sections 31.2-31.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3414-3416) **Section 2** of this regulation repeals those regulations that duplicate the provisions codified into statute by S.B.

460. **Section 2** also repeals: (1) provisions that require schools to submit information duplicative of information required to be reported by scholarship organizations under existing law; and (2) provisions requiring the Department to compile and submit certain reports.

Section 1. Chapter 388D of NAC is hereby amended by adding thereto a new section to read as follows:

Each school, including, without limitation, a registered private school, that receives a grant of money on behalf of a pupil pursuant to NRS 388D.270 shall:

1. Assign a unique identification number to each pupil on whose behalf the school receives a grant of money, which must remain consistent for that pupil;

2. Upon enrollment of the pupil, provide the identification number assigned pursuant to subsection 1 to each scholarship organization that awarded a grant of money on behalf of the pupil for use in reporting information required by NRS 388D.286; and

3. Use the list of codes and symbols published by the Department, as described in NAC 387.163, and the master register of enrollment and attendance described in NAC 387.171 to track the information that the school is required to report or provide to the Department pursuant to NRS 388D.294 and 388D.296.

Sec. 2. NAC 388D.030, 388D.040, 388D.050, 388D.060, 388D.070, 388D.080 and 388D.120 are hereby repealed.

TEXT OF REPEALED SECTIONS

388D.030 Registration of scholarship organization to participate in Nevada Educational Choice Scholarship Program. To participate in the Nevada Educational Choice Scholarship Program, a scholarship organization must register with the Department by providing:

1. On a form provided by the Superintendent of Public Instruction:

(a) The name, address and contact information of the scholarship organization; and

(b) If the scholarship organization uses a fiscal year other than July 1 to June 30, the period of the fiscal year used by the scholarship organization;

2. Evidence of an official declaration by the Internal Revenue Service that the scholarship organization qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

3. Confirmation that the scholarship organization is incorporated pursuant to chapter 82 of NRS;

4. A copy of the written procedures established pursuant to NAC 388D.080; and

5. An affidavit signed by the chief executive officer or president or chair of the board of directors of the scholarship organization under penalty of perjury stating that:

(a) No member of the board of directors or employee of the scholarship organization:

(1) Has declared bankruptcy within the 7 years immediately preceding the date on which the affidavit is submitted; or

(2) Has ever been convicted of a felony; and

(b) Neither the scholarship organization nor any member of the board of directors or employee thereof owns or operates a school in this State that receives grant money from the Nevada Educational Choice Scholarship Program.

388D.040 Information provided quarterly and annually to Department by registered scholarship organization; Department to compile and review information.

1. Each scholarship organization that is registered with the Department pursuant to NAC 388D.030 shall:

(a) By not later than October 15, January 15, March 15 and June 15 of each year, provide to the Department in a format prescribed by the Department an electronic list of each pupil on behalf of whom the scholarship organization awarded a grant pursuant to NRS 388D.270 for the previous quarter. The electronic list must include:

(1) Demographic information for each pupil, including the name, date of birth, grade level, gender and race or ethnicity of the pupil, whether the pupil has a disability, the household income of the pupil calculated pursuant to NAC 388D.080 and the name and address of the parent or guardian of the pupil;

(2) The amount of each grant provided on behalf of a pupil;

(3) The manner in which money from each grant has been used, including, without limitation:

(I) The name of each school that has received money from a grant;

(II) The tuition and fees charged by each such school; and

(III) Any portion of such money that has been used to pay for the transportation to and from the school; and

(4) The number of applications for a grant received by the scholarship organization for which a grant was not awarded and the reason that a grant was not awarded in each case.

(b) Annually submit to the Department the name of the school attended by each pupil on whose behalf a grant is provided during the school year immediately preceding the school year for which the grant is awarded or, if such a pupil was not enrolled in a school, whether the pupil was a homeschooled child, an opt-in child or was not required to attend school pursuant to NRS 392.040 for that school year.

2. The Department will annually:

(a) Compile the information submitted by each scholarship organization pursuant to subsection 1; and

(b) Review the information to determine whether to change the priority for awarding grants prescribed by NAC 388D.080 or to recommend legislation to revise the priority for awarding grants to the Legislature.

388D.050 Annual financial statement of registered scholarship organization; notice of ineligibility or ceasing to exist; disclosure of certain financial records. Each scholarship organization that is registered with the Department pursuant to NAC 388D.030 shall:

1. Not more than 180 days after the conclusion of the fiscal year of the scholarship organization, submit to the Department a copy of an audited or compiled financial statement of the scholarship organization prepared by an independent certified public accountant.

2. If the scholarship organization no longer meets the qualifications prescribed by law to participate in the Nevada Educational Choice Scholarship Program as a scholarship organization or ceases to exist, notify the Department of Education within 30 days. Upon receiving such

notification, the Department of Education will update the directory maintained pursuant to NAC 388D.070 and notify the Department of Taxation.

3. Within 72 hours after receiving notice from the Superintendent of Public Instruction or his or her designee, make any financial records of the scholarship organization or records concerning a pupil maintained by the scholarship organization available to the Superintendent or his or her designee for inspection during regular business hours.

388D.060 Notice to Department of Taxation of certain donations received by registered scholarship organization; maximum duration to carry forward donation.

1. A scholarship organization that is registered with the Department of Education pursuant to NAC 388D.030 shall notify the Department of Taxation in writing not more than 10 days after receiving a donation from a taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable, of the amount of the donation.

2. Any donation received by a scholarship organization must not be carried forward for more than 5 years after the last day of the calendar year in which the donation is made.

388D.070 Department of Education to maintain directory of scholarship organizations on Internet website, submit quarterly list of scholarship organizations to Department of Taxation and submit annually summary of certain information. The Department of Education will:

1. Maintain on its Internet website a directory of each scholarship organization that is registered with the Department of Education pursuant to NAC 388D.030 and, by not later than September 30, December 30, March 30 and June 30 of each year, submit to the Department of Taxation a list of each such scholarship organization.

2. Not later than July 31 of each year, submit to the Governor, the State Board and the Director of the Legislative Counsel Bureau a summary of the information reported to the Department by each scholarship organization pursuant to NRS 388D.280.

388D.080 Application to receive grant from registered scholarship organization; responsibilities of organization; order of priority to award grants.

1. The parent or guardian of a pupil who meets the requirements to receive a grant pursuant to NRS 388D.270 may apply to a scholarship organization registered with the Department pursuant to NAC 388D.030 for such a grant. A scholarship organization may charge each family that applies for a grant on behalf of one or more children of the family an administrative fee of not more than $25.

2. A scholarship organization shall:

(a) Establish written procedures that the scholarship organization will use to determine whether a pupil meets the requirements to receive a grant pursuant to NRS 388D.270 and to award grants on behalf of qualified pupils.

(b) Post the procedures established pursuant to paragraph (a) on an Internet website maintained by the scholarship organization and provide a written copy of the procedures with each application form.

(c) Provide an application form to be completed by an applicant for a grant. A scholarship organization may only award a grant on behalf of a pupil for whom a complete application is submitted but is not required to award a grant to a pupil solely because his or her application is complete.

(d) Verify annually that each pupil on behalf of whom the organization awards a grant is a member of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty. Such verification must:

(1) Use the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services; and

(2) Calculate household income based on the information reported in the application submitted on behalf of the pupil and in accordance with the most recent guidance established by the Food and Nutrition Service of the United States Department of Agriculture for determining eligibility of pupils for free and reduced-price meals.

3. A scholarship organization shall award grants on behalf of pupils in the following order of priority:

(a) A grant must be awarded for the current school year on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and on whose behalf a grant was awarded for the immediately preceding school year before a grant is awarded on behalf of any other pupil.

(b) A grant must be awarded on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and who is the sibling of a pupil on whose behalf a grant has been awarded for the current school year before a grant is awarded on behalf of other pupils.

(c) A grant must be awarded on behalf of a pupil who is not described in paragraph (a) or (b) in the order in which the completed application is received. If there are an insufficient number of grants available to award a grant on behalf of each pupil for whom a complete application was received on the same day:

(1) A grant must be awarded on behalf of a pupil who is a member of a household that has a lower household income before a grant is awarded on behalf of a pupil who is a member of a household that has a higher household income;

(2) If two or more applicants are members of households that have the same household income, a grant must be awarded on behalf of the pupil who is enrolled in a public school that has received a lower rating based on the most recent annual report of the statewide system of accountability for public schools before a grant is awarded on behalf of a pupil who is enrolled in a public school that has received higher ratings; and

(3) If two or more applicants are members of households that have the same household income and attend public schools that received the same rating based on the most recent annual report of the statewide system of accountability for public schools, grants must be awarded on behalf of pupils in this category on a random basis.

388D.120 Quarterly submission of electronic list of certain information; annual report of aggregate data.

1. By not later than October 15, January 15, March 15 and June 15 of each year, each school that is registered pursuant to NAC 388D.100 shall submit to the Department electronically a list of each pupil on behalf of whom the school received money from a grant for the previous quarter pursuant to NRS 388D.270. The electronic list must include, for each grant:

(a) Demographic information for each pupil on behalf of whom grant money is received, including the name, date of birth, grade level, gender and race or ethnicity of the pupil and the name and address of the parent or guardian of the pupil;

(b) The name of each scholarship organization that awarded a grant to the school on behalf of a pupil and the amount of each grant; and

(c) The manner in which money from each grant has been used, including, without limitation, any portion of such money that has been used to pay for:

(1) Tuition and fees charged by the school; and

(2) Transportation to and from the school.

2. The Department will collect the records of academic progress that each school that is registered pursuant to NAC 388D.100 is required to maintain pursuant to NRS 388D.270 and aggregate the information contained in the records. By not later than December 15 of each even-numbered year, the Department will submit a report containing the aggregated information to the Governor, the State Board and the Director of the Legislative Counsel Bureau. The Department will not report information in a manner that discloses personally identifiable information of a pupil.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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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
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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R018-26, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388D:

1. **A clear and concise explanation of the need for the adopted regulation:**
   Pursuant to changes and requirements under Senate Bill 460 (2025), this regulation removes regulatory language superseded by statute and creates data reporting standards to streamline reporting requirements for scholarship granting organizations and applicable private schools.

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 supportive of the regulation and requesting responsive guidance be issued once applicable. 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 (**3**)
   b. Testified at Workshop (**1**) 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.**
   Denise Lasher, AAA Scholarship Organization, lasherinc@gmail.com

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 June 24, 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
REGULATION HEARING AGENDA
JUNE 24, 2026
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

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, 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. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement ***for public comment related to a regulation hearing,*** *please submit your statement to NVBoardEd@doe.nv.gov* ***no later than Friday, June 19****. If you are unable to attend but would like to provide a written statement for public comment related to all other items on the agenda, please submit your statement before the conclusion of the meeting to NVBoardEd@doe.nv.gov. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time. 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 State Board of Education Meeting Materials page under the meeting date referenced above or by contacting Lisa Ford at 2080 E. Flamingo Rd, Ste 220, Las Vegas, NV 89119, by phone at 702-486-6561, or 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 the State Board 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 Board will impose a time limit of three minutes. Please hold comments specific to a given hearing until public comment is called upon for that hearing specifically.

3. **9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.
   - Anna Reynolds, Director, Office of Career Readiness, Adult Learning, and Education Options
   - Ingrid Cepeda, Education Programs Supervisor

4. **9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

5. **9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO 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. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

6. **9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
   - Julie Bowers, Director, 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 State Board. 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 Board will impose a time limit of three minutes.

8. **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 R018-26 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **9:30 AM** on **Wednesday, June 24, 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 388D.

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:** SB460 (2025) expanded accountability and reporting for scholarship granting organizations and private schools receiving funds under the Nevada Educational Choice Scholarship Program.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation repeals regulatory language that was moved directly into statute by SB460 and creates a uniform method / data standards for student reporting.

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 and private 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:

1:34 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.010-130 and 388D.XXX regarding the Nevada Educational Choice Scholarship Program.

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 388D.010-130 and 388D.XXX.

The proposed regulation regarding the Nevada Educational Choice Scholarship Program 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

ADOPTED REGULATION OF

THE HUMAN RESOURCES COMMISSION

LCB File No. R022-26

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

AUTHORITY: § 1, NRS 284.065 and 284.330; § 2, NRS 284.065, 284.155 and 284.295; § 3, NRS 284.065, 284.155, 284.305 and 284.330.

A REGULATION relating to human resources; revising provisions relating to the reinstatement of a former permanent employee; revising provisions relating to promotional recruitment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations to carry out the State Human Resources System. (NRS 284.065)

Existing regulations authorize an appointing authority to reinstate a former permanent employee following his or her termination from state employment under certain circumstances. (NAC 284.386) Existing regulations define the term "reinstatement" to mean a noncompetitive appointment of a former permanent employee to a class he or she formerly held or to a comparable class. (NAC 284.096) **Section 1** of this regulation revises the definition of "reinstatement" to include competitive appointments.

Existing regulations require a reinstatement to a similar class to be approved by the Division before the appointing authority may make a commitment to reinstate. (NAC 284.386) **Section 3** of this regulation instead requires that all reinstatements be approved by the Division before the appointing authority may make a commitment to reinstate a former permanent employee.

Under existing regulations, an application for recruitment must be submitted as specified in the job announcement and received not later than 5 p.m. on the closing date. (NAC 284.313) **Section 2** of this regulation instead requires an application to be received on or before the closing date.

Existing regulations limit competition in a promotional recruitment to current state employees who: (1) have served at least 6 months of continuous full-time equivalent service in the classified service; and (2) are working in the division, department or state service which is specified in the publicized job announcement. (NAC 284.313) **Section 2** removes the requirement that a current classified state employee have served at least 6 months of continuous full-time equivalent service in the classified service to compete in a promotional recruitment.

Section 1. NAC 284.096 is hereby amended to read as follows:

284.096 "Reinstatement" means ~~[a noncompetitive]~~ ***an*** appointment of a former permanent employee to a class he or she formerly held or to a comparable class.

Sec. 2. NAC 284.313 is hereby amended to read as follows:

284.313 1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria or conditions for the class or position as specified in the publicized job announcement. The publicized job announcement may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.

2. It is the responsibility of an applicant to apply for any recruitment for which he or she is interested. Future vacancies may be filled from the results of appropriate prior recruitments.

3. Each applicant must submit an application as specified in the publicized job announcement. The application must be received ~~[not later than 5 p.m.]~~ on ***or before*** the closing date, as determined by the Division of Human Resource Management.

4. The incomplete or improper completion of an application that affects the ability of the Division of Human Resource Management to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.

5. If a recruitment produces a sufficient number of applicants, the Division of Human Resource Management may, as an additional phase of the process of examination, approve the obtaining of supplemental information from each applicant to assess his or her qualifications if the publicized job announcement includes notice that such supplemental information may be required. Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.

6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current ***classified*** state employees who ~~[~~:

~~(a) Have served at least 6 months of continuous full-time equivalent service in a probationary, special disabled, emergency, provisional or permanent status, or any combination of these, in the classified service.~~

~~(b) Are~~] ***are*** working in the division, department or state service which is specified in the publicized job announcement.

7. An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.

8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he or she is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the publicized job announcement.

9. Applications and accompanying documents are the property of the Division of Human Resource Management.

Sec. 3. NAC 284.386 is hereby amended to read as follows:

284.386 1. An appointing authority may reinstate a former permanent employee following his or her termination from state employment, including, without limitation, a former permanent employee who was laid off and is entitled to have his or her name appear on a reemployment list pursuant to NAC 284.630, if the former permanent employee was separated without prejudice. A

separation without prejudice must be determined by the appointing authority using the standards contained in NRS 284.240.

2. The grade of the class to which a ~~[person]~~ ***former permanent employee*** is reinstated may only exceed the current grade of the class he or she formerly held or a comparable class if that class has been reallocated.

3. Except as otherwise provided in subsection 2, a ~~[person]~~ ***former permanent employee*** may not be reinstated to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the ~~[person]~~ ***former permanent employee*** formerly held.

4. A reinstatement ~~[to a similar class]~~ requires the approval by the Division of Human Resource Management before the appointing authority may make a commitment to reinstate ~~[.]~~ ***a former permanent employee.***

5. It is the responsibility of a ~~[person]~~ ***former permanent employee*** seeking reinstatement to make his or her interest known by providing a new application to the appointing authority.

6. The ~~[person]~~ ***former permanent employee*** must meet the current minimum qualifications for the class for which the reinstatement is sought.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R022-26

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

The amendments included in this LCB File are necessary because:

Section 1 (NAC 284.096) – It may be determined after a candidate for a position within state service who participates in a competitive recruitment that he or she was a former employee. Removing "noncompetitive" from the regulation provides the benefits of reinstatement to all former state employees regardless of the way they are hired back into state service.

Sec. 2 (NAC 284.313) – Job candidates currently submit applications or resumes online, and the need for a 5 p.m. cutoff on the day a job announcement closes is outdated. Currently, state employees must serve 6 months of continuous service before they are able to promote. This amendment removes that barrier.

Sec. 3 (NAC 284.386) – The need for consistency with reinstatements statewide is necessary, and this amendment requires the Division of Human Resource Management (DHRM), to approve all reinstatements. The term "person" in this regulation only means "former permanent employee," the change is made throughout.

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

On May 22, 2026, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

EICON Building
515 E. Musser Street
Carson City, NV

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Nevada State Capitol Building
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Eureka Building
7251 Amigo Street
Las Vegas, NV

Legislative Hearing Rooms Building
7120 Amigo Street
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on July 11, 2025, and a public hearing was held by the Nevada Human Resources Commission

on June 26, 2026.

No comments regarding the changes included in the LCB Draft of Proposed Regulation R022-26 were received at the workshop.

At the public hearing, staff provided information regarding the intent and need for the regulation.

No comments were received at the public hearing regarding the changes included in the LCB Draft of Proposed Regulation R022-26.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michelle Garton at mgarton@admin.nv.gov or by calling (775) 220-8122.

3. The number of persons who:

(a) Attended each hearing: 29

(b) Testified at each hearing: 1

(c) Submitted written comments: 0

4. Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):

Nicole Peek, Supervisory Human Resources Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
515 E. Musser Street, Suite 101
Carson City, NV 89701
(775) 684-0122
nicole.p@admin.nv.gov

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

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

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

There was no opposition to the regulation at the Human Resources Commission hearing.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

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

The regulation does not include any provisions that are covered by any federal regulations.

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

No fees are associated with this regulation.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | http://hr.nv.gov | Fax: (775) 687-9085

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

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

Bachera Washington
Bachera Washington, Administrator

May 22, 2026
Date

ADOPTED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R023-26

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

AUTHORITY: § 1, NRS 284.065, 284.155 and 284.384.

A REGULATION relating to the State Human Resources System; revising certain provisions governing requests for the adjustment of certain grievances and complaints; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission of the Division of Human Resource Management of the Department of Administration to adopt regulations governing the State Human Resources System. (NRS 284.065) Existing law also requires the Commission to adopt regulations which provide for the adjustment of certain grievances and complaints. (NRS 284.384) Existing regulations set forth a procedure for the adjustment of these grievances and complaints. (NAC 284.658-284.697) This procedure requires the Division to determine whether a person satisfies the eligibility requirements for an adjustment. If the Division determines that a person does not satisfy the eligibility requirements, existing regulations authorize the person who submitted the request for the adjustment to appeal the determination of the Division to the Employee-Management Committee. (NAC 284.693) **Section 1** of this regulation requires, with certain exceptions, that the appeal be filed with the Committee not later than 10 working days after the date on which the person receives notice of the determination of the Division.

Section 1. NAC 284.693 is hereby amended to read as follows:

284.693 1. Except as otherwise provided in NAC 284.458, if the Division of Human Resource Management determines that a request for the adjustment of:

(a) A grievance is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in subsection 2 of NAC 284.658 or because a hearing is provided for the grievance pursuant to federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390; or

(b) A complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, because the person who submitted the request is not a person described in paragraph (a) of subsection 4 of NRS 281.755,

➥ the Division must take the actions described in subsection 2.

2. Except as otherwise provided in NAC 284.458, upon making a determination pursuant to subsection 1 that a request for the adjustment of a grievance or complaint is not eligible for the procedure set forth in NAC 284.658 to 284.6957, inclusive, the Division must, as soon as practicable:

(a) Remove the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive; and

(b) Provide to the person who submitted the request and the agency in which the grievance or complaint arose:

(1) Notice that the Division has determined that the request is not eligible for the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, and an explanation for that determination;

(2) Notice that the Division has removed the request from the procedure for the adjustment of grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive;

(3) If applicable, information relating to the appropriate procedure for resolving the person's concern; and

(4) Information relating to the person's right to appeal the determination to the Committee.

3. If the Division ~~[of Human Resource Management]~~ determines that a request for the adjustment of a grievance or complaint is not eligible for the procedure for the adjustment of

grievances or complaints set forth in NAC 284.658 to 284.6957, inclusive, the person who submitted the request may appeal the determination ***in writing*** to the Committee.

4. Except as otherwise provided in this subsection, a person who wishes to appeal the determination of the Division to the Committee pursuant to subsection 3 must file the appeal not later than 10 working days after the date on which the person receives notice of the determination by the Division. The Committee may consider an appeal that was filed more than 10 working days after the date on which the person receives notice if the Committee determines that an extenuating circumstance prevented the timely filing of the appeal.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R023-26

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

The amendment included in this LCB File is necessary because:

Section 1 (NAC 284.693) – Currently the timeframe to appeal the removal of a grievance or complaint to the Employee-Management Committee is open-ended. Adding a timeframe of 10 working days, absent extenuating circumstances, to file such an appeal ensures timely consideration by the Committee.

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

On May 22, 2026, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

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Nevada State Capitol Building
101 N. Carson Street
Carson City, NV

Eureka Building
7251 Amigo Street
Las Vegas, NV

Legislative Hearing Rooms Building
7120 Amigo Street
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on July 11, 2025, and a public hearing was held by the Nevada Human Resources Commission on June 26, 2026.

No comments regarding the changes included in the LCB Draft of Proposed Regulation R023-26 were received at the workshop.

At the public hearing, staff provided information regarding the intent and need for the regulation.

No comments were received at the public hearing regarding the changes included in the LCB Draft of Proposed Regulation R023-26.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michelle Garton at mgarton@admin.nv.gov or by calling (775) 220-8122.

3. **The number of persons who:**
   (a) Attended each hearing: 29
   (b) Testified at each hearing: 1
   (c) Submitted written comments: 0

4. **Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):**

   Nora Johnson, Human Resources Analyst
   State of Nevada
   Department of Administration
   Division of Human Resource Management
   515 E. Musser Street, Suite 101
   Carson City, NV 89701
   (775) 684-0148
   nora.johnson@admin.nv.gov

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

   Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

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

   There was no opposition to the regulation at the Human Resources Commission hearing.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**
   (a) Both adverse and beneficial effects; and
   (b) Both immediate and long-term effects.

   There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

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

The regulation does not include any provisions that are covered by any federal regulations.

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

No fees are associated with this regulation.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | http://hr.nv.gov | Fax: (775) 687-9085

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

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

Bachera Washington
Bachera Washington, Administrator

May 22, 2026
Date

R024-26

ADOPTED REGULATION OF THE

HUMAN RESOURCES COMMISSION

LCB File No. R024-26

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

AUTHORITY: § 1, NRS 284.065, 284.155, 284.345 and 284.356; § 2, NRS 284.065 and 284.345.

A REGULATION relating to state employees; requiring an employee who wishes to take paid family leave under certain circumstances to provide medical documentation; requiring, under certain circumstances, an appointing authority or the Division of Human Resource Management of the Department of Administration to grant administrative leave to an employee who is a veteran to attend an appeal hearing concerning the determination of a service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Human Resources Commission in the Division of Human Resource Management of the Department of Administration to adopt regulations governing attendance and leave for state employees. (NRS 284.345)

Existing law provides that, under certain circumstances, employees of the Executive Department of the State Government are entitled to take 8 weeks of paid family leave for certain purposes, including to: (1) recover from or undergo treatment for a serious illness; or (2) care for a seriously ill member of the immediate family of the employee. (NRS 284.356) **Section 1** of this regulation requires an employee who wishes to take paid family leave under such circumstances to provide to the appointing authority or its designee medical documentation to support his or her need for paid family leave.

Existing regulations require an appointing authority or the Division of Human Resource Management to grant up to 96 hours of administrative leave with pay to an employee who is a veteran during the first 12 months of his or her employment for: (1) attending an appointment with a provider of health care for purposes of determining whether he or she has a service-connected disability; or (2) receiving health care services relating to a service-connected disability. (NAC 284.589) **Section 2** of this regulation requires an appointing authority or the Division to also grant administrative leave to such an employee for attending an appeal hearing concerning the determination of whether the employee has a service-connected disability.

Section 1. Chapter 284 of NAC is hereby amended by adding thereto a new section to read as follows:

An employee who wishes to take paid family leave pursuant to NRS 284.356 to:

1. Recover from or undergo treatment for a serious illness; or

2. Care for a seriously ill member of the immediate family of the employee,

➥ must provide to the appointing authority or its designee medical documentation to support his or her need for paid family leave.

Sec. 2. NAC 284.589 is hereby amended to read as follows:

284.589 1. An appointing authority may grant administrative leave with pay to an employee:

(a) To relieve the employee of his or her duties during the active investigation of a suspected criminal violation or the investigation of alleged wrongdoing;

(b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his or her position;

(c) For up to 30 days to remove the employee from the workplace when he or she has committed or threatened to commit an act of violence; or

(d) To relieve the employee of his or her duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.

2. The appointing authority, upon approval of the Risk Management Division, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.

3. If an employee is granted administrative leave with pay pursuant to subsection 1 or 2, the employee must be available:

(a) By telephone to the supervisor of the employee; and

(b) To report to a work site or another location, as directed by the supervisor of the employee, ➥ during regular business hours.

4. Except as otherwise provided in subsection 6, an appointing authority or the Division of Human Resource Management may grant administrative leave with pay to an employee for any of the following purposes:

(a) His or her participation in, or attendance at, activities which are directly or indirectly related to the employee's job or employment with the State but which do not require him or her to participate or attend in an official capacity as a state employee.

(b) His or her safety during an emergency when employees have been authorized by the Governor not to report to work or to leave work before the end of their shifts during the emergency, including, without limitation, emergencies relating to enemy attacks or other hostile actions, natural causes or other catastrophes, except for employees who are designated as essential and notified that they are required to report to work or remain at work.

(c) Closure of the employee's office or work site caused by a natural disaster, pandemic or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(d) Closure, as a result of a pandemic, of a school or a center or facility that provides day care services which is attended by the employee's dependent child or the temporary cancellation, as a result of a pandemic, of a program attended by the employee's dependent child. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.

(e) Up to 2 hours for participating in Veterans Day at the Legislature established pursuant to NRS 236.047, if the employee is a veteran.

(f) Up to 2 hours for donating blood.

(g) For attending a general employee benefits orientation or an educational session relating to employee benefits, including, without limitation, retirement and deferred compensation.

(h) His or her appearance as an aggrieved employee, an employee who filed a complaint described in NAC 284.658 or a witness at a hearing of the Committee.

(i) His or her appearance as a witness at a hearing regarding a matter described in subparagraph (1), (2) or (3) of paragraph (f) of subsection 7.

(j) His or her appearance to provide testimony at a meeting of the Commission.

5. To the extent not already covered in subsection 4, during any period in which a state of emergency or declaration of disaster has been proclaimed pursuant to NRS 414.070, an appointing authority may grant administrative leave with pay to an employee for purposes related to health and safety.

6. An appointing authority or the Division of Human Resource Management shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (h), (i) or (j) of subsection 4 if:

(a) The employee requests the administrative leave for a period of time that is reasonably needed to testify at the hearing or meeting;

(b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and

(c) The absence of the employee will not cause an undue hardship to the operations of the appointing authority or adversely impact the provision of services to clients or to the public.

7. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

(a) The initial appointment and one follow-up appointment if the employee receives counseling through an employee assistance program, including, without limitation, consultations provided in person or telephonically.

(b) His or her attendance at a health fair or related event coordinated by the Public Employees' Benefits Program.

(c) His or her participation in an official capacity as a member of a committee or board created by statute on which he or she serves as a representative of state employees, including, without limitation, any time spent reviewing materials submitted in connection with any agenda item or otherwise preparing for the meeting. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.

(d) Up to 8 hours for preparation for any predisciplinary review.

(e) Up to 8 hours for preparation for any hearing described in paragraph (f).

(f) The appearance of the employee as a party at a hearing regarding:

(1) An alleged reprisal or retaliatory action against the employee for disclosing an improper governmental action as provided in NRS 281.641;

(2) An involuntary transfer of the employee as provided in NRS 284.376; or

(3) A suspension, demotion or dismissal of the employee as provided in NRS 284.390 and at a predisciplinary review as provided in NAC 284.6561.

8. In addition to any leave to which an employee is entitled pursuant to paragraph (a) of subsection 7, an appointing authority or the Division of Human Resource Management shall

grant up to 96 hours of administrative leave with pay to an employee who is a veteran during the first 12 months of his or her employment for:

(a) Attending an appointment with a provider of health care for purposes of determining whether he or she has a service-connected disability; ~~[or]~~

(b) ***Attending an appeal hearing concerning the determination of whether he or she has a service-connected disability; or***

(c) Receiving health care services relating to a service-connected disability.

9. As used in this section:

(a) "Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease, including, without limitation, mental health services.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R024-26

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

The amendment included in this LCB File is necessary because:

Section 1 (NEW) – There is currently no requirement in regulation to require reasonable substantiating evidence for paid family leave related to recovering from or undergoing treatment for a serious illness or care for a qualifying family member. This amendment will correct that to include this requirement.

Sec. 2 (NAC 284.589) – An employee who is a veteran may need to attend an appeal hearing regarding a determination of a service-connected disability. This amendment expands the use of administrative leave by a veteran for this purpose.

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

On May 22, 2026, copies of the proposed regulation amendments were sent by email to persons who were known to have an interest in the subject of proposed personnel regulation changes as well as any person who had specifically requested such notice via Listserv. These documents were also made available on the Division of Human Resource Management's website, the Nevada Public Notice website, the Legislative Counsel Bureau's website, and mailed to all county libraries in Nevada, and posted at the following locations:

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Carson City, NV

Nevada State Capitol Building
101 N. Carson Street
Carson City, NV

Eureka Building
7251 Amigo Street
Las Vegas, NV

Legislative Hearing Rooms Building
7120 Amigo Street
Las Vegas, NV

A regulation workshop was conducted by the Division of Human Resource Management on July 11, 2025, and a public hearing was held by the Nevada Human Resources Commission on June 26, 2026.

No comments regarding the changes included in the LCB Draft of Proposed Regulation R024-26 were received at the workshop.

At the public hearing, staff provided information regarding the intent and need for the

regulation.

No comments were received at the public hearing regarding the changes included in the LCB Draft of Proposed Regulation R024-26.

Written minutes and comments from the regulation workshop and public hearing can be obtained from the Division of Human Resource Management by contacting Michelle Garton at mgarton@admin.nv.gov or by calling (775) 220-8122.

3. The number of persons who:
(a) Attended each hearing: 29
(b) Testified at each hearing: 1
(c) Submitted written comments: 0

4. Following is a list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3(b):

Nora Johnson, Human Resources Analyst
State of Nevada
Department of Administration
Division of Human Resource Management
515 E. Musser Street, Suite 101
Carson City, NV 89701
(775) 684-0148
nora.johnson@admin.nv.gov

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

Comments were not solicited from businesses, as the regulation does not affect businesses. Comments were solicited from affected parties including employees and employee associations. Written minutes and comments from the workshop and public hearing can be obtained as instructed in the response to question #2.

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

There was no opposition to the regulation at the Human Resources Commission hearing.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

There are no adverse or beneficial effects on regulated business and the public. There are no immediate or long-term effects on business and the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not overlap or duplicate any State or federal regulations.

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

The regulation does not include any provisions that are covered by any federal regulations.

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

No fees are associated with this regulation.

Joe Lombardo
Governor

Joy Grimmer
Director

Mandy Hagler
Deputy Director

Bachera Washington
Administrator

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Division of Human Resource Management
515 E. Musser Street, Suite 101 | Carson City, Nevada 89701
Phone: (775) 684-0150 | http://hr.nv.gov | Fax: (775) 687-9085

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 284. Additionally, NRS 284.013 provides limitations to which employees of the Executive Branch are covered by NRS 284. NRS 284.065 authorizes the Human Resources Commission to adopt regulations to carry out the provisions of this chapter.

Due to the limitations of the Nevada State Constitution and NRS 284, the Division of Human Resource Management staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts employees moving into the nonclassified, classified, or unclassified service of the Executive Branch.

A concerted effort was made to determine any economic burden. The Department has relied on the expert knowledge of Department staff. The regulation solely addresses pay for government employees so the impact is solely on government employees and agencies and no small business will be affected.

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

Bachera Washington
Bachera Washington, Administrator

May 22, 2026
Date

R028-26

ADOPTED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R028-26

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

AUTHORITY: § 1, NRS 488.045, 488.193 and 501.181; § 2, NRS 488.045 and 501.181; § 3, NRS 488.045, 501.181 and 501.243.

A REGULATION relating to vessels; revising requirements governing fire extinguishers carried on certain vessels; revising the actions that constitute reckless or negligent operation of a vessel; expanding reduced-speed zones on certain waters in this State; and providing other matters properly related thereto.

Legislative Counsel's Digest:

Existing law requires a power-driven vessel, other than a mechanically propelled personal hydrofoil or a motorized surfboard, to be equipped with certain fire extinguishers of a number, size and type prescribed by regulations of the Board of Wildlife Commissioners. (NRS 488.193) Existing regulations prescribe those requirements based on the characteristics and class of the vessel, including whether the vessel is equipped with a fixed fire extinguishing system within the engine compartment. (NAC 488.415) **Section 1** of this regulation revises those requirements by: (1) updating the types of required fire extinguishers; and (2) establishing separate requirements based on the model year of the vessel. **Section 1** also clarifies that those requirements do not apply to mechanically propelled personal hydrofoils or motorized surfboards.

Existing law prohibits the reckless or negligent operation of a vessel. (NRS 488.400) Existing regulations set forth specific acts that constitute evidence of reckless or negligent operation of a vessel, including operating a power-driven vessel at a speed greater than 5 nautical miles per hour while a person is riding in certain locations on the vessel. (NAC 488.435) **Section 2** of this regulation additionally provides that operating a power-driven vessel at any speed great enough to leave a flat wake while a person is riding in such locations constitutes evidence of reckless or negligent operation of a vessel.

Existing law requires the Commission to establish broad policies to promote the safety of persons using vessels on the waters of this State. (NRS 501.181) Existing regulations designate certain areas on Lake Tahoe in which vessels must be operated at reduced speeds. (NAC 488.455) **Section 3** of this regulation adds a new reduced-speed zone consisting of all waters within 600 feet of any Nevada shoreline on Lake Tahoe.

Section 1. NAC 488.415 is hereby amended to read as follows:

488.415 1. ~~[Each]~~ ***Except as otherwise provided in subsection 6, each*** power-driven vessel having:

(a) A closed compartment under a thwart or seat wherein a portable fuel tank may be stored;

(b) A double bottom which is not sealed to the hull or which is not completely filled with flotation material;

(c) A closed living space;

(d) A closed storage compartment in which combustible or flammable material is stored; or

(e) A permanently installed fuel tank,

➥ must carry the type and number of fire extinguishers described in ~~[subsections]~~ ***subsection*** 2 ***,*** ~~[and]~~ 3, ***4 or 5,*** each of which must be ***readily accessible,*** fully charged ***and maintained in good*** and serviceable ~~[.]~~ ***condition and must not appear to have been previously used.***

2. Each power-driven vessel ***with a model year of 2018 or newer*** which lacks a system built within its engine compartment for extinguishing a fire and which is a:

(a) Class A or class 1 vessel must carry one ~~[B-I]~~ ***5-B*** fire extinguisher.

(b) Class 2 vessel must carry two ~~[B-I]~~ ***5-B*** fire extinguishers or one ~~[B-II]~~ ***20-B*** fire extinguisher.

(c) Class 3 vessel must carry:

(1) Three ~~[B-I]~~ ***5-B*** fire extinguishers; or

(2) One ~~[B-I]~~ ***5-B fire extinguisher*** and one ~~[B-II]~~ ***20-B*** fire extinguisher.

3. Each power-driven vessel with a model year of 2017 or older which lacks a system built within its engine compartment for extinguishing a fire and which is a:

(a) Class A or class 1 vessel must carry one 5-B fire extinguisher or one B-I fire extinguisher.

(b) Class 2 vessel must carry:

(1) Two 5-B fire extinguishers or two B-I fire extinguishers; or

(2) One 20-B fire extinguisher or one B-II fire extinguisher.

(c) Class 3 vessel must carry:

(1) Three 5-B fire extinguishers or three B-I fire extinguishers; or

(2) One 5-B fire extinguisher or one B-I fire extinguisher and one 20-B fire extinguisher or one B-II fire extinguisher.

~~[3.]~~ ***4.*** Each power-driven vessel ***with a model year of 2018 or newer*** which has a system built within its engine compartment for extinguishing a fire and which is a:

(a) Class A or class 1 vessel is not required to carry a portable fire extinguisher.

(b) Class 2 vessel must carry one ~~[B-I]~~ ***5-B*** fire extinguisher.

(c) Class 3 vessel must carry two ~~[B-I]~~ ***5-B*** fire extinguishers or one ~~[B-II]~~ ***20-B*** fire extinguisher.

~~[4.]~~ ***5. Each power-driven vessel with a model year of 2017 or older which has a system built within its engine compartment for extinguishing a fire and which is a:***

(a) Class A or class 1 vessel is not required to carry a portable fire extinguisher.

(b) Class 2 vessel must carry one 5-B fire extinguisher or one B-I fire extinguisher.

(c) Class 3 vessel must carry:

(1) Two 5-B fire extinguishers or two B-I fire extinguishers; or

(2) One 20-B fire extinguisher or one B-II fire extinguisher.

6. The requirements prescribed by subsection 1 do not apply to a mechanically propelled personal hydrofoil or a motorized surfboard.

7. The classes of vessels identified in this section are as described in NRS 488.185.

~~[5.]~~ ***8.*** For the purposes of this section:

(a) ***"5-B fire extinguisher" means a portable marine extinguisher that can effectively handle a flammable liquids fire covering up to 5 square feet.***

(b) "20-B fire extinguisher" means a portable marine extinguisher that can effectively handle a flammable liquids fire covering up to 20 square feet.

(c) "B-I fire extinguisher" means a portable marine extinguisher containing at least:

(1) One and one-quarter gallons of a concentrated liquid foam;

(2) Two pounds of a dry chemical, fire extinguishing agent; or

(3) Four pounds of carbon dioxide**.** ~~[; and~~

~~(b)[~~ ***(d)*** "B-II fire extinguisher" means a portable marine extinguisher containing at least:

(1) Two and one-half gallons of a concentrated liquid foam;

(2) Ten pounds of a dry chemical, fire extinguishing agent; or

(3) Fifteen pounds of carbon dioxide.

Sec. 2. NAC 488.435 is hereby amended to read as follows:

488.435 Each of the following acts endangers life, limb or property and constitutes prima facie evidence of reckless or negligent operation of a vessel:

1. On a power-driven vessel underway at a speed greater than ***a speed that leaves a flat wake, or in excess of*** 5 nautical miles per hour, riding on the:

(a) Bow;

(b) Gunwale;

(c) Transom;

(d) Outboard engine cover; or

(e) Inboard engine cover unless the person's feet are touching the deck.

2. Maneuvering a towed skier or device so as to pass the towline over another vessel or its skier.

3. Navigating any vessel, skis or device between a towing vessel and its tow.

4. Operating a power-driven vessel while any person is hanging onto, or sitting, standing or riding on, a swim platform or a swim ladder that is attached to the power-driven vessel.

5. Operating a power-driven vessel at a speed greater than a speed that leaves a flat wake within 100 feet of an anchored or moored vessel, a person engaged in angling from another vessel or any manually propelled vessel.

Sec. 3. NAC 488.455 is hereby amended to read as follows:

488.455 1. On the following waters, a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

Waters	County
(a) Bassett Lake	White Pine
(b) Cave Lake	White Pine
(c) Jakes Creek Reservoir	Elko
(d) Onion Valley Reservoir	Humboldt
(e) Wayne E. Kirch Wildlife Management Area	Nye
(f) The lagoon south of Laughlin within sec. 33, T. 32 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both	Clark
(g) Likes Lake	Churchill
(h) The Pitt Taylor Arm of Rye Patch Reservoir	Pershing
(i) Illipah Reservoir	White Pine

(j) Mason Valley Wildlife Management Area ..... Lyon

(k) Upper Wall Canyon Reservoir ..... Washoe

(l) Echo Canyon Reservoir ..... Lincoln

(m) Silver Creek Reservoir ..... White Pine

(n) Key Pittman Wildlife Management Area ..... Lincoln

(o) Colorado River, the backwater south of Big Bend of the Colorado State Recreation Area within sec. 5, T. 33 S., R. 66 E., M.D.B. & M., as marked with signs or buoys, or both ..... Clark

(p) Jiggs Reservoir ..... Elko

2. All boat harbors and other areas designated by buoys on any of the following waters are zones in which a vessel must be operated at a speed that leaves a flat wake, but in no case may a vessel be operated at a speed in excess of 5 nautical miles per hour:

Waters	County
(a) Lake Mead National Recreation Area	Clark
(b) South Fork Reservoir	Elko
(c) Wildhorse Reservoir	Elko
(d) Lake Tahoe, ***within 600 feet of any Nevada shoreline***	***Carson***
	Douglas
	Washoe
Zephyr Cove	Douglas
Cave Rock	Douglas

Glenbrook Bay..... Douglas

Round Hill Pines Beach..... Douglas

Sand Harbor.....Washoe

Incline Village General Improvement District Boat Ramp.....Washoe

Crystal Shores West .....Washoe

(e) Washoe Lake State Park .....Washoe

County Boat Ramp .....Washoe

(f) Walker Lake State Recreation Area.....Mineral

Sportsmen's Beach .....Mineral

(g) Lahontan Reservoir, Churchill Beach ..... Churchill

North Shore Marina..... Churchill

Silver Springs Beach ..... Lyon

(h) Rye Patch Reservoir, Rye Patch Dam Access.....Pershing

(i) Topaz Lake, Boat Ramps ..... Douglas

(j) Colorado River, adjacent to Harrah's Casino in Laughlin .....Clark

(k) Big Bend of the Colorado State Recreation Area, the lagoon used for launching boats .....Clark

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. R028-26
Commission General Regulation 516

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 488.

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

The proposed regulation is necessary to align NAC 488 with federal law which keeps the Department eligible to receive federal funding for the enforcement of state boating regulations. The proposed regulation would also align NAC 488 with state law that created a 600-foot wake zone for Nevada shorelines at Lake Tahoe and allows for the legal placement of buoys.

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 June 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 comment noted that 20-B U.S. Coast Guard–approved marine fire extinguisher where difficult to locate for purchase, despite that size being referenced in Coast Guard language. The Department clarified that the regulation language listed fire extinguisher substitutes based on vessel class.

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:1
c. Written Comment: 0

June 27, 2026, NBWC Meeting
a. Attended: 8
b. Testified: 0
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

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 businesses 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 businesses because it does not regulate the operation of any small business

(a) Both adverse and beneficial effects on the public; and

There will be no adverse or beneficial effects from the proposed regulation to the public.

(b) Both immediate and long-term effects on the public:

Boaters may incur immediate costs to replace equipment.

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 516 – LCB File No. R028-26 – Revisions Related to Boating Safety

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.

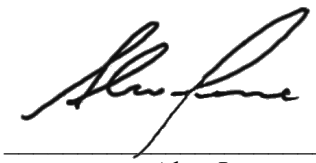
9. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

   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

R039-26

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R039-26

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; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; 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) prescribing the qualifications for licensing teachers and other educational personnel; (2) identifying fields of specialization in teaching which require specialized training; and (3) setting forth the requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) This regulation establishes an endorsement in trauma-informed instruction and prescribes the qualifications required to receive such an endorsement. Specifically, to receive an endorsement in trauma-informed instruction, this regulation requires a person to hold a valid teacher's elementary or secondary license, a valid license to teach special education, a valid license to teach pupils in a program of early childhood education, a valid license to teach middle school or junior high school education, a special license to teach or a special license with an endorsement in certain specialized fields. Additionally, this regulation requires a person to complete 12 semester hours of course work to receive an endorsement in trauma-informed instruction, including course work designed to provide teachers and other educational personnel with a framework for: (1) understanding and addressing mental health issues in child and adolescent development; (2) teaching self-regulation in childhood and adolescence; (3) providing trauma-informed supports for pupils enrolled in prekindergarten through grade 12; and (4) the prevention of secondary traumatic stress.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto by adding a new section to read as follows:

1. To receive an endorsement in trauma-informed instruction, a person must:

(a) Hold a valid teacher's elementary or secondary license, a valid license to teach special education, a valid license to teach pupils in a program of early childhood education, a valid

license to teach middle school or junior high school education, a special license to teach or a special license with an endorsement issued pursuant to NAC 391.180, 391.305, 391.312, 391.315 or 391.320; and

(b) Have completed 12 semester hours of course work, including course work in each of the following areas of study:

(1) Three semester hours of course work designed to provide teachers and other educational personnel with a framework for understanding and addressing mental health issues in child and adolescent development, which must include, without limitation:

(I) Factors influencing the mental well-being of pupils from early childhood through the late stages of adolescence;

(II) Developmental psychology;

(III) The neurobiological and societal impacts of adverse childhood experiences; and

(IV) Practical strategies for developing effective mental health understanding, advocacy and communication skills;

(2) Three semester hours of course work designed to provide teachers and other educational personnel with a framework for teaching self-regulation in childhood and adolescence, which must include, without limitation:

(I) Behavioral, cognitive and emotional categories of self-regulation and their effect on pupil achievement;

(II) Evidence-based programs and strategies for classroom management that promote self-regulation and improve behavior management;

(III) Integrating self-regulation practices into daily instruction and adapting them for pupils with diverse learning needs; and

(IV) Creating classroom environments that are sensitive to trauma;

(3) Three semester hours of course work designed to provide teachers and other educational personnel with a framework for providing trauma-informed supports for pupils enrolled in prekindergarten through grade 12, which must include, without limitation:

(I) Recognizing the signs and impacts of trauma in pupils and responding with compassion and evidence-based practices;

(II) Engaging in critical conversations with pupils, families and interdisciplinary teams of professionals to meet behavioral health needs in prekindergarten through grade 12 educational settings;

(III) Creating school environments that are sensitive to trauma; and

(IV) Implementing tiers of support systems to promote resilience, equity and academic achievement; and

(4) Three semester hours of course work designed to provide teachers and other educational personnel with a framework for the prevention of secondary traumatic stress, which must include, without limitation:

(I) Impacts of secondary traumatic stress, compassion fatigue and burnout on teachers and other educational personnel working with pupils who have experienced past trauma;

(II) Identifying and understanding risk and protective factors and implementing strategies for the prevention of and response to the effects of indirect trauma in prekindergarten through grade 12 educational settings;

(III) Designing self-care plans that are individualized; and

(IV) Organizational practices that promote the well-being and resilience of teachers and other educational personnel.

2. As used in this section:

(a) "Burnout" means a state of emotional, mental or physical exhaustion concerning work that is caused by occupational stress.

(b) "Compassion fatigue" means the state of biological, psychological and social exhaustion resulting from prolonged exposure to a traumatized person.

(c) "Secondary traumatic stress" means the emotional duress that results when a person is informed of the firsthand traumatic experience of another person.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R039-26, 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. This regulation establishes the requirements for endorsement in trauma-informed instruction responsive to the demands of the field.

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 (**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 R039-26 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/commission-on-professional-standards.

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 May 20, 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, May 20, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
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 114, 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.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Commission Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - April 15, 2026

9:00 A.M.

6. **Public Hearing R069-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

9:01 A.M.

7. **Public Hearing R071-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as 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 relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

9:02 A.M

8. **Public Hearing R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Course of Instruction, NAC 391.065 – Renewal of license: Educational and professional requirements; exceptions, NAC 391.070 – Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction, and NAC 391.095 – Qualifications for elementary license *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an applicant for a license to teach elementary education and certain applicants for the renewal of such a license to complete a course of instruction in foundational literacy skills; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 460 Sections 39 and 41.5 requiring educators who apply for an initial elementary license or renewal of an

elementary license, to have completed a course in the Science of Reading. The Commission may adopt or not adopt this regulation.

9:03 A.M.

9. **Public Hearing 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 relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. The Commission may adopt or not adopt this regulation.

9:04 A.M.

10. **Public Hearing 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 relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. The Commission may adopt or not adopt this regulation

9:05 A.M.

11. **Public Hearing R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement. The Commission may adopt or not adopt this regulation.

12. **Science, Technology, Engineering, and Mathematics (STEM) endorsement program** ***(Information/Discussion/For possible action).*** The Commission will consider a proposed STEM endorsement program from the University of Nevada, Reno. The Commission may approve or not approve this program.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

13. **Alternative Route to Licensure (ARL) programs** ***(Information/Discussion/For possible action).*** The Commission will consider new ARL programs from Nevada State University in the areas of Early Childhood, Elementary, Special Education, and Secondary. The Commission may approve or not approve these programs.
    - Dr. Jackie Nygaard, EPP, EDLiFE

14. Future Agenda Items

- Workshops and Public Hearings

15. 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.

16. 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

April 20, 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 #R039-26

The Commission on Professional Standards in Education will hold a public hearing **at 9:03 A.M.** on **Wednesday, May 20, 2026** via livestream and at the following locations: **Nevada Department of Education Offices at 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 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 is relating to educational personnel; NAC Chapter 391.XXX – Endorsement in trauma-informed instruction. The Commission will consider a regulation relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. 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 89119. 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 Department on or before **Friday, May 15, 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, 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 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
March 13, 2026

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, April 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:

9:09 A.M. Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction. 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.

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, April 10, 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
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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: March 13, 2026

RE: Workshop R039-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement in Trauma Informed Instruction.

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. R043-26

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

AUTHORITY: § 1, NRS 391.019, 391.031 and 391.032; § 2, NRS 391.019.

A REGULATION relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; 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 includes a license to teach pupils in a program of early childhood education among the kinds of licenses which are available to teachers and other educational personnel in the State. (NRS 391.031) Existing regulations outline various pathways for obtaining a license to teach pupils in a program of early childhood education. If an applicant for a license to teach pupils in a program of early childhood education holds an elementary license, existing regulations require the applicant to have experience teaching pupils under 6 years of age consisting of: (1) eight semester hours of student teaching; (2) one year of verifiable experience teaching pupils in certain programs of early childhood education; or (3) an equivalent field experience or practicum through an accredited college or university. (NAC 391.089) **Section 1** of this regulation instead requires such an applicant to have completed 1 semester hour in a supervised practicum which meets certain requirements. **Section 2** of this regulation provides the effective date for this regulation.

Section 1. NAC 391.089 is hereby amended to read as follows:

391.089 To receive a license to teach pupils in a program of early childhood education, a person must hold a bachelor's degree or graduate degree from an accredited college or university and must:

1. Have completed a program of preparation to teach such pupils that is approved by the Department;

2. Hold a license to teach such pupils that was issued by another state and approved by the Commission;

3. Hold an elementary license and:

(a) Have ~~[experience teaching pupils under 6 years of age that consists of:~~

~~(1) Eight semester hours of student teaching;~~

~~(2) One year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS at the conclusion of which the person was eligible for reemployment; or~~

~~(3) An equivalent field experience or practicum conducted by an accredited college or university;]~~ ***completed at least 1 semester hour in a supervised practicum conducted by an accredited college or university which includes, without limitation:***

(1) Experience teaching pupils under 6 years of age under the supervision of an instructor; and

(2) Coaching assistance from the local educational agency;

(b) Have completed at least 6 semester hours of courses in early childhood education consisting of courses in any of the following subjects:

(1) Early childhood curriculum;

(2) Emergent language and literacy; or

(3) Play theory and creativity; and

(c) Have completed at least 6 additional semester hours of courses in any of the courses described in paragraph (b) or in any of the following subjects:

(1) Child development and learning;

(2) Culturally and linguistically responsive pedagogy; or

(3) Classroom management, which must include, without limitation, positive discipline and guidance and social, emotional and academic development; or

4. Have completed:

(a) Twenty-seven semester hours of courses in early childhood education for children who are developing typically and atypically consisting of three semester hours in each of the following, with instruction in assessment and evaluation embedded in all required courses:

(1) Child development and learning;

(2) Language and literacy;

(3) Mathematics;

(4) Science;

(5) Social studies;

(6) Strategies for working with children with disabilities;

(7) Classroom management, which must include, without limitation, positive discipline and guidance and social, emotional and academic development;

(8) Culturally and linguistically responsive pedagogy; and

(9) Play theory and creativity; and

(b) Except as otherwise provided in this paragraph, 8 semester hours of supervised student teaching in a program of early childhood education involving pupils from birth through grade 2. In lieu of completing 8 semester hours of student teaching, a person may have 1 year of verifiable experience teaching pupils in a program of early childhood education conducted by a public school, a public agency or a private school licensed pursuant to chapter 394 of NRS.

Sec. 2. This regulation becomes effective on the later of:

1. August 1, 2026; or

2. The date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

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
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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R043-26, 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. This regulation revises the requirements to obtain a license in early childhood education, shifting a practicum requirement to a structured one-credit course with the intent of expanding accessibility.

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 testimony in support of the regulation alongside commentary regarding implementation and expansion in future. 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 (**4**)
   b. Testified at Workshop (**0**) and Hearing (**1**)
   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.**
   JoAnna Grant, Human Resources Officer, Clark County School District, grantj@nv.ccsd.net

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/commission-on-professional-standards.

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 May 20, 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, May 20, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
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 114, 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.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Commission Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - April 15, 2026

9:00 A.M.

6. **Public Hearing R069-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

9:01 A.M.

7. **Public Hearing R071-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as 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 relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

9:02 A.M

8. **Public Hearing R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Course of Instruction, NAC 391.065 – Renewal of license: Educational and professional requirements; exceptions, NAC 391.070 – Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction, and NAC 391.095 – Qualifications for elementary license *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an applicant for a license to teach elementary education and certain applicants for the renewal of such a license to complete a course of instruction in foundational literacy skills; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 460 Sections 39 and 41.5 requiring educators who apply for an initial elementary license or renewal of an

elementary license, to have completed a course in the Science of Reading. The Commission may adopt or not adopt this regulation.

9:03 A.M.

9. **Public Hearing 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 relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. The Commission may adopt or not adopt this regulation.

9:04 A.M.

10. **Public Hearing 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 relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. The Commission may adopt or not adopt this regulation

9:05 A.M.

11. **Public Hearing R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement. The Commission may adopt or not adopt this regulation.

12. **Science, Technology, Engineering, and Mathematics (STEM) endorsement program** ***(Information/Discussion/For possible action).*** The Commission will consider a proposed STEM endorsement program from the University of Nevada, Reno. The Commission may approve or not approve this program.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

13. **Alternative Route to Licensure (ARL) programs** ***(Information/Discussion/For possible action).*** The Commission will consider new ARL programs from Nevada State University in the areas of Early Childhood, Elementary, Special Education, and Secondary. The Commission may approve or not approve these programs.
    - Dr. Jackie Nygaard, EPP, EDLiFE

14. Future Agenda Items

- Workshops and Public Hearings

15. 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.

16. 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

April 20, 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 #R043-26

The Commission on Professional Standards in Education will hold a public hearing **at 9:04 A.M.** on **Wednesday, May 20, 2026** via livestream and at the following locations: **Nevada Department of Education Offices at 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.089 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019, 391.031, 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 391.031, 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.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; NAC Chapter 391.089 – Qualifications for license to teach pupils in program of early childhood education. The Commission will consider a regulation relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. 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 89119. 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 Department on or before **Friday, May 15, 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, 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 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
March 13, 2026

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, April 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:

9:10 A.M. 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. The Commission will consider a regulation to allow for 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.

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, April 10, 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: March 13, 2026

RE: 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.

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. R044-26

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 educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; 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: (1) require a person to obtain certain endorsements to teach pupils with autism spectrum disorder or pupils with disabilities and who are under 8 years of age in a program of early childhood special education; and (2) prescribe the requirements a person must satisfy to receive such endorsements. (NAC 391.363, 391.378) **Section 1** of this regulation provides for the issuance of an endorsement to teach pupils with autism spectrum disorder and who are under 8 years of age in a program of early childhood education. **Section 1** additionally requires a person seeking such an endorsement to: (1) hold an endorsement to teach pupils with autism spectrum disorder; or (2) hold an endorsement to teach certain pupils with disabilities in a program of early childhood special education and complete 12 hours of course work in certain subjects. **Section 2** of this regulation exempts a person who is issued an endorsement pursuant to **section 1** from the requirement to receive an endorsement pursuant to existing regulations to teach pupils with autism spectrum disorder and who are ages 3 to 21, inclusive.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in section 1 of LCB File No. R011-24, before teaching pupils with autism spectrum disorder and who are under 8 years of age in a program of early childhood education, a person must hold an endorsement issued pursuant to this section.

2. To receive an endorsement issued pursuant to this section, a person must:

(a) Hold an endorsement issued pursuant to NAC 391.378; or

(b) Hold an endorsement to teach pupils with disabilities and who are under 8 years of age in a program of early childhood special education issued pursuant to NAC 391.363 and have completed 12 semester hours of course work provided by a regionally accredited college or university, including, without limitation, course work in:

(1) Speech and language development;

(2) Assistive technology, or alternative or augmented communication;

(3) Characteristics of pupils with autism spectrum disorder; and

(4) Curriculum development or methods and strategies for teaching pupils with autism spectrum disorder.

Sec. 2. NAC 391.378 is hereby amended to read as follows:

391.378 1. Except as otherwise provided in section 1 of LCB File No. R011-24 ***and section 1 of this regulation,*** before teaching pupils, ages 3 to 21, inclusive, with autism spectrum disorder, a person must hold an endorsement issued pursuant to this section.

2. To receive the endorsement, the person must:

(a) Have completed a program of preparation for teaching pupils with autism spectrum disorder, which has been approved by the Department;

(b) Hold a license or certificate, issued by another state, with an endorsement to teach pupils with autism spectrum disorder;

(c) Hold a bachelor's or a more advanced degree in the education of pupils with autism spectrum disorder and have completed 8 semester hours of student teaching, equivalent field experience or 1 year of verifiable teaching experience in special education;

(d) Hold a license to teach special education with an endorsement to perform the duties of a generalist in special education issued pursuant to NAC 391.343 and have completed 12 semester hours of course work through a regionally accredited college or university, including course work in each of the following areas:

(1) Speech and language development;

(2) Assistive technology, or alternative or augmentative communication;

(3) Characteristics of pupils with autism spectrum disorder; and

(4) Curriculum development or methods and strategies for teaching pupils with autism spectrum disorder; or

(e) Hold a bachelor's or a more advanced degree and have completed:

(1) Eight semester hours of student teaching with pupils with autism spectrum disorder, equivalent field experience with such pupils or 1 year of verifiable teaching experience with such pupils; and

(2) Thirty semester hours of course work, including course work in the following areas:

(I) Behavior management;

(II) Speech and language development;

(III) Assistive technology, or alternative or augmentative communication;

(IV) Characteristics of pupils with autism spectrum disorder;

(V) Curriculum development or methods and strategies for teaching pupils with autism spectrum disorder;

(VI) Introduction to special education or the education of pupils who have disabilities;

(VII) The assessment of pupils who have disabilities;

(VIII) Parental involvement in programs for pupils who have disabilities;

(IX) Education or planning for the transition of pupils who have disabilities from their current placement to placement in additional educational programs, employment and living independently as an adult;

(X) Methods of teaching mathematics; and

(XI) Methods of teaching literacy.

➥ The requirement for course work in two of these areas may be satisfied by completing one course, of at least 3 semester hours, that encompasses both subject matters.

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 R044-26, 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. This regulation creates an endorsement for early childhood autism instruction distinct from the existing autism instruction endorsement to better address the needs of students.

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 testimony in support of the regulation alongside commentary regarding implementation and expansion in future. 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 (**4**)
   b. Testified at Workshop (**0**) and Hearing (**1**)
   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.**
   JoAnna Grant, Human Resources Officer, Clark County School District, grantj@nv.ccsd.net

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/commission-on-professional-standards.

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 May 20, 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, May 20, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
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 114, 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.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Commission Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - April 15, 2026

9:00 A.M.

6. **Public Hearing R069-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Employment requirements for Art, Music, Physical Education, and Physical Education & Health, NAC 391.090 – Authority conferred by elementary license, NAC 391.111 – License to teach middle school or junior high school education: Qualifications; requirements and recognized subjects for endorsement; exception, NAC 391.215 – Endorsement to teach art, NAC 391.270 – Endorsement to teach music, NAC 391.280 – Endorsement to teach physical education, NAC 391.281 - Endorsement to teach physical education and Health, and NAC 391.096 – Qualifications for elementary and middle school physical education license; authorized employment *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the qualifications of teachers employed at certain schools to teach art, music, physical education or physical education and health; revising requirements for obtaining certain endorsements; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 400 (2025) requiring persons to hold an art, music, physical education, and physical education & health endorsement to be employed in such assignments in a district with 200,000 or more pupils enrolled or in a school with 500 or more pupils enrolled. The Commission may adopt or not adopt this regulation.

9:01 A.M.

7. **Public Hearing R071-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsements, NAC 391.170 – License or endorsement as professional administrator of school; endorsement as professional administrator of program, and NAC 391.171 – Conditional endorsement as 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 relating to educational personnel; authorizing the Superintendent of Public Instruction to issue an interim endorsement as a professional administrator of a program to certain persons; revising provisions governing the issuance of a license or endorsement as a professional administrator of a school, an endorsement as a professional administrator of a program and an interim endorsement as a professional administrator of a school; and providing other matters properly relating thereto. This endorsement will create an Interim Route to Certification for school and program administrators. The Commission may adopt or not adopt this regulation.

9:02 A.M

8. **Public Hearing R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Course of Instruction, NAC 391.065 – Renewal of license: Educational and professional requirements; exceptions, NAC 391.070 – Renewal of license: General requirements; fee; delay of expiration date by Superintendent of Public Instruction, and NAC 391.095 – Qualifications for elementary license *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring an applicant for a license to teach elementary education and certain applicants for the renewal of such a license to complete a course of instruction in foundational literacy skills; and providing other matters properly relating thereto. This regulation will comply with Senate Bill 460 Sections 39 and 41.5 requiring educators who apply for an initial elementary license or renewal of an

elementary license, to have completed a course in the Science of Reading. The Commission may adopt or not adopt this regulation.

9:03 A.M.

9. **Public Hearing 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 relating to educational personnel; establishing and prescribing the qualifications for an endorsement in trauma-informed instruction; and providing other matters properly relating thereto. This regulation will create an endorsement in trauma-informed instruction. The Commission may adopt or not adopt this regulation.

9:04 A.M.

10. **Public Hearing 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 relating to educational personnel; revising requirements for obtaining a license to teach pupils in a program of early childhood education; and providing other matters properly relating thereto. This regulation will update the pathway for elementary license holders to obtain an early childhood endorsement by changing the practicum requirement to a 1 semester course. The Commission may adopt or not adopt this regulation

9:05 A.M.

11. **Public Hearing R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement. The Commission may adopt or not adopt this regulation.

12. **Science, Technology, Engineering, and Mathematics (STEM) endorsement program** ***(Information/Discussion/For possible action).*** The Commission will consider a proposed STEM endorsement program from the University of Nevada, Reno. The Commission may approve or not approve this program.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

13. **Alternative Route to Licensure (ARL) programs** ***(Information/Discussion/For possible action).*** The Commission will consider new ARL programs from Nevada State University in the areas of Early Childhood, Elementary, Special Education, and Secondary. The Commission may approve or not approve these programs.
    - Dr. Jackie Nygaard, EPP, EDLiFE

14. Future Agenda Items

- Workshops and Public Hearings

15. 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.

16. Adjournment

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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2080 East Flamingo Rd, Suite 210
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April 20, 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 #R044-26

The Commission on Professional Standards in Education will hold a public hearing **at 9:05 A.M.** on **Wednesday, May 20, 2026** via livestream and at the following locations: **Nevada Department of Education Offices at 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.XXX and 391.378 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; NAC Chapter 391.XXX – Early Childhood Autism Endorsement, and NAC 391.378 – Qualifications for teaching pupils who have autism; endorsement to teach such pupils. The Commission will consider a **regulation** relating to educational personnel; providing for the issuance of an endorsement to teach certain pupils with autism spectrum disorder in a program of early childhood education; and providing other matters properly relating thereto. This regulation will **create an early childhood autism endorsement and create a pathway for early childhood special education license holders to obtain the endorsement.** 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 89119. 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 Department on or before **Friday, May 15, 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, 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 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
March 13, 2026

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, April 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:

9:11 A.M. Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement for pupils ages 3-8 inclusive. 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.

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, April 10, 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
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SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: March 13, 2026

RE: Workshop R044-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Early Childhood Autism Endorsement for pupils ages 3-8 inclusive.

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

R046-26

ADOPTED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R046-26

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

AUTHORITY: §§ 1, 2, 5, 7 and 19, NRS 630.130; §§ 3 and 9, NRS 630.130 and 630.275; § 4, NRS 630.130 and 630.282; § 6, NRS 630.130, 630.160 and 630.1605; § 8, NRS 630.130 and 630.265; § 10, NRS 630.130, 630.253 and 630.275; §§ 11-13, NRS 630.130 and 630.279; § 14, NRS 630.130, 630.269 and 630.2691; §§ 15 and 16, NRS 630.130 and 630.269; § 17, NRS 630.130 and 630.26825; § 18, NRS 630.130, 630.253 and 630.26825.

A REGULATION relating to health care; authorizing the Board of Medical Examiners to prohibit an applicant whose application for licensure is denied from reapplying for a license for a certain amount of time; providing that the Board will notify an applicant for certain licenses of deficiencies in his or her application; authorizing an applicant for certain licenses to appeal the denial of his or her application; authorizing the Board to waive certain requirements relating to examinations; establishing the eligibility of certain persons who have completed certain postgraduate training programs to apply to practice in a new medical specialty area; prohibiting a physician or physician assistant from asking or requiring a patient to waive certain rights under certain circumstances; increasing the number of hours of continuing education that the Board may approve for certain activities; revising the criteria for educational programs for respiratory care that are recognized by the Board for certain purposes; eliminating certain requirements for the issuance of certain licenses by endorsement; eliminating references to certain examinations that are no longer required by law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, genetic counselors, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) Existing regulations provide that the Board may prohibit an applicant for any type of license to practice medicine whose application is denied from reapplying for a period of 1 to 3 years after the date of the denial. (NAC 630.050) **Section 5** of this regulation eliminates this provision, and **section 2** of this regulation establishes a similar provision that authorizes the Board to prohibit an applicant for any type of license to practice medicine, including a license that is in a special category, whose application is denied from reapplying for a license or applying for any type of other license to practice medicine for a period of 1 to 3 years after the date of the denial. **Sections 3, 4, 12, 15 and 17** of this regulation establish similar provisions that are applicable to other professions regulated by the Board.

Existing law and existing regulations: (1) provide that the Board will notify an applicant for a license to practice medicine or a license as a practitioner of respiratory care, a perfusionist or an anesthesiologist assistant of any deficiencies in his or her application; and (2) authorize such an applicant to appeal the denial of his or her application. (NRS 630.200; NAC 630.511, 630.713, 630.908) **Sections 3, 4 and 8** of this regulation establish similar provisions that are applicable to an applicant for a license as a physician assistant or genetic counselor or a limited license to practice medicine as a resident physician in a graduate program of clinical training, respectively.

Existing law authorizes the Board to issue a license by endorsement to practice medicine to an applicant who: (1) is similarly licensed in another jurisdiction; (2) submits to the Board with his or her application proof that the applicant has passed the certain examinations required to have been passed by other applicants for a license to practice medicine, with certain exceptions; and (3) meets certain other requirements. (NRS 630.1605) Existing regulations require an applicant for a license to practice medicine to successfully pass an examination to test the competency of the applicant to practice medicine. Existing regulations deem an applicant to have satisfied that requirement if he or she has passed certain examinations within 10 years before the date of his or her application. Existing regulations also require an applicant for a standard license to practice medicine to have passed all steps of certain examinations within a specified time and number of attempts. (NAC 630.080) **Section 6** of this regulation makes the requirement to have passed all steps of certain examinations within a specified time and number of attempts applicable to applicants for licensure by endorsement unless waived by the Board. **Section 6** also authorizes the Board to waive for such an applicant the requirement to have passed the competency examination within 10 years before the date of his or her application.

Existing law requires an applicant for a license as a physician to have completed his or her residency in the United States or an equivalent foreign country under certain circumstances. (NRS 630.160) **Section 7** of this regulation accordingly revises a provision of existing regulations that establishes the qualifications to practice in a medical specialty area to account for residencies completed in equivalent foreign countries. (NAC 630.115)

Existing regulations prohibit a physician or physician assistant from requiring or asking a patient to waive his or her right to file a complaint with the Board or conditioning care or treatment on the provision of such a waiver. (NAC 630.230) **Section 9** of this regulation also prohibits a physician or physician assistant from requiring or asking a patient to waive his or her right to file a civil action against the physician or physician assistant or conditioning care or treatment on the provision of such a waiver.

Existing regulations provide that the Board will issue not more than 15 hours of continuing education during a biennial licensing period to a physician assistant or 10 hours of continuing education during a biennial licensing period to an anesthesiologist assistant who performs a medical review for the Board. (NAC 630.352, 630.920) **Sections 10 and 18** of this regulation increase the number of hours of continuing education that the Board will issue to a physician assistant or anesthesiologist assistant, respectively, for performing such medical reviews.

Existing regulations require an applicant for a license to practice respiratory care to, in addition to certain other requirements, provide the Board with proof that the applicant has completed an educational program as a practitioner of respiratory care that is approved by certain entities. (NAC 630.505, 630.513) **Sections 11 and 13** of this regulation revise the entities whose approval the Board will accept for that purpose to instead require an applicant for a license to

practice respiratory care to have completed an educational program that is approved by the Commission on Accreditation for Respiratory Care.

Sections 13 and 16 of this regulation eliminate requirements that an applicant for a license by endorsement as a practitioner of respiratory care or as a perfusionist, respectively, must have engaged in the practice of respiratory care or perfusion, as applicable, for a period of at least 12 months preceding the date on which the application is submitted. (NAC 630.513, 630.715)

Assembly Bill No. 319 of the 2025 Legislative Session removed a requirement that an applicant for a license as a perfusionist pass an examination given by the American Board of Cardiovascular Perfusion, or its successor organization, and instead requires such an applicant to be certified by that organization. (Sections 34-37 and 84 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at pages 1612, 1613 and 1644) **Sections 14 and 16** of this regulation accordingly eliminate references to the examination.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***If the Board denies an application for any type of license to practice medicine, including, without limitation, a limited license or other special category of license, the Board may prohibit the applicant whose application was denied from reapplying for such a license or applying for any other type of license to practice medicine offered by the Board for a period of 1 year to 3 years after the date of the denial.***

Sec. 3. ***1. The Board will notify an applicant for a license as a physician assistant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing. If the applicant so responds, the Board will respond in writing to the contentions of the applicant.***

2. An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.

3. If the Board denies an application for a license as a physician assistant, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 4. *1. The Board will notify an applicant for a license as a genetic counselor of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing. If the applicant so responds, the Board will respond in writing to the contentions of the applicant.*

2. An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.

3. If the Board denies an application for a license as a genetic counselor, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 5. NAC 630.050 is hereby amended to read as follows:

630.050 1. The Board will not accept any application for any type of license to practice medicine in this State if the Board cannot substantiate that the medical school from which the applicant graduated provided the applicant with a resident course of professional instruction equivalent to that provided in the United States or a Canadian medical school approved by either the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or by the Committee on Accreditation of Canadian Medical Schools.

2. Except as otherwise provided in NAC 630.130, an applicant for any license to practice medicine must file his or her sworn application with the Board. The application must:

(a) Include all documentation required by the application;

(b) Include complete answers to all questions on the form; and

(c) Be accompanied by the applicable fee.

~~[3. If the Board denies an application for any type of license to practice medicine in this State, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.]~~

Sec. 6. NAC 630.080 is hereby amended to read as follows:

630.080 1. ~~[For the purposes of paragraph (d) of subsection 2 of NRS 630.160, an]~~ ***An*** applicant for a license to practice medicine must, except as otherwise provided in subsection 2, pass an examination, designated by the Board, to test the competency of the applicant to practice medicine, including, without limitation:

(a) The Special Purpose Examination;

(b) An examination testing competence to practice medicine conducted by physicians; or

(c) Any other examination designed to test the competence of the applicant to practice medicine.

2. The Board will deem an applicant to have satisfied the requirements of subsection 1 if:

(a) Within 10 years before the date of an application for a license to practice medicine in this State, the applicant has passed:

(1) Part III of the examination given by the National Board of Medical Examiners;

(2) Component II of the Federation Licensing Examination;

(3) Step 3 of the United States Medical Licensing Examination;

(4) All parts of the examination to become a licentiate of the Medical Council of Canada;

(5) The examination for primary certification or recertification by a specialty board of the American Board of Medical Specialties and received primary certification from that board; or

(6) The Special Purpose Examination; or

(b) The applicant is currently certified and was certified prior to recertification or maintenance of certification requirements by a specialty board of the American Board of Medical Specialties, agrees to maintain that certification throughout any period of licensure in this State and has actively practiced clinical medicine for the past 5 years in any state or country in which the applicant is licensed or officially authorized to practice.

3. For the purposes of subparagraph (3) of paragraph (b) of subsection 2 of NRS 630.160:

(a) An applicant for a license to practice medicine must pass Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination in not more than a total of nine attempts and must pass Step 3 in not more than a total of three attempts; and

(b) An applicant:

(1) Who holds a degree of doctor of medicine must pass all steps of the examination within 7 years after the date on which the applicant first passes any step of the examination; or

(2) Who holds a degree of doctor of medicine and a degree of doctor of philosophy must pass all steps of the examination within 10 years after the date on which the applicant first passes any step of the examination.

4. ***Unless waived by the Board upon a determination that the applicant has demonstrated sufficient qualifications to practice medicine in this State, an applicant for a license by endorsement to practice medicine who has passed Step 1, Step 2 and Step 3 of the United States Medical Licensing Examination to satisfy the requirements of subparagraph (1) of paragraph (b) of subsection 1 of NRS 630.1605 must satisfy the requirements of subsection 3.***

5. If an applicant for a license by endorsement to practice medicine has passed an examination listed in paragraph (a) of subsection 2 more than 10 years before the date of his or her application, the Board may deem the applicant to have satisfied the requirements of subsection 1 upon a determination that the applicant has demonstrated sufficient qualifications to practice medicine in this State.

6. For any examination conducted by the Board for a license to practice medicine, an applicant must answer correctly at least 75 percent of the questions propounded. The Board will use the weighted average score of 75, as determined by the Federation of State Medical Boards of the United States, Inc., to satisfy the required score of 75 percent for passage of the Special Purpose Examination and the United States Medical Licensing Examination.

~~[5.]~~ ***7.*** The Board will authorize the Federation of State Medical Boards of the United States, Inc., to administer the Special Purpose Examination or the United States Medical Licensing Examination on behalf of the Board.

~~[6.]~~ ***8.*** An applicant for a license to practice medicine and a person who holds a license to practice medicine must pay the reasonable costs of any examination required for licensure and any examination ordered pursuant to NRS 630.318.

Sec. 7. NAC 630.115 is hereby amended to read as follows:

630.115 1. Each applicant for a license to practice medicine or physician who wishes to practice in a new medical specialty area must:

(a) Designate to the Board each medical specialty area in which the applicant or physician, as applicable, intends to practice; and

(b) Provide to the Board:

(1) Evidence that the applicant or physician, as applicable, meets the requirements of paragraph (a) or (b) of subsection 2; or

(2) The evidence required by subsection 3.

2. A physician may only practice in a medical specialty area if the physician has:

(a) Been certified in that medical specialty area by a specialty board of the American Board of Medical Specialties;

(b) Successfully completed a postgraduate training program which ~~[is]~~ ***:***

(1) Is approved by the Accreditation Council for Graduate Medical Education ***or an organization approved by the Board that accredits graduate medical education in an equivalent foreign country and is nationally recognized in the applicable equivalent foreign country;*** and ~~[which provides]~~

(2) Provides the physician with complete training in the medical specialty area; or

(c) Obtained the approval of the Board pursuant to subsection 3 to practice in that medical specialty area.

3. An applicant for a license to practice medicine or a physician who wishes to practice in a medical specialty area for which no specialty board of the American Board of Medical Specialties exists may request the approval of the Board to practice in that medical specialty area by submitting to the Board evidence that the applicant or physician, as applicable:

(a) Is not able to satisfy the requirements of paragraph (b) of subsection 2; and

(b) Has successfully completed training in the medical specialty area that is substantially similar in rigor, length and examinations of competency as is required by a specialty board of the American Board of Medical Specialties.

4. For the purposes of paragraph (e) of subsection 1 of NRS 630.306, a physician who practices outside the medical specialty area designated pursuant to this section shall, except as otherwise provided in this section, be deemed to be performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training. This subsection does not apply to a physician who is practicing outside of the medical specialty area designated pursuant to this section in:

(a) A life-threatening emergency, including, without limitation, at the scene of an accident;

(b) An emergency situation, including, without limitation, human-caused or natural disaster relief efforts; or

(c) Any other situation where the physician is authorized by law to practice outside of that medical specialty area.

Sec. 8. NAC 630.130 is hereby amended to read as follows:

630.130 1. The applicant for a limited license to practice medicine as a resident physician in a graduate program of clinical training must file an application with the Board on the standard form for application for a license to practice medicine and submit with the application such proofs and documents as are required on the form to the extent that the proofs and documents are applicable to the issuance of the limited license.

2. The application must be accompanied by written confirmation from the institution sponsoring the graduate program of clinical training that the applicant has been appointed to a position in the program. If the applicant is not a citizen of the United States, the applicant must also provide satisfactory evidence from the United States Citizenship and Immigration Services of the Department of Homeland Security that he or she is lawfully entitled to remain and work in the United States.

3. The Board will review the application and, upon approval, issue the limited license. An applicant for a limited license may be required to appear before the Board or one of its members for an oral interview before the issuance of the limited license.

4. ***An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.***

5. A limited license issued under this section will state on its face that it is a limited license to practice medicine as a resident physician in a graduate program of clinical training, and the period during which it is valid. If the licensee is not a citizen of the United States, a limited license is valid only as long as the licensee is lawfully entitled to remain and work in the United States.

Sec. 9. NAC 630.230 is hereby amended to read as follows:

630.230 1. A person who is licensed as a physician or physician assistant shall not:

(a) Falsify records of health care;

(b) Falsify the medical records of a hospital so as to indicate his or her presence at a time when he or she was not in attendance or falsify those records to indicate that procedures were performed by him or her which were in fact not performed by him or her;

(c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

(d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

(e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;

(f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his or her own office;

(g) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;

(h) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant, including, without limitation, supervision provided in the manner described in NAC 630.810 or 630.820;

(i) If the person is a physician, fail to provide adequate supervision of a physician assistant or an anesthesiologist assistant or adequate collaboration with an advanced practice registered nurse with whom the physician is collaborating;

(j) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein;

(k) Engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the policies set forth in the *Guidelines for the Chronic Use of Opioid Analgesics* adopted by reference in NAC 630.187;

(l) Administer or use, or allow any person under his or her supervision, direction or control to administer or use, a single-use medical device:

(1) For more than one procedure;

(2) For more than one patient; or

(3) In a manner inconsistent with the manufacturer's instructions or directions included on or with the single-use medical device;

(m) Require or ask a patient to waive his or her right to file a complaint with the Board;

(n) ***Require or ask a patient to waive his or her right to file a civil action against the physician or physician assistant in any court;***

(o) Condition care or treatment on the provision of a waiver described in paragraph (m) ~~[;]~~ ***or (n);*** or

~~[(o)]~~ ***(p)*** Engage in sexual impropriety toward a patient, including, without limitation, engaging in behavior that is seductive, sexually suggestive, disrespectful of a patient's privacy or sexually demeaning.

2. ***The provisions of paragraph (n) of subsection 1 must not be construed to prohibit a physician or physician assistant from engaging in legitimate, good faith discussions with a patient or his or her attorney regarding the settlement of a claim.***

3. A physician or physician assistant shall comply with all applicable provisions of chapters 440 and 629 of NRS and any regulation adopted pursuant thereto.

~~[3.]~~ ***4.*** As used in this section:

(a) "Chronic pain" has the meaning ascribed to it in section 3 of the *Guidelines for the Chronic Use of Opioid Analgesics* adopted by reference in NAC 630.187.

(b) "Single-dose vial" means a vial, including, without limitation, a sealed sterile vial, which may be accessed by insertion of a needle and which, according to the manufacturer's instructions:

(1) Contains only one dose of a medication; and

(2) May be used for only one patient.

(c) "Single-use medical device" means a medical device that is intended for one use or on a single patient during a single procedure and includes, without limitation, a blade, clip, catheter, implant, insufflator, lancet, needle, sleeve, syringe and single-dose vial.

Sec. 10. NAC 630.352 is hereby amended to read as follows:

630.352 The Board may issue not more than ~~[15]~~ ***20*** hours of continuing medical education during a biennial licensing period to a physician assistant if the physician assistant performs a medical review for the Board. The hours issued by the Board:

1. May be credited against the hours required by NAC 630.350 for a biennial period of registration;

2. Except as otherwise provided in subsection 3, must be equal to the actual time of the medical review; and

3. May not be more than 10 hours per medical review.

Sec. 11. NAC 630.505 is hereby amended to read as follows:

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

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

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

(c) A list of each license as a practitioner of respiratory care that the applicant currently holds or has held in the District of Columbia or in another state or territory of the United States or in any other country;

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

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

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

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

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

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

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

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

2. An applicant must submit to the Board:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. NAC 630.511 is hereby amended to read as follows:

630.511 1. The Board will notify an applicant for a license as a practitioner of respiratory care of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing. If the applicant so responds, the Board will respond in writing to the contentions of the applicant.

2. An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.

3. If the Board denies an application for a license as a practitioner of respiratory care, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 13. NAC 630.513 is hereby amended to read as follows:

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

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

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

(c) A list of each license as a practitioner of respiratory care that the applicant currently holds or has held in the District of Columbia or in another state or territory of the United States or in any other country;

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

(e) Whether the applicant has been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States or in any other country in which the applicant currently holds or has held a license as a practitioner of respiratory care;

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

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

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

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

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

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

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

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

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

2. An applicant must submit to the Board:

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

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

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

~~[(d)]~~ ***(c)*** Proof of passage of the examinations required by NRS 630.277 and NAC 630.500 and 630.515;

~~[(e)]~~ ***(d)*** Such further evidence and other documents or proof of qualifications as required by the Board;

~~[(f)]~~ ***(e)*** The statement prescribed by the Division of Social Services of the Department of Human Services pursuant to NRS 425.520;

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

~~[(h)]~~ ***(g)*** A complete set of his or her fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check.

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

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

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

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

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

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

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

(a) Sixty days after receiving the application; or

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

➥ whichever occurs later.

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

8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.

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

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

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

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

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

(a) An applicant willfully fails to comply with the provisions of paragraph ~~[(h)]~~ ***(g)*** of subsection 2; or

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

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

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

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

Sec. 14. NAC 630.700 is hereby amended to read as follows:

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

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

(b) The gender of the applicant;

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

(d) Each license to practice perfusion that the applicant currently holds or has held in the District of Columbia another state or territory of the United States or in any other country;

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

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

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

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

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

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

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

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

2. An applicant must submit to the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. NAC 630.713 is hereby amended to read as follows:

630.713 1. The Board will notify an applicant for a license as a perfusionist of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing. If the applicant so responds, the Board will respond in writing to the contentions of the applicant.

2. An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.

3. If the Board denies an application for a license as a perfusionist, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 16. NAC 630.715 is hereby amended to read as follows:

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

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

(b) The gender of the applicant;

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

(d) Each license to practice perfusion that the applicant currently holds or has held in the District of Columbia or in another state or territory of the United States or in any other country;

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

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

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

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

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

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

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

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

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

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

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

2. An applicant must submit to the Board:

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

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

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

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

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

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

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

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

~~(f)~~ ***(d)*** The statement prescribed by the Division of Social Services of the Department of Human Services pursuant to NRS 425.520.

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

~~[(h)]~~ ***(f)*** A complete set of his or her fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check.

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

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

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

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

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

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

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

(a) Sixty days after receiving the application; or

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

➥ whichever occurs later.

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

8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of the veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.

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

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

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

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

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

(a) An applicant willfully fails to comply with the provisions of paragraph ~~[(h)]~~ ***(f)*** of subsection 2; or

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

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

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

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

Sec. 17. NAC 630.908 is hereby amended to read as follows:

630.908 1. The Board will notify an applicant for a license as an anesthesiologist assistant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing. If the applicant so responds, the Board will respond in writing to the contentions of the applicant.

2. An applicant whose application is denied may appeal to the Board within 90 days after the date of the denial of the application. Upon appeal, the applicant must demonstrate that the action of the Board is erroneous.

3. If the Board denies an application for a license as an anesthesiologist assistant, the Board may prohibit the person whose application was denied from reapplying for a period of 1 year to 3 years after the date of the denial.

Sec. 18. NAC 630.920 is hereby amended to read as follows:

630.920 The Board may issue not more than ~~[10]~~ ***20*** hours of continuing education during a biennial licensing period to an anesthesiologist assistant who performs a medical review for the Board. The hours issued by the Board:

1. May be credited against the hours of continuing education required for a biennial licensing period by NAC 630.918;

2. Except as otherwise provided in subsection 3, must be equal to the actual time involved in performing the medical review; and

3. May not exceed 10 hours per medical review.

Sec. 19. 1. This section and sections 1, 2, 3 and 5 to 18, inclusive, of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Section 4 of this regulation becomes effective:

(a) If, and only if, LCB File No. R055-25 is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070; and

(b) On the later of:

(1) The date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070; or

(2) The date on which LCB File No. R055-25 is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Edward O. Cousineau, J.D.
Executive Director

Informational Statement LCB File No. R046-26

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

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

The proposed regulation is necessary to implement AB319 from the 2025 Legislative Session with regard to physician licensure by endorsement and to update regulations related to licensing and continuing education for physicians, resident physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care, perfusionists, and genetic counselors for consistency. The proposed regulation is also necessary to protect the public by prohibiting physicians and physician assistants from requiring patients to waive their rights to file a civil lawsuit as a condition of receiving medical care.

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 any potentially impacted businesses by reaching out to various business chambers and associations. Copies of LCB File No. R046-26, as drafted by the Legislative Counsel Bureau, were sent to the following organizations on Wednesday, April 15, 2026:

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

Copies of LCB File No. R046-26, as drafted by the Legislative Counsel Bureau, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to

persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners (Board), available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

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

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

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshop, public hearing, or Board meeting on June 5, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on May 14, 2026, and the public hearing held on May 22, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Stakeholders did attend those meetings, but no public comment was provided.

The Board received no written public comments on the proposed regulation.

A summary of the public comment received regarding LCB File No. R046-26 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number of Persons Who:

(a) Attended Each Hearing:

May 14, 2026 (Regulation Workshop): 3;
May 22, 2026 (Public Hearing): 1.

(b) Testified at Each Hearing:

May 14, 2026 (Regulation Workshop): 0;
May 22, 2026 (Public Hearing): 0.

(c) Submitted to the Agency Written Comments:

The Board received no written comments on LCB File No. R046-26.

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

Attendees at the May 14, 2026 Public Workshop in Reno:

None

Attendees at the May 14, 2026 Public Workshop in Las Vegas:

None

Attendees at the May 14, 2026 Public Workshop via Teams:

Cade Grogan
Telephone: Not Provided
Address: Not Provided.
Business Telephone: Not Provided.
Email: Not Provided
Representing: Not Provided

No testimony or comments.

Sabrina Petrel
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: sp@cartwrightnv.com
Representing: Not Provided

No testimony or comments.

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com

Representing: NSMA

No testimony or comments.

Attendees at the May 22, 2026 Public Hearing in Reno:

None.

Attendees at the May 22, 2026 Public Hearing in Las Vegas:

None.

Attendees at the May 22, 2026 Public Hearing via Teams:

Zoë Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: NSMA

No testimony or 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.

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of LCB File No. R046-26, as drafted by the Legislative Counsel Bureau, were sent to the following organizations on Wednesday, April 15, 2026:

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

Copies of the proposed regulation (LCB File No. R046-26), the public workshop notice, and the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

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

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

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Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshop, public hearing, or Board meeting on June 6, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshop held on May 14, 2026, and the public hearing held on May 22, 2026, stakeholders and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Several individuals attended those meetings, and none of them provided any public comment or testimony. No written public comment was received on LCB File No. R046-26.

A summary of the public comment received regarding LCB File No. R055-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

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

The proposed regulation was adopted without change because no comment was received indicating that changes were necessary, and a review of the draft prepared by the Legislative Counsel Bureau did not identify any needed changes in 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) Both Adverse and Beneficial Effects.

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. The changes in this proposed regulation clarify existing statutory provisions and/or update existing regulations to be consistent with recent statutory changes and/or ensuring consistency in requirements across all of the license types issued by the Board, which may cause the proposed regulation to be benefit to licensees and small businesses with regard to compliance.

This regulation is not estimated to have any economic effect on the public.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have both an immediate and long-term benefit to licensees and their staff by clarifying existing statutory provisions and updating existing regulations to reflect recent statutory changes, as well as providing consistency in requirements for all of the license types issued by the Board. This should remove some administrative compliance burden for licensees and their staff both immediately and over the long-term.

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

The Board does not anticipate any cost in enforcing the proposed regulation.

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

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

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

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

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

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

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

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

Edward O. Cousineau, J.D.
Executive Director

Small Business Impact Statement for Proposed Regulations Contained in LCB File No. R046-26

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

1. Background:

The proposed regulations implement AB319 from the 2025 Legislative Session with regard to physician licensure by endorsement and to update regulations related to licensing and continuing education for physicians, resident physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care, perfusionists, and genetic counselors for consistency. The proposed regulations also prohibit physicians and physician assistants from requiring patients to waive their rights to file a civil lawsuit as a condition of receiving medical care.

2. Description of Solicitation:

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of LCB File No. R046-26, as drafted by the Legislative Counsel Bureau, were sent to the following organizations on Wednesday, April 15, 2026:

- Better Business Bureau of Northern Nevada, Inc.
- Better Business Bureau of Southern Nevada, Inc.
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- City of Winnemucca
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- Great Basin College – Winnemucca
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- Las Vegas Chamber of Commerce
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- Nevada State Medical Association
- Pahrump Small Business Development Center
- Reno/Sparks Chamber of Commerce
- Washoe County Medical Society

Copies of LCB File No. R046-26, as drafted by the Legislative Counsel Bureau, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

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

No, the proposed regulations do not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations fully implement legislative changes enacted in 2025 and update and clarify licensing, continuing education requirements for licensees, both of which may yield a positive impact on small businesses.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and existing provisions in Nevada law, as well as the comments received by stakeholders, potential license applicants, and members of the public at the Board's regulation workshops, public hearing, and adoption meeting or via written comment.

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

Dated: July 21, 2026 Signature:_____

EDWARD O. COUSINEAU, J.D.
Executive Director
Nevada State Board of Medical Examiners

R047-26

ADOPTED REGULATION OF THE

DEPARTMENT OF TRANSPORTATION

LCB File No. R047-26

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

AUTHORITY: §§ 1-20, NRS 338.1587, 338.1588, 408.100 and 408.215.

A REGULATION relating to transportation facilities; establishing procedures for the procurement of a public-private partnership for transportation facility projects; authorizing the Department of Transportation to issue a request for letters of interest in a project; establishing the process for the Department to request qualification submittals for transportation facility projects and to determine the best qualification submittals of those submitted; providing notice requirements for a request for qualifications; establishing the required information a proposer must include in qualification submittals; establishing the process for the Department to request proposals for transportation facility projects and to determine the best proposal of those submitted; establishing the information a person is required to include in the proposal; authorizing the Department to request best and final offers under certain circumstances; establishing the process for the Department to negotiate and award a contract for a transportation facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county with a population of 700,000 or more (currently only Clark County), a public body, including, without limitation, the Nevada Department of Transportation, is authorized to procure a public-private partnership to plan, finance, design, construct, improve, maintain or operate or any combination thereof, a transportation facility. (NRS 338.1586, 338.1587) Existing law also sets forth various methods by which such public bodies are authorized to procure a public-private partnership, including, without limitation, by the solicitation of proposals using requests for qualifications, short-listings of qualified proposers, requests for proposals, negotiations, best and final offers or other procurement procedures. (NRS 338.1588) Under existing law, the Board of Directors of the Department and the Director of the Department are authorized to adopt regulations to carry out the functions of the Department. (NRS 408.100, 408.215)

Sections 13-20 of this regulation establish the process and requirements for the Department to procure a public-private partnership for a project in a county with a population of 700,000 or more (currently only Clark County) through the solicitation of proposals from proposers that the Department has shortlisted because the Department has determined the shortlisted proposers to be qualified to submit proposals. **Sections 2-12** of this regulation define terms related to such a procurement by the Department.

Section 14 provides that before issuing a request for qualifications for proposers to be shortlisted, the Department may issue a request for letters of interest in the public-private partnership to provide early notification of the project and allow potential proposers to begin teaming arrangements, financial arrangements and preliminary investigative work. Under **section 14**, a request for letters of interest must include, without limitation, the following information about the project: (1) the objectives; (2) the location; (3) the schedule; (4) an estimated budget; and (5) a general description of the scope of work to be completed.

Section 15 establishes the information that the Department will include in a request for qualifications to shortlist persons to submit proposals for a public-private partnership. **Section 15** also provides that the Department: (1) will provide notice of its request for qualifications to each person that responded to a request for letters of interest issued by the Department; and (2) may post notice of the request for qualifications for at least 30 days on the Department's Internet website. Finally, **section 15** also: (1) establishes a process for the submission of a request for additional information or clarification of a request for qualifications; and (2) authorizes the Department to issue an addendum to a request for qualifications to clarify the requirements for a qualification submittal, correct errors or provide supplemental information.

Section 16 prescribes the information that a proposer must include in a qualification submittal submitted in response to a request for qualifications and establishes the procedures for the Department to evaluate and rank qualification submittals. Under **section 16**, the Department will appoint a panel consisting of at least three members to evaluate and rank qualification submittals. **Section 16** authorizes the panel, in evaluating qualification submittals, to seek advice from, and consult with, representatives of and advisors to the Department who have experience and expertise in the subject matter of the project. **Section 16** requires the panel to recommend the proposers for shortlisting and authorizes the Department to accept the recommendations, reject the recommendations or request that the panel conduct further analysis and reconsider its recommendations.

Section 17 requires the Department to provide all shortlisted proposers with a request for proposals and establishes the contents of the request for proposals. **Section 17** also authorizes the Department to issue a draft of the request for proposals to each shortlisted proposer to obtain feedback on the quality of the request and to provide early notice of the details of the request for proposals. Additionally, **section 17** establishes a process for the submission of requests for additional information or clarification concerning the request for proposals and authorizes the Department to issue a formal addendum to a request for proposals to clarify the requirements for proposals, correct errors or provide supplemental information.

Section 18 establishes procedures for evaluating and ranking proposals submitted by the shortlisted proposers. Under **section 18**, the Department will appoint: (1) a technical proposal selection committee consisting of at least three members to evaluate and rank the technical aspects of each final proposal, which may seek advice from, and consult with, representatives of and advisors to the Department with experience and expertise in the subject matter of the proposal; and (2) a separate price proposal selection committee consisting of at least three members to evaluate and rank the financial aspects of each proposal. Finally, **section 18** establishes the method for the scoring and ranking of final proposals.

Section 19 provides procedures for the issuance by the Department of a request for best and final offers when none of the proposals received by the Department is responsive to the request for proposals or satisfactorily achieves the goals and needs of the project. Under **section**

19, the Department will evaluate best and final offers in the same manner as the Department evaluates final proposals.

Section 20 provides that the Department will attempt to negotiate a contract with the apparent successful proposer, which is defined in **section 3** as the proposer whose proposal was the highest ranked proposal. Under **section 20**, if the Department is unable to negotiate a satisfactory contract with the apparent successful proposer, the Department may suspend or end negotiations with the apparent successful proposer and initiate negotiations with the next best proposer. **Section 20** authorizes the Department to repeat this process until the Department has reached a satisfactory contract or has attempted to negotiate with every finalist which the Department has ranked. Finally, **section 20** provides that the Department will conduct a public hearing after it has successfully negotiated a contract to review and ratify the contract and provide certain information to the public.

Section 1. Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this regulation.

Sec. 2. ***As used in sections 3 to 20, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this regulation, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apparent successful proposer" means the proposer whose proposal for a project is determined by the Department, on the basis of the factors set forth in the request for proposals, to be the highest ranked proposal of those proposals submitted and with whom the Department undertakes to negotiate and enter into a contract for the project.***

Sec. 4. ***"Financial close" means the stage in an agreement or transaction where the applicable financing documents have been executed and all conditions to the commitment or disbursement of funds have been satisfied or waived.***

Sec. 5. ***"Private partner" has the meaning ascribed to it in NRS 338.1582.***

Sec. 6. ***"Project" means the planning, development, construction, financing, improvement, maintenance or operation, or any combination thereof, of a transportation facility pursuant to a public-private partnership.***

Sec. 7. *"Proposal" means a written plan submitted to the Department by a proposer pursuant to a request for proposals to plan, develop, construct, finance, improve, maintain or operate, or any combination thereof, a transportation facility.*

Sec. 8. *"Proposer" means a person who submits a response to a request for qualifications, a request for proposals or both to the Department with the intention of entering into a public-private partnership for a project.*

Sec. 9. *"Public-private partnership" has the meaning ascribed to it in NRS 338.1583.*

Sec. 10. *"Qualification submittal" means a response to a request for qualifications.*

Sec. 11. *"Shortlist" means to include a proposer on a list of proposers who have submitted qualification submittals that, based on evaluation of their qualification submittals, are identified by the Department as eligible to respond to the request for proposals for a project.*

Sec. 12. *"Transportation facility" has the meaning ascribed to it in NRS 338.1584.*

Sec. 13. *The provisions of sections 2 to 20, inclusive, of this regulation, apply only to the procurement of a public-private partnership by the Department for a project in a county whose population is 700,000 or more.*

Sec. 14. *Before issuing a request for qualifications pursuant to section 15 of this regulation, the Department may issue a request for letters of interest in a project to provide early notification of the project and to allow potential proposers to begin teaming arrangements, financial arrangements and preliminary investigative work. A request for letters of interest may include, without limitation:*

1. *The general objectives of the project;*
2. *The location of the project;*

3. The schedule of the project;

4. An estimated budget for the completion of the project; and

5. A general description of the scope of the work to be performed.

Sec. 15. *1. The Department may shortlist a person for a project by issuing a request for qualifications. If the Department issues a request for qualifications, the request for qualifications must include, without limitation:*

(a) The date and time by which a qualification submittal must be submitted to the Department;

(b) The proposed responsibilities of the private partner;

(c) The basic configuration of the project, including, without limitation, the length of the proposed transportation facility, roadways included in the construction of the transportation facility, major interchanges and connectivity;

(d) A summary of material terms of the proposed contract with the private partner, including, without limitation, the duration of the contract and the estimated costs of the project;

(e) The deadline by which financial close must occur;

(f) A request for information regarding key personnel and principal and major participants of the organization of the proposer who will be involved in the project;

(g) A rating that is acceptable to the Department for a surety company that is authorized to transact surety business in this State;

(h) The factors that the Department will use to evaluate a qualification submittal. Such factors may include, without limitation:

(1) The evaluation factors set forth in subsection 2 of NRS 338.1588 and the relative weight given to factors in accordance with subsection 3 of NRS 338.1588;

(2) The plan of the proposer for the design and construction of the proposed transportation facility;

(3) The plan of the proposer for the operation and maintenance of the proposed transportation facility;

(4) The ability of the organization of the proposer to manage technical issues and risks associated with the project with a clear definition of the functional relationships between the teams involved in each stage of the project and the key personnel of the proposer; and

(5) The financial plan of the proposer to complete all of the requirements necessary to meet the deadline for financial close; and

(i) A statement that the proposed form of the contract and technical aspects of the project are available for review on the Internet website of the Department.

2. The Department:

(a) Will provide notice of a request for qualifications to each person that responded to a request for letters of interest issued pursuant to section 14 of this regulation; and

(b) May publish notice of the request for qualifications for at least 30 days on the Department's website at the Internet address https://www.dot.nv.gov or any successor website used by the Department to advertise projects.

3. Upon issuance of a request for qualifications, a potential proposer may request additional information or clarification concerning the request for qualifications. The Department will establish a deadline by which a person must submit a request for additional information or clarification and a deadline by which the Department will provide a formal

response to such a request. Unless providing notice of the formal response of the Department would result in the disclosure of confidential information, the Department may notify potential proposers of the formal response of the Department to a request for additional information or clarification by posting the response on the Department's website at the Internet address https://www.dot.nv.gov or any successor website used by the Department to advertise projects.

4. The Department may issue a formal addendum to a request for qualifications to clarify the requirements for a qualification submittal, correct errors or provide supplemental information.

Sec. 16. *1. A qualification submittal must include, without limitation:*

(a) A statement of whether the proposer is qualified to bid on a project pursuant to NRS 338.1379 or 408.333;

(b) The information requested by the Department concerning the organization of the proposer and each principal participant and major participant, including, without limitation, information concerning whether the proposer and each participant and major participant hold any applicable licenses or certifications;

(c) Evidence satisfactory to the Department that the proposer has obtained a surety bond that is in the amount required by the Department and executed by the proposer as principal and a surety company qualified and authorized to do business in this State as surety;

(d) Any financial statements of the proposer and, if applicable, its guarantor that are requested by the Department;

(e) Any information concerning the credit rating of the proposer and, if applicable, its guarantor that is requested by the Department;

(f) A statement explaining any material changes in the financial condition of the proposer;

(g) The information requested by the Department concerning the plan of the proposer to manage the design and construction of the proposed transportation facility;

(h) The information requested by the Department concerning the plan of the proposer for the operation and maintenance of the proposed transportation facility;

(i) The information requested by the Department concerning the financial plan of the proposers to complete the tasks necessary to achieve financial close not later than the deadline for financial close set forth in the request for qualifications;

(j) The information requested by the Department concerning the qualifications of the key personnel of the proposer;

(k) The information requested by the Department concerning the experience and past performance of the proposer;

(l) The information requested by the Department concerning the safety programs established and the safety records accumulated by the proposer; and

(m) Any other information requested by the Department to complete the qualification submittal.

2. The Department will appoint a panel consisting of at least three members to evaluate and rank qualification submittals. In evaluating and ranking qualification submittals, the panel may seek advice from, and consult with, representatives of and advisors to the Department who have experience and expertise in the subject matter of the project. The Department may refuse to submit a qualification submittal to the panel for evaluation and ranking if the qualification submittal does not include all information necessary to complete the qualification submittal.

3. The panel appointed pursuant to subsection 2 shall evaluate and rank qualification submittals:

(a) Based on:

(1) The financial strength of the proposer and its guarantor, if any, which must be determined through an analysis of the financial plan of the proposer, any financial statements and credit ratings provided in the qualification submittal, and the experience of the proposer in securing financing of a similar size and type for similar types of projects; and

(2) The ability of the proposer to meet the needs of the project as indicated in the plan of the proposer for the design and construction of the transportation facility and the plan of the proposer for the operation and maintenance of the transportation facility; and

(b) Giving relative weight to the factors set forth in subsection 3 of NRS 338.1588.

4. The panel shall recommend to the Department at least three but not more than five proposers to shortlist for the project.

5. The Department may:

(a) Accept the recommendations of the panel and shortlist the proposers recommended by the panel;

(b) Reject the recommendations of the panel; or

(c) Request that the panel conduct further analysis and reconsider its recommendations.

6. The Department will provide written notification to each proposer who submitted a qualification submittal informing the proposer whether the proposer has been shortlisted.

Sec. 17. *1. The Department will provide each proposer who was shortlisted pursuant to section 16 of this regulation with a request for proposals. A request for proposals must include, without limitation:*

(a) Instructions to the shortlisted proposers concerning the process for the submission and evaluation of proposals, including, without limitation, the basic configuration of the transportation facility, the term of the contract for the project, anticipated revenues to support the financing of the project, requirements for the submission of a financial plan, requirements for the content, format and functionality of a financial model for the project and requirements for a financial model auditor who will conduct an independent audit of the financial model of the apparent successful proposer;

(b) Information concerning the terms and conditions of the contract between the Department and the private partner selected by the Department that will govern the project throughout each phase of the project, including, without limitation, the obligations of the private partner for the design, construction, operation, maintenance and financing of the project;

(c) Technical provisions that provide the technical requirements for the design, construction, operation and maintenance of the project and for determining and undertaking repairs and maintenance before the termination of the contract so that the transportation facility is returned to the Department in good condition; and

(d) Any information or documents that the Department determines will assist the shortlisted proposers to understand the project and submit a proposal, including, without limitation, records applicable to the requirements for the operation and maintenance of the project.

2. The Department may issue a draft request for proposals to each shortlisted proposer to allow the shortlisted proposers to offer feedback to the Department on the quality of the request for proposals and to provide the shortlisted proposers with early notice of the details of

the request for proposals, including, without limitation, the scope and the technical aspects of the project.

3. Upon issuance of a request for proposals, each shortlisted proposer may request from the Department additional information or clarification concerning the request for proposals. The Department will establish a deadline by which shortlisted proposers must submit a request for additional information or clarification and a deadline by which the Department will provide a formal response to a request for additional information or clarification. The Department will provide each shortlisted proposer with any formal response to a request for additional information or clarification.

4. The Department may issue a formal addendum to a request for proposals to clarify the requirements for a proposal, correct errors or provide supplemental information.

Sec. 18. *1. To evaluate a proposal, the Department will appoint:*

(a) A technical proposal selection committee consisting of at least three members to evaluate and rank the technical aspects of each proposal. In evaluating the technical aspects of a proposal, a technical proposal selection committee may seek advice from, and consult with, representatives of and advisors to the Department who have experience and expertise in the subject matter of the proposal.

(b) A price proposal selection committee consisting of at least three members, who must not be members of the technical proposal selection committee, to evaluate and rank the financial aspects of each proposal.

2. The technical proposal selection committee shall review and assign a score to the technical aspects of the proposal before the price proposal selection committee reviews the financial aspects of the proposal.

3. The technical proposal selection committee shall evaluate the technical aspects of each proposal, which may be based on, without limitation, a review of:

(a) The proposer's proposal for the design and construction of the proposed transportation facility;

(b) The preliminary roadway schematic in the proposal;

(c) The preliminary baseline schedule that will be used to plan and monitor the progress of the project;

(d) The organizational structure of the proposer and the capabilities and experience of key personnel of the proposer; and

(e) The approach of the proposer to the operation and maintenance of the project.

4. The price proposal selection committee shall evaluate and score the financial aspects of a proposal which may be based on, without limitation, the lowest maximum availability payment for the first year for which the Department will make availability payments and shall conduct an assessment of:

(a) The reasonableness of the financial plan of the proposer;

(b) The reasonableness of the financial model submitted to the Department as part of the proposal;

(c) The approach and ability of the proposer to execute the financial plan, including, without limitation, the financial capacity of the proposer and any guarantors of the proposer; and

(d) A validation of the proposal, including, without limitation, the financial model, for consistency with the request for proposals.

5. The Department may develop a model to forecast the financial performance of a project, which may use assumptions concerning:

(a) Cash flows for the completion of the design and construction of the project and the operation and maintenance of the project; and

(b) The payment of financing costs and profit during the term of the contract for the project.

➥ To assess the reasonableness of the financial aspects of a proposal, the Department and the price proposal selection committee may compare the financial aspects of the proposal to the forecast of the financial performance of a project using the model described in this subsection.

6. The Department is not required to evaluate a proposal if the Department determines that the proposal:

(a) Is not responsive because it does not meet the requirements of the technical proposal and the price proposal set forth in this section; or

(b) Otherwise does not adequately respond to the request for proposals.

7. The Department may hold meetings or discussions with a proposer during the proposal process, including, without limitation, individual meetings with a proposer or joint meetings with multiple proposers. The Department may request additional information or clarification or interview a proposer in connection with the evaluation of the proposal.

8. To rank the proposals and establish the apparent successful proposer, the Department may use the best-value methodology that considers a combination of the score of the technical aspects of the proposal assigned by the technical proposal selection committee and the score of the financial aspects of the proposal assigned by the price proposal selection committee.

9. After reviewing the rankings of the technical proposal selection committee and the price proposal selection committee, the Department may:

(a) Rank each proposal, with the highest ranked proposal as the apparent successful proposal, and the next highest ranked proposal as the second best proposal, and so on, for each proposal;

(b) Reject all proposals;

(c) Request that the technical proposal selection committee, the price proposal selection committee, or both, conduct further evaluations and reconsider their recommendations; or

(d) Request a best and final offer from a proposer pursuant to section 19 of this regulation.

10. As used in this section, "availability payment" means the periodic payment by the Department to the private partner upon completion of the transportation facility and its availability for public use, which may, but is not required to be, an annual payment and which may be based on, without limitation, the availability for public use of the transportation facility capacity, traffic volumes, condition of the transportation facility and other operational and maintenance milestones. Such payments may be made in lieu of toll revenues when charging a toll for the use of the transportation facility is not possible or practical.

Sec. 19. *1. The Department may issue a request for best and final offers if the Department determines that:*

(a) No proposal received by the Department:

(1) Is responsive to the request; or

(2) Satisfactorily achieves the goals and needs of the project for any reason, including, without limitation, the proposals received:

(I) Are not cost effective;

(II) Exceed budget amounts or cost estimates; or

(III) Identify technical or scope ambiguities in the request for proposals; and

(b) A request for best and final offers may result in the submission of a satisfactory proposal.

2. The Department may issue a request for best and final offers to:

(a) Each proposer who submitted a proposal for the project; or

(b) Only those proposers who submitted responsive proposals or proposals within a competitive range.

3. The Department may, when preparing a request for best and final offers:

(a) Hold individual or joint meetings or discussions with proposers concerning the project;

(b) Modify the scope of the project;

(c) Modify the terms of any contract;

(d) Revise the estimates of costs of the project; or

(e) Revise the factors for evaluation of the proposals and the relative weight assigned to each factor.

4. A request for best and final offers issued by the Department must set forth the date and time on which best and final offers must be submitted to the Department.

5. After receiving submissions of best and final offers, the Department will evaluate the best and final offers in the same manner as the Department evaluates a proposal, including, without limitation, refusing to review a nonresponsive best and final offer, holding individual meetings with a proposer or joint meetings with multiple proposers and requesting clarifications or interviewing a proposer concerning the proposal.

6. After reviewing the best and final offers submitted for the project, the Department may:

(a) Rank each responsive best and final offer submitted, with the highest ranked offer as the apparent successful proposal, and the next highest ranked offer as the second best proposal, and so on, for each offer; or

(b) Reject all best and final offers.

Sec. 20. *1. After determining the apparent successful proposer pursuant to section 18 or 19 of this regulation, the Department will attempt to negotiate a contract for the project with the apparent successful proposer.*

2. The Department will issue a notice of intent for an award of a contract to provide proposers notice that the Department intends to negotiate and execute a contract with the apparent successful proposer.

3. If the Department cannot negotiate a satisfactory contract, as determined by the Department, with the apparent successful proposer, the Department may suspend or end negotiations with that proposer by notifying the proposer in writing of the Department's decision to suspend or end negotiations.

4. If the Department suspends or ends negotiations with the apparent successful proposer, the Department may negotiate with the proposer who was ranked as the next best proposer during the evaluation process. The Department may repeat the process of suspending or ending negotiations and beginning a negotiation with the next successful proposer until the Department can reach a satisfactory contract or until the Department has attempted to negotiate with every proposer which the Department ranked during the evaluation process.

5. The Department may suspend or end negotiations to enter into a contract for the project if the Department, in its sole discretion, determines that the suspension and ending of negotiations is in the best interest of the State.

6. If the Department successfully negotiates a contract with a proposer, the Department will hold a public hearing to review and ratify the selection of the proposer and the contract. Ratification of a contract requires approval by the Department.

7. After the Department publishes its notice of intent to award a contract, the Department may, upon request, provide an unsuccessful proposer with an evaluation of his or her proposal.

Appendix C

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 338, LCB File No. R047-26, public-private partnership.

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

Existing law provides that in a county with a population of 700,000 or more (currently only Clark County), a public body, including, without limitation, the Nevada Department of Transportation, is authorized to procure a public-private partnership to plan, finance, design, construct, improve, maintain or operate or any combination thereof, a transportation facility. This regulation is needed to establish a transparent process and requirements for a public agency to procure a public-private partnership through the solicitation of proposals. This regulation provides detailed procurement steps to be followed by public agencies in the procurement of a public-private partnership.

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 posted online at Public Involvement and Information | Nevada Department of Transportation (dot.nv.gov/doing-business/public-involvement-information), https://notice.nv.gov/, and in the following locations:

Nevada State Library Archives 100 North Stewart Street Carson City, Nevada 89701

Nevada Department of Transportation 4615 W. Sunset Road Las Vegas, Nevada 89118

Nevada Department of Transportation 1263 South Stewart Street Carson City, Nevada 89712

Nevada Department of Transportation 1951 Idaho Street Elko, Nevada 89801

A workshop was held on June 2, 2026, at 10:00 a.m. There were no public responses to the proposed regulation.

3. The number of persons who:

(a) Attended the workshop: June 2, 2026: 0

(b) Testified at the workshop: June 2, 2026: 0

(c) Submitted to the agency written comments: No written comments were submitted.

4. No persons attended the workshop.

5. **A description of how comment was solicited from affected businesses, a summary of their responses, 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. There were no responses received.

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

The permanent regulation was adopted on July 28, 2026, and no responses were received requesting changes to the regulation. The regulation text was altered by the Legislative Counsel Bureau in conjunction with Department of Transportation staff.

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:**

(c) Both adverse and beneficial effects are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

(d) Both immediate and long-term effects are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

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

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

1. Background:

The purpose of this regulation is to describe the Public-Private Partnership procurement process, pursuant to NRS 338.1587 to 338.1588, inclusive, by which the Department will process requests for preliminary proposals and requests for final proposals to select a best value proposer.

2. Description of Solicitation:

NDOT solicited impact statements from small businesses that are associated with industries familiar with NDOT's projects via email to determine whether the regulation would likely impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The proposed regulation was also brought before NDOT's January 12, 2026, Board of Directors (BOD) meeting as an action item to allow NDOT to move forward with the permanent regulation process as set forth in the Administrative Rulemaking guide. The Board meeting provided the public with two (2) opportunities to comment on the proposed regulation; no comments were received or made by the public. The Board unanimously approved the action item.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct or significant economic burden on small business and does not directly restrict the formation, operation, or expansion of a small business.

4. How was that conclusion reached?

Determinations were reached through discussions with stakeholders, responses to the impact statement email solicitation, internal analysis conducted by subject matter experts, analysis conducted by a consultant, and from the public BOD meeting that resulted in no comments being received from the public.

I, Maya Bourgeois, Chief of Administrative Services, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the

impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: 2/2/2026

Signature: _____

Name: Maya Bourgeois
Title: Chief of Administrative Services
Agency: Nevada Department of Transportation

ADOPTED REGULATION OF THE

DEPARTMENT OF TRANSPORTATION

LCB File No. R048-26

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

AUTHORITY: § 1, NRS 408.100, 408.131, 408.141 and 408.205.

A REGULATION relating to transportation; establishing the procedure for the delegation of authority by the Board of Directors of the Department of Transportation to the Director of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Department of Transportation, which is administered by a Board of Directors that consists of the Governor, the Lieutenant Governor, the State Controller and four members appointed by the Governor who are residents of this State and informed on and interested in the construction and maintenance of highways and other matters relating to transportation. (NRS 408.106) Under existing law, the Board of Directors is authorized to delegate to the Director of the Department the authority to carry out the provisions of existing law governing the construction, improvement and maintenance of highways, including, without limitation, the authority to execute plans, specifications, contracts and instructions. (NRS 408.131, 408.205) As a public body, meetings of the Board of Directors are subject to the Open Meeting Law. (Chapter 241 of NRS) Thus, with certain exceptions, any action taken by the Board of Directors, including, without limitation, the delegation of authority to the Director, must occur at an open and public meeting of which written notice was provided at least 3 working days before the meeting. (NRS 241.020) This regulation establishes additional procedural requirements for the Board of Directors to delegate authority to the Director, or to modify a previous delegation of authority, at a public meeting of the Board of Directors.

Under this regulation, if the Board of Directors wishes to delegate authority to the Director, or to modify any previous delegation of authority, the Board of Directors will prepare or cause to be prepared a proposed resolution for consideration at a public meeting of the Board of Directors. This regulation provides that the Board of Directors will provide at least 30 days' notice of its intent to adopt such a proposed resolution and specifies the manner in which the Board of Directors will provide such notice. This regulation further provides that at the public meeting at which the Board of Directors considers whether to adopt the proposed resolution, the Board of Directors will allow oral and written public comment on the proposed resolution and may establish a deadline for the submission of written public comments. Finally, this regulation provides that after considering oral and written public comments, the Board of Directors may adopt the proposed resolution if the Board of Directors determines that the proposed resolution is necessary to carry out the provisions of existing law and regulations governing the construction,

improvement and maintenance of highways. Upon adoption, the proposed resolution becomes effective and governs the authority of the Director.

Section 1. Chapter 408 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If, pursuant to NRS 408.131, the Board wishes to delegate to the Director any of its authority to carry out the provisions of this chapter and chapter 408 of NRS, including, without limitation, delegating to the Director pursuant to NRS 408.205 authority to execute plans, specifications, contracts and instructions, or to modify any previous such delegation of authority to the Director, the Board will:

(a) Prepare or cause to be prepared a proposed resolution setting forth the specific authority the Board seeks to delegate to the Director or, if the Board wishes to modify a previous delegation of authority to the Director, the specific delegation of authority the Board seeks to modify and the manner in which the Board proposes to modify such delegation of authority; and

(b) Determine whether to adopt the proposed resolution at a public meeting of the Board conducted pursuant to this section and chapter 241 of NRS.

2. Not less than 30 days before the public meeting at which the Board will consider whether to adopt a proposed resolution prepared pursuant to subsection 1, the Board will give, or cause to be given, notice of its intent to adopt the proposed resolution by:

(a) Providing the minimum public notice of its intended action in the manner set forth in subsection 4 of NRS 241.020;

(b) Posting notice of its intended action on the Internet website of the Department;

(c) Mailing notice of its intended action to all persons who have requested in writing that they be placed upon the mailing list to receive notice of regulations proposed by the Department, which is kept by the Department pursuant to NRS 233B.0603; and

(d) Posting notice of its intended action at such other locations, including, without limitation, courthouses, or providing notice to such other persons, including, without limitation, affected businesses or trade or professional associations, as the Department, in its discretion, deems necessary to ensure that affected parties have notice and an opportunity to comment on the proposed resolution.

3. Each notice provided, posted or mailed pursuant to subsection 2 must be accompanied by a copy of the proposed resolution that is the subject of the notice.

4. At a public meeting at which the Board considers whether to adopt a proposed resolution prepared pursuant to subsection 1, the Board will:

(a) Allow members of the public to submit comment on the proposed resolution, orally or in writing. The Board may establish a deadline for the submission of written comments respecting the proposed resolution. In establishing the deadline, the Board will consider providing a reasonable opportunity for members of the public to submit comment on the proposed resolution and the need for the Board and the Department to consider and respond to such comment.

(b) Consider fully all written and oral comments respecting the proposed resolution, which may be done orally at the public meeting and consist of responses to such comments and an explanation of the reasons that the Board is rejecting or accepting any requested changes to the proposed resolution.

5. After considering fully all written and oral comments respecting a proposed resolution prepared pursuant to subsection 1, the Board may adopt the proposed resolution if the Board determines that the proposed resolution is necessary to carry out the provisions of this chapter and chapter 408 of NRS. Upon adoption of the proposed resolution, the proposed resolution becomes effective and governs the authority delegated by the Board to the Director.

Appendix C

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 408, LCB File No. R048-26, delegation of authority.

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

Existing law authorizes the Board of Transportation to delegate its authority under chapter 408 of the Nevada Revised Statutes to the Director of the Department of Transportation. The regulation creates a method for such delegation of authority consistent with the Nevada Open Meeting Law and Nevada Administrative Procedures 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.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were posted online at Public Involvement and Information | Nevada Department of Transportation (dot.nv.gov/doing-business/public-involvement-information), https://notice.nv.gov/, and in the following locations:

Nevada State Library Archives 100 North Stewart Street Carson City, Nevada 89701

Nevada Department of Transportation 4615 W. Sunset Road Las Vegas, Nevada 89118

Nevada Department of Transportation 1263 South Stewart Street Carson City, Nevada 89712

Nevada Department of Transportation 1951 Idaho Street Elko, Nevada 89801

A workshop was held on June 2, 2026, at 10:00 a.m. There were no public responses to the proposed regulation.

3. **The number of persons who:**

   (a) **Attended the workshop:** June 2, 2026: 0

   (b) **Testified at the workshop:** June 2, 2026: 0

   (c) **Submitted to the agency written comments:** No written comments were submitted.

4. **No persons attended the workshop.**

5. **A description of how comment was solicited from affected businesses, a summary of their responses, 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. There were no responses received.

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

The permanent regulation was adopted on July 28, 2026, and no responses were received requesting changes to the regulation. The regulation text was altered by the Legislative Counsel Bureau in conjunction with Department of Transportation staff.

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 are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

(b) Both immediate and long-term effects are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

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

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

1. Background:

The purpose of this regulation is to provide the process by which the Board will act by resolution to delegate authority to the Director. In accordance with NRS 408.131(6), the Board shall delegate to the Director such authority as it deems necessary under the provisions of this chapter, except as provided otherwise in NRS 408.389. The Board shall act by resolution, vote, or order entered in its records pursuant to NRS 408.131(7).

2. Description of Solicitation:

NDOT solicited impact statements from small businesses that are associated with industries familiar with NDOT's projects via email to determine whether the regulation would likely impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The proposed regulation was also brought before NDOT's January 12, 2026, Board of Directors (BOD) meeting as an action item to allow NDOT to move forward with the permanent regulation process as set forth in the Administrative Rulemaking guide. The Board meeting provided the public with two (2) opportunities to comment on the proposed regulation; no comments were received or made by the public. The Board unanimously approved the action item.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct or significant economic burden on small business and does not directly restrict the formation, operation, or expansion of a small business.

4. How was that conclusion reached?

Determinations were reached through discussions with stakeholders, responses to the impact statement email solicitation, internal analysis conducted by subject matter experts, analysis conducted by a consultant, and from the public BOD meeting that resulted in no comments being received from the public.

I, Maya Bourgeois, Chief of Administrative Services certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact

of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: 2/2/2026

Signature: _____

Name: Maya Bourgeois
Title: Chief of Administrative Services
Agency: Nevada Department of Transportation

ADOPTED REGULATION OF

THE DEPARTMENT OF TRANSPORTATION

LCB File No. R049-26

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

AUTHORITY: §§ 1 and 2, NRS 408.100, 408.215, 408.388 and 408.3882; §§ 3-6, 10-12 and 14, NRS 408.100, 408.215, 408.388, 408.3882 and 408.3886; §§ 7-9, NRS 408.100, 408.215, 408.388, 408.3882 and 408.3883; § 13, NRS 408.100, 408.215, 408.388, 408.3882, 408.3883 and 408.3886.

A REGULATION relating to highways; establishing requirements for the Department of Transportation to request proposals and enter into contracts for the design and construction, reconstruction or improvement of a highway by a design-build team; establishing requirements for preliminary proposals and final proposals submitted by design-build teams; establishing the procedures for the Department to evaluate and rank preliminary and final proposals submitted by the design-build teams; establishing requirements for the submission of best and final offers by design-build teams under certain circumstances; providing for the reimbursement of certain costs incurred by unsuccessful design-build teams that submitted responsive final proposals; establishing the process for the Department to negotiate and enter into a design-build contract with a design-build team; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation, under certain circumstances, to enter into a design-build contract with a design-build team for a project to design and construct, reconstruct or improve a highway. (NRS 408.3879, 408.388) Existing law also establishes the procedures that the Department is required to use to select a design-build team to be awarded such a design-build contract. (NRS 408.3882-408.3886) Specifically, to select a design-build team, the Department is required to first: (1) advertise for preliminary proposals for the design and construction of a project by a design-build team in a newspaper of general circulation in this State; and (2) based on an evaluation of the qualifications of design-build teams that submit preliminary proposals, select at least three but not more than five finalists. (NRS 408.3883, 408.3885) If the Department does not receive at least three preliminary proposals from design-build teams that are qualified to participate in the design and construction of the project, the Department is prohibited from entering into a design-build contract for the project. (NRS 408.3885) After selecting the finalists, the Department is required to: (1) provide a request for final proposals to each finalist; and (2) select the most cost-effective and responsive final proposal, reject all the final proposals or request best and final offers from finalists in accordance with existing law. (NRS 408.3886) This regulation adopts procedures to carry out existing law governing the selection by the Department of a design-build team for a project.

Sections 2-7 of this regulation provide definitions of terms used in the selection of a design-build team for a project.

Section 8 of this regulation provides that before advertising for preliminary proposals for the design and construction of a project, the Department may issue a request for letters of interest in the project by design-build teams to provide early notification of the project and to allow design-build teams to begin teaming arrangements, financial arrangements and preliminary investigative work. **Section 8** also provides that in addition to advertising for preliminary proposals in a newspaper of general circulation in this State in accordance with existing law, the Department: (1) will provide notice of its request for preliminary proposals to each design-build team that responds to a request for letters of interest; and (2) may publish notice of the request for preliminary proposals for at least 30 days on the Department's Internet website. Finally, **section 8**: (1) provides that the Department may include certain information in its request for preliminary proposals in addition to the information required by existing law to be included in a request for preliminary proposals; (2) establishes a process for the submission of a request for additional information or clarification of a request for preliminary proposals; and (3) authorizes the Department to issue a formal addendum to a request for preliminary proposals to clarify the requirements for a preliminary proposal, correct errors or provide supplemental information.

Section 9 of this regulation prescribes the information that a design-build team must include in a preliminary proposal submitted to the Department and establishes the procedures for the Department to evaluate and rank preliminary proposals submitted by design-build teams. Under **section 9**, the Department will appoint a panel consisting of at least three members to evaluate and rank preliminary proposals. **Section 9** authorizes the panel, in evaluating preliminary proposals, to seek advice from and consult with representatives of and advisors to the Department who have experience and expertise in the subject matter of the proposal. **Section 9** requires the panel to recommend the finalists and authorizes the Department to accept the recommendations, reject the recommendations or request that the panel conduct further analysis and reconsider its recommendations.

Section 10 of this regulation establishes requirements for a request for final proposals provided by the Department to the finalists. Under **section 10**, the Department may issue a draft request for final proposals to allow the finalists to offer feedback on the quality of the request for final proposals and to provide early notice of the details of the request for final proposals. **Section 10** also establishes a process for the submission of requests for additional information or clarification concerning the request for final proposals and authorizes the Department to issue a formal addendum to a request for final proposals to clarify the requirements for final proposals, correct errors or provide supplemental information.

Section 11 of this regulation establishes the procedures for evaluating and ranking final proposals submitted by finalists. Under **section 11**, the Department will appoint: (1) a proposal selection committee consisting of at least three members to evaluate and score the technical aspects of each final proposal, which may seek advice from and consult with representatives of and advisors to the Department with experience and expertise in the subject matter of the project; and (2) a price proposal committee consisting of at least three members to evaluate the price proposal of each final proposal. Finally, **section 11** establishes the method for the scoring of final proposals and the selection of the most cost-effective and responsive final proposal.

Section 12 of this regulation provides procedures for the issuance by the Department of a request for best and final offers when none of the final proposals received by the Department is responsive to the request for final proposals or satisfactorily achieves the goals and needs of the

project. Under **section 12**, the Department will: (1) evaluate best and final offers in the same manner as the Department evaluates final proposals and rank each responsive best and final offer; and (2) select the most cost-effective and responsive offer or reject all best and final offers.

Under existing law, the Department is required to partially reimburse an unsuccessful finalist for the cost of preparing a final proposal or best and final offer, or both, in an amount not exceed 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract, if such partial reimbursement was provided for in the request for preliminary proposals. (NRS 408.3883, 408.3886) **Section 13** of this regulation adopts provisions governing the payment of such partial reimbursements.

Section 14 of this regulation provides that the Department will attempt to negotiate a contract with the preferred proposer, which is defined in **section 6** as the finalist whose final proposal or best and final offer is selected by the Department as the most cost-effective and responsive final proposal or best and final offer. Under **section 14**, if the Department is unable to negotiate a satisfactory design-build contract with the preferred proposer, the Department may suspend or end negotiations with the preferred proposer and initiate negotiations with the finalist ranked as the next best proposer. **Section 14** authorizes the Department to repeat this process until the Department has reached a satisfactory design-build contract or has attempted to negotiate with every finalist which the Department has ranked. Finally, **section 14** provides that the Department will conduct a public meeting after it has successfully negotiated a design-build contract to review and ratify the design-build contract and provide certain information to the public.

Section 1. Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Competitive range" means a list of the highest ranked final proposals, after the Department evaluates and ranks each final proposal against every other final proposal using the criteria for evaluation set forth in the Department's request for final proposals.***

Sec. 4. ***"Final proposal" means a proposal submitted by a finalist in response to a request for final proposals provided to each finalist by the Department pursuant to NRS 408.3886.***

Sec. 5. *"Finalist" means a design-build team that has submitted a preliminary proposal and, based on an evaluation of its preliminary proposal, is selected by the Department as eligible to submit a final proposal for a project.*

Sec. 6. *"Preferred proposer" means:*

1. The finalist whose final proposal is selected by the Department as the most cost-effective and responsive final proposal pursuant to section 11 of this regulation; or

2. If the Department issues a request for best and final offers, the finalist whose best and final offer is selected by the Department as the most cost-effective and responsive best and final offer pursuant to section 12 of this regulation.

Sec. 7. *"Preliminary proposal" means a proposal submitted by a design-build team in response to a request for preliminary proposals published by the Department pursuant to NRS 408.3883.*

Sec. 8. *1. Before advertising for preliminary proposals for the design and construction of a project by a design-build team pursuant to NRS 408.3883, the Department may issue a request for letters of interest in the design and construction of the project by design-build teams to provide early notification of the project and to allow design-build teams to begin teaming arrangements, financial arrangements and preliminary investigative work. A request for letters of interest may include, without limitation:*

(a) The general objectives of the project;

(b) The location of the project;

(c) The schedule of the project;

(d) An estimated budget for the completion of the project; and

(e) A general description of the scope of the work to be performed.

2. In addition to advertising for preliminary proposals in accordance with subsection 1 of NRS 408.3883, the Department will provide notice of the request for preliminary proposals to each design-build team that responds to a request for letters of interest issued pursuant to subsection 1 and may publish notice of the request for preliminary proposals for at least 30 days on the Department's website at the Internet address https://www.dot.nv.gov or any successor website used by the Department to advertise projects.

3. In addition to the information required by NRS 408.3883 to be included in a request for preliminary proposals, the Department may include in a request for preliminary proposals, without limitation:

(a) A description of the procurement process;

(b) The factors that the Department will use to evaluate design-build teams who submit a preliminary proposal and the relative weight assigned to each factor;

(c) The process that the Department will use to evaluate design-build teams who submit a preliminary proposal;

(d) The process for a design-build team to submit questions to the Department concerning the request for preliminary proposals or request clarification from the Department of any aspect of the request for preliminary proposals;

(e) The requirements for the format and submission of a preliminary proposal; and

(f) Any forms and questionnaires that the Department requires to be submitted as part of a preliminary proposal.

4. Upon issuance of a request for preliminary proposals, a design-build team may request from the Department additional information or clarification concerning the request for preliminary proposals. The Department will establish a deadline by which a design-build team

must submit a request for additional information or clarification and a deadline by which the Department will provide a formal response to such a request. Unless providing notice of the formal response of the Department would result in the disclosure of confidential information, the Department may notify design-build teams that wish to submit a preliminary proposal of the formal response of the Department to a request for additional information or clarification by posting the response on the Department's website at the Internet address https://www.dot.nv.gov or any successor website used by the Department to advertise projects.

5. The Department may issue a formal addendum to a request for preliminary proposals to clarify the requirements for a preliminary proposal, correct errors or provide supplemental information.

Sec. 9. *1. A preliminary proposal submitted by a design-build team must include, without limitation:*

(a) A statement of whether the design-build team satisfies the requirements of NRS 408.3884 to qualify to participate in the design and construction of the project;

(b) The information requested by the Department concerning the organization of the design-build team and each principal participant and major participant in the design-build team;

(c) Evidence satisfactory to the Department that the design-build team has obtained a surety bond that is in the amount required by the Department and executed by the design-build team as principal and by a surety company qualified and authorized to do business in this State as surety;

(d) The information requested by the Department concerning the plan of the design-build team to manage the design and construction of the project, including, without limitation, an

identification of the issues and risks associated with the project and the approach of the design-build team to managing those issues and risks;

(e) The information requested by the Department concerning the qualifications of the key personnel of the design-build team;

(f) The information requested by the Department concerning the experience and past performance of the members of the design-build team;

(g) The information requested by the Department concerning the safety programs established and the safety records accumulated by the members of the design-build team; and

(h) If the preference in bidding set forth in subsection 2 of NRS 408.3886 will apply to the project and the design-build team seeks to qualify for that preference in bidding:

(1) A copy of the certificate of eligibility to receive a preference in bidding issued to the prime contractor of the design-build team pursuant to NRS 338.1389 or 338.147;

(2) A copy of the certificate of eligibility to receive a preference when competing for public works issued pursuant to NRS 338.173 to those members of the design-build team who hold a certificate of registration to practice architecture or a license as a professional engineer; and

(3) A signed affidavit that meets the requirements of subsection 1 of NRS 338.0117.

2. The Department will appoint a panel consisting of at least three members to evaluate and rank preliminary proposals. In evaluating and ranking preliminary proposals, the panel may seek advice from and consult with representatives of and advisors to the Department who have experience and expertise in the subject matter of the project. The Department may refuse to submit a preliminary proposal to the panel for evaluation and ranking if the preliminary proposal does not include all the information necessary to complete the preliminary proposal.

3. The panel appointed pursuant to subsection 2 shall verify that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 408.3884, evaluate the qualifications of each design-build team that submitted a preliminary proposal and rank those preliminary proposals by evaluating the factors set forth in paragraph (b) of subsection 2 of NRS 408.3885. Except as otherwise provided in subsection 1 of NRS 408.3885, the panel shall recommend to the Department at least three but not more than five finalists from among the design-build teams that submitted preliminary proposals.

4. The Department may:

(a) Accept the recommendations of the panel and select as finalists the design-build teams recommended by the panel;

(b) Reject the recommendations of the panel; or

(c) Request that the panel conduct further analysis and reconsider its recommendations.

Sec. 10. *1. The Department will provide to each finalist a request for final proposals for the project. A request for final proposals must include, without limitation:*

(a) Instructions to the finalists that establish the rules and procedures that the finalists must follow when preparing and submitting their final proposals and that define the manner in which the Department will review and evaluate final proposals;

(b) Information concerning the terms and conditions of the contract between the Department and the design-build team selected by the Department that will govern the project throughout each phase of the project;

(c) Technical provisions that provide the technical requirements for the design, construction and maintenance of the project; and

(d) Any information or documents that the Department determines will assist the finalists to understand the project and submit a final proposal.

2. The Department may issue a draft request for final proposals to each finalist to allow the finalists to offer feedback to the Department on the quality of the request for final proposals and to provide the finalists with early notice of the details of the request for final proposals, including, without limitation, the scope and the technical aspects of the project.

3. Upon issuance of a request for final proposals, each finalist may request from the Department additional information or clarification concerning the request for final proposals. The Department will establish a deadline by which finalists must submit a request for additional information or clarification and a deadline by which the Department will provide a formal response to a request for additional information or clarification. The Department will provide each finalist with any formal response to a request for additional information or clarification.

4. The Department may issue a formal addendum to a request for final proposals to clarify requirements for a final proposal, correct errors or provide supplemental information.

Sec. 11. *1. To evaluate each final proposal, the Department will appoint:*

(a) A proposal selection committee consisting of at least three members to evaluate and score the technical aspects of each final proposal. In evaluating the technical aspects of a final proposal, a proposal selection committee may seek advice from and consult with representatives of and advisors to the Department who have experience and expertise in the subject matter of the project.

(b) A price proposal selection committee consisting of at least three members to evaluate the price proposal of each final proposal for balance and to calculate the price score assigned

to each final proposal. The price score assigned to a final proposal must be calculated by dividing the lowest price proposal submitted by the finalists by the price proposal of the final proposal being evaluated and multiplying that quotient by the number of points assigned by the panel to the price proposal of the final proposal being evaluated.

2. If the Department determines that a final proposal is nonresponsive because the final proposal does not satisfy requirements for the form of a final proposal, the timeliness of submitting a final proposal or the information requested in the instructions to proposers included in the request for proposals, the Department may:

(a) Waive any minor deficiency;

(b) Allow a finalist to correct a deficiency or clarify or supplement the final proposal; or

(c) Reject the final proposal and refuse to submit the final proposal for the evaluation required by subsection 1.

3. To determine the finalist that submitted the best value final proposal, the Department will combine the price score calculated pursuant to paragraph (b) of subsection 1 and the technical score assigned pursuant to paragraph (a) of subsection 1.

4. The Department may:

(a) Accept the recommendations of the proposal selection committee and select the most cost-effective and responsive final proposal in accordance with that recommendation;

(b) Reject the recommendations of the panel;

(c) Request that the panel conduct further analysis and reconsider its recommendations; or

(d) Request best and final offers from all finalists in accordance with subsection 5 of NRS 408.3886 and section 12 of this regulation.

Sec. 12. *1. The Department may issue a request for best and final offers if the Department determines that:*

(a) No final proposal received by the Department:

(1) Is responsive to the request for final proposals; or

(2) Satisfactorily achieves the goals and needs of the project for any reason, including, without limitation, the final proposals received:

(I) Are not cost effective;

(II) Exceed budget amounts or cost estimates; or

(III) Identify technical or scope ambiguities in the request for final proposals; and

(b) A request for best and final offers may result in the submission of a satisfactory final proposal.

2. The Department may issue a request for best and final offers to:

(a) Each finalist who submitted a final proposal for the project; or

(b) Only those finalists who submitted responsive final proposals within a competitive range.

3. The Department may, when preparing a request for best and final offers:

(a) Hold individual or joint meetings or discussions with finalists concerning the project;

(b) Modify the scope of the project;

(c) Modify the terms of any contract;

(d) Revise the estimates of costs of the project; or

(e) Revise the criteria for evaluation of final proposals and the relative weight assigned to each criterion.

4. A request for best and final offers issued by the Department must set forth the date and time on which best and final offers must be submitted to the Department.

5. After receiving submissions of best and final offers, the Department will evaluate the best and final offers in the same manner as the Department evaluates a final proposal, including, without limitation, refusing to review a nonresponsive best and final offer, holding individual meetings with a proposer or joint meetings with multiple proposers and requesting clarifications or interviewing a proposer concerning the proposal.

6. After reviewing the best and final offers submitted for the project and any clarifications or additional information provided by a proposer pursuant to subsection 5, the Department may:

(a) Rank each responsive best and final offer submitted, with the most cost-effective and responsive offer as the preferred proposer, and the next highest ranked offer as the second preferred proposer, and so on, for each offer; or

(b) Reject all best and final offers.

Sec. 13. *1. Except as otherwise provided in this section, the Department and its agents, officers or employees are not liable for reimbursing a design-build team for the costs incurred by the design-build team in developing or negotiating a preliminary proposal, final proposal or best and final offer.*

2. The Department may partially reimburse the unsuccessful finalists who submitted a responsive final proposal for the cost of preparing a final proposal or best and final offer, or both, if such partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883.

3. Pursuant to paragraph (b) of subsection 6 of NRS 408.3886, the amount of such reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the successful design-build team as set forth in the design-build contract.

4. Any reimbursement made pursuant to this section is payable in the manner set forth in the request for final proposals but, notwithstanding the request for proposals, is payable not later than the execution of the contract or financial close, whichever occurs later.

Sec. 14. *1. After determining the preferred proposer pursuant to section 11 or 12 of this regulation, the Department will attempt to negotiate a design-build contract with the preferred proposer.*

2. If the Department cannot negotiate a satisfactory design-build contract, as determined by the Department, with the preferred proposer, the Department may suspend or end negotiations with the preferred proposer by notifying the preferred proposer in writing of the Department's decision to suspend or end negotiations.

3. If the Department suspends or ends negotiations with the preferred proposer, the Department may initiate negotiations with the finalist who was ranked as the next best proposer during the evaluation process. The Department may repeat the process of suspending or ending negotiations and beginning a negotiation with the next best proposer until the Department can reach a satisfactory design-build contract or until the Department has attempted to negotiate with every finalist which the Department ranked during the evaluation process.

4. If the Department successfully negotiates a design-build contract with a proposer, the Department will hold a public meeting pursuant to subsection 6 of NRS 408.3886 to:

(a) Review and ratify the selection of the proposer and the design-build contract. Ratification of a contract requires approval by the Department and execution of the contract by the Chair of the Board.

(b) Make available to the public a summary setting forth the criteria used by the Department to select the preferred proposer and the ranking of the finalists who submitted final proposals and best and final offers, if applicable. The Department will not release to a third party, or otherwise make public, any financial information submitted by a proposer.

Appendix C

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 408, LCB File No. R049-26, design-build.

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

   Existing law provides that the Nevada Department of Transportation is authorized to procure a highway project using the design-build alternative procurement method. This regulation is needed to establish a transparent process and requirements for the Department of Transportation to procure a design-build project through the solicitation of proposals. This regulation provides detailed procurement steps to be followed by public agencies in the procurement of a design-build project.

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 posted online at Public Involvement and Information | Nevada Department of Transportation (dot.nv.gov/doing-business/public-involvement-information), https://notice.nv.gov/, and in the following locations:

   Nevada State Library Archives 100 North Stewart Street Carson City, Nevada 89701

   Nevada Department of Transportation 4615 W. Sunset Road Las Vegas, Nevada 89118

   Nevada Department of Transportation 1263 South Stewart Street Carson City, Nevada 89712

   Nevada Department of Transportation 1951 Idaho Street Elko, Nevada 89801

   A workshop was held on June 2, 2026, at 10:00 a.m. There were no public responses to the proposed regulation.

3. **The number of persons who:**

   (a) **Attended the workshop:** June 2, 2026: 0

   (b) **Testified at the workshop:** June 2, 2026: 0

   (c) **Submitted to the agency written comments:** No written comments were submitted.

4. **No persons attended the workshop.**

5. **A description of how comment was solicited from affected businesses, a summary of their responses, 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. There were no responses received.

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

The permanent regulation was adopted on July 28, 2026, and no responses were received requesting changes to the regulation. The regulation text was altered by the Legislative Counsel Bureau in conjunction with Department of Transportation staff.

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:**

(e) Both adverse and beneficial effects are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

(f) Both immediate and long-term effects are deemed neutral as the regulation is consistent with long-standing Department of Transportation procedures.

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

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

1. Background:

Under the authority of NRS 408.215(4), the purpose of this regulation is to describe the Design-Build procurement process, pursuant to NRS 408.3875 to 408.3888, inclusive, by which the Department will request preliminary proposals and requests for final proposals to select a best value proposer.

2. Description of Solicitation:

NDOT solicited impact statements from small businesses that are associated with industries familiar with NDOT's projects via email to determine whether the regulation would likely impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The proposed regulation was also brought before NDOT's January 12, 2026, Board of Directors (BOD) meeting as an action item to allow NDOT to move forward with the permanent regulation process as set forth in the Administrative Rulemaking guide. The Board meeting provided the public with two (2) opportunities to comment on the proposed regulation; no comments were received or made by the public. The Board unanimously approved the action item.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? (NRS 233B.0608(1))

No, the proposed regulation does not impose a direct or significant economic burden on small business and does not directly restrict the formation, operation, or expansion of a small business.

4. How was that conclusion reached?

Determinations were reached through discussions with stakeholders, responses to the impact statement email solicitation, internal analysis conducted by subject matter experts, analysis conducted by a consultant, and from the public BOD meeting that resulted in no comments being received from the public.

I, Maya Bourgeois, Chief of Administrative Services, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the

impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: 2/2/2026

Signature: _____

Name: Maya Bourgeois
Title: Chief of Administrative Services
Agency: Nevada Department of Transportation

ADOPTED REGULATION OF THE

NEVADA TAX COMMISSION

LCB File No. R081-26

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

AUTHORITY: §§ 1-3, 5-30, 43, 44, 46 and 47, NRS 360.090; §§ 4 and 31-42, NRS 360.090 and 360.092; § 45, NRS 360.090, 360.350, 360.360, 360.365 and 360.370.

A REGULATION relating to taxation; revising procedures governing proceedings before the Nevada Tax Commission; requiring the electronic filing of certain returns or other documents unless otherwise waived; revising provisions governing communications with the Executive Director of the Department of Taxation; expanding the methods by which certain payments are required to be made to the Department; revising provisions governing the issuance of subpoenas by a hearing officer; revising requirements for the issuance and delivery of an advisory opinion by the Executive Director; revising provisions governing the issuance of permits to collect sales and use taxes; imposing certain duties on persons who are required to file certain returns, statements, reports or other documents for certain taxes, fees, assessments, contributions or premiums; revising standards to determine whether the Department is required to pay interest to a taxpayer who overpays certain taxes; revising the procedures by which a taxpayer may dispute a determination or action of the Department and petition the Department for a redetermination; revising the procedures to become a user of the online portal of the Department; revising, updating and eliminating various obsolete provisions; repealing various provisions which are obsolete or redundant or relate to tax abatements which are no longer available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Tax Commission to adopt regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090)

Section 2 of this regulation establishes the method the Commission and the Department will use to calculate any period prescribed or allowed for an action or filing in an administrative proceeding of the Commission or Department for the purpose of determining whether the action or filing occurs by the prescribed deadline.

Existing regulations authorize the hearing officer in certain administrative proceedings conducted by the Department to request a prehearing statement to explain the issues for consideration by the hearing officer and set forth the requirements for such a prehearing statement. (NAC 360.706) **Section 3** of this regulation applies the procedures for prehearing statements to all administrative proceedings of the Department and Commission.

Section 6 of this regulation applies the provisions of **sections 2 and 3** to administrative proceedings of the Commission or Department in the same manner as other regulations governing such proceedings.

Existing regulations establish certain requirements for communications with the Executive Director of the Department. (NAC 360.045) **Section 7** of this regulation eliminates certain provisions governing informal communications and other communications to or from the Department or Commission. **Section 7** also sets forth when pleadings filed by mail, through the Department's online portal or by electronic mail are deemed to be officially received by the Department. **Section 46** of this regulation eliminates a requirement to include in certain appeals to the Commission information that **section 7** no longer requires to be included in communications to the Commission.

Section 9 of this regulation eliminates existing requirements for: (1) a hearing calendar to be maintained by the Executive Director; (2) current assignments for hearings to be made from the calendar; and (3) a current copy of the hearing calendar to be posted at all offices of the Department. (NAC 360.055) Instead, **section 9**: (1) provides that notices of the meetings of the Commission will be given to the public by posting a notice and an agenda in accordance with the Open Meeting Law; and (2) specifies the locations at which meeting notices and agendas will be posted in accordance with the Open Meeting Law, including, without limitation, on the Internet website of the Department and at the Carson City, Reno and Las Vegas offices of the Department at least 3 business days before the meeting.

Existing regulations set forth certain requirements relating to transcripts of any hearings held before the Commission or a hearing officer. (NAC 360.058) **Section 11** of this regulation: (1) revises those requirements, including, without limitation, specifying the party responsible for furnishing a court reporter and bearing associated costs; and (2) requires a court reporter who transcribes a hearing held before the Commission or a hearing officer to be certified pursuant to provisions of existing law governing certified court reporters.

Existing regulations: (1) require a person appearing in a proceeding to conform to the recognized standards of ethical and courteous conduct; and (2) prohibit smoking during all meetings of the Commission and hearings before a hearing officer. (NAC 360.060) **Section 12** of this regulation: (1) requires a person appearing in a proceeding to conform to the recognized standards of ethical and courteous conduct, as determined by the hearing officer or Commission; (2) requires all parties, their counsel and all spectators to conduct themselves in a respectful manner during the hearing; (3) authorizes the hearing officer or Commission to take any action it determines is necessary to maintain order during a hearing; and (4) eliminates the prohibition of smoking during all meetings of the Commission and hearings before a hearing officer, a provision made redundant by the Nevada Clean Indoor Air Act. (NRS 202.2483)

Existing regulations provide that hearings will be held at the offices of the Department in Carson City, Nevada, or at such other place in the State as may be designated in the notice of hearing. (NAC 360.095) **Section 13** of this regulation eliminates the reference to Carson City and instead provides that hearings will be held at the offices of the Department or at such other place in the State as may be designated in the notice of hearing.

Existing law authorizes the Department to issue subpoenas for witnesses to appear and testify on any subject material to its responsibilities or for the production of books and papers. (NRS 360.240) **Section 14** of this regulation revises the requirements to obtain a subpoena issued by a hearing officer, including requirements for an application for a subpoena and the service of a subpoena.

Existing law requires certain state agencies to provide by regulation for the filing and prompt disposition of petitions for advisory opinions as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) Existing regulations require an advisory opinion to be: (1) issued by the Executive Director within 45 days after the filing of the petition therefor unless the Executive Director in writing orders an extension of time up to a maximum of 60 days after filing; and (2) delivered to the petitioner in person or by certified mail. (NAC 360.200) **Section 23** of this regulation: (1) extends the time for the Executive Director to issue an advisory opinion to not later than 60 days after the date on which the Department sends the petitioner a letter acknowledging receipt of the petition or the petitioner submits any additional information requested by the Executive Director; (2) authorizes an extension of time for the issuance of an advisory opinion to not more than an additional 60 days; (3) authorizes the delivery of an advisory opinion to the petitioner by electronic means if the petitioner has agreed in writing to accept delivery of the advisory opinion by electronic means; (4) authorizes the Executive Director to refuse to issue an advisory opinion under certain circumstances; (5) establishes certain limitations on the applicability of an advisory opinion; and (6) provides that advisory opinions are not considered contested cases under the Nevada Administrative Procedure Act.

Existing law requires a person conducting business in this State as a seller of tangible personal property to register with, or obtain a permit from, the Department to collect sales and use tax in this State. (NRS 360.5971) Senate Bill No. 441 of the 2021 Session of the Nevada Legislature consolidated into one provision multiple provisions of law governing such registrations and permits. (Chapter 342, Statutes of Nevada 2021, at page 2007) **Section 26** of this regulation updates a reference to those provisions of law in an existing regulation that requires the application of an unemancipated minor for a permit from the Department to include a statement from the parent or legal guardian of the minor acknowledging the responsibility of the parent or legal guardian to report and remit sales and use taxes to the Department if the minor fails to do so.

Existing law requires the Commission to adopt regulations providing for the electronic submission of returns to the Department and the payment of taxes, fees, interest and penalties to the Department through the use of credit cards, debit cards and electronic transfers of money. (NRS 360.092) Existing regulations establish the procedures and requirements for the electronic submission of a tax return to the Department and the electronic transfer of money for the payment of taxes, fees, interest and penalties to the Department. (NAC 360.550-360.598) **Section 4** of this regulation: (1) requires a taxpayer, tax preparer or other tax professional to submit any return, payment, request for a waiver, application for a registration, license or permit or claim for a refund or other document relating to taxes administered by the Department by electronic means, to the extent that the Department has an online portal that accepts electronic submissions; (2) authorizes a taxpayer, tax preparer or other tax professional to request a waiver of the requirement to electronically submit such an item or document upon establishing certain facts to the satisfaction of the Department; and (3) authorizes a taxpayer, tax preparer or other tax professional to submit such an item or document on paper if necessary due to a technical failure of the Department's online portal. **Sections 31 and 37** of this regulation make the provisions of existing regulations governing the electronic submission of tax returns and the electronic transfer of money to the Department apply to the tax returns and documents required by **section 4** to be filed electronically with the Department. **Section 8** of this regulation: (1) requires, with certain exceptions, fees and remittances to the Department to be submitted

electronically and paid by electronic funds transfers, credit card or debit card; and (2) provides that the Department may accept payment by check, money order or cashier's check if the Department gives a waiver or under certain other circumstances. (NAC 360.050) **Sections 32-36 and 38-40** of this regulation: (1) revise terminology related to the use of the Department's online portal; (2) revise the procedures for becoming a user of the online portal; and (3) remove references to a web address which is no longer in use. **Sections 41 and 42** of this regulation add credit cards and debit cards as a method by which an electronic transfer of money may be made to pay taxes, fees, interest and penalties to the Department, under certain circumstances and with certain exceptions. (NAC 360.594, 360.596)

Existing regulations impose certain duties on a person who is required to file a return pursuant to provisions of law governing sales and use taxes and who fails to do so within the time prescribed by specific statute, regulation or rule, or who files an incorrect, false or fraudulent return. (NAC 360.435) **Section 27** of this regulation imposes the same duties on a person who is required to file a return, statement, report or other document for other taxes, fees, assessments, contributions or premiums required to be collected by the Department.

Existing law requires interest to be paid to a taxpayer who receives a refund of an overpayment of certain taxes unless the Department determines that the overpayment was made intentionally or by reason of carelessness. (NRS 360.2935, 360.2937, 363A.170, 363B.160, 363C.620, 368A.270, 372.665, 372A.320, 372B.200, 374.670) Existing regulations establish the standards to be used by the Department in determining whether an overpayment of such taxes was made intentionally or by reason of carelessness. (NAC 360.485) **Section 30** of this regulation revises the standards to determine whether an overpayment was made by reason of carelessness. Specifically, **section 30** removes the seeking of advice on complex tax matters from certain professionals who have knowledge of, or experience in, tax matters as a factor indicating that the taxpayer made reasonable and prudent efforts to avoid the overpayment.

Section 45 of this regulation revises the procedure by which a taxpayer may dispute a determination issued or action taken by the Department and petition the Department for a redetermination by: (1) providing for an appeal to the Commission if the Executive Director of the Department denies a request to extend the deadline for filing a petition for redetermination; (2) requiring the Department to issue a notice that sets forth the results of the redetermination; and (3) authorizing the taxpayer to request a hearing before a hearing officer within a certain period after receiving the notice of the results of the redetermination.

Section 47 of this regulation repeals: (1) definitions of terms that are unnecessary because the term is defined by existing law; (2) provisions related to petitions for redetermination that are reenacted in **section 45**; (3) provisions governing contracts between the Department and a private debt collector for the collection of debt owed to the Department because such debt collection is assigned to the State Controller pursuant to NRS 353C.200; (4) obsolete provisions governing tax abatements for new or expanding businesses; and (5) provisions governing certain tax abatements for energy-efficient structures which are no longer available. **Sections 5, 10, 15-22, 24, 25, 28, 29, 43 and 44** of this regulation make conforming changes to certain terms used throughout chapter 360 of the Nevada Administrative Code to conform with a term defined for provisions of law governing taxation in Nevada Revised Statutes.

Section 1. Chapter 360 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.

Sec. 2. ***In computing any period prescribed or allowed by the provisions of this section, NAC 360.043 to 360.200, inclusive, and section 3 of this regulation:***

1. If the period begins to run on the occurrence of an act or event, the day on which the act or event begins is excluded from the computation.

2. The last day of the period is included in the computation, except that if the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by the Governor or on a day on which the offices of the Department are not open for the conduct of business, the period is extended to the close of business on the next business day.

Sec. 3. ***1. The hearing officer may request that the parties file prehearing statements. The parties may file a joint prehearing statement. If the parties cannot agree on a joint prehearing statement, each party must file its statement by the date set by the hearing officer. The prehearing statement must be limited to a brief explanation of the issues for consideration by the hearing officer and must include, without limitation:***

(a) A statement of the unresolved issues that will be presented to the hearing officer, the nature of the specific transaction at issue, the amount in dispute and the legal issues involved in the matter.

(b) A statement of the issues that have been resolved by the parties, including, without limitation, the uncontested facts.

(c) A list of exhibits that each party expects to introduce at the hearing and any objections to those exhibits. The exhibits must be marked in advance of the hearing.

(d) A list of the witnesses that each party expects to testify at the hearing.

(e) An estimate of the time required for the hearing.

(f) A statement regarding whether the party will submit a posthearing brief.

2. A prehearing statement must be filed by the date set by the hearing officer. The hearing officer may grant an extension for filing the prehearing statement if the motion or stipulation requesting the extension is filed with the hearing officer before the date set for filing the statement. The hearing officer shall issue a written decision on the motion or stipulation requesting the extension.

3. Failure of a party to file a prehearing statement will not delay the scheduling of the hearing. The hearing officer shall provide notice of the hearing to the parties at least 10 days before the date of the hearing.

4. If a party wishes to raise an issue before or during the hearing that was not included in its prehearing statement, the hearing officer shall grant a continuance to allow the opposing party to prepare a response to the issue.

Sec. 4. *1. Except as otherwise provided in subsections 2 and 4, a taxpayer, tax preparer or other tax professional who is authorized or required to submit to the Department any return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes or fees administered by the Department shall submit such item or document by electronic means, to the extent that the Department has an online portal that accepts electronic submissions.*

2. Not later than 20 days before the due date of the first item or document for which a waiver of the requirement for electronic submission set forth in subsection 1 is sought, a taxpayer, tax preparer or other tax professional may request a waiver of that requirement. The Department may not grant a waiver of the requirement for electronic submission of a payment

set forth in NRS 353.1467. Except as otherwise provided in this subsection, the Department may grant a waiver of the requirement for a period of not more than 1 year if the taxpayer, tax preparer or other tax professional establishes to the satisfaction of the Department that:

(a) The taxpayer, tax preparer or other tax professional lacks the facilities for electronic submission;

(b) Electronic submission would impose a severe economic hardship on the taxpayer, tax preparer or other tax professional; or

(c) Other good cause exists which excuses compliance with the requirement of electronic submission.

3. Except as otherwise provided in subsection 2, a taxpayer, tax preparer or other tax professional who timely submits a request for a waiver pursuant to subsection 2 may continue to submit a return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department on paper until the Department issues a determination on the request for a waiver. A submission made pursuant to this subsection shall be deemed to comply with the requirements of subsection 1 during that period.

4. If a taxpayer, tax preparer or other tax professional is unable to submit a return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department by electronic means due to a technical failure of the Department's online portal, the taxpayer, tax preparer or other tax professional may submit the return, payment, request for a waiver, application for a license, registration or permit, claim for a refund or other document relating to taxes administered by the Department on paper until the technical failure is resolved such that

electronic submissions can be made through the online portal. A submission made pursuant to this subsection must be accompanied by an attestation of the taxpayer, tax preparer or other tax professional that electronic submission was not possible due to a technical failure of the Department's online portal.

5. For the purposes of subsection 4, a technical failure is deemed to have occurred when the Department's online portal cannot receive electronic submissions continuously or intermittently over the course of any period of time greater than 4 hours on a given day, excepting such periods resulting from scheduled maintenance of the online portal for which public notice was previously provided.

6. If a taxpayer, tax preparer or other tax professional fails to comply with the requirement for electronic submission set forth in subsection 1 and that requirement has not been waived pursuant to subsection 2 or 4, the Department may take any action authorized by law, including, without limitation:

(a) Considering a return or payment to not be compliant and taking any action authorized by law for noncompliance with requirements for submitting a return or payment;

(b) Denying a request; or

(c) Refusing to accept any application for a license, registration or other authorization to conduct a business issued by the Department.

Sec. 5. NAC 360.035 is hereby amended to read as follows:

360.035 "Hearing officer" means the ***Executive*** Director or any other person the Commission may designate.

Sec. 6. NAC 360.043 is hereby amended to read as follows:

360.043 1. ~~[The]~~ ***Except as otherwise provided by specific statute or regulation, the*** provisions of ***chapter 233B of NRS and*** NAC 360.043 to 360.200, inclusive ~~[:]~~ ***, and sections 2 and 3 of this regulation:***

(a) Govern the practice and procedure in contested cases before the Commission and Department.

(b) Govern all practice and procedure before the Commission or Department under titles 31 and 32 of NRS.

(c) Will be liberally construed to secure the just, speedy and economical determination of all issues presented to the Commission or Department.

2. In special cases, where good cause appears, not contrary to statute, deviation from these rules, if stipulated to by all parties of record, will be permitted.

Sec. 7. NAC 360.045 is hereby amended to read as follows:

360.045 ~~[1.]~~ All pleadings, including, ~~[but not limited to,]~~ ***without limitation,*** complaints, petitions, answers, briefs, motions, affidavits and applications, should be addressed to the ***Executive*** Director and not to individual members of the Commission or its staff. All pleadings are deemed to be officially received by the Department when ~~[a]~~ ***:***

1. A true copy of the paper or document, properly addressed and stamped, is deposited in the United States mail ~~[.~~

~~2. Informal communications may be made with individual members of the staff and these communications and documents are deemed to be officially received by the Department when they are properly addressed and stamped and deposited in the United States mail.~~

~~3. Informal communications from the Department or Commission must be signed by the responsible staff member or Commissioner.~~

~~4. Each communication must be limited to one subject, contain the name and address of the person originating the communication and the appropriate permit or account number, if any, pertaining to the subject of the communication.]~~ ***;***

2. An electronic copy of the paper or document is submitted through the Department's online portal under the account of the taxpayer; or

3. An electronic copy of the paper or document is submitted by electronic mail at the direction of the hearing officer.

Sec. 8. NAC 360.050 is hereby amended to read as follows:

360.050 1. ~~[Fees]~~ ***Except as otherwise provided in this subsection and subsection 2, fees*** and remittances to the Department must be ***submitted electronically and be made*** by ***electronic funds transfer, credit card or debit card unless a waiver is given pursuant to subsection 2 or 4 of section 4 of this regulation. If such a waiver is given, fees and remittances may be by check,*** money order, ~~[bank draft]~~ or ***cashier's*** check payable to the Department.

2. ~~[Remittances in currency or coin are wholly at the risk of the remitter and the]~~ ***The*** Department ~~[assumes no responsibility for loss thereof.~~

~~3.]~~ ***may accept payment by check, money order or cashier's check without a waiver given pursuant to subsection 2 or 4 of section 4 of this regulation if the taxpayer demonstrates exigent or time-sensitive circumstances, including, without limitation, enforcement actions, account seizures or other situations in which payment by electronic methods is not reasonably available.***

3. Postage stamps will not be accepted as remittances.

Sec. 9. NAC 360.055 is hereby amended to read as follows:

360.055 ~~[1. A hearing calendar will be maintained by the Director and current assignments for hearings will be made from the calendar. A current copy of the hearing calendar will be posted at all of the offices of the Department.~~

~~2.]~~ Notice of the meetings of the Commission will be given to the public by posting a notice and an agenda ***in accordance with the requirements of chapter 241 of NRS, including, without limitation, by posting a notice and an agenda on the Internet website of the Department and*** at the Carson City, Reno ~~[,]~~ ***and*** Las Vegas ~~[and Elko]~~ offices of the Department at least 3 ~~[working]~~ ***business*** days before the meeting.

Sec. 10. NAC 360.056 is hereby amended to read as follows:

360.056 Oral evidence will be taken only upon oath or affirmation administered by the hearing officer ~~[, Director]~~ or a Commissioner. Before taking the witness stand, each person must swear, or affirm, that the testimony he or she is about to give will be the truth, the whole truth and nothing but the truth.

Sec. 11. NAC 360.058 is hereby amended to read as follows:

360.058 1. If a transcript of any hearing held before the Commission or ~~[the]~~ ***a*** hearing officer is desired by the petitioner or appellant, ~~[he or she]~~ ***the petitioner or appellant*** must ~~[furnish]~~ ***:***

(a) Furnish the ***court*** reporter, ~~[pay for the transcript]~~ ***who must be certified pursuant to chapter 656 of NRS to provide the service of court reporting;***

(b) Bear all costs associated with transcription; and ~~[deliver]~~

(c) Deliver, free of charge, a copy of the transcript to the ***Executive*** Director within 20 days after ~~[requesting a rehearing or filing an appeal]~~ ***receipt*** of the ~~[matter.]~~ ***final transcript.***

2. If ~~[a transcript is prepared by the petitioner or appellant from a tape recording provided by the Department,]~~ the petitioner or appellant ~~[must, if he or she]~~ wishes to use ***,*** ~~[the transcript]~~ in ~~[any]~~ ***a*** subsequent hearing or appeal ~~[of the matter, deliver]~~ ***, a transcript which has been prepared from an audio recording provided by the Department of any hearing held before a hearing officer or the Commission, the petitioner or appellant must:***

(a) Retain a court reporter who is certified pursuant to chapter 656 of NRS to perform the transcription; and

(b) Deliver, free of charge, a copy of the transcript to the Department within the ***period of*** time ~~[required by]~~ ***set forth in*** subsection 1.

Sec. 12. NAC 360.060 is hereby amended to read as follows:

360.060 1. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct ~~[.]~~ ***, as determined by the hearing officer or the Commission. All parties to the hearing, counsel for the parties and all spectators shall conduct themselves in a respectful manner during the proceeding.***

2. ~~[Smoking is prohibited during all meetings of]~~ ***The hearing officer or*** the Commission ~~[and hearings before the hearing officer.]~~ ***may take any action it determines is necessary to maintain order during a hearing, including, without limitation:***

(a) Excluding a party, an attorney for a party or an authorized representative of a party from the hearing;

(b) Excluding a witness from the hearing; and

(c) Limiting the taking of testimony and presentation of evidence during the hearing.

Sec. 13. NAC 360.095 is hereby amended to read as follows:

360.095 1. Hearings will be held before the ***Executive*** Director or other designated hearing officer. Except as provided in subsection 3, notice of the place, date and hour of the hearing will be served at least 10 days before the date set for the hearing.

2. Hearings will be held at the offices of the Department ~~[in Carson City, Nevada,]~~ or at such other place in the State as may be designated in the notice of hearing.

3. In all hearings ordered to be held by the hearing officer, the hearing date may be set with less than 10 days' notice if the petitioner, or the petitioner's counsel, and staff agree in writing.

Sec. 14. NAC 360.135 is hereby amended to read as follows:

360.135 1. Subject to the restrictions imposed by NRS 360.240, a subpoena requiring the attendance of a witness from any place in the State to any designated place of a hearing for the purpose of taking testimony may be issued by the hearing officer.

2. A party desiring ~~[to]~~ ***a*** subpoena ~~[a witness]~~ must submit an application in writing to the hearing officer stating the reasons why a subpoena is requested.

3. ~~[The hearing officer may require that]~~ ***An application to compel the attendance of a witness at a hearing for the purpose of taking the oral testimony of the witness must identify whether or not the witness is a nonparty witness.***

4. Any application for a subpoena ~~[requested by a party]~~ ***duces tecum*** for the production of books, waybills, papers, accounts or other documents ~~[be issued only after the submission of an application in writing, which specifies as clearly as may be, the books, waybills, papers, accounts or other]~~ ***must contain a complete and specific description of the*** documents ***or other tangible things*** desired.

~~[4.]~~ ***5. An application for a subpoena must be accompanied by a proposed subpoena, on a form prescribed by the Department, which contains:***

(a) The name and account number of the taxpayer;

(b) The name of the person to whom the subpoena will be directed and whether such a person is a party to the hearing;

(c) The address for service of the subpoena;

(d) The date, time and place of the hearing; and

(e) The name and signature of the requesting party or the attorney for the requesting party.

6. The hearing officer, upon receipt of an application for a subpoena, shall:

(a) Grant the application and issue the subpoena;

(b) Deny the application; or

(c) Schedule a hearing to decide whether to grant or deny the application.

~~[5.]~~ ***7. A subpoena must be served by the requesting party at least 10 days before the hearing. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party. A subpoena duces tecum must be served on the opposing party not less than 7 days before service on the person to whom the subpoena duces tecum is directed.***

8. The requesting party must arrange for service of the subpoena. All costs incident to the ~~[subpoenas issued at the request of the petitioner]~~ ***subpoena*** must be paid by the ~~[petitioner, and the hearing officer may demand payment of the costs before the issuance of a subpoena.]~~ ***requesting party.***

Sec. 15. NAC 360.173 is hereby amended to read as follows:

360.173 1. Except as otherwise provided in this section or required to carry out a specific statute, regulation or court order, the Commission will not consider any notice of appeal filed

more than 30 calendar days after service upon the taxpayer of the decision that is the subject of the notice of appeal.

2. The ***Executive*** Director may, within 45 calendar days after a notice of appeal is otherwise due, grant an extension of time for the filing of the notice of appeal if:

(a) A request for the extension, accompanied by any supporting documentation, is made in writing to the Department; and

(b) The ***Executive*** Director finds that the failure to file the notice of appeal in a timely manner:

(1) Occurred despite the exercise of ordinary care and without the intent of the taxpayer; and

(2) Is the result of circumstances beyond the control of the taxpayer. Such circumstances may include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer, or the death or hospitalization of the person responsible for filing the notice of appeal.

3. A notice of appeal filed with the Department in accordance with an extension of time granted by the ***Executive*** Director pursuant to this section shall be deemed to be timely filed.

4. A taxpayer may appeal a decision of the ***Executive*** Director denying a request for an extension of time for the filing of a notice of appeal by filing an appeal of that decision with the Commission within 30 calendar days after service of the decision on the taxpayer.

5. As used in this section, "notice of appeal" means notice of an appeal by a taxpayer of a decision of the ***Executive*** Director or of any other officer or employee of the Department.

Sec. 16. NAC 360.174 is hereby amended to read as follows:

360.174 1. As soon as practicable after a taxpayer or the authorized representative of a taxpayer files a notice of appeal pursuant to paragraph (b) of subsection 1 of NRS 360.245, the

Department shall determine whether the appeal is likely to affect the revenue of a county or other local government. The Department shall make that determination based upon:

(a) The estimate provided pursuant to NAC 360.172 of the amount of money at issue on the appeal or, if the Department determines that the estimate is inaccurate, based upon the particular facts and circumstances of the appeal; and

(b) The applicable criteria established by the Commission pursuant to subsection 5.

2. If the Department determines pursuant to subsection 1 that an appeal is likely to affect the revenue of a county or other local government, the Department shall:

(a) As soon as practicable after making that determination, provide a copy of the notice of appeal to:

(1) The district attorney and the governing body of the county regarding which the determination is made; and

(2) The governing body of each other local government regarding which the determination is made.

(b) At least 30 calendar days before the date of the first meeting at which the Commission may hear the appeal, notify each person to whom a copy of the notice of appeal was provided pursuant to paragraph (a) of the date of that meeting.

➥ A county or other local government that receives a copy of a notice of appeal pursuant to this subsection may intervene in the appeal in the manner provided in NAC 360.070.

3. If a taxpayer or the authorized representative of a taxpayer files a notice of appeal pursuant to paragraph (b) of subsection 1 of NRS 360.245 and the ***Executive*** Director determines that the appeal involves a legal issue of broad applicability to:

(a) A county regarding which a copy of the notice of appeal has not been provided to the district attorney and the governing body of the county pursuant to subsection 2, the ***Executive*** Director may provide a copy of the notice of appeal to that district attorney and governing body.

(b) A local government regarding which a copy of the notice of appeal has not been provided to the governing body of the local government pursuant to subsection 2, the ***Executive*** Director may provide a copy of the notice of appeal to that governing body.

4. Each person and local government that receives a copy of a notice of appeal pursuant to this section shall hold and protect the information contained in the notice of appeal and any accompanying materials in accordance with any applicable laws pertaining to the confidentiality of that information, including, without limitation, any applicable provisions of NRS 360.247 and 360.255.

5. For the purposes of this section and subsection 6 of NRS 360.245, the Commission will, at least once every 5 years, establish for each county criteria for determining whether an appeal is likely to affect the revenue of the county or another local government within the county, including, without limitation, criteria pertaining to:

(a) The population and distribution of taxes in the county or other local government; and

(b) The ability of the county or other local government to meet its financial obligations.

➥ The Department shall provide the Commission with recommendations for those criteria.

Sec. 17. NAC 360.175 is hereby amended to read as follows:

360.175 1. The staff, petitioner or a designated representative may, within 30 days after service of the copy of the findings of fact, conclusions of law and decision of the hearing officer, file a notice of appeal with the Commission.

2. Within 30 days after filing a notice of appeal, the appellant shall file with the Commission:

(a) An opening brief setting forth the points relied upon in his or her appeal and authorities in support thereof; and

(b) A statement identifying the parts of the record before the hearing officer that he or she deems relevant to his or her appeal.

3. An appeal from the decision of the hearing officer to the Commission must be based upon one or more of the grounds set forth in subsection 3 of NRS 233B.135.

4. The filing of a notice of appeal does not excuse compliance with the decision of the hearing officer nor suspend the effectiveness of a decision unless otherwise ordered by the hearing officer.

5. Within 30 days after service of the appellant's opening brief upon a respondent, the respondent shall file with the Commission:

(a) An answering brief with the Commission; and

(b) A statement identifying the parts of the record before the hearing officer that he or she deems relevant to his or her response.

6. Within 30 days after service of the respondent's answering brief upon the appellant, the appellant may file with the Commission a reply brief.

7. After receipt of a notice of appeal, filed in compliance with subsection 1, and the documentation required by subsections 2, 5 and 6, the Department will schedule a time for oral argument before the Commission at its next meeting. The oral argument will be limited to a period of time not to exceed 20 minutes unless extended by the Commission. The Commission

will not review evidence which was not submitted to the hearing officer unless it determines that good cause exists for a failure to submit the evidence to the hearing officer.

8. The Commission will modify, reverse or affirm the decision of the hearing officer or remand the case to the hearing officer. The ***Executive*** Director shall issue a final written decision on behalf of the Commission.

9. A brief and any other documentation filed with the Commission pursuant to subsection 2, 5 or 6 must be accompanied by an acknowledgment of or an affidavit showing service on all other parties of record.

10. The filing deadlines set forth in subsections 2, 5 and 6 may be extended:

(a) By the parties by stipulation; or

(b) By the Chair of the Commission upon written application by the appellant or respondent and a showing of good faith by the moving party.

11. The Commission may dismiss an appeal if the appellant fails to timely file the documentation required by subsection 2.

Sec. 18. NAC 360.182 is hereby amended to read as follows:

360.182 1. A taxpayer may request a closed hearing by submitting the request in writing to the Commission:

(a) Not later than 14 calendar days before the date of the hearing; or

(b) If authorized by the ***Executive*** Director for good cause shown, not later than 5 calendar days before the date of the hearing.

2. A request for a closed hearing must include:

(a) A list or summary of the information the taxpayer alleges to be proprietary or confidential information, which may include bank records, financial statements, customer lists, vendor lists,

trade secrets and unique business practices of the taxpayer, and any other information the taxpayer considers to be proprietary or confidential information; and

(b) A short statement explaining how the information alleged by the taxpayer to be proprietary or confidential information qualifies as such pursuant to NRS 360.247.

3. If the Commission receives a request for a closed hearing in accordance with the provisions of this section, the Commission will:

(a) Indicate on its written agenda that the taxpayer has requested a closed hearing; and

(b) Hold and protect the information included in the request and any information included in any briefs filed in the pertinent appeal, including any supporting materials and exhibits, in accordance with any applicable laws pertaining to the confidentiality of that information.

4. If a taxpayer submits a request for a closed hearing pursuant to:

(a) Paragraph (a) of subsection 1, the Department may, not later than 5 calendar days before the date of the hearing; or

(b) Paragraph (b) of subsection 1, the Department may, not later than 3 calendar days before the date of the hearing,

➥ file a written objection to the request with the Commission and serve a copy of the objection upon the taxpayer or the authorized representative of the taxpayer.

5. In a closed hearing, the Commission:

(a) May receive testimony from the taxpayer and other witnesses regarding the information the taxpayer alleges to be proprietary or confidential information; and

(b) Must determine by a majority vote of a quorum of its members whether that information qualifies as proprietary or confidential information pursuant to NRS 360.247. If the Commission determines that any of that information qualifies as proprietary or confidential information

pursuant to NRS 360.247, the Commission may continue to hold a closed hearing regarding that proprietary or confidential information until the Commission determines that the proprietary or confidential information has been adequately discussed within the context of the appeal.

6. A taxpayer who fails to submit a request for a closed hearing in accordance with the provisions of this section shall be deemed to have waived his or her right to request a closed hearing. The provisions of this section do not affect the right of a taxpayer or the agent of the taxpayer to request a continuance of any hearing on an appeal by the taxpayer.

7. As used in this section, "closed hearing" means a hearing before the Commission which is closed to the public pursuant to NRS 360.247.

Sec. 19. NAC 360.185 is hereby amended to read as follows:

360.185 1. The Commission may issue an order granting a rehearing or reconsideration of all or part of any matter on its own motion or on a petition by an aggrieved party. A motion or petition for rehearing or reconsideration will not be granted if the motion is made or the petition is filed more than 15 days after service of the Commission's final decision on the matter or if a petition on the matter has been filed in the district court. The Commission will serve an order granting or denying a rehearing or reconsideration on all parties of record at least 5 days before the expiration of the time for filing a petition for judicial review pursuant to NRS 233B.130. The right of a person to file a petition in the district court is not affected by the person's failure to have petitioned for the Commission's rehearing or reconsideration.

2. No oral argument concerning a motion or petition for rehearing or reconsideration will be permitted.

3. Except as otherwise provided in subsection 4, if the Commission has not taken action on a motion or petition for rehearing or reconsideration within the 15-day period allowed for making such a motion or filing such a petition, the motion or petition shall be deemed denied.

4. If a motion or petition for rehearing or reconsideration is made or filed within the 15-day period but the Commission is not scheduled to meet within that period, the ***Executive*** Director may, upon a showing of good cause, stay enforcement of the Commission's original decision until the Commission can grant or deny the motion or petition.

5. A stay of enforcement may be ordered upon the condition that the petitioner comply with specific terms which are reasonably related to the original findings and decision.

6. If the Commission issues an order granting a rehearing or reconsideration, the subsequent decision by the Commission:

(a) Will be based on all pertinent parts of the record and such additional evidence and argument as it may permit.

(b) Is the final decision of the Commission for the purposes of judicial review.

Sec. 20. NAC 360.186 is hereby amended to read as follows:

360.186 Any person, corporation, partnership or association whose property valuation is required to be determined by the Commission pursuant to NRS 361.315, 361.320 or 361.325 may appear before the Commission during its annual meeting on the first Monday of October, if he or she has first delivered to the ***Executive*** Director no later than 7 working days in advance of the meeting a written petition to appear specifying which portions of the staff's valuation formulae are to be questioned and the specific basis for the questions.

Sec. 21. NAC 360.190 is hereby amended to read as follows:

360.190 1. Any person may petition for an advisory opinion concerning matters within the jurisdiction of the Department or Commission.

2. The Board may petition for an advisory opinion concerning compliance with any of the provisions of chapters 361, 361A and 362 of NAC adopted by the Commission.

3. All petitions must be in writing, be addressed to the ***Executive*** Director and set forth at least the following:

(a) A statement that an advisory opinion is requested;

(b) A succinct statement of all the facts and circumstances necessary to dispose of the petition;

(c) A clear, simple statement of the issue or question to be resolved;

(d) A statement of all statutes, rules, agency decisions or other authorities which the petitioner believes may be relevant in disposing of the petition; and

(e) A statement with supporting arguments and authorities of the petitioner's opinion of a proper disposition of the petition.

Sec. 22. NAC 360.195 is hereby amended to read as follows:

360.195 Since the Commission's jurisdiction does not extend to equalization matters, the ***Executive*** Director may respond to any request for an advisory opinion as being directed to the Board.

Sec. 23. NAC 360.200 is hereby amended to read as follows:

360.200 1. Advisory opinions must:

(a) Be written**.** ~~[;]~~

(b) Include a statement of facts, question, analysis and opinion**.** ~~[;]~~

(c) Be issued by the ***Executive*** Director ~~[within 45]~~ ***not later than 60*** days after the ~~[filing]~~ ***date on which the Department sends the petitioner a letter acknowledging receipt*** of the petition ***.*** ~~[unless the]~~ ***If the Executive Director requests additional information from the petitioner, the Executive Director shall issue the advisory opinion not later than 60 days after the date on which the petitioner submits the additional information. The Executive*** Director ***may,*** in writing ~~[orders an extension of time up to a maximum of]~~ ***, extend either period for not more than an additional*** 60 days ***.*** ~~[after filing; and]~~

(d) Be delivered to the petitioner in person or by certified mail ~~[.]~~ ***, unless the petitioner agrees in writing to accept delivery by electronic means.***

2. ***The Executive Director may refuse to issue an advisory opinion if:***

(a) The petition is not requested by or on behalf of a specifically identified person to whom the facts and circumstances set forth in the petition apply;

(b) The question or issue raised in the petition is the subject of a pending audit involving the petitioner or a pending administrative, civil, criminal or judicial proceeding in which the petitioner is a party; or

(c) The petition does not comply with the requirements of subsection 3 of NAC 360.190.

3. An advisory opinion:

(a) Is limited to the facts or circumstances set forth in the petition and any additional information submitted by the petitioner; and

(b) Is not applicable if the facts or circumstances are materially different from those set forth in the advisory opinion.

4. Advisory opinions of the ***Executive*** Director are appealable to the Commission in the same manner as ~~[any other]~~ ***an*** appealable decision ~~[.]~~ ***but are not considered contested cases under chapter 233B of NRS.***

Sec. 24. NAC 360.398 is hereby amended to read as follows:

360.398 1. If a notice of a deficiency determination has been issued by the Department pursuant to NRS 360.350, a taxpayer who files a petition for redetermination pursuant to NRS 360.360 may:

(a) Submit, with the petition for redetermination, a written request for the waiver or reduction of the penalty or interest, or both; or

(b) Request before the conclusion of the hearing on the petition for redetermination conducted pursuant to NRS 360.370 that the hearing officer waive or reduce the penalty or interest, or both.

2. If a taxpayer requests, pursuant to paragraph (a) of subsection 1, the waiver or reduction of the penalty or interest, or both, and does not challenge the correctness of the tax or fee that is the subject of the deficiency determination, the ***Executive*** Director or the ***Executive*** Director's designee shall make a determination on the request in the manner prescribed in NAC 360.396.

3. If a taxpayer requests the waiver or reduction of the penalty or interest, or both, pursuant to:

(a) Paragraph (a) of subsection 1 and challenges the correctness of the tax or fee that is the subject of the deficiency determination; or

(b) Paragraph (b) of subsection 1,

➥ the hearing officer shall make a determination on the request as part of the adjudication of the petition for redetermination. If the hearing officer grants the request to waive or reduce the

penalty or interest, or both, the hearing officer may order that the waiver or reduction is contingent upon the requirement that the taxpayer pay the tax or fee for which the penalty or interest was assessed not more than 30 days after the issuance of the decision of the hearing officer.

4. A taxpayer aggrieved by a determination of the ***Executive*** Director or the ***Executive*** Director's designee or a hearing officer regarding a request to waive or reduce the penalty or interest, or both, may appeal that determination to the Commission in the manner provided pursuant to NRS 360.245 to 360.390, inclusive.

Sec. 25. NAC 360.410 is hereby amended to read as follows:

360.410 1. Except as otherwise provided in subsection 3, a check which was tendered within the due date prescribed by law but subsequently dishonored after the due date does not constitute timely payment.

2. Checks returned by a bank for any reason are subject to a charge of $25.

3. If the check was not honored through the fault or error of the banking institution and the taxpayer can provide evidence to this effect, the payment will be considered made on the date tendered.

4. The ***Executive*** Director may waive the charge imposed by subsection 2 upon determining that a waiver is warranted by the circumstances.

Sec. 26. NAC 360.425 is hereby amended to read as follows:

360.425 Unless the applicant provides to the Department a decree of emancipation issued to the applicant pursuant to NRS 129.080 to 129.140, inclusive, the application of a person who is under the age of 18 years for a license or permit issued pursuant to NRS ~~[372.125 or 374.130]~~

360.5971 must include a statement signed by the parent or legal guardian of the applicant in substantially the following language:

I, the undersigned, hereby acknowledge responsibility until the applicant reaches 18 years of age for reporting or remitting to the Department any taxes imposed pursuant to ..... (chapter 372 or 374 of NRS, as applicable) that the applicant fails to report or remit to the Department.

.....

Signature of applicant's parent or legal guardian

Sec. 27. NAC 360.435 is hereby amended to read as follows:

360.435 ***1.*** Any person who is required to file a return ~~[pursuant to chapter 372 or 374 of NRS]~~ and fails to do so within the time prescribed by specific statute, regulation or rule, or who files an incorrect, false or fraudulent return, must, upon written demand of the ***Executive*** Director or the ***Executive*** Director's designee, file the return required or the corrected return, as appropriate, within 10 days after the written demand for the return or corrected return has been mailed to the person. The person shall pay any tax due on the basis of such a return when filing the return.

2. As used in subsection 1, "return" includes any tax return, statement, report or other document for a tax, fee, assessment, contribution or premium provided for in chapter 360, 360B, 362, 363A, 363B, 363C, 363D, 368A, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D, 444A, 585 or 680B of NRS or NRS 482.313, 482C.230 or 482C.240.

Sec. 28. NAC 360.440 is hereby amended to read as follows:

360.440 1. If a taxpayer fails to file a return as required by the applicable provisions of chapter 360, 360B, 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, 482C.230 or 482C.240 or chapter 585 or 680B of NRS, the taxpayer or the taxpayer's representative may file with the Department an application for voluntary disclosure in a form prescribed by the Department before the Department has initiated an audit or investigation of the taxpayer. An application is deemed to be filed with the Department on the date the application is received by the Department.

2. If the Department verifies that it did not initiate an audit or investigation of the taxpayer before the date on which the application was filed, the Department shall accept the application and notify the taxpayer or the taxpayer's representative, as applicable, of the acceptance of the application within 30 days after the date on which the application was filed.

3. For the purposes of subsections 1 and 2, the Department has initiated an audit or investigation of a taxpayer if the Department has:

(a) Contacted the taxpayer by telephone, in person or in writing regarding a possible tax liability or registration requirement; or

(b) Given the taxpayer written notice that an audit will be conducted by the Department concerning liability for the type of tax that the taxpayer wishes to disclose voluntarily pursuant to this section.

4. Except as otherwise provided in subsection 5, the Department shall not consider the tax liability of a taxpayer as being voluntarily disclosed unless, within 90 days after the date on which notice of acceptance of the taxpayer's application is given pursuant to subsection 2, the

taxpayer or the taxpayer's representative complies with the requirements of this subsection. The taxpayer or the taxpayer's representative must:

(a) File with the Department any required registration and the delinquent tax returns for the tax estimated to be owed for the period being disclosed or, if the period being disclosed exceeds 8 years, for the 8 years immediately preceding the date on which the application was filed;

(b) Pay the tax estimated to be owed for the period being disclosed or, if the period being disclosed exceeds 8 years, for the 8 years immediately preceding the date on which the application was filed; and

(c) Submit any additional information or material required by the Department.

5. If a request for an extension of time to satisfy the requirements of subsection 4 is made in writing to the Department after the filing of an application and within 90 days after the date on which notice of acceptance of the application is given pursuant to subsection 2, the ***Executive*** Director or a person designated by the ***Executive*** Director may grant a taxpayer or the taxpayer's representative one extension of time, not to exceed 90 days, to satisfy those requirements. The request must be accompanied by proof satisfactory to the ***Executive*** Director or his or her designee that the requirements cannot be satisfied within the time otherwise required by subsection 4 despite the exercise of ordinary care by the taxpayer or the taxpayer's representative and because of circumstances beyond the control of the taxpayer or the taxpayer's representative.

6. The circumstances described in subsection 5 include, without limitation:

(a) A natural disaster or other disaster;

(b) The death or hospitalization of the taxpayer or the taxpayer's representative; or

(c) Any other circumstance that could not reasonably have been anticipated at the time the application was filed.

Sec. 29. NAC 360.450 is hereby amended to read as follows:

360.450 1. Except as otherwise provided in subsection 2 and NAC 360.460 and subject to the approval of the ***Executive*** Director or the ***Executive*** Director's designee, the Department may enter into an agreement with a taxpayer, upon the request of the taxpayer, that allows the taxpayer to pay taxes, interest and penalties in installments over a period of 12 months or less if:

(a) The taxpayer submits accurate and complete information that the Department requires to determine whether to enter into the agreement;

(b) The taxpayer agrees in writing to comply with all applicable laws and regulations of the Commission during the period in which the agreement is in effect, including, without limitation, reporting and payment requirements;

(c) The taxpayer agrees in writing that the agreement may be terminated immediately if the taxpayer fails timely to make any payment required by the agreement or defaults in any other reporting or payment requirement;

(d) The Department determines that as of the date on which the taxpayer requested to enter into the agreement, the taxpayer is unable to pay the entire amount of taxes, interest and penalties due for financial reasons; and

(e) The amount owed by the taxpayer on the date on which the taxpayer requested to enter into the agreement does not exceed the amount set by the Commission pursuant to NAC 360.454.

2. Except as otherwise provided in NAC 360.460, the ***Executive*** Director may, for good cause shown, upon the request of a taxpayer who satisfies the requirements set forth in subsection 1, authorize the Department to enter into an agreement with a taxpayer that allows the

taxpayer to pay taxes, interest and penalties in installments over a period of more than 12 months.

3. The Department or the ***Executive*** Director, as applicable, may deny a request to enter into an agreement pursuant to subsection 1 or 2 if the taxpayer has not complied with a previous agreement with the Department to pay taxes, interest and penalties in installments.

4. As used in this section, "good cause" includes, without limitation, circumstances that would prevent a taxpayer from paying the taxes, interest and penalties in a period of 12 months or less.

Sec. 30. NAC 360.485 is hereby amended to read as follows:

360.485 For the purposes of NRS 363A.170, 363B.160, 363C.620, 368A.270, 372.665, 372A.320, 372B.200 and 374.670, an overpayment of a tax imposed by chapter 363A, 363B, 363C, 368A, 372, 372A, 372B or 374 of NRS, as applicable, and administered by the Department was made:

1. Intentionally if the overpayment was made for any reason other than a good-faith belief that the taxpayer owed the tax and paid the amount of tax owed by the taxpayer.

2. By reason of carelessness if the overpayment is the result of the failure of the taxpayer to make reasonable and prudent efforts to avoid the overpayment. Such reasonable and prudent efforts may include, without limitation:

(a) Maintaining accurate and complete books and records;

(b) Correcting errors in the computation of the tax which were identified by an audit conducted before the overpayment;

(c) Investigating the taxability of transactions during an audit when the overpayment was reasonably identifiable;

(d) Ceasing to make overpayments after receiving a refund for a prior overpayment involving the same or similar issues;

(e) Ceasing to make overpayments resulting from repeated transactions or transactions of a similar type when the taxability of the transactions is governed by a regulation or law that is commonly followed in the taxpayer's industry, trade or practice and the transactions are conducted over a period of time of sufficient length that a reasonable person would have discovered and corrected the issue causing the overpayment; ***and***

(f) Seeking an advisory opinion or other written advice from the Department concerning an interpretation of law when the taxpayer is unsure of the correct interpretation of the law **.** ~~[; and~~

~~(g) Seeking advice on complex tax matters from a certified public accountant certified to practice in this State pursuant to chapter 628 of NRS or any other person who is certified or licensed in this State to practice a profession the members of which engage in the provision of advice on tax matters and who has knowledge of, or experience in, tax matters.]~~

Sec. 31. NAC 360.550 is hereby amended to read as follows:

360.550 As used in NAC 360.550 to 360.598, inclusive, ***and section 4 of this regulation,*** the words and terms defined in NAC 360.552 to 360.582, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NAC 360.552 is hereby amended to read as follows:

360.552 "Authorized user" means a person who is granted authority by the taxpayer account security administrator to access taxpayer information available ~~[on]~~ ***through*** the ~~[website]~~ ***online portal*** of the Department **.** ~~[, located at https://www.nevadatax.nv.gov/web/ on the World Wide Web.]~~

Sec. 33. NAC 360.568 is hereby amended to read as follows:

360.568 "NevadaTax access code" means a personal identification number issued to a person by the Department that allows the person to become a ~~[website]~~ user ***of the Department's online portal*** and to access and file tax information ~~[online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.]~~ ***through the online portal.***

Sec. 34. NAC 360.570 is hereby amended to read as follows:

360.570 "Permit" means one or more ~~[tax]~~ licenses ***,*** ~~[or]~~ registrations ~~[obtained from]~~ ***or other forms of authorization issued by*** the Department ~~[by completing and submitting a Nevada Business Registration by mailing or delivering it to the Department or by completing the Nevada Business Registration online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.]~~ ***for the purpose of engaging in a business or remitting taxes or fees to the Department, or both.***

Sec. 35. NAC 360.578 is hereby amended to read as follows:

360.578 "Taxpayer account security administrator" means a person appointed and authorized by a taxpayer to administer security access on the Department's ~~[website, located at https://www.nevadatax.nv.gov/web/ on the World Wide Web.]~~ ***online portal.***

Sec. 36. NAC 360.582 is hereby amended to read as follows:

360.582 ~~["Website user"]~~ ***"User"*** means a taxpayer who, by way of providing specific information requested by the Department through its ~~[website]~~ ***online*** registration process, has obtained a username and password enabling the taxpayer to conduct transactions and access ~~[his or her]~~ ***the taxpayer's*** account information ~~[online at https://www.nevadatax.nv.gov/web/ on the World Wide Web.]~~ ***through the Department's online portal.***

Sec. 37. NAC 360.584 is hereby amended to read as follows:

360.584 NAC 360.550 to 360.598, inclusive, ***and section 4 of this regulation*** apply to online registration, filing and payment by electronic transfer of money for taxes, fees, interest,

penalties or other charges provided for in ~~[chapters 360, 361, 362, 363A, 363B, 363C, 368A, 369, 370, 372, 372A, 374, 377, 377A and]~~ ***any chapter of title 32 of NRS that is administered by the Department and to any fee or tax provided for in chapter*** 444A ~~[of NRS and to any fee provided for in NRS 482.313]~~ or ~~[chapter]~~ 680B of NRS ~~[.]~~ ***or NRS 482.313, 482C.230, 482C.240 or 585.497.***

Sec. 38. NAC 360.586 is hereby amended to read as follows:

360.586 The Department's ~~[taxpayer service center website, located at https://www.nevadatax.nv.gov/web/ on the World Wide Web,]~~ ***online portal*** provides taxpayers with the ability to conduct transactions and review tax account information on the Internet.

Sec. 39. NAC 360.588 is hereby amended to read as follows:

360.588 1. To register online with the Department, a person must ~~[submit a completed Nevada Business Registration and confirm the registration by clicking on the certification button on]~~ ***become a user of*** the Department's ~~[website. By clicking on the certification button, a person represents that:~~

~~(a) The information contained in the online Nevada Business Registration is true and accurate; and~~

~~(b) The signatory is duly authorized to act on behalf of the business.]~~ ***online portal.***

2. To become a ~~[website]~~ user of the Department's ~~[website,]~~ ***online portal,*** a taxpayer who has not obtained a permit from the Department must:

(a) Provide, during the ~~[website]~~ ***online*** registration process:

(1) The legal name and the federal employer identification number of the ~~[registrant;]~~ ***business of the taxpayer;*** or

(2) If the ~~[registrant]~~ ***taxpayer*** is a sole proprietor, the legal name and the social security number of the ~~[registrant;]~~ ***taxpayer;***

(b) ~~[Submit the legal name and electronic mail address of the taxpayer account security administrator;~~

~~(c)]~~ Submit a completed online Nevada Business Registration; and

~~[(d)]~~ ***(c)*** Confirm, by clicking on the ~~[certification]~~ ***submit*** button on the ~~[website]~~ ***online portal*** upon completion of the registration process, that:

(1) The information contained in the online Nevada Business Registration is true and accurate; ***and***

(2) The signatory is duly authorized to act on behalf of the business ***.*** ~~[; and~~

~~(3) Security access is granted to the taxpayer account security administrator.]~~

3. To become a ~~[website]~~ user of the Department's ~~[website,]~~ ***online portal,*** a taxpayer ***or business*** who has a permit issued by the Department must:

(a) Provide, during the ~~[website]~~ ***online*** registration process ~~[, the]~~ ***:***

(1) The legal name of the ~~[registrant and any one of the following:~~

~~(1)]~~ ***taxpayer or business;***

(2) The ~~[registrant's]~~ federal employer identification number ~~[;~~

~~(2) If]~~ ***of the business, or if*** the ~~[registrant]~~ ***taxpayer*** is a sole proprietor, the ~~[registrant's]~~ social security number ~~[; or]~~ ***of the taxpayer; and***

(3) The ~~[permit]~~ ***account*** number assigned to the ~~[registrant]~~ ***taxpayer or business*** by the Department;

(b) ~~[Provide]~~ ***If the user is not an owner or officer of the business, or the social security number of the owner or an officer is not associated with the account, provide*** selected

information from a return ***or payment*** that was previously filed ***or made, as applicable,*** by the ~~[registrant;~~

~~(c) Provide the legal name and electronic mail address of the taxpayer account security administrator;]~~ ***business;*** and

~~[(d)]~~ ***(c)*** Confirm, by clicking on the ~~[certification]~~ ***submit*** button on the ~~[website]~~ ***online portal*** upon completion of the registration process, that:

(1) The information contained in the ~~[website]~~ ***online*** registration is true and accurate; ***and***

(2) The ~~[website]~~ user is duly authorized to act on behalf of the business and to receive confidential information ***.*** ~~[; and~~

~~(3) Security access is granted to the taxpayer account security administrator.]~~

Sec. 40. NAC 360.590 is hereby amended to read as follows:

360.590 A taxpayer account security administrator shall be deemed to have authorized and assumed responsibility for an authorized user accessing the account of the taxpayer and filing an electronic return on behalf of the taxpayer ~~[on]~~ ***through*** the Department's ~~[website.]~~ ***online portal.***

Sec. 41. NAC 360.594 is hereby amended to read as follows:

360.594 1. For each electronic return of taxes, fees, interest, penalties or other charges, a return must be completed and submitted with payment made no later than midnight Pacific Time on the return due date. Online payment may be submitted ***through an electronic transfer of money*** only by automated clearinghouse credit ***,*** ~~[or]~~ automated clearinghouse debit ~~[.]~~ ***, credit card or debit card.***

2. If a person ~~[submits]~~ ***who has been granted a waiver pursuant to subsection 2 or 4 of section 4 of this regulation submits*** an electronic return ~~[but]~~ ***and*** sends payment through the

United States mail, a copy of the printout of the electronic return confirmation page must be submitted with the payment and must be postmarked by the return due date.

3. A zero-return must be submitted in the event that no taxes are due for the reporting period in accordance with statute.

Sec. 42. NAC 360.596 is hereby amended to read as follows:

360.596 1. An electronic transfer of money must be made by an automated clearinghouse credit ***,*** ~~[or]~~ automated clearinghouse debit ~~[.]~~ ***, credit card or debit card.***

2. A taxpayer is responsible for paying any fees assessed against the taxpayer by the taxpayer's bank in connection with an electronic transfer of money.

3. The Department is responsible for paying transaction fees assessed by the State's bank in connection with an electronic transfer of money.

Sec. 43. NAC 360.650 is hereby amended to read as follows:

360.650 1. To determine whether an adjustment to the amount allocated to a local government or special district from the Local Government Tax Distribution Account is necessary pursuant to NRS 360.695, the ***Executive*** Director shall:

(a) On or before March 31 of each year, review the population, as determined pursuant to NRS 360.285 or subsection 9 of NRS 360.690, and assessed valuation of the taxable property, as determined pursuant to NRS 361.390, of each local government and special district; and

(b) Review all information that is available concerning the amount allocated to the local government or special district, including, without limitation:

(1) Whether the local government or special district has been determined to be in severe financial emergency pursuant to NRS 354.685; and

(2) A comparison of the total per capita revenue of the local government or special district and the total per capita revenue of each other local government or special district of similar size and type.

2. If, after conducting the review required pursuant to paragraph (a) of subsection 1, the ***Executive*** Director determines that an adjustment to the allocation of the local government or special district may be necessary, the ***Executive*** Director shall notify that local government or special district of his or her determination within 3 days after the ***Executive*** Director makes the determination.

3. The ***Executive*** Director shall report any findings he or she makes pursuant to this section to the Committee on Local Government Finance on or before December 1 of each year.

Sec. 44. NAC 360.702 is hereby amended to read as follows:

360.702 1. If a taxpayer provides written documentation during an audit that indicates that the taxpayer relied to his or her detriment on written advice provided by an officer, agent or employee of the Department, an opinion of the Attorney General or the Commission, or the written results of an audit of his or her records conducted by the Department, the auditor shall document the facts and circumstances relating to the issue for the audit file and shall continue the audit. Such documentation may include, without limitation:

(a) An advisory opinion issued by the Department pursuant to NAC 360.190, 360.195 and 360.200 in response to the request of the taxpayer for advice on an issue, if the facts contained in the request are similar to the facts of the transactions under review in the current audit;

(b) A letter issued by the Department to the taxpayer regarding the manner in which to account for the specific types of transactions under review in the current audit;

(c) Written documentation which establishes that the taxpayer has been audited previously by the Department and that the results of that audit conflict with the results of the current audit;

(d) An opinion or decision of the Attorney General or the Commission that addresses an issue or circumstances that are similar to the specific types of transactions under review in the current audit; and

(e) A letter issued by the Department to the taxpayer that defines the items, scope and issues reviewed in a prior audit which are similar to the specific types of transactions under review in the current audit. The occurrence of a prior audit is not conclusive evidence that relieves the taxpayer of liability in the current audit.

2. The ***Executive*** Director shall review the documents submitted by the taxpayer pursuant to subsection 1 and decide whether to recommend a waiver of the tax, interest or penalty, pursuant to NRS 360.294, to the Commission based on the information provided by the taxpayer pursuant to subsection 1.

Sec. 45. NAC 360.706 is hereby amended to read as follows:

360.706 1. If ~~[, after an audit,]~~ the Department ~~[determines that delinquent taxes are due,]~~ ***issues any determination or takes any action affecting the account of a taxpayer that is subject to a petition for redetermination,*** the Department shall ~~[issue to the taxpayer a]~~ ***provide*** notice ***to the taxpayer*** of the ~~[deficiency]~~ determination ~~[. The]~~ ***or action. If the*** notice ***is related to an audit, the notice*** must be issued on or before the estimated completion date or revised estimated completion date of the audit. The Department shall include with ~~[the]~~ ***any*** notice ***issued pursuant to this section*** a form prescribed by the Department for filing a petition for redetermination.

2. ~~[If the]~~ ***A*** taxpayer ***who*** wishes to dispute ~~[the findings of the audit, the taxpayer must]~~ ***a determination or action described in subsection 1 may*** petition the Department for a

redetermination within 45 days after ~~[he or she]~~ ***the taxpayer*** is served with the notice of the ~~[deficiency]~~ determination ~~[.]~~ ***or action.*** A petition for redetermination must be submitted ~~[:]~~ ***electronically through the Department's online portal unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation. If electronic submission is waived, a petition for redetermination must be submitted:***

(a) On a form prescribed by the Department for filing a petition for redetermination; or

(b) In the form of a letter which contains sufficient information to give notice to the Department that the taxpayer is disputing the ~~[deficiency]~~ determination ~~[. The letter must include,]~~ ***or action, including,*** without limitation ~~[, the]~~ ***:***

(1) The name of the taxpayer ~~[, the]~~ ***;***

(2) The account number assigned to the taxpayer by the Department ~~[and the]~~ ***;***

(3) The amount ***or scope*** of the ~~[tax, interest or penalty in dispute.]~~ ***determination or action being disputed; and***

(4) The reason the taxpayer disputes the determination or action.

3. ***If a person files a petition for redetermination in a contested case, all contested issues involved in the case shall be deemed to have been raised in the petition, regardless of whether those issues are expressly stated in the petition.***

4. The ***Executive*** Director may grant an extension for the filing of a petition for redetermination ***pursuant to subsection 2*** if ~~[the]~~ ***:***

(a) The request for an extension is ~~[made]~~ ***:***

(1) Made in writing ~~[to]~~ ***and, unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation, submitted electronically through the Department's online portal; and***

(2) Filed with the Department ~~[and the]~~ *not later than 45 days after the taxpayer is served with the notice of the determination or action; and*

(b) The Executive Director finds ~~[that the petition for redetermination was not filed or was filed late despite the exercise of ordinary care by and without the intent of the taxpayer and that the cause of the failure to file or late filing of the petition was circumstances beyond the control of the taxpayer. Such circumstances include, without limitation, a natural disaster or other disaster beyond the control of the taxpayer and the death or hospitalization of the person responsible for filing the petition for redetermination.~~

~~4.]~~ *good cause for the extension.*

5. A petition for redetermination ~~[will be sent to a hearing officer after:~~

~~(a) The]~~ *that is filed with the Department in accordance with an extension of time granted by the Executive Director pursuant to subsection 4 shall be deemed to be timely filed.*

6. If the Executive Director denies a request for an extension for the filing of a petition for redetermination pursuant to subsection 4, the taxpayer may file an appeal with the Department not later than 30 days after service of the denial on the taxpayer. The notice of appeal must include:

(a) An explanation of the reason the taxpayer failed to timely file the petition for redetermination or a request for an extension; and

(b) A copy of the petition for redetermination with the information required by subsection 2.

7. An appeal of a denial of a request for an extension of time to file a petition for redetermination pursuant to subsection 4 must:

(a) Be limited to the issue of whether the petition for redetermination must be considered by the Department; and

(b) Not include the merits of the underlying determination or action.

8. Upon the filing of a notice of appeal pursuant to subsection 6, the Commission will issue a final decision as to whether the Department is required to consider the petition for redetermination. A decision to grant the appeal by the Commission must be made upon a finding of good cause.

9. Upon receipt of a timely filed petition for redetermination or a final decision of the Commission to grant an appeal pursuant to subsection 8, the Department ~~[has reviewed]~~ ***:***

(a) Shall notify the taxpayer of receipt by the Department of the petition for redetermination;

(b) May require the taxpayer to provide additional documentation or information regarding the petition;

(c) Shall review any additional documentation that the taxpayer has submitted ***;*** ~~[with his or her petition;]~~ and ~~[~~

~~(b) The taxpayer and the Department have not agreed to a settlement based upon such documentation provided by the taxpayer.~~

~~5. The hearing officer may request that the parties file prehearing statements. The parties may file a joint prehearing statement. If the parties cannot agree on a joint prehearing statement, each party must file its statement by the date set by the hearing officer. The prehearing statement must be limited to a brief explanation of the issues from the audit for consideration by the hearing officer and must include, without limitation:~~

~~(a) A statement of the unresolved issues that will be presented to the hearing officer, the nature of the specific transaction at issue, the amount in dispute and the legal issues involved in the matter.~~

~~(b) A statement of the issues that have been resolved by the parties, including, without limitation, the uncontested facts.~~

~~(c) A list of exhibits that each party expects to introduce at the hearing and any objections to those exhibits. The exhibits must be marked in advance of the hearing.~~

~~(d) A list of the witnesses that each party expects to testify at the hearing.~~

~~(e) An estimate of the time required for the hearing.~~

~~(f) A statement regarding whether the party will submit a posthearing brief.~~

~~6. A prehearing statement must be filed by the date set by the hearing officer. The hearing officer may grant an extension for filing the prehearing statement if the motion or stipulation requesting the extension is filed with the hearing officer before the date set for filing the statement. The hearing officer shall issue a written decision on the motion or stipulation requesting the extension.~~

~~7. Failure of a party to file a prehearing statement will not delay the scheduling of the hearing. The hearing officer shall provide notice of the hearing to the parties at least 10 days before the date of the hearing.~~

~~8. If a party wishes to raise an issue that was not included in its prehearing statement before or during the hearing, the hearing officer shall grant a continuance to allow the opposing party to prepare a response to the issue.~~

~~9.]~~

(d) Shall issue a notice of redetermination setting forth the results of the redetermination.

10. If a taxpayer disputes the results of the redetermination, the taxpayer may, not later than 30 days after the notice of redetermination is served on the taxpayer, request a hearing. A request for a hearing must be filed electronically through the Department's online portal unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation. If electronic submission is waived, a request for a hearing must be filed:

(a) On a form prescribed by the Department for filing such a request; or

(b) In the form of a letter which contains sufficient information to give notice to the Department that the taxpayer disputes the redetermination and is requesting a hearing and includes, without limitation:

(1) The name of the taxpayer;

(2) The account number assigned to the taxpayer by the Department;

(3) The amount or scope of the redetermination in dispute; and

(4) The reason the taxpayer disputes the redetermination.

11. The Executive Director may grant an extension for the filing of a request for a hearing made pursuant to subsection 10 if:

(a) The request for an extension is:

(1) Made in writing and submitted electronically through the Department's online portal, unless electronic submission is waived pursuant to subsection 2 or 4 of section 4 of this regulation; and

(2) Filed not later than 30 days after the notice of redetermination is served on the taxpayer; and

(b) The Executive Director finds that there is good cause for the extension.

12. A request for a hearing that is filed with the Department in accordance with an extension granted by the Executive Director pursuant to subsection 11 shall be deemed to be timely filed.

13. If the Executive Director denies a request for an extension for the filing of a request for a hearing pursuant to subsection 11, the taxpayer may file an appeal with the Department not later than 30 days after service of the denial on the taxpayer. The appeal must include:

(a) An explanation of the reason the taxpayer failed to timely file the request for a hearing or a request for an extension; and

(b) A copy of the request for a hearing with the information required by subsection 10.

14. An appeal of a denial of a request for an extension of time to file a request for a hearing made pursuant to subsection 11 must:

(a) Be limited to the issue of whether a hearing will be granted; and

(b) Not include the merits of the underlying notice of redetermination.

15. Upon the filing of an appeal pursuant to subsection 13, the Commission will issue a final decision as to whether the Department is required to conduct a hearing. A decision to grant the appeal by the Commission must be made upon a finding of good cause.

16. Upon receipt of a timely request for a hearing or a final decision of the Commission to grant an appeal issued pursuant to subsection 15, the Department shall notify the taxpayer of receipt and that the Department will refer the matter to a hearing officer.

17. The taxpayer may, at any time, withdraw ~~[his or her]~~ ***the taxpayer's*** petition for redetermination ***or request for hearing*** by submitting a written request ~~[, in the form of a letter,]~~ ***for withdrawal*** to the Department.

18. The taxpayer bears the burden of demonstrating good cause and must provide documentation sufficient to support the request of the taxpayer.

19. As used in this section, "good cause" exists only if the taxpayer demonstrates all of the following:

(a) The reason for the request is not the result of an unreasonable delay or failure to exercise due diligence by the taxpayer to respond in a timely manner;

(b) The reason for the request is due to:

(1) Mistake, inadvertence, surprise or excusable neglect;

(2) A natural disaster or other event beyond the control of the taxpayer; or

(3) The death or hospitalization of the person responsible for filing the petition for redetermination;

(c) The request is reasonable in light of the reason for the delay;

(d) The taxpayer exercised ordinary diligence with regard to the taxpayer's responsibilities for the taxes;

(e) The taxpayer is not merely delaying collection of the debt; and

(f) The taxpayer demonstrates a meritorious dispute with the determination.

Sec. 46. NAC 361.61064 is hereby amended to read as follows:

361.61064 1. A petitioner who wishes to appeal a determination of a county assessor described in paragraph (a) of subsection 1 of NRS 361.4734 or a determination of the Department described in paragraph (b) of subsection 1 of NRS 361.4734 must file a written notice of appeal with the ~~[Commission]~~ ***Department*** on a form provided by the Department within the period prescribed in subsection 2 of NRS 361.4734.

2. ~~[In addition to the information required by subsection 4 of NAC 360.045, the]~~ ***The*** notice of appeal must include:

(a) The name and mailing address of the petitioner and the petitioner's contact person, if any;

(b) The telephone number for daytime business hours and facsimile number of the petitioner and the petitioner's contact person, if any;

(c) The electronic mail address, if available, of the petitioner and the petitioner's contact person, if any;

(d) The tax year being appealed;

(e) A description of the property and the assessor's parcel number or the identifying number of the property that is the subject of the appeal;

(f) A copy of the decision of the county assessor or the Department for the tax year in question on the property that is the subject of the appeal; and

(g) A statement of the relief requested.

3. Not later than 10 business days after receiving the notice of appeal of a determination issued pursuant to paragraph (a) of subsection 1 of NRS 361.4734, the Department shall provide a copy of the notice of appeal to the county assessor.

Sec. 47. NAC 360.025, 360.030, 360.096, 360.432, 360.476, 360.477 and 360.479 are hereby repealed.

TEXT OF REPEALED SECTIONS

360.025 "Department" defined. "Department" means the Department of Taxation.

360.030 "Director" defined. "Director" means the Executive Director of the Department.

360.096 Petition for redetermination in contested case; issues. If a person files a petition for a redetermination in a contested case, all contested issues involved in the case shall be deemed to have been raised in the petition.

360.432 Contract with private debt collector: Authorization by Commission; prior notification of debtor by Department.

1. Subject to the conditions set forth in NRS 353C.200, the Department may enter into a contract with a private debt collector or any other person for the assignment of the collection of a debt if the Commission authorizes the Department to enter into a contract with regard to the debt.

2. Upon the authorization of the Commission pursuant to subsection 1 and before entering into a contract pursuant to subsection 1, the Department shall notify the debtor that the debt may be assigned to a private debt collector if the debt is not paid in full. Notice provided to the debtor pursuant to this subsection must be served personally upon the debtor or by mail at his or her last address of record filed with the Department.

3. As used in this section, "debt" has the meaning ascribed to it in NRS 353C.040.

360.476 Local school support tax: Date of eligibility of machinery or equipment. If an application is approved by the Commission for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the period of abatement begins on the date on which the applicant takes possession of the first delivery of eligible machinery or equipment at the location designated in the certificate of eligibility issued by the Commission. Upon taking possession of such eligible machinery or equipment, the applicant shall immediately notify the Commission and the Nevada Tax Commission.

360.477 Refund upon approval of application.

1. If the Commission approves an application for a partial abatement of the taxes imposed pursuant to chapter 364A of NRS, the applicant is eligible for a refund of any taxes imposed pursuant to chapter 364A of NRS which were paid previously by the applicant and which are subject to the abatement.

2. If the Commission approves an application for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the applicant is eligible for a refund of any taxes imposed pursuant to chapter 374 of NRS which were paid previously by the applicant and which are subject to the abatement, if the Department determines pursuant to NAC 360.4755 that the machinery or equipment qualifies as eligible machinery or equipment and:

(a) If the machinery or equipment was acquired outside this State from a retailer that is not registered with the Nevada Tax Commission, the application for the partial abatement was made:

(1) Before the acquisition of the machinery or equipment; or

(2) After the acquisition of the machinery or equipment and within 60 days after the date on which the taxes on the acquisition imposed pursuant to chapter 374 of NRS were due; or

(b) If the machinery or equipment was acquired from a retailer that is registered with the Nevada Tax Commission, the application for the partial abatement was made within 60 days after the payment of the taxes on the acquisition imposed pursuant to chapter 374 of NRS.

360.479 Abatements for certain energy-efficient structures: Interpretation of certain statutory terms. For the purposes of:

1. Subsection 5 of section 15 of chapter 539, Statutes of Nevada 2007, the Department shall interpret the term:

(a) "Building" to mean a building or other structure that:

(1) Meets the requirements of paragraphs (a), (b) and (c) of that subsection; and

(2) Is described in the application for registration of the construction project with the Office of Energy for the purpose of obtaining the tax exemption provided pursuant to paragraph (d) of subsection 1 of NRS 374.307, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71,

➥ other than any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Construction contract" to mean a contract between an owner of real property or an affiliate or subsidiary of the owner, and a contractor or construction manager which:

(1) Defines their respective roles and responsibilities for the construction of a project on the property;

(2) Establishes the scope of work, the amount of money to be paid to the contractor or construction manager and the allowable time for the duration of the contract; and

(3) Describes the terms and conditions of a construction project.

(c) "Preconstruction contract" to mean a written and executed agreement that:

(1) Precedes the construction of or the execution of a construction contract for a project for which a partial tax abatement is sought;

(2) Clearly indicates a commitment to construct the project; and

(3) Is entered into to provide at least one of the following services relating to the construction project:

(I) Project financing;

(II) Engineering;

(III) Design;

(IV) Architecture;

(V) Labor; or

(VI) Subcontracting.

(d) "Used in the construction of a building" to mean attached to or incorporated into a building by a contractor in the performance of a construction contract in such a manner as to:

(1) Become an integral or inseparable part of the building; or

(2) Become a fixture to the building.

2. Section 15.5 of chapter 539, Statutes of Nevada 2007, the Department shall interpret the term "building or other structure" to mean a building or other structure that:

(a) Meets the requirements of paragraphs (a), (b) and (c) of subsection 1 of that section; and

(b) Is described in the application for registration of the construction project with the Office of Energy for the purpose of obtaining the partial abatement of taxes provided pursuant to the former provisions of NRS 361.0775,

➥ other than any building or other structure for which the principal use is as a residential dwelling for not more than four families.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R081-26

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

Proposed permanent regulation (R081-26), establishes requirements related to taxation; revises procedures governing proceedings before the Nevada Tax Commission; requires the electronic filing of certain returns or other documents unless otherwise waived; revises provisions governing communications with the Executive Director of the Department of Taxation; expands the methods by which certain payments are required to be made to the Department; revises provisions governing the issuance of subpoenas by a hearing officer; revises requirements for the issuance and delivery of an advisory opinion by the Executive Director; revises provisions governing the issuance of permits to collect sales and use taxes; imposes certain duties on persons who are required to file certain returns, statements, reports or other documents for certain taxes, fees, assessments, contributions or premiums; revises standards to determine whether the Department is required to pay interest to a taxpayer who overpays certain taxes; revises the procedures by which a taxpayer may dispute a determination, decision or action of the Department and petition the Department for a redetermination; revises, updates and eliminates various obsolete provisions; repeals various provisions which are obsolete or redundant or relate to tax abatements which are no longer available; and provides other matters properly relating thereto.

Various provisions of NAC Chapter 360 require updating as identified in response to the Governor's Executive Order 2023-003. This proposed permanent regulation is intended to modernize and streamline the administration of Nevada's tax system by updating procedures, improving efficiency, and removing outdated provisions. It establishes clearer rules for proceedings before the Nevada Tax Commission, expands the use of electronic filing and payment methods, and enhances communication protocols with the Department of Taxation. The proposed permanent regulation also clarifies requirements for permits, filings, and advisory opinions, strengthens procedural tools such as subpoenas and determination dispute processes, and refines standards related to taxpayer refunds and interest on overpayments. Additionally, it eliminates obsolete, redundant, or no-longer-applicable provisions, including those related to expired tax abatements, to ensure the regulatory framework is current, consistent, and easier for taxpayers and the Department to navigate.

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearings to provide public comment by electronic or regular mail as follows:

Date of Notice	Workshop/ Hearing	Date of Workshop/Hearing	Number Notified
4/1/26	Workshop	4/16/26	212
7/13/26	Adoption Hearing	8/19/26	304

The mailing list included the interested parties list maintained by the Department. Notices were posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of the small business impact questionnaire response(s):
Two responses were received by the Department in response to the small business impact questionnaire. One respondent expressed support for the regulation as drafted and stated it would have no negative impact. The second respondent, who reported having no employees, did not identify adverse or beneficial effects but raised several concerns with the proposed changes. The respondent asserted that most tax overpayments result from incorrect guidance by Department auditors, whom they believe lack sufficient professional qualifications, and therefore opposed removal of what they referred to as "expert witness" language in NAC 360.485. They further stated that the proposed language in NAC 360.706(2) appeared inconsistent with current practice, where non-response to a redetermination results in automatic transfer of a case to the Administrative Law Judge. Regarding NAC 360.706(4) and 360.706(9), the respondent indicated that the revisions could be acceptable provided the Executive Director and the Department apply fairness, justice, common sense, and principles consistent with the Taxpayers' Bill of Rights and recent Nevada Supreme Court precedent.

Summary of the public responses from the April 16, 2026 Workshop:
Nevada Taxpayers Association President Becky Dutro provided testimony and written public comment raising several concerns regarding the proposed regulation, emphasizing that multiple sections requiring electronic filing and payment, specifically Sections 4, 7, 19, 22(2), and 22(10), would limit the ability of attorneys, agents, and tax professionals to submit documents electronically on behalf of taxpayers, noting that representatives had already been unable to file appeals and petitions through the portal, creating potential delays in time-sensitive matters; cautioned that reliance on waiver processes could impose undue burdens on smaller taxpayers without electronic access and requested clarity on whether deadlines would be tolled during waiver review. Ms. Dutro stated that mandatory electronic payments could cause harmful delays for taxpayers facing urgent enforcement actions and for businesses undergoing staffing or banking changes that complicate establishing electronic payment options. Additional questions were raised regarding whether court reporters would continue to be furnished under Section 9. Regarding Section 13, Ms. Dutro recommended that advisory opinions remain publicly accessible in redacted form and expressed concern with language making them not subject to judicial review, asserting that taxpayers should retain recourse beyond the Commission. Ms. Dutro also proposed amendments to Section 16(2) to ensure interest may be allowed when taxes are paid under protest or as required by statute, such as in interstate commerce determinations or vehicle registration processes. Ms. Dutro highlighted concerns with Section 22 subsection 3 requiring all issues to be raised at the time of filing, explaining that taxpayers often secure legal representation close to deadlines; objected to subsections 6 and 13 directing appeals of Department denials back to the Department rather than the Commission, noting an apparent conflict with subsection 8; and recommended revising subsection 18 so its criteria could be satisfied in the alternative, as meeting all listed conditions appeared impracticable. Ms. Dutro concluded by thanking the Department for allowing stakeholder participation and reiterated the Association's desire to ensure the regulation promotes fairness, uniformity, and workable processes for all taxpayers.

Summary of the public responses from the Adoption Hearing held August 19, 2026:
Nevada Taxpayers Association President Becky Dutro provided testimony and written public comment acknowledging the collaborative efforts of the Department in developing the regulation and noting that many of the Association's previously submitted questions, concerns, and proposed language edits had been addressed through either incorporation or clarification. While the Association stated it could support much of the regulation as presented, it maintained outstanding concerns—specifically regarding Section 11 and the continued use of court reporters at Commission hearings, Section 30 and the treatment of taxes paid when taxpayers had no choice but to pay, and Section 45, which the Association believed imposed requirements that would be difficult for taxpayers to fulfill. The Association also noted that it had not yet completed a full review of the second revised draft distributed the prior week, but its initial assessment indicated that most changes were formatting or wording adjustments. The Association expressed concern with new criteria added in Section 4, subsection 2, asserting that they complicated the waiver process and could result in disparate treatment of taxpayers, and recommended removing the "not later than 20 days before" language as well as the "aggregated amount of $10,000 or more" requirement. Finally, the Association reserved its right to provide additional comments to the interim Legislative Committee upon further review of the regulation and thanked the Department and Commission for their consideration and collaborative approach.

The summary of the public/business response to the regulation, the record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

3. The number of persons (not including Department staff or Commission Members) who:
(a) Attended each hearing:
(b) Testified at each hearing:
(c) Submitted written comments:

Workshop date: April 16, 2026
(a) Number in attendance: 9
(b) Number testifying: 1
(c) Written statements submitted: 1

Adoption Hearing date: August 19, 2026
(a) Number in attendance: 43
(b) Number testifying: 1
(c) Written statements submitted: 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:

Testified at the April 16, 2026 Workshop:
Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

Submitted written statements for the April 16, 2026 Workshop:

Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

Testified at the August 19,2026 Adoption Hearing:

Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

Submitted written statements for the August 19, 2026 Workshop:

Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The summary of the public/business response to the regulation and/or the record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

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

The Nevada Tax Commission adopted the proposed permanent regulation on August 19, 2026, with the agreed-upon proposed changes reflected in the Agency Revised LCB Second Revised Proposed Draft of the regulation. These changes were noticed to the public one week in advance of the Adoption Hearing and were made to incorporate stakeholder input and address identified industry impacts. Department staff collaborated with the Nevada Taxpayers Association and concurred with the inclusion of two minor updates to the regulatory language, neither of which materially altered the purpose or intent of the adopted regulation. The changes include replacing “in the aggregate, amounts to $10,000 or more” with a reference to NRS 353.1467 in Section 4 subsection 2 and replacing “preparation” with “receipt” in Section 11 subsection 1.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

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

The adopted regulation does not present any significant, foreseeable or anticipated cost or decrease in costs for enforcement.

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 adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state 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 adopted permanent regulation does not include new fees or increase an existing fee.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608 and NRS 233B.0609

LCB File No. R081-26

1. Background

LCB File No. R081-26, establishes requirements related to taxation; revises procedures governing proceedings before the Nevada Tax Commission; requires the electronic filing of certain returns or other documents unless otherwise waived; revises provisions governing communications with the Executive Director of the Department of Taxation; expands the methods by which certain payments are required to be made to the Department; revises provisions governing the issuance of subpoenas by a hearing officer; revises requirements for the issuance and delivery of an advisory opinion by the Executive Director; revises provisions governing the issuance of permits to collect sales and use taxes; imposes certain duties on persons who are required to file certain returns, statements, reports or other documents for certain taxes, fees, assessments, contributions or premiums; revises standards to determine whether the Department is required to pay interest to a taxpayer who overpays certain taxes; revises the procedures by which a taxpayer may dispute the findings of an audit and petition the Department for a redetermination; revises, updates and repeals various provisions which are obsolete, redundant or relate to tax abatements which are no longer available; and provides other matters properly relating thereto.

Existing law authorizes the Nevada Tax Commission to adopt regulations for carrying on the business of the Nevada Tax Commission and the Department of Taxation. (NRS 360.090)

Section 2 of this regulation establishes the method the Commission and the Department will use to calculate any period prescribed or allowed for an action or filing in an administrative proceeding of the Commission or Department for the purpose of determining whether the action or filing occurs by the prescribed deadline.

Existing regulations authorize the hearing officer in certain administrative proceedings conducted by the Department to request a prehearing statement to explain the issues for consideration by the hearing officer and set forth the requirements for such a prehearing statement. (NAC 360.706) **Section 3** of this regulation applies the procedures for prehearing statements to all administrative proceedings of the Department and Commission.

Section 5 of this regulation makes **sections 2 and 3** apply to administrative proceedings of the Commission or Department in the same manner as other regulations governing such proceedings.

Existing regulations establish certain requirements for communications with the Executive Director of the Department. (NAC 360.045) **Section 6** of this regulation eliminates provisions governing informal communications and other communications. **Section 6** also: (1) authorizes all pleadings to be sent by United States mail or by electronic means; and (2) provides that such pleadings are deemed to be filed with the Department

when a true copy of the paper or document, properly addressed and stamped, is deposited in the United States mail or sent by electronic means. **Section 23** of this regulation eliminates a requirement to include in certain appeals filed with the Department information that **section 6** no longer requires to be included in communications to the Commission.

Section 8 of this regulation eliminates existing requirements for: (1) a hearing calendar to be maintained by the Executive Director; (2) current assignments for hearings to be made from the calendar; and (3) a current copy of the hearing calendar to be posted at all offices of the Department. (NAC 360.055) Instead, **section 8**: (1) provides that notices of the meetings of the Commission will be given to the public by posting a notice and an agenda in accordance with the Open Meeting Law (chapter 241 of NRS); and (2) specifies the locations at which meeting notices and agendas will be posted in accordance with the Open Meeting Law, including, without limitation, on the Internet website of the Department and at the Carson City, Reno and Las Vegas offices of the Department at least 3 business days before the meeting.

Existing regulations set forth certain requirements relating to transcripts of any hearings held before the Commission or a hearing officer. (NAC 360.058) **Section 9** of this regulation requires a court reporter who transcribes a hearing held before the Commission or a hearing officer to be certified pursuant to provisions of existing law governing certified court reporters. (chapter 656 of NRS)

Section 10 of this regulation eliminates the prohibition of smoking during all meetings of the Commission and hearings before a hearing officer, a provision made redundant by the Nevada Clean Indoor Air Act. (NRS 202.2483)

Existing regulations provide that hearings will be held at the offices of the Department in Carson City, Nevada, or at such other place in the State as may be designated in the notice of hearing. (NAC 360.095) **Section 11** of this regulation eliminates the reference to Carson City and, instead, provides that hearings will be held at the offices of the Department or at such other place in the State as may be designated in the notice of hearing.

Existing law authorizes the Department to issue subpoenas for witnesses to appear and testify on any subject material to its responsibilities or for the production of books and papers. (NRS 360.240) **Section 12** of this regulation revises provisions governing the issuance of subpoenas to specifically authorize a hearing officer to order the production of certain records if such records are located in this State.

Existing law requires certain state agencies to provide by regulation for the filing and prompt disposition of petitions for advisory opinions as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) Existing regulations require an advisory opinion to: (1) be issued by the Executive Director within 45 days after the filing of the petition therefor unless the Executive Director in writing orders an extension of time up to a maximum of 60 days after filing; and (2) be delivered to the petitioner in person or by certified mail. (NAC 360.200) **Section 13** of this regulation: (1) extends the time for the Executive Director to issue an advisory opinion to not later than 60 days after the filing of the petition; (2) increases the period of time of an

extension of time for the issuance of an advisory opinion to not more than an additional 60 days; and (3) authorizes the delivery of an advisory opinion to the petitioner by electronic means if the petitioner has agreed in writing to accept delivery of the advisory opinion by electronic means.

Existing law requires a person conducting business in this State as a seller of tangible personal property to register with, or obtain a permit from, the Department of Taxation to collect sales and use tax in this State. (NRS 360.5971) Senate Bill No. 441 (S.B. 441) of the 2021 Session of the Nevada Legislature consolidated into one provision multiple provisions of law governing such registrations and permits. (Chapter 342, Statutes of Nevada 2021, at page 2007) **Section 14** of this regulation updates a reference to those provisions of law in an existing regulation that requires the application of an unemancipated manner for a permit from the Department to include a statement from the parent or legal guardian of the minor acknowledging the responsibility of the parent or legal guardian to report and remit sales and use taxes to the Department if the minor fails to do so.

Existing law requires the Nevada Tax Commission to adopt regulations providing for the electronic submission of returns to the Department and the payment of taxes, fees, interest and penalties to the Department through the use of credit cards, debit cards and electronic transfers of money. (NRS 360.092) Existing regulations establish the procedures and requirements for the electronic submission of a tax return to the Department and the electronic transfer of money for the payment of taxes, fees, interest and penalties to the Department. (NRS 360.550-360.598)

Section 4 of this regulation: (1) requires a taxpayer or a tax preparer or other tax professional to file tax returns and certain other documents by electronic means, to the extent that the Department has a system for filing documents that accepts electronic filing of those returns and documents; and (2) authorizes a taxpayer or a tax preparer or other tax professional to request a waiver of the requirement to electronically file such a return or other document upon establishing certain facts to the satisfaction of the Department. **Sections 17 and 18** of this regulation make the provisions of existing regulations governing the electronic submission of tax returns and the electronic transfer of money to the Department apply to the tax returns and documents required by section 4 to be filed electronically with the Department. **Section 7** of this regulation adds electronic funds transfers, credit cards and debit cards to the methods by which fees and remittances are authorized to be paid to the Department. (NAC 360.050) **Section 19** of this regulation revises provisions setting forth the requirements to complete online Nevada Business Registration to conform to the online tax system of the Department. **Sections 20 and 21** of this regulation add credit cards as a method by which an electronic transfer of money may be made to pay taxes, fees, interest and penalties to the Department. (NAC 360.594, 360.596)

Existing regulations impose certain duties on a person who is required to file a return pursuant to provisions of law governing sales and use taxes and who fails to do wo within the time prescribed by specific statute, regulation or rule, or who files an incorrect, false or fraudulent return. (NAC 360.435) **Section 15** of this regulation imposes the same duties on a person who is required to file a return, statement, report or other document for

other taxes, fees, assessments, contributions and premiums required to be collected by the Department.

Existing law requires interest to be paid to a taxpayer who receives a refund of an overpayment of certain taxes unless the Department determines that the overpayment was made intentionally or by reason of carelessness. (NRS 360.2935, 360.2937, 363A.170, 363B.160, 363C.620, 368A.270, 372.665, 372A.320, 372B.200, 374.670) Existing regulations establish the standards to be used by the Department in determining whether an overpayment of such taxes was made intentionally or by reason of carelessness. (NAC 360.485) **Section 16** of this regulation revises the standards to determine whether an overpayment was made by reason of carelessness. Specifically, **section 16** removes the seeking of advice on complex tax matters from certain professionals who have knowledge of, or experience in, tax matters as a factor indicating that the taxpayer made reasonable and prudent efforts to avoid the overpayment.

Section 22 of this regulation revises the procedure by which a taxpayer may dispute the findings of an audit and petition the Department for a redetermination by: (1) providing for an appeal to the Commission if the Executive Director of the Department denies a request to extend the deadline for filing a petition for redetermination; (2) requiring the Department to issue a notice that sets forth the results of the redetermination; and (3) authorizing the taxpayer to request a hearing before a hearing officer within a certain period after receiving the notice of the results of the redetermination.

Section 24 of this regulation repeals: (1) definitions of terms that are unnecessary because the term is defined by existing law; (2) provisions related to petitions for redetermination that are reenacted in **section 22**; (3) provisions governing contracts between the Department and a private debt collector for the collection of debt owed to the Department because such debt collection is assigned to the State Controller pursuant to NRS 353C.200; (4) obsolete provisions governing tax abatements for new or expanding business; and (6) provisions governing tax abatements for certain energy-efficient structures which have expired pursuant to subsection 5 of section 15 of chapter 539, Statutes of Nevada 2007, at page 3387.

2. 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.

The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R081-26. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department 210 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

The content responses are summarized below:

- Two responses were received for LCB Draft of Proposed Regulation - File No. R081-26, summarized as follows:
    - Response One - The respondent commented their support of the adoption of R081-26 as proposed and acknowledged there is no negative impact.

- Response Two – The respondent listed 0 employees currently employed by their business on the Small Business Impact Questionnaire and provided the following summarized response which did not include adverse and beneficial effects or direct and indirect effects:
  - **1. NAC 360.485 – Overpayment of Tax** - Respondent claimed that nearly all tax overpayments stem from incorrect guidance by Department auditors, who are not CPAs or attorneys and therefore not qualified to judge financial records or taxability beyond following statutes and court rulings. Respondent opposed the removal of the expert-witness provision, stressing that taxpayers need qualified professionals to challenge flawed audits.
  - **2. NAC 360.706(2)** - Respondent stated that the proposed language appears inconsistent with current practice, where non-response to a redetermination automatically sends a case to the ALJ.
  - **3. NAC 360.706(4)** - Respondent stated that removing subsection (b) may be acceptable if the Executive Director applies fairness and common sense consistent with the Taxpayers' Bill of Rights and recent Nevada Supreme Court decisions.
  - **4. NAC 360.706(9)** - Respondent stated that the proposed deletions could work if fairness, justice, and common sense guide the Department's decisions.

Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary, can contact:

Kari Skalsky
Nevada Department of Taxation
3850 Arrowhead Drive
Carson City, NV 89706
kskalsky@tax.state.nv.us
Phone: (775) 684-2041

3. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.

Two responses were received for LCB Draft of Proposed Regulation R081-26 for the questionnaire regarding the impact of the regulation on small businesses. One response included support of the adoption of R081-26 as proposed and acknowledged there is no negative impact. The other response is summarized above. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:

Adverse and Beneficial Effects

The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

Direct and Indirect Effects

The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

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 Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R081-26. The proposed language and questionnaire were dispersed to the following:

   - Emailed by the Department 210 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   Two responses were received for LCB Draft of Proposed Regulation R081-26 for the questionnaire regarding the impact of the regulation on small businesses. One response included support of the adoption of R081-26 as proposed and acknowledged there is no negative impact whereas the other response (summarized in #2 above) did not establish an adverse and beneficial effect or a direct and indirect effect. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

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

   The proposed regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

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 proposed permanent regulation does not include new fees or increase an existing fee.

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 arc necessary.**

   The proposed regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

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

   The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed regulations.

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.



_____

Shellie Hughes, Executive Director
August 26, 2026

R082-26

ADOPTED REGULATION OF THE

NEVADA TAX COMMISSION

LCB File No. R082-26

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

AUTHORITY: §§ 1-20, 22-25 and 29-33, NRS 360.090 and 370.510; § 21, NRS 360.090, 370.501, 370.510 and 370.515; §§ 26-28 and 34, NRS 370.510, 370.597 and 370.675; § 35, NRS 370.510.

A REGULATION relating to taxation; creating provisions governing certain contested cases relating to holders of licenses relating to cigarettes or other tobacco products and manufacturers of tobacco products; eliminating procedures for refunding precollected cigarette and other tobacco product taxes to Indian tribes; revising provisions governing administrative proceedings for the suspension or revocation of licenses relating to cigarettes or other tobacco products and the removal of manufacturers of cigarettes and brand families from the directory of manufacturers and brand families maintained by the Department of Taxation; eliminating certain definitions and other provisions relating to cigarettes and other tobacco products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the members of the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing regulations set forth various provisions governing the practice and procedure in contested cases before the Commission and the Department. (NAC 360.043-360.200) **Section 4** of this regulation provides that, notwithstanding those provisions, each hearing of a contested case heard by the Commission and the Department relating to disciplinary proceedings, disputes or claims of ownership in certain property transmitted to or seized by the Department and appeals of civil penalties under existing law relating to tobacco licensees and manufacturers will be conducted in accordance with the provisions of the Nevada Administrative Procedure Act and regulations relating to contested cases involving tobacco licensees and manufacturers. **Sections 4-19** of this regulation set forth various provisions governing contested cases relating to tobacco licensees and manufacturers. **Sections 5 and 7** establish requirements governing pleadings and acknowledgments of service for certain documents, respectively. **Sections 6, 12 and 13** set forth evidentiary procedures in such proceedings. **Section 8** establishes requirements governing transcripts of proceedings, including, without limitation, stating the party responsible for furnishing a certified court reporter and bearing associated costs. **Section 9** sets forth requirements governing ethical and courteous conduct during a proceeding. **Section 10** authorizes a hearing officer to hold a prehearing conference. **Section 11**: (1) authorizes a hearing officer to issue a subpoena subject to certain restrictions; and (2) provides certain requirements

that must be satisfied to obtain the subpoena. **Section 14** requires a hearing officer assigned by the Commission to conduct an evidentiary hearing in any appeal to the Commission in which certain parties have not received an evidentiary hearing. **Section 15**: (1) authorizes certain parties to request a closed hearing; and (2) sets forth requirements for making such a request. **Section 16** sets forth provisions governing the rehearing or reconsideration of a matter.

Sections 17 and 18 set forth the procedure for disputing or claiming an ownership interest in property transmitted to or seized by the Department under provisions of existing law requiring the seizure and disposition of certain counterfeit, contraband or unlawfully used property relating to tobacco. **Section 17** additionally sets forth the consequences for failure to file a dispute or claim within the prescribed period of time. **Section 19** sets forth the procedure for a tobacco licensee or manufacturer to appeal a civil penalty issued by the Department. **Sections 2 and 3** of this regulation create certain definitions that apply the provisions of **sections 4-19** to various tobacco licensees, including, without limitation, licensees authorized to engage in the remote retail sale of a cigar or pipe tobacco. **Section 23** of this regulation applies certain definitions to **sections 2-19**.

Existing law imposes a tax on cigarettes and other tobacco products. (Chapter 370 of NRS) Existing law and regulations authorize a refund for the taxes paid on cigarettes or other tobacco products for cigarettes or other tobacco products that are sold to: (1) any person if sold and delivered on an Indian reservation or colony where an excise tax has been imposed that is equal to or greater than the rate of tax imposed pursuant to provisions of existing law; or (2) an Indian if sold and delivered on an Indian reservation or colony where no excise tax has been imposed or the excise tax is less than the rate of the tax imposed pursuant to provisions of existing law. (NRS 370.280, 370.503; NAC 370.230) Existing law prohibits the Department from collecting the tax on cigarettes and other tobacco products sold on an Indian reservation or Indian colony if the governing body of the reservation or colony imposes an excise tax on cigarettes and other tobacco products that is equal to or greater than the tax imposed by provisions of existing law and the governing body submits a copy of the ordinance imposing the tax to the Department. (NRS 370.515) **Sections 22 and 35** of this regulation eliminate provisions which set forth procedures for an Indian tribe to apply for and receive a refund from the Department of the tax on cigarettes and other tobacco products.

Existing law provides for the licensing by the Department of persons engaged in the manufacture, distribution and sale of cigarettes and other tobacco products, including persons who operate a warehouse or distribution center or who conduct business as a manufacturer, a wholesale dealer of cigarettes, a wholesale dealer of other tobacco products, a tobacco retail dealer, a cigarette vending machine operator or a logistics company. (NRS 370.531-370.597) Existing law authorizes the Department to suspend or revoke such licenses and requires the Department to adopt regulations establishing a procedure for the suspension and revocation of a license. (NRS 370.595, 370.597) Existing law also requires the Department to maintain a directory of manufacturers of tobacco products who have made current and accurate certifications to the Department concerning the manufacturer and its brand families. Existing law further requires the Department to update the directory and to remove from the directory any manufacturer and its brand families that do not conform to the requirements for listing in the directory. (NRS 370.675)

Existing regulations establish procedures for the suspension and revocation of the license of a retail dealer or wholesale dealer and the removal of a manufacturer of tobacco products and its brand families from the directory. (NAC 370.500-370.595) **Section 24** of this regulation

applies the procedures for the suspension or revocation of the license of a retail dealer or wholesale dealer to the suspension or revocation of any of the licenses issued pursuant to provisions of existing law relating to licenses and taxes on cigarettes or other tobacco products. **Sections 26-29, 31 and 34** of this regulation revise the timeline for such procedures by changing: (1) the amount of time licensees and manufacturers have to demonstrate compliance with the law after the Department issues a notice of intent to suspend or revoke a license or remove a manufacturer and its brand families from the directory, as applicable; (2) when a notice of hearing must be served relative to the date of the hearing; (3) the deadline for a respondent to submit supporting documents before the hearing; (4) the deadline for serving any motion not made at the hearing; (5) the deadline for a hearing officer to issue a decision and for a party to appeal that decision; and (6) when a final order suspending or revoking a license of a wholesale dealer of cigarettes or a wholesale dealer of other tobacco products becomes effective and the amount of time a wholesale dealer has to notify the tobacco retail dealers and manufacturers with whom the wholesale dealer does business of the suspension or revocation of such a license.

Existing regulations prescribe the order of proceedings for a hearing conducted to suspend or revoke the license of a licensee or to remove a manufacturer of tobacco products and its brand families from the directory. (NAC 370.580) **Section 31** provides that evidence at the hearing may be received in any manner ordered by the hearing officer, but that a hearing will ordinarily proceed in the prescribed order. **Section 30** of this regulation authorizes a hearing officer to: (1) order the parties to file briefs after the hearing; and (2) consider a request by the parties to file briefs before or after the hearing.

Existing regulations authorize a party to file a notice of appeal with the Commission within 20 business days after service of a decision issued by a hearing officer regarding the suspension or revocation of a license or the removal of a manufacturer of tobacco products and its brand families from the directory. Existing regulations authorize an opposing party to file a response to the notice of appeal. (NAC 370.585) Existing regulations provide that, in hearing such an appeal, the Commission will consider only evidence which was submitted to the hearing officer and identified in the notice of appeal or response to the notice of appeal. (NAC 370.590) **Section 32** of this regulation requires a notice of appeal, if any, to be filed with the Department within 30 days after service of the decision of the hearing officer and revises the information which is required to be included in a notice of appeal. **Section 32** requires an appellant to file, within 30 days after filing the notice of appeal, an opening brief which includes certain information previously required to be included in the notice of appeal. **Sections 32 and 33** of this regulation make conforming changes to provide that an opposing party may respond, in the form of an answering brief, to issues raised in the opening brief of the appellant rather than the notice of appeal. **Section 33** provides that the Commission will consider only evidence which was identified in the opening brief or answering brief. **Section 33** increases the amount of time each party has for oral argument before the Commission.

Section 25 of this regulation revises the definition of the term “respondent” to specifically refer to a licensee or manufacturer of tobacco products to whom the Department has issued a certain notice of hearing.

Sections 20-22 of this regulation replace references to “other products made from tobacco” with the term “other tobacco products” to conform with the terminology used in provisions of existing law. (NRS 370.0318)

Section 1. Chapter 370 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. ***"License" means a license issued pursuant to:***

1. NRS 370.5033 that authorizes the holder to engage in business as a remote seller; or

2. NRS 370.531 to 370.597, inclusive, that authorizes the holder to conduct business as a manufacturer, a wholesale dealer or a tobacco retail dealer.

Sec. 3. ***"Licensee" means the holder of a license.***

Sec. 4. ***1. Notwithstanding the provisions of NAC 360.043, the provisions of chapter 233B of NRS and NAC 370.500 to 370.595, inclusive, and sections 2 to 19, inclusive, of this regulation:***

(a) Govern the practice and procedure in contested cases before the Commission and the Department under chapter 370 of NRS for disciplinary proceedings, disputes or claims of ownership in property transmitted to or seized by the Department pursuant to NRS 370.415 and appeals of civil penalties.

(b) Will be liberally construed to secure the just, speedy and economical determination of all issues presented to the Commission or the Department.

2. In special cases, where good cause appears, not contrary to statute, deviation from these rules, if stipulated to by all parties of record, will be permitted.

Sec. 5. ***All pleadings, including, without limitation, complaints, petitions, answers, briefs, motions and affidavits, should be addressed to the Executive Director and not to individual members of the Commission or its staff. All pleadings are deemed to be officially received by the Department when:***

1. A true copy of the paper or document, properly addressed and stamped, is deposited in the United States mail;

2. An electronic copy of a paper or document is submitted through the online portal maintained by the Department under the account of the licensee or manufacturer; or

3. An electronic copy of a paper or document is submitted by electronic mail at the direction of the hearing officer.

Sec. 6. *Oral evidence will be taken only upon oath or affirmation administered by the hearing officer, the Executive Director or a commissioner. Before taking the witness stand, each person must swear, or affirm, that the testimony the person is about to give will be the truth, the whole truth and nothing but the truth.*

Sec. 7. *1. Any document required to be filed with the hearing officer, Executive Director or Commission pursuant to sections 2 to 19, inclusive, of this regulation must be served on the opposing party:*

(a) In person or by registered or certified mail; or

(b) By electronic mail or other electronic means if the opposing party elects to receive service in such a manner.

2. With all documents required to be served, an acknowledgment of service or a certificate in substantially the following form must be included:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to .....) (by mailing a copy thereof, properly addressed, with postage prepaid, to .....) (by

electronically mailing a copy thereof, properly addressed, to the electronic mail address ascribed to .....)

Dated at ....., this .....(day) of .....(month) of .....(year)

.....

Signature

Sec. 8. *1. If a transcript of any hearing held before a hearing officer or the Commission is desired by a licensee or manufacturer, the licensee or manufacturer must:*

(a) Furnish the court reporter, who must be certified pursuant to chapter 656 of NRS to provide the service of court reporting;

(b) Bear all costs associated with transcription; and

(c) Deliver, free of charge, a copy of the transcript to the Executive Director within 20 days after preparation of the transcript.

2. If the licensee or manufacturer wishes to use, in a subsequent hearing or appeal, a transcript which has been prepared from an audio recording provided by the Department of any hearing held before a hearing officer or the Commission, the licensee or manufacturer must:

(a) Retain a court reporter who is certified pursuant to chapter 656 of NRS to perform the transcription; and

(b) Deliver, free of charge, a copy of the transcript to the Department within the period of time set forth in subsection 1.

Sec. 9. *1. A person appearing in a proceeding shall conform to the recognized standards of ethical and courteous conduct, as determined by the hearing officer or the*

Commission. All parties to the hearing, counsel for the parties and any spectators shall conduct themselves in a respectful manner during the proceeding.

2. The hearing officer or the Commission may take any action it determines is necessary to maintain order during a hearing, including, without limitation:

(a) Excluding a party, an attorney for a party or an authorized representative of a party from the hearing;

(b) Excluding a witness from the hearing; and

(c) Limiting the taking of testimony and presentation of evidence during the hearing.

Sec. 10. *1. The hearing officer may, upon the hearing officer's own motion or the motion of a party, hold a prehearing conference for the purpose of formulating or simplifying the issues, obtaining admissions of fact or documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses, establishing or reviewing any procedure for the hearing and taking any other action which may promote the orderly conduct of or expedite the proceedings or the disposition or settlement thereof.*

2. The action taken at a prehearing conference and the agreements, admissions or stipulations made by the parties concerned must be made a part of the record. The action will control the course of subsequent proceedings, unless otherwise stipulated to by all the parties of record with the consent of the hearing officer.

3. In any proceeding, the hearing officer may, in the hearing officer's discretion, call all of the parties together for a conference before the taking of testimony. The hearing officer shall state on the record the results of the conference.

Sec. 11. *1. Subject to the restrictions imposed by NRS 360.240, a subpoena requiring the attendance of a witness from any place in the State to any designated place of a hearing for the purpose of taking testimony may be issued by the hearing officer.*

2. A party desiring a subpoena must submit an application in writing to the hearing officer stating the reasons why a subpoena is requested.

3. An application to compel the attendance of a witness at a hearing for the purpose of taking the oral testimony of the witness must identify whether or not the witness is a nonparty witness.

4. An application for a subpoena duces tecum for the production of books, waybills, papers, accounts or other documents must contain a complete and specific description of the documents or other tangible things desired.

5. An application for a subpoena must be accompanied by a proposed subpoena, on a form prescribed by the Department, which contains:

(a) The name and license number of the licensee or manufacturer;

(b) The name of the person to whom the subpoena will be directed and whether such a person is a party to the hearing;

(c) The address for service of the subpoena;

(d) The date, time and place of the hearing; and

(e) The name and signature of the requesting party or the attorney for the requesting party.

6. The hearing officer, upon receipt of an application for a subpoena, shall:

(a) Grant the application and issue the subpoena;

(b) Deny the application; or

(c) Schedule a hearing to decide whether to grant or deny the application.

7. A subpoena must be served by the requesting party at least 10 days before the hearing. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party. A subpoena duces tecum must be served on the opposing party not less than 7 days before service on the person to whom the subpoena is directed.

8. The requesting party must arrange for service of the subpoena. All costs incident to the subpoena must be paid by the requesting party.

Sec. 12. *1. A hearing will not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted, except where precluded by law, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs, even though the evidence might be subject to objection in civil actions.*

2. Hearsay evidence, as that term is used in civil actions, may be admitted for the purpose of supplementing or explaining other evidence, but it is not sufficient to support findings of fact unless it would be admissible over objection in civil actions.

3. The rules of privilege will be applied as they are applied in civil actions.

4. Irrelevant, cumulative and unduly repetitious evidence is not admissible, nor is incompetent evidence, as that term is used in civil trials, with the exception of hearsay evidence as above provided.

5. The parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted, even though the evidence would otherwise be subject to objection.

6. The affidavit of any person may be admitted in evidence if all the parties stipulate and consent to its admission.

Sec. 13. ***The hearing officer may take official notice of the following matters when properly introduced into the record and the opposing party has had an opportunity to examine the matter and present rebuttal evidence:***

1. Rules, regulations, official reports, decisions and orders of the Commission and any regulatory agency of the State.

2. Contents of decisions, orders, certificates, permits and licenses, other than certificates issued pursuant to chapter 361 of NRS, issued by the Department and the Commission pursuant to title 32 of NRS.

3. Matters of common knowledge and technical or scientific facts of established character.

4. Matters which may be judicially noticed by the courts of this State.

Sec. 14. ***1. In any appeal to the Commission in which a licensee or manufacturer has not received an evidentiary hearing before a hearing officer, a hearing officer assigned by the Commission shall conduct an evidentiary hearing in the manner prescribed in this chapter for administrative hearings.***

2. Not later than 30 days after the close of the evidentiary hearing, the hearing officer shall file with the Commission a proposed order, including the findings of fact, conclusions of law and decision. The proposed order must be served on each party.

3. Not later than 30 days after service of the proposed order, the party may file a written objection to the proposed order with the Department. The written objection must state with particularity the issues presented, the points of law or fact which are relied on and the relief requested. A party who files a written objection shall serve a copy of its objection on all parties.

4. A party may reply to the written objection within 30 days after service of the written objection. A reply must be served on all parties.

5. If no party files a written objection with the Department pursuant to subsection 4, the Commission will place the proposed order on the appropriate agenda for its next scheduled meeting for action by the Commission.

6. If a party files a written objection pursuant to subsection 4 within 30 days after service of the proposed order, the Commission will hold a hearing on the proposed order pursuant to NAC 370.590.

Sec. 15. *1. A licensee or manufacturer may request a closed hearing by submitting the request in writing to the Commission:*

(a) Not later than 14 days before the date of the hearing; or

(b) If authorized by the Executive Director for good cause shown, not later than 5 days before the date of the hearing.

2. A request for a closed hearing must include:

(a) A list or summary of the information the licensee or manufacturer alleges to be proprietary or confidential information, which may include bank records, financial statements, customer lists, vendor lists, trade secrets and unique business practices of the licensee or manufacturer and any other information the licensee or manufacturer considers to be proprietary or confidential information; and

(b) A short statement explaining how the information alleged by the licensee or manufacturer to be proprietary or confidential information qualifies as such pursuant to this section.

3. If the Commission receives a request for a closed hearing in accordance with the provisions of this section, the Commission will:

(a) Indicate on its written agenda that the licensee or manufacturer has requested a closed hearing; and

(b) Hold and protect the information included in the request and any information included in any briefs filed in the pertinent appeal, including any supporting materials and exhibits, in accordance with any applicable laws pertaining to the confidentiality of that information.

4. If a licensee or manufacturer submits a request for a closed hearing pursuant to:

(a) Paragraph (a) of subsection 1, the Department may, not later than 5 days before the date of the hearing; or

(b) Paragraph (b) of subsection 1, the Department may, not later than 3 days before the date of the hearing,

➥ file a written objection to the request with the Department and serve a copy of the objection upon the licensee or manufacturer or the authorized representative of the licensee or manufacturer.

5. In a closed hearing, the Commission:

(a) May receive testimony from the licensee or manufacturer and other witnesses regarding the information the licensee or manufacturer alleges to be proprietary or confidential information; and

(b) Must determine by a majority vote of a quorum of its members whether that information qualifies as proprietary or confidential information. If the Commission determines that any of that information qualifies as proprietary or confidential information, the Commission may continue to hold a closed hearing regarding that proprietary or

confidential information until the Commission determines that the proprietary or confidential information has been adequately discussed within the context of the appeal.

6. A licensee or manufacturer who fails to submit a request for a closed hearing in accordance with the provisions of this section shall be deemed to have waived the right to request a closed hearing. The provisions of this section do not affect the right of a licensee or manufacturer or the agent of the licensee or manufacturer to request a continuance of any hearing on an appeal by the licensee or manufacturer.

7. As used in this section:

(a) "Closed hearing" means a hearing before the Commission which is closed to the public pursuant to this section.

(b) "Confidential economic information":

(1) Means any information which is not available to the public generally, which confers an economic benefit on the holder of the information as a result of its unavailability and which is the subject of reasonable efforts by the taxpayer to maintain its secrecy.

(2) Includes, without limitation, information relating to the amount or source of any income, profits, losses or expenditures of the taxpayer, such as data relating to costs, prices or customers.

(c) "Proprietary or confidential information":

(1) Means:

(I) Any trade secret, confidential economic information or business information that is submitted to the Commission by the licensee or manufacturer and is determined to be proprietary or confidential information by the Commission; or

(II) Any information that a specific statute declares to be confidential or prohibits the Commission from making public.

(2) Does not include any information that has been published for public distribution or is otherwise generally available to the public or in the public domain.

Sec. 16. *1. The Commission may issue an order granting a rehearing or reconsideration of all or part of any matter on its own motion or on a petition by an aggrieved party. A motion or petition for rehearing or reconsideration will not be granted if the motion is made or the petition is filed more than 15 days after service of the final decision of the Commission on the matter or if a petition on the matter has been filed in the district court. The Commission will serve an order granting or denying a rehearing or reconsideration on all parties of record at least 5 days before the expiration of the time for filing a petition for judicial review pursuant to NRS 233B.130. The right of a person to file a petition in the district court is not affected by the person's failure to have petitioned for the Commission's rehearing or reconsideration.*

2. No oral argument concerning a motion or petition for rehearing or reconsideration will be permitted.

3. Except as otherwise provided in subsection 4, if the Commission has not taken action on a motion or petition for rehearing or reconsideration within the 15-day period allowed for making such a motion or filing such a petition, the motion or petition shall be deemed denied.

4. If a motion or petition for rehearing or reconsideration is made or filed within the 15-day period, but the Commission is not scheduled to meet within that period, the Executive Director may, upon a showing of good cause, stay enforcement of the Commission's original decision until the Commission can grant or deny the motion or petition.

5. A stay of enforcement may be ordered upon the condition that the petitioner comply with specific terms which are reasonably related to the original findings and decision.

6. If the Commission issues an order granting a rehearing or reconsideration, the subsequent decision by the Commission:

(a) Will be based on all pertinent parts of the record and such additional evidence and argument as it may permit.

(b) Is the final decision of the Commission for the purposes of judicial review.

Sec. 17. *1. To dispute or claim an ownership interest in property transmitted to or seized by the Department pursuant to NRS 370.415, a person must file a written dispute or claim with the Department within 20 days after the property is transmitted to or seized by the Department.*

2. A written dispute or claim filed pursuant to subsection 1 must be executed under oath by the person making the dispute or claim and must contain:

(a) The name of the person making the dispute or claim;

(b) If the person making the dispute or claim is not a licensee, an address in this State where the person may be served by mail or, if the person consents to receive service by electronic means, a valid electronic mail address where the person may be served by electronic mail;

(c) A description of the property that is the subject of the dispute or claim;

(d) A description of the person's interest in the property; and

(e) A statement that sets forth the facts and law upon which the dispute or claim is based.

➥ The person may attach to the written dispute or claim any documents that support the dispute or claim.

3. If a dispute or claim is filed pursuant to this section, the Department shall not sell, destroy or dispose of the transmitted or seized property pursuant to NRS 370.415 until a decision on the dispute or claim becomes final.

4. If a person fails to file a dispute or claim within the period of time set forth in subsection 1, the person is deemed to have:

(a) Waived any right to challenge the transmission, seizure or disposition of the property; and

(b) Forfeited any interest in the property.

Sec. 18. *1. Except as otherwise provided in this subsection, within 20 days after the Department receives a dispute or claim filed pursuant to section 17 of this regulation, a hearing officer shall conduct an administrative hearing regarding the dispute or claim. The hearing officer may continue such a hearing for good cause shown.*

2. Notice of an administrative hearing conducted pursuant to this section must be sent by electronic mail or, if the recipient has opted out of receiving notices through electronic means, by mail at least 10 days before the date of the hearing to the person who submitted the dispute or claim.

3. The notice of a hearing must specify:

(a) The purpose of the hearing; and

(b) The date, time and location of the hearing.

4. A person who files a dispute or claim pursuant to section 17 of this regulation has the burden of proof at the hearing held pursuant to this section. The hearing officer shall determine the order and manner in which evidence will be received at the hearing.

5. After a hearing held pursuant to this section, the hearing officer shall prepare written findings of fact, conclusions of law and a decision on the issues presented at the hearing. The hearing officer shall serve a copy of the findings of fact, conclusions of law and decision upon the person who filed the dispute or claim and the Department within 20 days after the date of the hearing.

6. A decision issued by a hearing officer pursuant to this section becomes final 30 days after the date of service of the decision unless a party files a timely notice of appeal pursuant to NAC 370.585.

Sec. 19. *1. To appeal a civil penalty issued by the Department pursuant to chapter 370 of NRS, a licensee or manufacturer must file with the Department a written notice of appeal within 30 days after service of the notice of a civil penalty.*

2. A written notice of appeal must be filed with the Department and must identify the civil penalty from which the licensee or manufacturer appeals, the date on which the civil penalty was issued and the basis for the appeal. The licensee or manufacturer may attach to the written appeal any documents that support the appeal.

3. An appeal filed pursuant to this section is an appeal to the Commission which has not received an evidentiary hearing and will first be heard by a hearing officer pursuant to section 12 of this regulation.

Sec. 20. NAC 370.010 is hereby amended to read as follows:

370.010 As used in this chapter, unless the context otherwise requires:

1. "Commission" means the Nevada Tax Commission.

2. "Department" means the Department of Taxation.

3. "Other tobacco product" has the meaning ascribed to it in NRS 370.440.

Sec. 21. NAC 370.210 is hereby amended to read as follows:

370.210 1. A tribe that is located and sells and delivers cigarettes or other ***tobacco*** products ~~[made from tobacco]~~ on an Indian reservation or colony whose governing body has imposed and is enforcing an excise tax on the products being sold at a rate which is equal to or greater than the rate of the tax imposed by the State on the same products shall furnish the Department a copy of the tribal ordinance which imposes the tribal tax.

2. The tribal tax must be applicable to at least all consumers who would otherwise be taxed under NRS ~~[370.001]~~ ***370.007*** to 370.430, inclusive, and be actually collected whether or not the retail establishment from which the cigarettes or other ***tobacco*** products ~~[made from tobacco]~~ are sold is owned by the tribe.

3. The Department will presume that the tax is being imposed and actually enforced by the tribe if the retail price of the cigarettes or other ***tobacco*** products ~~[made from tobacco]~~ exceeds the wholesale price charged to the tribe by an amount which is at least equal to the tax.

4. Except as otherwise provided in NRS 370.240 and 370.255, the tribe is not required to maintain any records of cigarettes received, sold or distributed by the tribe on that reservation or colony.

Sec. 22. NAC 370.220 is hereby amended to read as follows:

370.220 ~~[1.]~~ Retail dealers who are located and sell and deliver cigarettes on an Indian reservation or colony shall purchase all of the cigarettes or other ***tobacco*** products ~~[made from tobacco]~~ that are to be sold and delivered on the reservation or colony from a licensed wholesale dealer **.** ~~[who has precollected the state tax on the cigarettes and other products.~~

~~2. If a tribal tax has been imposed on the cigarettes and other products made from tobacco, the tribe may apply for a refund of the precollected tax pursuant to NRS 370.280 or 370.503 and NAC 370.230.]~~

Sec. 23. NAC 370.500 is hereby amended to read as follows:

370.500 As used in NAC 370.500 to 370.595, inclusive, ***and sections 2 to 19, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 370.510 to 370.525, inclusive, ***and sections 2 and 3 of this regulation,*** have the meanings ascribed to them in those sections.

Sec. 24. NAC 370.515 is hereby amended to read as follows:

370.515 "Hearing officer" means an administrative law judge appointed by the Commission ***to hear a case*** pursuant to ~~[subsection 4 of NAC 370.545.]~~ ***NAC 370.500 to 370.595, inclusive, and sections 2 to 19, inclusive, of this regulation.***

Sec. 25. NAC 370.525 is hereby amended to read as follows:

370.525 "Respondent" means a licensee or manufacturer of tobacco products to whom the Department has issued a notice of hearing ***concerning the suspension or revocation of a license or the removal of a manufacturer and its brand families from the directory*** pursuant to NAC 370.545.

Sec. 26. NAC 370.540 is hereby amended to read as follows:

370.540 1. When the Department has cause to believe that:

(a) ~~[The]~~ ***A*** license ~~[of a retail dealer or wholesale dealer]~~ should be temporarily suspended or permanently revoked; or

(b) A manufacturer of tobacco products and its brand families should be removed from the directory,

➥ the Department may issue a notice of intent to suspend or revoke the license or a notice of intent to remove the manufacturer and its brand families from the directory, as applicable.

2. A notice issued pursuant to subsection 1 must include:

(a) A statement of the legal authority for the suspension or revocation of the license or removal of the manufacturer and its brand families from the directory, as applicable;

(b) A statement of the facts which support the belief of the Department that the license should be suspended or revoked or that the manufacturer and its brand families should be removed from the directory, as applicable; and

(c) Except as otherwise provided in subsection 6, if the notice issued is:

(1) A notice of intent to suspend or revoke a license, a statement that the Department may issue a notice of hearing pursuant to NAC 370.545 if the licensee does not, within 10 ~~[business]~~ days after receipt of the notice issued pursuant to subsection 1, demonstrate to the satisfaction of the Department that the licensee is in full compliance with all lawful requirements for retention of the license; or

(2) A notice of intent to remove a manufacturer and its brand families from the directory, a statement that the Department may issue a notice of hearing pursuant to NAC 370.545 if the manufacturer does not, within 10 ~~[business]~~ days after receipt of the notice issued pursuant to subsection 1, demonstrate to the satisfaction of the Department that the manufacturer is in compliance with all applicable legal requirements necessary to remain listed in the directory.

3. A notice of intent to suspend or revoke a license must be served on the licensee by certified mail at the location mailing address identified by the licensee on the license application submitted by the licensee to the Department.

4. A notice of intent to remove a manufacturer of tobacco products and its brand families from the directory must be served on the manufacturer by certified mail at the address identified by the manufacturer in the most recent annual certification made by the manufacturer to the Attorney General pursuant to NRS 370A.160.

5. Any evidence to demonstrate compliance offered by a licensee or a manufacturer of tobacco products within the period described in subparagraph (1) or (2) of paragraph (c) of subsection 2 must be delivered in person or by certified mail to the employee of the Department identified in the notice served on the licensee or manufacturer.

6. If a licensee or manufacturer of tobacco products has received a notice issued pursuant to subsection 1, for any subsequent alleged violation of the same statutory provision during the 2-year period immediately following the issuance of such notice, the licensee or manufacturer is not entitled to the 10-day period to demonstrate compliance described in subparagraphs (1) and (2) of paragraph (c) of subsection 2 and the Department may immediately issue a notice of hearing pursuant to NAC 370.545.

Sec. 27. NAC 370.545 is hereby amended to read as follows:

370.545 1. If a licensee or manufacturer of tobacco products does not demonstrate compliance within the 10-day period described in subparagraph (1) or (2) of paragraph (c) of subsection 2 of NAC 370.540, or if, pursuant to subsection 6 of NAC 370.540, a licensee or manufacturer of tobacco products is not entitled to the 10-day period to demonstrate compliance, the Department may issue a notice of hearing.

2. A notice of hearing issued pursuant to this section must:

(a) State the date, time and location of the hearing, which may be held at an office of the Department or at such other place in this State as is designated in the notice;

(b) Include a statement of the legal authority for the suspension or revocation of the license or removal of the manufacturer and its brand families from the directory, as applicable;

(c) Identify the specific provision or provisions of chapter 370 or 370A of NRS which the Department alleges the licensee or manufacturer of tobacco products has violated;

(d) Include a statement of the facts which support the belief of the Department that the license should be suspended or revoked or that the manufacturer and its brand families should be removed from the directory, as applicable; and

(e) Include as attachments all documentary evidence on which the Department intends to rely to demonstrate that the licensee or manufacturer of tobacco products, as applicable, is in violation of the provision or provisions of chapter 370 or 370A of NRS identified pursuant to paragraph (c).

3. A notice of hearing issued pursuant to this section must be served on:

(a) All parties at least ~~[20 business]~~ ***10*** days before the date of the hearing;

(b) A licensee by certified mail at the location mailing address identified by the licensee on the license application submitted by the licensee to the Department; and

(c) A manufacturer of tobacco products by certified mail at the address identified by the manufacturer in the most recent annual certification made by the manufacturer to the Attorney General pursuant to NRS 370A.160.

~~[4. Upon the issuance of a notice of hearing by the Department pursuant to this section, the Commission will appoint an administrative law judge to act as a hearing officer.]~~

Sec. 28. NAC 370.550 is hereby amended to read as follows:

370.550 1. Except as otherwise provided in subsection 2, a respondent must, not later than ~~[5 business]~~ *7* days before the date of the hearing set forth in the notice of hearing issued

pursuant to NAC 370.545, provide to the Department a copy of each document which is reasonably available to the respondent and which the respondent reasonably believes will be used in support of ~~[his or her]~~ ***the respondent's*** position.

2. A respondent may supplement the documents provided pursuant to subsection 1 on or before the date of the hearing only if good cause exists to demonstrate why the supplemental documents were not provided within the time required by subsection 1.

3. A hearing officer may exclude any document not timely provided pursuant to subsection 1 or 2.

Sec. 29. NAC 370.555 is hereby amended to read as follows:

370.555 1. All motions, unless made at a hearing, must be:

(a) Made in writing; and

(b) Served on the opposing party and the hearing officer at least ~~[10 business]~~ ***7*** days before the date of the hearing.

2. Any response to a motion, other than a motion made at a hearing, must be:

(a) Made in writing; and

(b) Served on the opposing party and the hearing officer within ~~[7 business]~~ ***5*** days after receipt of the motion.

Sec. 30. NAC 370.560 is hereby amended to read as follows:

370.560 1. A hearing officer may order the parties to file briefs with the hearing officer before ***or after*** the hearing.

2. ~~[Any brief filed with a]~~ ***A*** hearing officer ~~[must be accompanied by an affidavit from the proponent showing service on all other]~~ ***may consider any request by the*** parties ~~[of record.]~~ ***to file briefs with the hearing officer before or after the hearing.***

Sec. 31. NAC 370.580 is hereby amended to read as follows:

370.580 1. At a hearing conducted pursuant to NAC 370.500 to 370.595, inclusive ~~[.]~~ ***,*** ***and sections 2 to 19, inclusive, of this regulation, evidence may be received in any manner ordered by the hearing officer, but the hearing will ordinarily proceed in the following order:***

(a) The Department will present witnesses and evidence and the respondent may cross-examine the witnesses in the order in which they are presented by the Department.

(b) After the Department has completed its presentation of witnesses and evidence, the respondent may present witnesses and evidence and the Department may cross-examine the witnesses in the order in which they are presented by the respondent.

(c) After the respondent has completed its presentation of witnesses and evidence, the Department may call any rebuttal witnesses and the respondent may cross-examine the witnesses.

(d) The hearing officer may question any witness, party, counsel or representative at any time.

2. After the close of the hearing, the hearing officer shall prepare written findings of fact, conclusions of law and ~~[his or her]~~ ***a*** decision on the issues presented at the hearing.

3. A hearing officer shall issue ~~[his or her]~~ ***a*** decision and serve on all parties of record a copy of the decision and the accompanying findings of fact and conclusions of law within 45 ~~[business]~~ days after the date on which the hearing concluded.

4. A decision issued by a hearing officer pursuant to this section becomes final ~~[20 business]~~ ***30*** days after the date of service of the decision unless a party files a timely notice of appeal pursuant to NAC 370.585.

Sec. 32. NAC 370.585 is hereby amended to read as follows:

370.585 1. A party may, within ~~[20 business]~~ ***30*** days after service of a decision issued by a hearing officer pursuant to NAC 370.580, file a notice of appeal with the ~~[Commission.]~~ ***Department. A notice of appeal filed pursuant to this section must be served on all parties and must identify the decision from which the party appeals, the date on which the decision was issued and the basis for the appeal.***

2. ~~[A]~~ ***Within 30 days after filing a*** notice of appeal ~~[filed]~~ pursuant to ~~[this section must be served on all parties and]~~ ***subsection 1, the appellant shall file with the Commission an opening brief. The brief*** must ~~[:]~~ ***be served on all parties and:***

(a) Identify the decision from which the party appeals, the date on which the decision was issued and the basis for the appeal;

(b) State with particularity each point of law or fact which, in the opinion of the appellant, the hearing officer overlooked or misconstrued;

(c) Identify the parts of the record before the hearing officer that the appellant deems relevant to the appeal; and

(d) State each argument in support of the appeal that the appellant intends to present.

3. An opposing party may, not later than ~~[15 business]~~ ***30*** days after service of ~~[a notice of appeal,]~~ ***an opening brief,*** file with the Commission ~~[a response]~~ ***an answering brief*** rebutting only the issues raised in the ~~[notice of appeal. Such a response may]~~ ***opening brief. The answering brief must*** include identification of the parts of the record before the hearing officer that the opposing party deems relevant to ~~[his or her response.]~~ ***the answering brief.***

4. Upon the filing of an answering brief or the expiration of the time provided for filing such a brief, the Department will schedule an oral argument on the appeal at the next meeting of the Commission.

Sec. 33. NAC 370.590 is hereby amended to read as follows:

370.590 1. ~~[Upon the filing of a response to the notice of appeal pursuant to NAC 370.585 or the expiration of the time for filing such a response, the Executive Director will schedule oral argument on the appeal at the next meeting of the Commission.~~

~~2.]~~ Oral argument before the Commission ***on appeal*** will be limited to ~~[15]~~ ***20*** minutes for each party ~~[. The appellant must present his or her argument first but may reserve time for rebuttal following the presentation of argument by the opposing party.]~~ ***and will ordinarily proceed in the following order:***

(a) The staff of the Department will provide a brief orientation;

(b) The appellant will present;

(c) The respondent will present; and

(d) The appellant will present a rebuttal, if the appellant has reserved time for a rebuttal.

2. The Commission will consider only evidence which was submitted to the hearing officer and identified in the ~~[notice of appeal]~~ ***opening brief*** or ~~[response to the notice of appeal.]~~ ***answering brief.***

3. The Commission may affirm, ***adopt,*** reverse or modify the decision ***or proposed order*** of the hearing officer or remand the case to the hearing officer. The Executive Director shall, on behalf of the Commission, issue a written decision on the appeal.

4. Unless the Commission remands a case to the hearing officer, the decision of the Commission is a final decision in a contested case for the purposes of judicial review.

Sec. 34. NAC 370.595 is hereby amended to read as follows:

370.595 ***1.*** If a final order issued by a hearing officer or the Commission temporarily suspends or permanently revokes the license of a wholesale dealer:

~~[1.]~~ ***(a)*** The final order must not become effective and the license of the wholesale dealer must not be suspended or revoked until 20 ~~[business]~~ days after the date of issuance of the final order.

~~[2.]~~ ***(b)*** The wholesale dealer shall, within ~~[5 business]~~ ***7*** days after the date on which the final order is issued:

~~[(a)]~~ ***(1)*** Notify each ***tobacco*** retail dealer that is a customer of the wholesale dealer of the revocation or suspension of the license of the wholesale dealer and the date on which the revocation or suspension becomes effective; and

~~[(b)]~~ ***(2)*** Notify each manufacturer of tobacco products from whom the wholesale dealer purchases tobacco products of the revocation or suspension of the license of the wholesale dealer and the date on which the revocation or suspension becomes effective.

~~[3.]~~ ***(c)*** Until the date on which the revocation or suspension of the license is effective, the wholesale dealer may continue to engage in any lawful activity otherwise authorized or permitted pursuant to chapters 370 and 370A of NRS.

2. As used in this section:

(a) "Tobacco retail dealer" has the meaning ascribed to it in NRS 370.559.

(b) "Wholesale dealer" has the meaning ascribed to:

(1) "Wholesale dealer" in NRS 370.055; and

(2) "Wholesale dealer of other tobacco products" in NRS 370.440.

Sec. 35. NAC 370.020, 370.140, 370.230, 370.240 and 370.250 are hereby repealed.

TEXT OF REPEALED SECTIONS

370.020 Application for subsidiary place of business.

1. A cigarette wholesaler may maintain a warehouse for keeping merchandise on hand at another place than the established principal place of business, by listing the subsidiary place of business with the Department.

2. Application must be made to the Department for each subsidiary location and the application must specify the location by street and number.

370.140 Wholesale dealer to notify Department of intent to sell taxable product. A wholesale dealer in products made from tobacco, other than cigarettes, shall notify the Department of his or her intention to sell such products in this State before making any sales. The notification must be given on a form provided by the Department.

370.230 Refund of precollected state tax: Procedure; rate.

1. As used in this section, unless the context otherwise requires:

(a) "Department" means the Department of Taxation of the State of Nevada.

(b) "Governing body" means the governmental entity that has the authority to make decisions for a tribe, commonly known as a tribal government.

(c) "Month" means a calendar month.

(d) "Reservation" means an Indian reservation, Indian colony or lands set aside for the use and occupancy of a tribe.

(e) "Retail dealer" means any person, other than a wholesale dealer or a smokeshop owned by a tribe, who is located on a reservation and who offers to sell or who is engaged in selling cigarettes, other tobacco products or both of them at retail on the reservation.

(f) "Tribe" means any Indian tribe, Indian band, Indian colony or group of Indians recognized by the Federal Government as possessing a government-to-government relationship with the United States.

2. Upon application being made by a governing body which meets the requirements of this section, the Department shall refund to the governing body the tobacco taxes collected by the State on sales of tobacco to retail dealers in accordance with NRS 370.280 and 370.503.

3. A refund made pursuant to this section must be made at the tax rate less any discounts allowed for a tobacco wholesaler or importer.

4. Except as otherwise provided in subsection 6, only the governing body may apply for refunds of taxes on sales of cigarettes or other tobacco products to retail dealers. Each application for a refund must be made for all sales which occurred during not less than 1 month. The application must include:

(a) The amount of tobacco purchased by retail dealers during the month or months for which the refund is requested;

(b) The name and location of the wholesaler or importer from whom the tobacco was purchased; and

(c) The county or counties where the retail dealers are located, and the quantity of tobacco purchased by retail dealers located in each county.

5. The governing body shall maintain, and provide to the Department upon request, documentation substantiating all refunds requested. The documentation must include:

(a) Identification of the purchasers of tobacco as retail dealers, by name and address;

(b) For each transaction for which a refund is requested, the:

(1) Name and address of the retail dealer;

(2) Price paid;

(3) Quantity purchased; and

(4) Date of sale; and

(c) Such other information as the Department determines is reasonably necessary to document that a purchase qualifies for a refund pursuant to this section.

6. If a governing body fails to maintain the records required by this section, files a fraudulent refund request or refuses to transmit to the Department information required pursuant to this section, the Department may alter the refund procedure authorized by this section and, in lieu thereof, make direct refunds to a retail dealer who:

(a) Is located on the reservation;

(b) Purchases tobacco;

(c) Pays the applicable tax imposed on the tobacco by the tribe; and

(d) Complies with the requirements of this section that are applicable to governing bodies.

370.240 Refund of precollected state tax: Effect of provisions. NAC 370.230 does not limit state statutes regarding the sale of cigarettes or other tobacco products, including, without limitation, chapter 370 of NRS, and is not a waiver of the sovereign powers of tribes.

370.250 List of tribes eligible to purchase cigarettes with tribal tax stamps affixed and other products exempt from state tax. The Department will, as frequently as it deems necessary, publish and distribute to all licensed cigarette wholesale dealers a list of all tribes that are eligible to purchase:

1. Cigarettes to which tribal tax stamps are affixed instead of state tax stamps; and

2. Other products made from tobacco, exempt from the tax imposed by the State on products made from tobacco.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R082-26

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

Proposed permanent regulation (R082-26) establishes requirements related to taxation; creates provisions governing certain contested cases relating to holders of licenses relating to cigarette or other tobacco products and manufacturers of tobacco products; eliminates procedures for refunding precollected cigarette and other tobacco product taxes to Indian tribes; revises provisions governing administrative proceedings for the suspension or revocation of licenses relating to cigarette or other tobacco products or the removal of manufacturers of cigarettes and brand families from the directory of manufacturers and brand families maintained by the Department of Taxation; eliminates certain definitions and other provisions relating to cigarettes and other tobacco products; and provides other matters properly relating thereto.

Various provisions of NAC Chapter 370 require updating as identified in response to the Governor's Executive Order 2023-003. This proposed permanent regulation updates and clarifies the regulatory framework governing taxation and licensing of cigarette and other tobacco products in Nevada. It establishes procedures for handling contested cases involving license holders and tobacco product manufacturers, while revising administrative processes related to the suspension or revocation of licenses and the removal of manufacturers and brand families from the Department of Taxation's directory. The proposed permanent regulation also eliminates outdated provisions, including those governing refunds of precollected taxes to Indian tribes and certain obsolete definitions, in order to improve consistency, transparency, and administrative efficiency. Overall, the proposed regulation streamlines enforcement, ensures clearer standards for regulated entities, and aligns existing rules with current practices.

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearings to provide public comment by electronic or regular mail as follows:

Date of Notice	Workshop/ Hearing	Date of Workshop/Hearing	Number Notified
4/1/26	Workshop	4/16/26	212
5/22/26	Adoption Hearing	6/25/26	212

The mailing list included the interested parties list maintained by the Department. Notices were also posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of the small business impact questionnaire response(s):
One response was received by the Department in response to the small business impact questionnaire. The respondent expressed support for the regulation as drafted and stated it would have no negative impact.

Summary of the public responses from the April 16, 2026 Workshop: None.

Summary of the public responses from the June 25, 2026 Adoption Hearing:
Brett Scolari of Strategies360 submitted written public comment requesting clarification regarding the proposed repeal of regulations governing refunds of pre-collected state tobacco taxes. Mr. Scolari asked whether removal of these provisions could present a concern if a distributor mistakenly applied stamps or taxes to Tribal products, and whether an alternative mechanism exists for Tribes to recover taxes in the event of such errors. Mr. Scolari also requested background on the Department's rationale for repealing the regulations. The Department provided written response to Mr. Scolari's request and Mr. Scolari agreed that the correspondence be included in the June 25, 2026 Adoption Hearing meeting materials.

The summary of the public/business response to the regulation, the record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

3. The number of persons (not including Department staff or Commission Members) who:
(a) Attended each hearing:
(b) Testified at each hearing:
(c) Submitted written comments:

Workshop date: April 16, 2026
(a) Number in attendance: 9
(b) Number testifying: 0
(c) Written statements submitted: 0

Adoption Hearing date: June 25, 2026
(a) Number in attendance: 34
(b) Number testifying: 0
(c) Written statements submitted: 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:

Submitted written statements for the June 25, 2026 Workshop:
Name: **Brett Scolari**
Telephone number: **775-240-2007**
Business address: **810 E. 5th Street, Carson City, NV 89701**
Electronic mail address: bretts@strategies360.com
Name of entity or organization represented: **Strategies360**

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The summary of the public/business response to the regulation and/or the record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

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

The Nevada Tax Commission adopted the proposed permanent regulation on June 25, 2026 with the agreed-upon changes reflected in the Agency Revised LCB Second Revised Proposed Draft of the regulation. These changes were noticed to the public one week in advance of the Public Hearing to reflect stakeholder input and the potential impact to the regulated industry. None of the updates were substantive to the purpose or the intent of the regulation. Section 2.5 was revised to clarify that the provisions of the regulation, as well as existing regulations relating to tobacco licenses, apply to all types of tobacco licenses issued by the Department, including licenses authorizing remote retail sales of cigars and pipe tobacco. In addition, Sections 2, 5, 11, 12, 15, and 16 were updated to ensure consistent language across chapters.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

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

Enforcement of the adopted regulation presents no significant foreseeable or anticipated cost or decrease in costs.

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 adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state 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 adopted permanent regulation does not include new fees or increase an existing fee.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608 and NRS 233B.0609

LCB File No. R082-26

1. Background

LCB File No. R082-26, establishes requirements related to taxation; creates provisions governing certain contested cases relating to holders of licenses relating to cigarette or other tobacco products and manufacturers of tobacco products; eliminates procedures for refunding precollected cigarette and other tobacco product taxes to Indian tribes; revises provisions governing administrative proceedings for the suspension or revocation of licenses relating to cigarette or other tobacco products or the removal of manufacturers of cigarettes and brand families from the directory of manufacturers and brand families maintained by the Department of Taxation; eliminates certain definitions and other provisions relating to cigarettes and other tobacco products; and provides other matters properly relating thereto.

Existing law requires the members of the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing regulations set forth various provisions governing the practice and procedure in contested cases before the Commission and Department. (NAC 360.043-360.200) **Section 2** of this regulation provides that, notwithstanding those provisions, each hearing of a contested case heard by the Commission and Department relating to disciplinary proceedings, disputes over property seized by or transmitted to the Department and appeals of civil penalties under existing law relating to tobacco licensees and manufacturers will be conducted in accordance with the provisions of the Nevada Administrative Procedure Act and regulations relating to contested cases involving tobacco licensees and manufacturers. **Sections 2-17** of this regulation set forth various provisions governing contested cases relating to tobacco licensees and manufacturers.

Sections 3 and 5 establish requirements governing pleadings and acknowledgments of service for certain documents, respectively. **Sections 4, 10 and 11** set forth evidentiary procedures in such proceedings. **Section 6** establishes requirements governing transcripts of proceedings, including, without limitation, stating the party responsible for furnishing a reporter and bearing associated costs. **Section 7** sets forth requirements governing ethical and courteous conduct during a proceeding. **Section 8** authorizes a hearing officer to hold a prehearing conference.

Section 9: (1) authorizes a hearing officer to issue a subpoena subject to certain restrictions; and (2) provides certain requirements that must be satisfied to obtain the subpoena. **Section 12** requires the Commission to assign a hearing officer to hear any appeal to the Commission in which certain parties have not received an evidentiary hearing. **Section 13**: (1) authorizes certain parties to request a closed hearing; and (2) sets forth requirements for making such a request. **Section 14** sets forth provisions governing the rehearing or reconsideration of a matter.

Sections 15 and 16 set forth the procedure for disputing the seizure of property seized by or transmitted to the Department under provisions of existing law authorizing the seizure and disposition of certain counterfeit, contraband or unlawfully used property relating to tobacco. **Section 17** sets forth the procedure for a tobacco licensee or manufacturer to appeal a civil penalty issued by the Department. **Section 21** of this regulation applies certain definitions to **sections 2-17**.

Existing law imposes a tax on cigarettes and other tobacco products. (Chapter 370 of NRS) Existing law authorizes a refund for the taxes paid on cigarettes or other tobacco products for cigarettes or other tobacco products that are sold to: (1) any person if sold and delivered on an Indian reservation or colony where an excise tax has been imposed that is equal to or greater than the rate of tax imposed pursuant to provisions of existing law; or (2) an Indian if sold and delivered on an Indian reservation or colony where no excise tax has been imposed or the excise tax is less than the rate of the tax imposed pursuant to provisions of existing law. (NRS 370.280, 370.503; NAC 370.230) Existing law prohibits the Department from collecting the tax on cigarettes and other tobacco products sold on an Indian reservation or Indian colony if the governing body of the reservation or colony imposes an excise tax on cigarettes and other tobacco products that is equal to or greater than the tax imposed by provisions of existing law and the governing body submits a copy of the ordinance imposing the tax to the Department. (NRS 370.515) **Sections 20 and 32** of this regulation eliminate provisions which set forth procedures for an Indian tribe to apply for and receive a refund from the Department of the tax on cigarettes and other tobacco products.

Existing law provides for the licensing by the Department of persons engaged in the manufacture, distribution and sale of cigarettes and other tobacco products, including persons who operate a warehouse or distribution center or who conduct business as a manufacturer, a wholesale dealer of cigarettes, a wholesale dealer of other tobacco products, a tobacco retail dealer, a cigarette vending machine operator or a logistics company. (NRS 370.531-370.597)

Existing law authorizes the Department to suspend or revoke such licenses and to adopt regulations establishing a procedure for the suspension and revocation of a license. (NRS 370.595, 370.597) Existing law also requires the Department to maintain a directory of manufacturers of tobacco products who have made current and accurate certifications to the Department concerning the manufacturer and its brand families. Existing law further requires the Department to update the directory and to remove from the directory any manufacturer and its brand families that do not conform to the requirements for listing in the directory. (NRS 370.675)

Existing regulations establish procedures for the suspension and revocation of the license of a retail dealer or wholesale dealer and the removal of a manufacturer of tobacco products and its brand families from the directory. (NAC 370.500-370.595) **Section 22** of this regulation applies the procedures for the suspension or revocation of the license of a retail dealer or wholesale dealer to the suspension or revocation of any of the licenses issued pursuant to chapter 370 of NRS. **Sections 22-26, 28 and 31** of this regulation revise

the timeline for such procedures by changing: (1) the amount of time licensees and manufacturers have to demonstrate compliance with the law after the Department issues a notice of intent to suspend or revoke a license or remove a manufacturer and its brand families from the directory, as applicable; (2) when a notice of hearing must be served relative to the date of the hearing; (3) the deadline for a respondent to submit supporting documents before the hearing; (4) the deadline for serving any motion not made at the hearing; (5) the deadline for a hearing officer to issue **their** ~~his or her~~ decision and for a party to appeal that decision; and (6) when a final order suspending or revoking a license of a wholesale dealer of cigarettes or a wholesale dealer of other tobacco products becomes effective and the amount of time a wholesale dealer has to notify the retail dealers and manufacturers with whom the wholesale dealer does business of the suspension or revocation.

Existing regulations prescribe the order of proceedings for a hearing conducted to suspend or revoke the license of a licensee or to remove a manufacturer of tobacco products and its brand families from the directory. (NAC 370.580) **Section 28** provides that evidence at the hearing may be received in any manner ordered by the hearing officer, but that a hearing will ordinarily proceed in the prescribed order.

Existing regulations authorize a party to file a notice of appeal with the **Department** ~~Commission~~ within 20 business days after service of a decision issued by a hearing officer regarding the suspension or revocation of a license or the removal of a manufacturer of tobacco products and its brand families from the directory. Existing regulations authorize an opposing party to file a response to the notice of appeal. (NAC 370.585) Existing regulations provide that, in hearing such an appeal, the Commission will consider only evidence which was submitted to the hearing officer and identified in the notice of appeal or response to the notice of appeal. (NAC 370.590) **Section 29** of this regulation requires a notice of appeal, if any, to be filed within 30 days after service of the decision of the hearing officer and revises the information which is required to be included in a notice of appeal. **Section 29** requires an appellant to file, within 30 days after filing the notice of appeal, an opening brief which includes certain information previously required to be included in the notice of appeal. **Sections 29 and 30** of this regulation make conforming changes to provide that an opposing party may respond, in the form of an answering brief, to issues raised in the opening brief of the appellant rather than the notice of appeal. **Section 30** provides that the Commission will consider only evidence which was identified in the opening brief or answering brief. **Section 30** increases the amount of time each party has for oral argument before the Commission.

Sections 18, 19 and 20 of this regulation replace references to "other products made from tobacco" and "products made from tobacco, other than cigarettes" with the term "other tobacco products" to conform with the terminology used in provisions of existing law. (NRS 370.0318, as amended by section 4 of Assembly Bill No. 471, chapter 477, Statutes of Nevada 2025, at page 3131)

2. **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.**

   The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R082-26. The proposed language and questionnaire were dispersed to the following:

   - Emailed by the Department 212 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   The content responses are summarized below:

   - One response was received for LCB Draft of Proposed Regulation - File No. R082-26. The respondent commented their support of the adoption of R082-26 as proposed and acknowledged there is no negative impact.

   Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary can contact:

   Kari Skalsky
   Nevada Department of Taxation
   3850 Arrowhead Drive
   Carson City, NV 89706
   kskalsky@tax.state.nv.us
   Phone: (775) 684-2041

3. **The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.**

   One response was received for LCB Draft of Proposed Regulation R082-26 for the questionnaire regarding the impact of the regulation on small businesses. The respondent commented their support of the adoption of R082-26 as proposed and acknowledged there is no negative impact. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:**

   Adverse and Beneficial Effects

   The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

Direct and Indirect Effects

The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

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 Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R082-26. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department 212 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

One response was received for LCB Draft of Proposed Regulation R082-26 for the questionnaire regarding the impact of the regulation on small businesses. The respondent commented their support of the adoption of R082-26 as proposed and acknowledged there is no negative impact. The Department determined there was no impact on small businesses.

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

The proposed regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

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 proposed permanent regulation does not include new fees or increase an existing fee.

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 arc necessary.**

The proposed regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

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

The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed regulations.

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.



Shellie Hughes, Executive Director
August 26, 2026

R085-26

ADOPTED REGULATION OF

THE NEVADA TAX COMMISSION

LCB File No. R085-26

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

AUTHORITY: §§ 1, 2 and 5-8, NRS 360.090 and 372.725; § 3, NRS 360.090, 360B.110, 372.284 and 372.725; § 4, NRS 360.090, 372.195 and 372.725.

A REGULATION relating to taxation; combining into one section of the Nevada Administrative Code certain rules governing the furnishing of tangible personal property by a mortician; clarifying the application of sales and use taxes to the entire charge by a dispensing optician for eyeglasses and related products furnished in filling a prescription; revising a calculation used to determine the circumstances under which food sold by a retailer is subject to sales and use tax as prepared food intended for immediate consumption; revising the information that a retailer is required to include on a receipt provided to a purchaser of tangible personal property; updating references to sections of the Nevada Revised Statutes that have been reorganized; repealing a provision providing that sales tax does not apply when an owner of property bids on that property at an auction; removing provisions governing an application for an obsolete sales and use tax exemption for aircraft and major components of aircraft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a sales tax on the gross receipts of a retailer from the retail sale of tangible personal property in this State. (NRS 372.105, 374.110, 374.111) Under existing law, with certain exceptions, a retailer who makes a retail sale of tangible personal property in this State is required to collect the sales tax from the purchaser at the time of the purchase. (NRS 372.110, 374.115) Existing law also imposes a use tax on the storage, use or consumption of tangible personal property in this State. (NRS 372.185, 374.190, 374.191)

Existing regulations establish rules governing the applicability of sales and use taxes on tangible personal property furnished by a mortician in connection with the services provided by the mortician. (NAC 372.280-372.300) **Section 8** of this regulation repeals rules governing the applicability of such taxes to tangible personal property furnished by a mortician when a death occurs in this State but burial occurs outside this State, when a death occurs outside this State but burial occurs in this State and when the funeral expenses are paid by the United States or any other governmental entity. (NAC 372.290, 372.300) **Section 1** of this regulation reenacts these rules in an existing section of the Nevada Administrative Code. Thus, **sections 1 and 8** combine into one section the rules governing the applicability of sales and use taxes to tangible personal property furnished by a mortician in connection with the services provided by the mortician.

Under existing regulations, when a dispensing optician furnishes eyeglasses and related products in filling a prescription, the sale is considered a retail sale of tangible personal property and the entire charge by the dispensing optician is subject to sales tax. (NAC 372.320) **Section 2** of this regulation clarifies that the sales tax applies to the furnishing of eyeglasses and related products whether or not a licensed dispensing optician sells the eyeglasses and related products.

Existing law exempts from sales and use tax food for human consumption except that sales and use tax is imposed on prepared food intended for immediate consumption. (NRS 372.284, 374.289) Under existing law, food that is sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws, is prepared food intended for immediate consumption and, thus, subject to sales and use tax. (NRS 360B.460) Existing regulations establish different criteria for determining whether food is sold with eating utensils provided by the seller, and the criteria applicable to a seller is based on the percentage of the total dollar value of food sold by a seller that is prepared food. (NAC 372.607) **Section 3** of this regulation removes dietary supplements from this calculation. Under existing law, dietary supplements are not considered to be food and, thus, are subject to sales and use tax. (NRS 360B.445, 360B.495, 372.284, 374.289)

Existing law includes in the sales price used to calculate sales and use tax the amount of certain price reductions or discounts for which the seller receives reimbursement from a third party. Among other criteria required for such a price reduction or discount to be included in the sales price, existing law requires the price reduction or discount to be identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser. (NRS 360B.480) **Section 4** of this regulation amends the requirements of existing regulations for the information that must be included on a receipt given to a purchaser to additionally require the receipt to state separately the amount of any manufacturer's rebate, any buy down of a sales price by a supplier of the retailer or any third-party price reduction or discount. (NAC 372.770)

Existing law requires a person conducting business in this State as a seller of tangible personal property to register with, or obtain a permit from, the Department of Taxation to collect sales and use tax in this State. (NRS 360.5971) Senate Bill No. 441 of the 2021 Legislative Session consolidated into one provision multiple provisions of law governing such registrations and permits. (Chapter 342, Statutes of Nevada 2021, at page 2007) **Sections 5-7** of this regulation update references in existing regulations to those provisions of law governing registration and permits to collect sales and use tax in this State.

In 1997, the Nevada Supreme Court held that a sales and use tax exemption for the gross receipts from the sale of aircraft and major components of aircraft to an air carrier that maintains its central office and bases a majority of its aircraft in Nevada was unconstitutional because it discriminated against interstate commerce. (*Worldcorp v. State, Dep't of Taxation*, 113 Nev. 1032 (1997)) Assembly Bill No. 161 of the 2015 Legislative Session repealed this exemption and related provisions governing the administration of the exemption. (Section 12 of Assembly Bill No. 161, chapter 406, Statutes of Nevada 2015, at page 2336) **Section 8** removes an obsolete regulation requiring an air carrier which desires to qualify for this exemption to file a written application on a form prescribed by the Department and submit evidence of its eligibility for the exemption. (NAC 372.715)

Section 8 also repeals an existing regulation that provides that sales tax does not apply when an owner delivers property to an auctioneer and bids on that property at the auction. (NAC 372.110)

Section 1. NAC 372.280 is hereby amended to read as follows:

372.280 1. Morticians are the retailers of the tangible personal property which they furnish in connection with rendering their services. The tax applies to the sale by the mortician of all tangible personal property so furnished.

2. The tax applies to:

(a) The fair retail value of clothing, boxes, vaults and any other property furnished in addition to that customarily furnished with standard service.

(b) Acknowledgment cards and appreciation cards, when furnished as part of the regular service, or when the family is charged for them.

(c) All other items of tangible personal property which are furnished by the mortician, computed upon 50 percent of the remainder of the charge for the funeral, except as provided in subsection 3.

3. If the items of tangible personal property are segregated in the billings to customers and specific charges are made, the tax applies to the charges.

4. The tax does not apply to accommodation cash advances for such items as cemetery charges, newspaper notices, railroad tickets, ministerial fees and flowers.

5. When death occurs in this State and burial is to occur in another state, the casket and other personal property purchased in this State for the preparation and delivery of the body to its ultimate burial destination are subject to Nevada sales tax.

6. Where burial occurs in this State, through ashes in urn, entombment in mausoleum or ground burial, the casket, urn or other materials purchased outside this State are not purchased for use in Nevada and are not subject to use tax. The taxable use has occurred outside this State.

7. If a portion of the expense of a funeral is paid by the United States directly to the mortician, the transaction is regarded as a sale to the United States and is exempt from the tax to the extent of the payment.

8. Payment to a relative or other person as reimbursement for a portion of the funeral expense is not a sale to the United States and is not exempt from the tax.

9. In cases where the family assigns the death benefits due from the Department of Veterans Affairs or the Social Security Administration to the mortician, the United States is not considered the purchaser and no part of the transaction is considered a tax-exempt sale to the United States.

10. Only when the governmental agency makes a payment directly to the mortician is that portion of the funeral expense considered exempt from the tax.

Sec. 2. NAC 372.320 is hereby amended to read as follows:

372.320 1. Oculists and optometrists are the consumers of ophthalmic materials including eyeglasses, frames and lenses used or furnished in the performance of their professional services in the diagnosis, treatment or correction of conditions of the human eye. The tax applies to the sale of the materials to oculists and optometrists.

2. The tax applies to the entire charge made by a dispensing optician for eyeglasses and related products furnished in filling a prescription ~~[.]~~ *, whether or not the dispensing optician is licensed in this State pursuant to chapter 637 of NRS.*

Sec. 3. NAC 372.607 is hereby amended to read as follows:

372.607 For the purpose of determining whether food sold at retail by a seller is a food sold with eating utensils provided by the seller pursuant to subsection 3 of NRS 360B.460 and NAC 372.605:

1. Except as otherwise provided in subsection 2, a seller who made retail sales of prepared food during a tax year or business fiscal year, whichever is selected by the seller, as soon as practicable after accounting records for that tax year or business fiscal year, as applicable, are available to the seller but not later than 90 days after the beginning of the seller's next tax year or business fiscal year, as applicable, shall calculate a percentage by:

(a) Calculating the sum of:

(1) The total dollar value of all retail sales of food which is described in subsection 1 of NRS 360B.460 and which was sold at retail by the seller during the immediately preceding tax year or business fiscal year, as applicable;

(2) The total dollar value of all retail sales of food which is described in subsection 2 of NRS 360B.460 and which was sold at retail by the seller during the immediately preceding tax year or business fiscal year, as applicable; and

(3) The total dollar value of all retail sales of food which is incapable of being transferred to the purchaser without the use of a plate, bowl, glass or cup, including, without limitation, soft drinks dispensed from a fountain and food dispensed at a salad bar, and which was sold at retail by the seller during the immediately preceding tax year or business fiscal year, as applicable; and

(b) Dividing the amount calculated pursuant to paragraph (a) by the total dollar value of all retail sales of food by the seller, including, without limitation, prepared food, candy ~~[,]~~ ***and*** soft drinks **.** ~~[and dietary supplements.]~~

➥ If, during a tax year or business fiscal year, as applicable, a seller made retail sales of any type of food described in paragraph (a) at more than one establishment, the seller must perform the calculation required by this subsection for each establishment and, for the purposes of this

section, use the average of those calculations as the percentage of the seller's sales of food that were sales of prepared food.

2. If a seller did not make any retail sales of prepared food during the immediately preceding tax year or business fiscal year, whichever is selected by the seller, or is a new business and the seller intends to make retail sales of prepared food during the seller's current tax year or business fiscal year, the seller must calculate a percentage by:

(a) Calculating the sum of:

(1) An estimate of the total dollar value of all retail sales of food which is described in subsection 1 of NRS 360B.460 and which the seller expects to sell at retail during the current tax year or business fiscal year, as applicable;

(2) An estimate of the total dollar value of all retail sales of food which is described in subsection 2 of NRS 360B.460 and which the seller expects to sell at retail during the current tax year or business fiscal year, as applicable; and

(3) An estimate of the total dollar value of all retail sales of food which is incapable of being transferred to the purchaser without the use of a plate, bowl, glass or cup, including, without limitation, soft drinks dispensed from a fountain and food dispensed at a salad bar, and which the seller expects to sell during the current tax year or business fiscal year, as applicable; and

(b) Dividing the amount calculated pursuant to paragraph (a) by an estimate of the total dollar value of all retail sales of food, including, without limitation, prepared food, candy ~~[,]~~ ***and*** soft drinks **,** ~~[and dietary supplements,]~~ which the seller expects to make during the current tax year or business fiscal year, as applicable.

➥ If a seller described in this subsection intends to make retail sales of any type of food described in paragraph (a) at more than one establishment, the seller must perform the calculation required by this subsection for each such establishment and, for the purposes of this section, use the average of those calculations as the percentage of the seller's sales of food that will be sales of prepared food. If the actual retail sales of prepared food by a seller described in this subsection during the first three months of such sales materially affect the calculation required by this subsection, the seller must perform the calculation required by this subsection using reasonable revised estimates and, for the purposes of this section, use that calculation as the percentage of the seller's sales of food that will be sales of prepared food.

3. If the percentage calculated by a seller pursuant to subsection 1 or 2, as applicable, is 75 percent or less, food sold at retail by the seller is deemed to be food sold with eating utensils provided by the seller:

(a) If the practice of the seller for sales of that food, as represented by the seller, is to directly give or hand a utensil to the purchaser to use to consume the food being sold; or

(b) If the food being sold is incapable of being transferred without the use of a plate, bowl, glass or cup and the practice of the seller, as represented by the seller, is to make plates, bowls, glasses or cups available to the purchaser of such food, including, without limitation, by permitting a purchaser to obtain such plates, bowls, glasses or cups at a kiosk or common area.

4. If the percentage calculated by a seller pursuant to subsection 1 or 2, as applicable, is more than 75 percent, food sold at retail by the seller is deemed to be food sold with eating utensils provided by the seller if the seller:

(a) Directly gives or hands a utensil to the purchaser to use to consume the food being sold; or

(b) Makes utensils available to the purchaser, including, without limitation, by permitting the purchaser to obtain utensils at a kiosk or common area.

5. A seller who makes retail sales of prepared food shall maintain records in accordance with NRS 372.735 which are adequate to substantiate the calculations made by the seller pursuant to this section.

Sec. 4. NAC 372.770 is hereby amended to read as follows:

372.770 1. Each retailer who is required or authorized to collect sales or use tax from purchasers must give a receipt to each purchaser for the amount of the tax collected.

2. The receipt must show the following:

(a) The name and place of business of the retailer;

(b) The date on which the property was sold;

(c) The sales price of the property; ~~[and]~~

(d) ***The amount of any manufacturer's rebate, any buy down of the sales price received from a supplier of the retailer or any third-party price reduction or discount; and***

(e) The amount of tax collected by the retailer from the purchaser.

3. A sales invoice which contains the data required in subsection 2 and evidence of payment constitutes a receipt.

4. Each purchaser is liable for the payment of the tax to the Commission unless ~~[he or she]~~ ***the purchaser*** obtains and retains for inspection the receipts which are required by this section.

Sec. 5. NAC 372.780 is hereby amended to read as follows:

372.780 A retailer who takes a deduction pursuant to section 12 of chapter 397, Statutes of Nevada 1955, (NRS 372.025) for property which was resold after being purchased for a purpose other than resale ~~[shall:]~~ ***must:***

1. Hold a valid permit issued pursuant to NRS ~~[372.135;]~~ ***360.5973 or be registered with the Department pursuant to NRS 360B.200;***

2. Take the deduction on the retailer's tax return which covers the period in which ~~[he or she]~~ ***the retailer*** resold the property; and

3. Maintain complete records which are adequate to substantiate the deduction.

Sec. 6. NAC 372.908 is hereby amended to read as follows:

372.908 Except as otherwise provided in NAC 372.910, an independent salesperson who sells tangible personal property obtained from a direct sales organization to a customer at retail:

1. Is considered a retailer with respect to such sales and the gross receipts from those sales are subject to the sales tax.

2. ~~[Shall]~~ ***Must*** obtain a permit to engage in or conduct business as a seller pursuant to NRS ~~[372.125.]~~ ***360.5971 or register with the Department pursuant to NRS 360B.200.***

3. ~~[Shall]~~ ***Must*** obtain a state business ~~[registration]~~ ***license*** to conduct business in this State pursuant to NRS 76.100.

Sec. 7. NAC 372.910 is hereby amended to read as follows:

372.910 1. The Department may enter into a sales tax collection agreement with a direct sales organization.

2. A sales tax collection agreement must provide that:

(a) Before a direct sales organization may report and remit taxes due for the sales made by independent salespersons of tangible personal property obtained from the direct sales organization, the direct sales organization will obtain a permit to engage in or conduct business as a seller pursuant to NRS ~~[372.125.]~~ ***360.5971 or register with the Department pursuant to NRS 360B.200.***

(b) Tangible personal property sold to an independent salesperson for personal use is taxed based on:

(1) The actual sales price paid by the independent salesperson; or

(2) If the direct sales organization does not have evidence that the tangible personal property was purchased for personal use by the independent salesperson, the sales price determined pursuant to paragraph (c).

(c) Tangible personal property obtained from a direct sales organization and sold by an independent salesperson at retail is taxed based on:

(1) The actual sales price paid by the retail customer; or

(2) If the direct sales organization does not have evidence as to the actual sales price paid by the retail customer, the suggested retail price.

(d) The tax due on the sale of tangible personal property is computed at:

(1) The tax rate in effect at the location of the sale to the retail customer; or

(2) If the direct sales organization does not have evidence as to the actual location of the sale to the retail customer, the tax rate in effect at the location to which the tangible personal property is shipped or delivered.

(e) The direct sales organization is entitled to the same deductions, allowances and collection credits to which an independent salesperson would be entitled if the sales tax collection agreement were not in effect.

(f) The direct sales organization will make available to the Department, upon request, such books and records as may be reasonably required by the Department to conduct an audit of the direct sales organization.

3. The Department shall not regard a sales tax collection agreement as a factor in determining whether or not the direct sales organization has a nexus with this State for the purpose of imposing any tax or tax collection obligation except for the sales or use tax collected by the direct sales organization pursuant to the sales tax collection agreement.

Sec. 8. NAC 372.110, 372.290, 372.300 and 372.715 are hereby repealed.

TEXT OF REPEALED SECTIONS

372.110 Auctions when owner bids on his or her property. (NRS 360.090, 372.725) Sales tax does not apply when an owner of property delivers it to an auctioneer for auction and bids on his or her own property at the auction.

372.290 Morticians: Transactions with other states. (NRS 360.090, 372.725)

1. When death occurs in this State and burial is to occur in another state, the casket and other personal property purchased in this State for the preparation and delivery of the body to its ultimate burial destination are subject to Nevada sales tax.

2. Where burial occurs in this State, through ashes in urn, entombment in mausoleum or ground burial, the casket, urn or other materials purchased outside this State are not purchased for use in Nevada and are not subject to use tax. The taxable use has occurred outside this State.

372.300 Morticians: Funeral expenses paid by United States. (NRS 360.090, 372.325, 372.725)

1. If a portion of the expense of a funeral is paid by the United States directly to the mortician, the transaction is regarded as a sale to the United States and is exempt from the tax to the extent of the payment.

2. Payment to a relative or other person as reimbursement for a portion of the funeral expense is not a sale to the United States and is not exempt from the tax.

3. In cases where the family assigns the death benefits due from the Veterans' Administration or Social Security to the mortician, the United States is not considered the purchaser and no part of the transaction is considered a tax-exempt sale to the United States.

4. Only when the governmental agency makes a payment directly to the mortician is that portion of the funeral expense considered exempt from the tax.

372.715 Application by air carrier. (NRS 360.090, 372.317, 372.725, 374.725) An air carrier which desires to be exempt from the tax imposed pursuant to chapter 372, 374, 377, or 377A of NRS must file a written application on a form prescribed by the Department and submit evidence of its eligibility for the exemption. Upon approval of the application, the Department will issue a certificate of exemption.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R085-26

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

Proposed permanent regulation (R085-26) establishes requirements related to taxation; combines into one section of Nevada Administrative Code certain rules governing the furnishing of tangible personal property by a mortician; clarifies the application of sales and use taxes to the entire charge by a dispensing optician for eyeglasses and related products furnished in filling a prescription; revises a calculation used to determine the circumstances under which food sold by a retailer is subject to sales and use tax as prepared food intended for immediate consumption; revises the information that a retailer is required to include on a receipt provided to a purchaser of tangible personal property; updates references to sections of the Nevada Revised Statutes that have been reorganized; repeals a provision providing that sales tax does not apply when an owner of property bids on that property at an auction; removes provisions governing an application for an obsolete sales and use tax exemption for aircraft and major components of aircraft; and provides other matters properly relating thereto.

Various provisions of NAC Chapter 372 require updating as identified in response to the Governor's Executive Order 2023-003. This proposed permanent regulation is intended to modernize Nevada's sales and use tax regulations by consolidating related provisions, clarifying existing tax obligations, improving transparency in retail transactions, and removing outdated or invalid regulatory language. The amendments enhance administrative clarity and ensure consistency with current statutory law.

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearings to provide public comment by electronic or regular mail as follows:

Date of Notice	Workshop/ Hearing	Date of Workshop/Hearing	Number Notified
5/5/26	Workshop	5/21/26	211
5/22/26	Adoption Hearing	6/25/26	212

The mailing list included the interested parties list maintained by the Department. Notices were also posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of the small business impact questionnaire response(s): None.

Summary of the public responses from the May 21, 2026 Workshop:
Michael Cabrera of Snell and Wilmer on behalf of the State of Nevada Board of Dispensing Opticians submitted written public comment in May of 2024 requesting clarification regarding the status of draft regulation R043-24 and asked whether a workshop would be held to allow public comment prior to adoption. Mr. Cabrera noted that a workshop noticed in April 2023 appeared to have been conducted solely for purposes of reporting under Executive Order 2023-003, prompting concern that the regulation might be adopted without input from small-business opticians. Mr. Cabrera emphasized that the Board and affected opticians wished to have an opportunity to provide feedback before any final action is taken.

Ron Voight submitted written public comment opposing the amendment to NAC 372.320(2), stating that it would allow a regulation to override licensing requirements in NRS Chapter 637 and improperly shift authority from the Nevada State Board of Dispensing Opticians to the Department of Taxation. Mr. Voight also argued that the proposal misapplies Executive Order 2023-003, which prohibited regulatory changes that hinder economic growth or affect public safety, and asserted that the change would disadvantage Nevada-licensed businesses and enable unlicensed activity.

Summary of the public responses from the June 25, 2026 Adoption Hearing:
Corinne Sedran, Executive Director of the State of Nevada Board of Dispensing Opticians submitted comments seeking clarification on whether ophthalmic materials furnished by oculists and optometrists could be subject to double taxation when practitioners purchase materials and later provide them to patients. The Board also recommended revisions to the language in Section 2(2) of Proposed Regulation R085-26, expressing concern that the current wording - applying tax whether or not a dispensing optician is licensed pursuant to NRS 637 - could be misinterpreted as drawing a distinction between licensed and unlicensed opticians operating within Nevada or suggesting authorization for unlicensed practice. The Board stated that the intent of the amendment appeared to be inclusion of out-of-state opticians selling to Nevada residents and requested that the language be clarified, such as by specifying "licensed in Nevada" or "domiciled in Nevada," to remove ambiguity and accurately reflect the regulation's intended scope.

The record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

3. The number of persons (not including Department staff or Commission Members) who:
(a) Attended each hearing:
(b) Testified at each hearing:
(c) Submitted written comments:

Workshop date: May 21, 2026
(a) Number in attendance: 9
(b) Number testifying: 0
(c) Written statements submitted: 2

Adoption Hearing date: June 25, 2026
(a) Number in attendance: 34
(b) Number testifying: 0
(c) Written statements submitted: 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:

Testified at May 21, 2026 Workshop: None.

Submitted written statements for the May 21, 2026 Workshop:
Name: **Michael Cabrera**
Telephone number: **775-785-5449**
Business address: **50 West Liberty Street, Ste 510, Reno, NV 89501**
Electronic mail address: mcabrera@swlaw.com
Name of entity or organization represented: **State of Nevada Board of Dispensing Opticians**

Name: **Ron Voight**
Telephone number: **702-321-9245**
Business address: **Not provided**
Electronic mail address: Ronvoigt2001@gmail.com
Name of entity or organization represented: **Not provided**

Testified at June 25, 2026 Adoption Hearing: None.
Submitted written statements for the May 21, 2026 Workshop:
Name: **Corinne Sedran**
Telephone number: **775-443-1700**
Business address: **4790 Caughlin Parkway #241, Reno, NV 89519**
Electronic mail address: Info@nvopticians.org
Name of entity or organization represented: **State of Nevada Board of Dispensing Opticians**

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

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

The Nevada Tax Commission adopted the proposed permanent regulation on June 25, 2026 with the addition of the words "in Nevada" to Section 2 subsection 2, as requested by the State of Nevada Board of Dispensing Opticians to clarify the intent and resolve perceived ambiguity in the proposed language.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

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

Enforcement of the adopted regulation presents no significant foreseeable or anticipated cost or decrease in costs.

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 adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state 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 adopted permanent regulation does not include new fees or increase an existing fee.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608 and NRS 233B.0609

LCB File No. R085-26

1. Background

LCB File No. R085-26, establishes requirements related to taxation; combines into one section of Nevada Administrative Code certain rules governing the furnishing of tangible personal property by a mortician; clarifies the application of sales and use taxes to the entire charge by a dispensing optician for eyeglasses and related products furnished in filling a prescription; revises a calculation used to determine the circumstances under which food sold by a retailer is subject to sales and use tax as prepared food intended for immediate consumption; revises the information that a retailer is required to include on a receipt provided to a purchaser of tangible personal property; updates references to sections of the Nevada Revised Statutes that have been reorganized; repeals a provision providing that sales tax does not apply when an owner of property bids on that property at an auction; removes provisions governing an application for an obsolete sales and use tax exemption for aircraft and major components of aircraft; and provides other matters properly relating thereto.

Existing law imposes a sales tax on the gross receipts of a retailer from the retail sale of tangible personal property in this State. (NRS 372.105, 374.110, 374.111) Under existing law, with certain exceptions, a retailer who makes a retail sale of tangible personal property in this State is required to collect the sales tax from the purchaser at the time of the purchase. (NRS 372.110, 374.115) Existing law also imposes a use tax on the storage, use or consumption of tangible personal property in this State. (NRS 372.185, 374.190, 374.191)

Existing regulations establish rules governing the applicability of sales and use taxes on tangible personal property furnished by a mortician in connection with the services provided by the mortician. (NAC 372.280-372.300) Section 8 of this regulation repeals rules governing the applicability of such taxes to tangible personal property furnished by a mortician when a death occurs in this State but burial occurs outside this State, when a death occurs outside this State but burial occurs in this State and when the funeral expenses are paid by the United States or any other governmental entity. (NAC 372.290, 372.300) **Section 1** of this regulation reenacts these rules in an existing section of the Nevada Administrative Code. Thus, **sections 1 and 8** combine into one section the rules governing the applicability of sales and use taxes to tangible personal property furnished by a mortician in connection with the services provided by the mortician.

Under existing regulations, when a dispensing optician furnishes eyeglasses and related products in filling a prescription, the sale is considered a retail sale of tangible personal property and the entire charge by the dispensing optician is subject to sales tax. (NAC 372.320) **Section 2** of this regulation clarifies that the sales tax applies to the furnishing of eyeglasses and related products whether or not a licensed dispensing optician sells the eyeglasses and related products.

Existing law exempts from sales and use tax food for human consumption except that sales and use tax is imposed on prepared food intended for immediate consumption. (NRS 372.284, 374.289) Under existing law, food that is sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws, is prepared food intended for immediate consumption and, thus, subject to sales and use tax. (NRS 360B.460) Existing regulations establish different criteria for determining whether food is sold with eating utensils provided by the seller, and the criteria applicable to a seller is based on the percentage of the total dollar value of food sold by a seller that is prepared food. (NAC 372.607) **Section 3** of this regulation removes dietary supplements from this calculation. Under existing law, dietary supplements are not considered to be food and, thus, are subject to sales and use tax. (NRS 360B.445, 360B.495, 372.284, 374.289)

Existing law includes in the sales price used to calculate sales and use tax the amount of certain price reductions or discounts for which the seller receives reimbursement from a third party. Among other criteria required for such a price reduction or discount to be included in the sales price, existing law requires the price reduction or discount to be identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser. (NRS 360B.480) **Section 4** of this regulation amends the requirements of existing regulations for the information that must be included on a receipt given to a purchaser to additionally require the receipt to state separately the amount of any manufacturer's rebate, any buy down of a sales price by a supplier of the retailer or any third-party price reduction or discount. (NAC 372.770)

Existing law requires a person conducting business in this State as a seller of tangible personal property to register with, or obtain a permit from, the Department of Taxation to collect sales and use tax in this State. (NRS 360.5971) Senate Bill No. 441 of the 2021 Legislative Session consolidated into one provision multiple provisions of law governing such registrations and permits. (Chapter 342, Statutes of Nevada 2021, at page 2007) **Sections 5-7** of this regulation update references in existing regulations to those provisions of law governing registration and permits to collect sales and use tax in this State.

In 1997, the Nevada Supreme Court held that a sales and use tax exemption for the gross receipts from the sale of aircraft and major components of aircraft to an air carrier that maintains its central office and bases a majority of its aircraft in Nevada was unconstitutional because it discriminated against interstate commerce. (Worldcorp v. State, Dep't of Taxation, 113 Nev. 1032 (1997)) Assembly Bill No. 161 of the 2015 Legislative Session repealed this exemption and related provisions governing the administration of the exemption. (Section 12 of Assembly Bill No. 161, chapter 406, Statutes of Nevada 2015, at page 2336) **Section 8** removes an obsolete regulation requiring an air carrier which desires to qualify for this exemption to file a written application on a form prescribed by the Department and submit evidence of its eligibility for the exemption. (NAC 372.715).

Section 8 also repeals an existing regulation that provides that sales tax does not apply when an owner delivers property to an auctioneer and bids on that property at the auction. (NAC 372.110)

2. **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.**

   The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R085-26. The proposed language and questionnaire were dispersed to the following:

   - Emailed by the Department to 214 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   The content responses are summarized below:

   - No response was received for LCB Draft of Proposed Permanent Regulation - File No. R085-26.

   Anyone interested in obtaining a copy of the completed Small Business Impact Questionnaire used for this summary can contact:

   Kari Skalsky
   Nevada Department of Taxation
   3850 Arrowhead Drive
   Carson City, NV 89706
   kskalsky@tax.state.nv.us
   Phone: (775) 684-2041

3. **The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.**

   No response was received for LCB Draft of Proposed Permanent Regulation R085-26 for the questionnaire regarding the impact of the regulation on small businesses. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:**

   Adverse and Beneficial Effects

   The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

   Direct and Indirect Effects

   The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

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 Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R085-26. The proposed language and questionnaire were dispersed to the following:
   - Emailed by the Department 214 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   As no responses were received from small businesses, the Department determined there was not an impact on small businesses.

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

   The proposed regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

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 proposed permanent regulation does not include new fees or increase an existing fee.

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 arc necessary.**

   The proposed regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

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

   The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed regulations and lack of public comment.

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.



Shellie Hughes, Executive Director
August 26, 2026

ADOPTED REGULATION OF THE

NEVADA TAX COMMISSION

LCB File No. R098-26

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

AUTHORITY: § 1, NRS 360.090 and 361.4723; § 2, NRS 360.090 and 361.4724; § 3, NRS 360.090 and 375.060.

A REGULATION relating to real property; revising provisions governing the manner in which owners of real property claim certain partial abatements of property tax; revising the information that may be included in the declaration of value form required to accompany a deed evidencing a transfer of title of real property or land sale installment contract that is presented for recordation to a county recorder; providing for electronic signature of the declaration of value form; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a partial abatement of the property taxes imposed on a parcel or other unit of real property, which has the effect of establishing an annual cap on increases of the property taxes imposed on the real property. The formula for calculating these partial abatements limits the annual increase of such property taxes to not more than: (1) eight percent for real property other than a single-family residence that is the primary residence of the owner or a residential rental dwelling with rent less than a certain amount; and (2) three percent for such a single-family residence or qualified residential rental dwelling. (NRS 361.4722-361.4724) Before the enactment of Assembly Bill No. 377 (A.B. 377) of the 2025 Legislative Session, to claim the partial abatement of property taxes for a single-family residence which is the primary residence of the owner, the owner of the residence was required to submit a form provided by the county assessor of the county in which the property is located. (NRS 361.4723; NAC 361.606) A claim for the partial abatement of property taxes for a qualified residential rental dwelling was required to be filed annually with the county assessor not later than June 15 and accompanied by an affidavit concerning the amount of rent charged to the tenants of the property. (NRS 361.4724; NAC 361.607) A.B. 377 additionally authorized a person to claim these partial abatements of property taxes on the declaration of value form prescribed by the Nevada Tax Commission that is required to accompany a deed or land sale installment contract offered for recording to a county recorder and that is used to calculate the amount of real property transfer tax due upon the sale or transfer of the property. (NRS 361.4723, 361.4724, 375.060)

Section 3 of this regulation provides for the declaration of value form to include a claim for a partial abatement of property taxes for a single-family residence which is the primary residence of the owner or for a qualified residential rental dwelling. If such a partial abatement is claimed on the form, **section 3** requires the county recorder to transmit the claim to the county

assessor of the county in the manner prescribed by the Commission. **Sections 1 and 2** of this regulation make conforming changes to existing regulations to authorize a claim for these partial abatements to be made on the declaration of value form. (NAC 361.606, 361.607)

Existing regulations require the declaration of value form prescribed by the Commission to be signed under the penalty of perjury by the grantee, the grantor or the agent of the grantee or grantor and filed with the county recorder. (NAC 375.180) **Section 3** provides that an electronic signature made in accordance with existing law satisfies this requirement.

Section 1. NAC 361.606 is hereby amended to read as follows:

361.606 1. A claim for a primary residential abatement must be ~~[:]~~ ***submitted on:***

(a) ~~[Submitted on a]~~ ***A*** form provided by the county assessor of the county in which the property is located ~~[;]~~ and

~~[(b) Signed]~~ ***signed*** by:

(1) Any owner of record of the property;

(2) Any person of lawful age who is authorized by an executed power of attorney to sign the claim on behalf of an owner of record of the property;

(3) The legal guardian or conservator of an owner of record of the property; or

(4) The executor or administrator of the estate of an owner of record of the property ~~[.]~~ ***;***

or

(b) The form prescribed by the Commission for a declaration of value that, in accordance with NRS 375.060 and NAC 375.180, accompanies a:

(1) Deed evidencing a transfer of title to the property that is presented to the county recorder for recordation; or

(2) Land sale installment contract relating to the property that is presented for recordation to the county recorder of the county.

2. The form ***provided by the county assessor*** for claiming a primary residential abatement may require the claimant to state that:

(a) The claimant is the owner of the property;

(b) The property is a single-family residence;

(c) The property is the primary residence of the owner of the property, exclusive of any other residence in Nevada;

(d) The property is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the property and members of the family of the owner of the property;

(e) The claimant agrees to notify the county assessor if the property is no longer used as:

(1) A single-family residence; or

(2) The primary residence of the owner of the property, exclusive of any other residence in Nevada; and

(f) The claim is affirmed and certified by the owner of the property under any penalties provided by law.

3. The county assessor shall:

(a) If the county assessor determines it to be necessary, verify whether the property is eligible for a primary residential abatement.

(b) If the county assessor determines that the property is not eligible for a primary residential abatement, determine whether the property is eligible for a general abatement.

4. A claim for a primary residential abatement may be amended to reflect changes in the ownership or occupation of the property. If such a change occurs after July 1, the change must not be indicated on either the secured or unsecured tax roll, as applicable, until the next fiscal year.

Sec. 2. NAC 361.607 is hereby amended to read as follows:

361.607 1. A county assessor shall annually mail to the owner of each residential rental dwelling in the county a written notice of the right to claim a residential rental abatement.

2. A claim for a residential rental abatement ~~[must be:]~~ ***:***

(a) ~~[Filed]~~ ***May be included on the form prescribed by the Commission for a declaration of value that, in accordance with NRS 375.060 and NAC 375.180, accompanies a:***

(1) Deed evidencing a transfer of title to the property that is presented to the county recorder for recordation; or

(2) Land sale installment contract relating to the property that is presented for recordation to the county recorder of the county.

(b) Must be filed annually with the county assessor of the county in which the property is located not later than June 15 of each year ~~[,]~~ and

~~[(b) Accompanied]~~ ***accompanied*** by an affidavit which states:

(1) That the amount of rent collected from each of the tenants of the property is equal to or less than the applicable fair market rent published by the United States Department of Housing and Urban Development. For the purpose of determining the applicable fair market rent, a studio apartment must be considered to be a single room.

(2) The greatest amount of rent charged a tenant of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year.

3. The Department shall annually notify each county assessor of:

(a) The amounts of the applicable fair market rents for the current year, as published for March 31 of that year by the Department of Housing and Urban Development, excluding the amounts of utility allowances.

(b) The amounts of applicable utility allowances, based upon the information reported by the appropriate Nevada regional housing authority to the Department of Housing and Urban Development.

4. For the purpose of determining the eligibility of property for a residential rental abatement, the county assessor shall compare:

(a) The greatest amount of rent charged a tenant of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year, excluding any amount paid for utilities; and

(b) The amount of the applicable fair market rent for the current year, as provided by the Department pursuant to subsection 3, excluding the amount of the applicable utility allowance. For the purposes of this section, the county assessor shall use as the applicable utility allowance:

(1) The typical utility allowance for the pertinent category of property, as provided by the Department pursuant to subsection 3; or

(2) A utility allowance calculated by the county assessor for the specific property from the information reported by the appropriate Nevada regional housing authority to the Department of Housing and Urban Development.

5. A residential rental dwelling is not eligible for a residential rental abatement if the rent received for any rental unit of the property for the period from April 1 of the year immediately preceding the lien date for the current year until March 31 of the current year, excluding any amount included in the rent for the payment of utilities, exceeds the amount of the applicable fair market rent for the current year, excluding the amount of the applicable utility allowance.

6. The owner of any property for which a claim for a residential rental abatement is filed:

(a) Has the burden of proving that the property is not transient lodging; and

(b) Must:

(1) Provide to the county assessor such information as the county assessor requires to determine the eligibility of the property for a residential rental abatement and to ascertain the continuing eligibility of the property for a residential rental abatement; and

(2) Maintain accurate records in support of that information and allow the county assessor to audit those records at any time.

7. For the purposes of this section and NRS 361.4724, the Commission interprets the term:

(a) "Residential rental dwelling" to mean a residential dwelling:

(1) For which consideration is paid for its temporary use and occupancy; or

(2) Which is occupied by a member of the family of the owner of the dwelling for no consideration.

(b) "Transient lodging" to:

(1) Mean, except as otherwise provided in subparagraph (2), any facility or structure, or any portion thereof, which is occupied or intended or designed for occupancy and which is held out for use by transient guests who pay rent for the temporary privilege of dwelling, lodging or sleeping therein. For the purposes of this subparagraph, "facility or structure" includes any hotel, resort hotel, motel, bed and breakfast, lodging house, time-share project, vacation home, apartment house, recreational vehicle park or campground, and any similar facility or structure.

(2) Exclude any:

(I) Hospital, sanitarium, medical clinic, convalescent home, nursing home, home for aged persons, foster home or similar facility operated for the care or treatment of human beings;

(II) Asylum, jail, prison, orphanage or other facility in which human beings are detained and housed under legal restraint; or

(III) Housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees of the institution.

Sec. 3. NAC 375.180 is hereby amended to read as follows:

375.180 1. Except as otherwise provided in subsection 3, if a deed evidencing a transfer of title of real property is offered for recording to a county recorder, the county recorder shall require a declaration of value to be made, on a form prescribed by the Nevada Tax Commission, and personally signed under penalty of perjury by the grantee, the grantor or the agent of the grantee or grantor. ***An electronic signature used in accordance with NRS 111.366 to 111.3697, inclusive, and chapter 719 of NRS satisfies the requirement of this subsection for the declaration of value to be signed.*** The declaration of value:

(a) Must contain, without limitation:

(1) The name and mailing address of the grantor, the grantee and the business or natural person requesting the recording if the grantor or grantee does not request the recording;

(2) A description of the use of the property;

(3) The full amount paid or to be paid for the property; and

(4) Information concerning the possible penalties and interest that may be imposed pursuant to NRS 375.030.

(b) May contain information regarding a claim for an exemption from the tax ~~[,]~~ ***imposed by chapter 375 of NRS,*** including, without limitation:

(1) The type of exemption claimed;

(2) A statement explaining the reason for the claim;

(3) A statement indicating whether ~~[or not]~~ the exemption is being applied to a partial interest in the property; and

(4) The sales price of the property, if that information is available.

(c) May contain information regarding a claim for a partial abatement of property taxes pursuant to NRS 361.4723 or a partial abatement of property taxes pursuant to NRS 361.4724, including, without limitation, the type of partial abatement of property taxes claimed. If a claim for any such partial abatement of property taxes is contained in a declaration of value, the county recorder must transmit the claim to the county assessor of the county in the manner prescribed by the Nevada Tax Commission.

2. The county recorder shall not accept an incomplete form except:

(a) If the transfer of title of real property is exempt from a tax imposed by chapter 375 of NRS, no value for the property need be declared on the form.

(b) If multiple parcels of real property are being transferred, at least one parcel must be listed on the form. If additional space is needed to list all the parcels of real property being transferred, the words "see attached" must be written next to the listed parcel number and an attachment that lists the number of each parcel being transferred must accompany the form.

3. If the value of the property is stated incorrectly on the declaration of value or the amount of tax is computed incorrectly, the person who pays an amount of tax which exceeds the amount due may make a claim for a refund of the amount of tax which he or she overpaid by completing a refund request form, which may be obtained from the office of the county recorder of the county in which the tax is paid. The form must be signed under penalty of perjury by the person entitled to the refund or the person's legal representative and submitted to the county recorder of the county in which the tax is paid. If the claim is unaudited, the claim must be submitted within 6 months after the date of recording pursuant to NRS 244.250. If the claim for a refund is

submitted pursuant to an audit, the claim may be submitted within 3 years after the date of recording.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R098-26

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

LCB File No. R098-26, establishes requirements related to real property; revises provisions governing the manner in which owners of real property claim certain partial abatements of property tax; revises the information that may be included in the declaration of value form required to accompany a deed evidencing a transfer of title of real property or land sale installment contract that is presented for recordation to a county recorder; provides for electronic signature of the declaration of value form; and provides other matters properly relating thereto.

This proposed permanent regulation is needed and intended to modernize and streamline the process for claiming partial property tax abatements by allowing owners to submit claims for primary residential and qualified residential rental abatements directly on the declaration of value form used during real property transfers, in addition to existing assessor forms. It requires county recorders to forward such claims to county assessors, updates related regulations to align with statutory changes from A.B. 377 (2025) and authorizes electronic signatures on the declaration of value form. Overall, the proposed permanent regulation aims to simplify taxpayer filing, reduce duplicate paperwork, ensure assessors receive timely information when properties change ownership, and enhance administrative efficiency.

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearing to provide public comment by electronic or regular mail as follows:

Date of Notice	Workshop/ Hearing	Date of Workshop/Hearing	Number Notified
6/23/26	Workshop	7/9/26	219
7/13/26	Adoption Hearing	8/19/26	304

The mailing list included the interested parties list maintained by the Department. Notices were posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of the small business impact questionnaire response(s):
One response was received by the Department for LCB Draft of Proposed Regulation - File No. R098-26. The respondent listed 16 employees currently employed by their business on the Small Business Impact Questionnaire and answered "no" to all five questions on the questionnaire without further explanation or clarification, thus indicating that the proposed permanent regulation has no adverse, beneficial, direct or indirect impact on the respondent's small business.

Summary of the public responses from the July 9, 2026 Workshop:
Nevada Taxpayers Association President Becky Dutro provided public comment in support of LCB File No. R098-26 during the July 9, 2026 Workshop. The Nevada Taxpayers Association expressed support for Regulation R098-26 and acknowledged that the addition of the property tax eligibility information to the declaration of value at the time of recording would made the process more efficient for taxpayers and county assessors. President Dutro of the Nevada Taxpayers Association also noted that the proposed language would reduce issues that occurred during title transfers when taxpayers were unaware of steps needed to ensure correct application of the property tax cap.

The Department received one written public comment regarding LCB File No. R098-26 for the July 9, 2026 Workshop. In its June 17, 2026 correspondence, the Washoe County Assessor's office noted its support of LCB File No. R098-26 and acknowledged that the proposed language aligned with their existing procedures established under AB377 in that the inclusion of electronic signatures reflected standard closing practices and integrated smoothly with current processes. The written public comment included that the Washoe County Assessor's office already reviewed all Declarations of Value daily for sales price and partial abatement updates and accepted forms for abatement changes only when the primary residence box had been checked and the grantee had signed.

Summary of the public responses from the August 25, 2026 Adoption Hearing:
Douglas County Recorder Shawnyne Garren provided public comment in support of LCB File No. R098-26 during the August 19, 2026 Adoption Hearing. Recorder Garren noted her support of the regulation and conveyed the support of the Recorders Association of Nevada, on whose behalf she appeared.

The Department received one written public comment regarding LCB File No. R098-26 for the August 19, 2026 Adoption Hearing. The August 5, 2026 correspondence from Nevada Taxpayers Association President Becky Dutro reflected the public comment testimony in support of the regulation as provided at the July 9, 2026 Workshop.

The record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

3. The number of persons (not including Department staff or Commission Members) who:

(a) Attended each hearing:

(b) Testified at each hearing:

(c) Submitted written comments:

Workshop date: July 9, 2026
(a) Number in attendance: 30
(b) Number testifying: 1
(c) Written statements submitted: 1

Adoption Hearing date: August 19, 2026
(a) Number in attendance: 93
(b) Number testifying: 1
(c) Written statements submitted: 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:

Testified at July 9, 2026 Workshop:

Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

Submitted written statements for the July 9, 2026 Workshop:

Name: **Jane Tung**
Telephone number: **775-328-2203**
Business address: **1001 East 9th Street, Building D, Reno, NV 89512**
Electronic mail address: jtung@washoecounty.gov
Name of entity or organization represented: **Nevada Taxpayers Association**

Testified at the August 19, 2026 Adoption Hearing:

Name: **Shawnyne Garren**
Telephone number: **775-782-9027**
Business address: **1616 8th Street, Minden, NV 89423**
Electronic mail address: sgarren@douglasnv.us
Name of entity or organization represented: **Douglas County Recorder's Office**

Submitted written statements for the August 19, 2026 Adoption Hearing:

Name: **Becky Dutro**
Telephone number: **702-457-8442**
Business address: **2303 East Sahara Avenue, Suite 102, Las Vegas, NV 89104**
Electronic mail address: beckyd@nevadataxpayers.org
Name of entity or organization represented: **Nevada Taxpayers Association**

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.

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

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

The Nevada Tax Commission adopted the proposed permanent regulation on August 19, 2026 with no changes made to the proposed regulation. With no public concern regarding the proposed language, the proposed regulation reflected the intent of the Commission for adoption with no changes.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

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

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

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

The adopted regulation does not present any significant, foreseeable or anticipated cost or decrease in costs for enforcement.

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 adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state 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 adopted permanent regulation does not include new fees or increase an existing fee.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608 and NRS 233B.0609

LCB File No. R098-26

1. Background

LCB File No. R098-26, establishes requirements related to real property; revises provisions governing the manner in which owners of real property claim certain partial abatements of property tax; revises the information that may be included in the declaration of value form required to accompany a deed evidencing a transfer of title of real property or land sale installment contract that is presented for recordation to a county recorder; provides for electronic signature of the declaration of value form; and provides other matters properly relating thereto.

Existing law provides for a partial abatement of the property taxes imposed on a parcel or other unit of real property, which has the effect of establishing an annual cap on increases of the property taxes imposed on the real property. The formula for calculating these partial abatements limits the annual increase of such property taxes to not more than: (1) eight percent for real property other than a single-family residence that is the primary residence of the owner or a residential rental dwelling with rent less than a certain amount; and (2) three percent for such a single-family residence or qualified residential rental dwelling. (NRS 361.4722-361.4724) Before the enactment of Assembly Bill No. 377 (A.B. 377) of the 2025 Legislative Session, to claim the partial abatement of property taxes for a single-family residence which is the primary residence of the owner, the owner of the residence was required to submit a form provided by the county assessor of the county in which the property is located. (NRS 361.4723; NAC 361.606) A claim for the partial abatement of property taxes for a qualified residential rental dwelling was required to be filed annually with the county assessor not later than June 15 and accompanied by an affidavit concerning the amount of rent charged to the tenants of the property. (NRS 361.4724; NAC 361.607) A.B. 377 additionally authorizes a person to claim these partial abatements of property taxes on the declaration of value form prescribed by the Nevada Tax Commission that is required to accompany a deed or land sale installment contract offered for recording to a county recorder and that is used to calculate the amount of real property transfer tax due upon the sale or transfer of the property. (NRS 361.4723, 361.4724, 375.060)

Section 3 of this regulation provides for the declaration of value form to include a claim for a partial abatement of property taxes for a single-family residence which is the primary residence of the owner or for a qualified residential rental dwelling. If such a partial abatement is claimed on the form, **section 3** requires the county recorder to transmit the claim to the county assessor of the county in the manner prescribed by the Commission.

Sections 1 and 2 of this regulation make conforming changes to existing regulations to authorize a claim for these partial abatements to be made on the declaration of value form. (NAC 361.606, 361.607)

Existing regulations require the declaration of value form prescribed by the Commission to be signed under the penalty of perjury by the grantee, the grantor or the agent of the grantee or grantor and filed with the county recorder. (NAC 375.180) **Section 3** provides that an electronic signature made in accordance with existing law satisfies this requirement.

2. **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.**

   The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R098-26. The proposed language and questionnaire were dispersed to the following:

   - Emailed by the Department to 247 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   The content responses are summarized below:

   - One response was received by the Department for LCB Draft of Proposed Regulation - File No. R098-26. The respondent listed 16 employees currently employed by their business on the Small Business Impact Questionnaire and answered "no" to all five questions on the questionnaire without further explanation or clarification, thus indicating that the proposed permanent regulation has no adverse, beneficial, direct or indirect impact on the respondent's small business.

   Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary can contact:

   Kari Skalsky
   Nevada Department of Taxation
   3850 Arrowhead Drive
   Carson City, NV 89706
   kskalsky@tax.state.nv.us
   Phone: (775) 684-2041

3. **The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.**

   One response was received for LCB Draft of Proposed Regulation R098-26 for the questionnaire regarding the impact of the regulation on small businesses as summarized in the response to #2 above. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgement in determining that there will be no impact on small businesses.

4. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:**

   Adverse and Beneficial Effects

   The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

   Direct and Indirect Effects

   The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

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 Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R098-26. The proposed language and questionnaire were dispersed to the following:

   - Emailed by the Department to 247 members of its interested parties list.
   - Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

   One response was received for LCB Draft of Proposed Regulation R098-26 for the questionnaire regarding the impact of the regulation on small businesses as summarized in the response to #2 on the second page of this statement. Accordingly, the Department analyzed the proposed language and used informed, reasonable judgement in determining that there will be no impact on small businesses.

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

   The proposed permanent regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

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 proposed permanent regulation does not include new fees or increase an existing fee.

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 arc necessary.**

   The proposed permanent regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

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

The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed permanent regulation.

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.



Shellie Hughes, Executive Director
June 22, 2026

ADOPTED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R099-26

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

AUTHORITY: § 1, NRS 501.105, 501.181, 504.140 and 504.143.

A REGULATION relating to wildlife; establishing the Windermere Hills Cooperative Wildlife Management Area; prohibiting certain acts within the Windermere Hills Cooperative Wildlife Management Area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies and adopt regulations necessary to: (1) preserve, protect, manage and restore wildlife and its habitat; and (2) carry out the provisions of existing law relating to wildlife. (NRS 501.105, 501.181) Existing law also authorizes the Department of Wildlife, with the approval of the Commission, to enter into agreements with landowners to establish wildlife management areas. (NRS 504.140) **Section 1** of this regulation: (1) establishes the Windermere Hills Cooperative Wildlife Management Area in cooperation with landowners in Windermere Hills; and (2) prohibits certain activities within the Windermere Hills Cooperative Wildlife Management Area. **Section 1** authorizes a person to provide a guide service in the Windermere Hills Cooperative Wildlife Management Area.

Section 1. Chapter 504 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Windermere Hills is a wildlife management area established in cooperation with landowners in Windermere Hills. The following activities are prohibited on the Windermere Hills Cooperative Wildlife Management Area:

(a) Overnight camping, including, without limitation, overnight camping in areas designated for parking;

(b) Overnight parking, including, without limitation, storing a vehicle;

(c) Loitering in areas designated for parking;

(d) Operating a motor vehicle during the period beginning on March 1 and ending on July 31 of each year;

(e) Operating a motor vehicle, including, without limitation, an off-road vehicle, off the roads that are designated for vehicle travel;

(f) Establishing new roads or tracks; and

(g) Except as otherwise provided in subsection 2, any commercial activity.

2. A person licensed pursuant to NRS 504.390 may provide a guide service in the Windermere Hills Cooperative Wildlife Management Area.

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. R099-26
Commission General Regulation 532

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 504.

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

   The proposed regulation is necessary to comply with the terms of the access easement.

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 June 2026 and the adoption hearing in August 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

   No public comment was received.

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)

   June 27, 2026, NBWC Meeting
   a. Attended:8
   b. Testified: 0
   c. Written Comment: 0

   August 15, 2026, NBWC Meeting
   a. Attended: 13
   b. Testified: 0
   c. Written Comment: 0

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**

   Not applicable.

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 businesses 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 businesses because it does not regulate the operation of any small business.

(a) Both adverse and beneficial effects on the public; and

There will be no adverse or beneficial effects from the proposed regulation to the public.

(b) Both immediate and long-term effects on the public:

There will be no immediate and long-term effects from the proposed regulation on the public.

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 532 – LCB File No. R099–26 – Windermere Hills CWMA

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 directly 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 effects from the proposed regulation on small business because it does not regulate the operation of any small business and is associated with program administration.

   b.) Both direct and indirect effects:

   Answer:

There will be no direct 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

HEALTH CARE PURCHASING AND COMPLIANCE DIVISION

OF THE NEVADA HEALTH AUTHORITY

LCB File No. R107-26

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

AUTHORITY: §§ 1-10 and 13-16, NRS 449.1147; §§ 11 and 12, NRS 449.1135 and 449.1147.

A REGULATION relating to senior living community referral agencies; prescribing requirements for registration to operate a senior living community referral agency; prescribing requirements relating to the employees of a senior living community referral agency; prescribing certain requirements governing the referral of a person by a senior living community referral agency; prohibiting a senior living community referral agency from receiving certain compensation or providing certain incentives; prescribing the fee for certain modifications to a registration; providing for the imposition of administrative sanctions against senior living community referral agencies under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes specific requirements governing the operation of senior living community referral agencies and requires a senior living community referral agency to register with the Health Care Purchasing and Compliance Division of the Nevada Health Authority. (NRS 449.1135-449.1145) Existing law requires the Division to adopt regulations necessary to carry out the provisions of law governing senior living community referral agencies. (NRS 449.1147) Existing law defines the terms: (1) "senior living community referral agency" to mean a person who refers persons who are aged to senior living communities for a fee paid by the senior living community, the person who is aged or the representative of the person; and (2) "senior living community" to mean certain residential facilities and other housing arrangements that provide assistance, food, shelter or limited supervision to persons who are aged. (NRS 449.0179, 449.0181)

Section 2 of this regulation requires an applicant for registration to operate a senior living community referral agency to submit a completed application on a form provided by the Division. **Section 2** also requires the Bureau of Health Care Quality and Compliance of the Division to inspect a senior living community referral agency before issuing the registration. **Sections 11 and 12** of this regulation prescribe the fees for the issuance and renewal of registration to operate a senior living community referral agency and the modification of such a registration in certain circumstances.

Section 3 of this regulation requires an employee of a senior living community referral agency to have certain knowledge necessary to properly perform his or her duties. **Section 3** also requires a senior living community referral agency to terminate an employee who has been convicted of certain crimes and make available to the Division, upon request, all personnel files, including any personnel files maintained electronically. **Section 4** of this regulation requires a senior living community referral agency to conduct assessments of the needs of a person who is aged and the ability of the person to pay before referring the person to a senior living community.

If a referral is determined to be inappropriate within 30 days after the admission of a person to a senior living community, **section 5** of this regulation requires a senior living community referral agency to refund any fee paid by the person or his or her representative or refer the person to an appropriate senior living community for no additional fee. **Section 5** also prohibits a senior living community referral agency from: (1) receiving certain fees or other compensation; or (2) providing certain incentives to an employee or independent contractor of a senior living community. **Section 6** of this regulation requires a senior living community referral agency to: (1) maintain an organized file for each person referred by the referral agency; and (2) provide certain records to the Division upon request.

Section 8 of this regulation provides that a senior living community referral agency is not generally subject to provisions of law governing certain other types of referral agencies. **Sections 7, 9, 10 and 13-16** of this regulation make various changes so that senior living community referral agencies are subject to the same administrative sanctions and the same procedures for the imposition of such sanctions as other facilities regulated by the Division.

Section 1. Chapter 449 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. ***1. An applicant for registration to operate a senior living community referral agency must submit to the Division a completed application on a form provided by the Division.***

2. Before issuing a registration to operate a senior living community referral agency, the Bureau shall inspect the senior living community referral agency to ensure that the agency is in compliance with this chapter and chapter 449 of NRS.

Sec. 3. ***1. An employee of a senior living community referral agency must have sufficient knowledge of the provisions of law and regulations that govern the licensing of***

senior living communities to successfully perform the duties of his or her employment with the senior living community referral agency.

2. If a senior living community referral agency discovers that an employee or prospective employee has been convicted of a crime listed in NRS 449.174 after conducting an investigation into the criminal background of the employee pursuant to NRS 449.1145, the senior living community referral agency shall terminate the employment or deny the prospective employment, as applicable.

3. A senior living community referral agency shall, upon the request of the Division, make available to the Division all personnel files, including, without limitation, any personnel files maintained electronically.

Sec. 4. *1. A senior living community referral agency may refer a person who is aged only to a senior living community that appropriately meets the physical, psychosocial and financial needs and wishes of the person, as determined based on the assessment required by subsection 2.*

2. Before referring a person who is aged to a senior living community, a senior living community referral agency shall complete:

(a) An assessment of the needs of the person that:

(1) Documents his or her ability to function independently; and

(2) Includes, without limitation, a complete list of the areas in which the person requires assistance; and

(b) An assessment of the ability of the person to pay for the services provided by a senior living community for at least the first 6 months the person resides at the senior living community.

3. Upon referring a person who is aged to a senior living community, a senior living community referral agency shall provide to the senior living community a copy of the assessment completed pursuant to paragraph (a) of subsection 2.

Sec. 5. *1. If, within 30 days after a person is admitted to a senior living community as the result of a referral by a senior living community referral agency, the senior living community, the Division, the Board or a physician licensed to practice in this State determines that the referral was inappropriate, the senior living community referral agency shall:*

(a) Refund the full amount of any fee paid to the senior living community referral agency, if the fee was paid by the person or his or her representative; or

(b) Refer the person to an appropriate senior living community for no additional fee.

2. A senior living community referral agency may not receive:

(a) More than one fee from a person who is aged or his or her representative within any 6-month period, unless, during that period, the person or his or her representative requests another referral from the senior living community referral agency.

(b) Fees from both a person referred to a senior living community and the senior living community for the same referral.

(c) Any fee or compensation from a senior living community, except as provided in a contract entered into pursuant to paragraph (e) of subsection 1 of NRS 449.1145.

3. A senior living community referral agency shall not provide any incentive to an employee or independent contractor of a senior living community, including, without limitation, a discharge planner, case manager, social worker or any other person who is wholly or partially responsible for discharge planning, for any action relating to:

(a) The acceptance of or provision of care or services by the senior living community to a person who is aged; or

(b) The discharge of a person who is aged by the senior living community.

Sec. 6. *1. A senior living community referral agency shall:*

(a) Except as otherwise required by subsection 2 of NRS 449.114, maintain an organized file for each person whom the agency refers to a senior living community until at least 3 years after the date on which the senior living community referral agency makes the referral.

(b) Maintain a copy of each contract entered into pursuant to paragraph (e) of subsection 1 of NRS 449.1145, for at least 3 years after the date on which the contract expires.

2. The file maintained pursuant to paragraph (a) of subsection 1 must include, without limitation:

(a) A copy of each assessment of the person to whom the file pertains that is completed by the senior living community referral agency pursuant to subsection 2 of section 4 of this regulation;

(b) A copy of the record of each statement of disclosure or consent provided to the person to whom the file pertains pursuant to subsection 1 of NRS 449.114; and

(c) Information outlining the process used by the senior living community referral agency for determining the appropriate referral of the person to whom the file pertains.

3. A senior living community referral agency shall provide to the Division upon request:

(a) A copy of each statement of disclosure or consent maintained pursuant to subsection 2 of NRS 449.114;

(b) A copy of each contract maintained pursuant to paragraph (b) of subsection 1; and

(c) A copy of each assessment completed by the senior living community referral agency pursuant to subsection 2 of section 4 of this regulation.

Sec. 7. ***"License" has the meaning ascribed to it in NAC 449.0048 and additionally includes a registration to operate a senior living community referral agency.***

Sec. 8. NAC 449.0061 is hereby amended to read as follows:

449.0061 "Referral agency" means a business that provides referrals to 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 group housing arrangements. ***The term does not include a senior living community referral agency, as defined in NRS 449.0181, that does not refer clients for compensation except as described in that section.***

Sec. 9. NAC 449.0118 is hereby amended to read as follows:

449.0118 In addition to the grounds set forth in NRS 449.160 and any other grounds specifically applicable to a particular license ~~[,]~~ ***or registration,*** the Division may deny an application for a license ***or registration*** or may suspend or revoke a license ***or registration*** upon any of the following grounds:

1. The failure or refusal of an applicant ***,*** ~~[or]~~ licensee ***or registrant*** to comply with any of the provisions of chapter 449 of NRS or the regulations adopted by the ***Division or*** State Board of Health.

2. The failure or refusal of an applicant or licensee to comply with a reasonable order from the Division to remove a resident from a facility or program.

3. Operating a facility ***, agency*** or program without a license ~~[,]~~ ***or registration,*** if a license ***or registration*** is required before operating.

4. Accepting for care, at any given time, more residents than the number specified in the license.

5. The failure or refusal of a licensee ***or registrant*** to return an adequate plan of correction to the Division within 10 days after the receipt by the licensee ***or registrant*** of a statement of deficiencies.

6. The failure or refusal to cooperate fully with an investigation or inspection by the Bureau.

7. Misappropriation of the property of a resident of a facility.

8. Abuse, neglect or exploitation of an infirm person, a person with an intellectual disability or a person with a disability, or of a person who is 60 years of age or older.

9. The failure of a medical facility or facility for the dependent to pay the costs for the maintenance of the medical records of the facility required pursuant to paragraph (c) of subsection 1 of NAC 449.009.

Sec. 10. NAC 449.0119 is hereby amended to read as follows:

449.0119 An applicant ***,*** ~~[or]~~ licensee ***or registrant*** who is aggrieved by an action of the Division relating to the denial, suspension or revocation of a license ***, a registration*** or an endorsement may appeal pursuant to the procedures set forth in NAC 439.300 to 439.395, inclusive.

Sec. 11. 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 ***or registration*** to operate any of the following facilities, programs of hospice care or agencies must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center $10,469

(b) A home office of a home health agency 5,530

(c) A branch office of a home health agency 5,733

(d) A rural clinic 4,342

(e) A freestanding birthing center 1,674

(f) A program of hospice care 7,548

(g) An independent center for emergency medical care 4,344

(h) A nursing pool 4,924

(i) A facility for treatment with narcotics 5,399

(j) A medication unit 1,284

(k) A referral agency 2,898

(l) A facility for refractive surgery 7,169

(m) A mobile unit 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 1,246

(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time 1,876

(q) A community health worker pool 1,070

(r) An employment agency to provide nonmedical services 1,498

(s) A senior living community referral agency 2,708

2. An applicant for the renewal of such a license ***or registration*** must pay to the Division the following nonrefundable fees:

(a) An ambulatory surgical center $5,235

(b) A home office of a home health agency 2,765

(c) A branch office of a home health agency 2,867

(d) A rural clinic 2,171

(e) A freestanding birthing center 837

(f) A program of hospice care 3,774

(g) An independent center for emergency medical care 2,172

(h) A nursing pool 2,462

(i) A facility for treatment with narcotics 2,700

(j) A medication unit 642

(k) A referral agency 1,449

(l) A facility for refractive surgery 3,585

(m) A mobile unit 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 871

(p) A facility for the care of adults during the day allowed to be occupied by more than 50 clients at one time 1,313

(q) A community health worker pool 535

(r) An employment agency to provide nonmedical services 749

(s) A senior living community referral agency 1,354

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 ***or registration*** is valid for 1 year after the date on which the application is submitted. If an applicant does not meet the requirements for licensure ***or registration*** 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 ~~.~~ ***or registration, as applicable.***

Sec. 12. 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 ***or a holder of a registration to operate a senior living community 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 ***or registration*** 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) An additional location added to a license after the initial location listed pursuant to NRS 449.085,

➥ must submit an application for a new license or registration to the Division and pay to the Division a fee of $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 $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 $300

(2) If the facility is a residential facility for groups 197

(3) If the facility is a facility for the treatment of alcohol or other substance use disorders 203

(4) If the facility is a facility for hospice care 377

(5) If the facility is a home for individual residential care 285

(6) If the facility is a facility for modified medical detoxification 529

(7) If the facility is a hospital, other than a rural hospital 117

(8) If the facility is a rural hospital 66

(9) If the facility is a skilled nursing facility 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 98

(11) If the facility is a facility for the treatment of irreversible renal disease 128

(12) If the facility is a facility for transitional living for released offenders 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 $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, senior living community referral agency 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. 13. NAC 449.01685 is hereby amended to read as follows:

449.01685 1. The Division may charge and collect a fee from any licensee ***or registrant*** who is involved in a complaint submitted to the Division to recover the costs of investigating the complaint after the investigation is completed and the complaint is substantiated. The fee will be based upon the hourly rate established for each surveyor of health facilities as determined by the budget of the Division.

2. As used in this section, "substantiated" means supported or established by evidence or proof.

Sec. 14. NAC 449.9982 is hereby amended to read as follows:

449.9982 As used in NAC 449.9982 to 449.99939, inclusive, ***and section 7 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 449.99821 to 449.99841, inclusive, ***and section 7 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 15. NAC 449.998255 is hereby amended to read as follows:

449.998255 "Facility" means a medical facility ***,*** ~~[or]~~ facility for the dependent ~~[.]~~ ***or senior living community referral agency.***

Sec. 16. NAC 449.99917 is hereby amended to read as follows:

449.99917 1. The temporary manager must:

(a) Be a person qualified to operate the facility pursuant to the provisions of chapter 449 of NRS relating to the licensing of the facility;

(b) Demonstrate prior competency as an administrator of a medical facility ***,*** ~~[or]~~ a facility for the dependent ***or a senior living community referral agency, as appropriate,*** or have other relevant experience pertinent to the deficiencies identified; and

(c) Have had no disciplinary action taken against him or her by any licensing board or professional society in any state.

2. The temporary manager may be an employee of the Division or a private person or agency that contracts with the Division to serve in that capacity.

3. The temporary manager must not be:

(a) An employee of the facility or an affiliated facility; or

(b) A person or agency that has served as a consultant to the facility or an affiliated facility within the 2 years preceding the appointment of the temporary manager.

INFORMATIONAL STATEMENT PER NRS 233B.066
LCB FILE NO. R107-26 (PREVIOUSLY R081-24)

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, establishing requirements and development of regulations for a new facility type, Senior Living Community Referral Agencies, and 2) Senate Bill 299 of the 2025 Legislative Session which excluded senior living community referral agencies from the definition of a business that provides referrals and changed the licensure requirement to a registration requirement with the Division. It also required the development of regulations by the Division. S.B 290 excludes senior living community referral agencies from NRS 449.0305.

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.**

An email with a link to the Small Business Impact Questionnaire and proposed regulations were sent to actively licensed residential facilities for groups, homes for individual residential care, skilled nursing facilities, community-based living arrangements, businesses that provide referrals to group housing arrangements, transitional living facilities for released offenders and agencies to provide personal care services in the home. pursuant to NAC chapter 449 and other interested parties on May 16, 2024.

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 **Two (2) responses were received from small businesses.**			
Will a specific regulation have an adverse economic effect upon your business? Yes – 1 No – 1	**Will the regulation (s) have any beneficial effect upon your business?** Yes – 2 No – 0	**Do you anticipate any indirect adverse effects upon your business?** Yes – 1 No – 1	**Do you anticipate any indirect beneficial effects upon your business?** Yes – 2 No – 0
Comment Summary: No comments submitted.	**Comment Summary:** - Currently referral agencies, marketeers, are only interested in their	**Comment Summary:** No comments submitted.	**Comment Summary:** - Fewer residents placed incorrectly.

	placement fee. I have witnessed this not only with referral people but case workers in hospitals and rehabilitation centers. There lacks over site, which results in residents being placed in home which are inappropriate for their needs. Simply, they don't consider and are not knowledgeable in placing a resident in the correct facility.		

Public Workshop – April 8, 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 – August 5, 2026
A public hearing was held on August 5, 2026, before the Administrator of the Health Care Purchasing and Compliance Division. No testimony was provided either in support or opposition of the regulations and the Administrator 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 the Health Care Purchasing and Compliance Division at:

Health Care Purchasing and Compliance Division
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Phone: 775-684-1030
Email: pio@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 8, 2026
There were several Health Care Purchasing and Compliance Division and other State of Nevada agency staff 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 – August 5, 2026
There were several individuals that attended the public hearing virtually, including Health Care Purchasing and Compliance Division staff and other State of Nevada agency staff. The Division of Health Care Purchasing and Compliance staff also intended in-person. 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 the Division of Health Care Purchasing and Compliance at:

Health Care Purchasing and Compliance Division
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Phone: 775-684-1030
Email: pio@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 December 10, 2025 to include provisions outlined in Senate Bill 299 of the 2025 Legislative Session, 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.

<u>Anticipated effects on the businesses which NAC Chapter 449 regulates:</u>
Adverse Effects:
- There are no immediate adverse effects to small businesses described in the survey.
- There are no anticipated direct adverse effects on the industry or businesses.

Beneficial Effects:
- Establishing standards for Senior Living Community Referral Agencies will allow a new applicant to apply and receive a registration valid for two years as well as allow for regulatory oversite of the operation of this new facility type.

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 referral agencies.

Immediate effects:

- The beneficial impacts may not be realized immediately because it will take time to register and inspect new agencies.

Long-Term effects:

- The beneficial impacts would remain long-term as agencies become registered 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.**

Senate Bill 299 of the 2025 Legislative Session excluded senior living community referral agencies from the definition of a business that provides referrals. A business that provides referrals to residential facilities for groups and other group housing arrangements is required to obtain a license… "Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm."(NRS 449.0305). A senior living community referral agency is defined as "a person who refers persons who are aged to senior living communities for a fee…."(NRS 449.0181) A senior living community is defined as "A home for individual residential care, residential facility for groups, facility for intermediate care, facility for skilled nursing, assisted living facility or retirement home or village that primarily provides services to persons who are aged; or any other group housing arrangement that provides assistance, food, shelter or limited supervision to persons who are aged." (NRS 449.01079). NRS 449.0305(5) excludes senior living community referral agencies from NRS 449.0305. Unless a referral agency is acting as both a referral agency and a senior living community referral agency, NRS 449.0305 does not apply to referral agencies.

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 registration as senior living community referral agencies. This estimate is provided only for purposes of illustrating an amount based on the number of applicants. The initial registration fee is $2,708 and is valid for two years before requiring renewal at the lower fee of $1,354.

If five (5) new applicants apply in the next year (5 x $ = $ 2,708) total = $ 13,540.

The fees collected would be used to cover the Division's operating costs related to the work associated with governing the registration, regulation and investigation of senior living community referral agencies.

SMALL BUSINESS IMPACT STATEMENT 2025

PROPOSED AMENDMENTS TO NAC 449

The Health Care Purchasing and Compliance Division has determined that the proposed regulations are unlikely to have a negative economic impact upon a small business. It is not anticipated that the proposed regulations would 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 of the person responsible for the agency.

Background

Existing law requires a person to obtain a license from the State Board of Health if the person operates a business that provides referrals to residential facilities for groups or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm. (NRS 449.0305) Senate Bill No. 260 (S.B. 260) of the 2023 Legislative Session and Senate Bill No. 299 (S.B. 290) of the 2025 Legislative Session establish specific requirements governing the operation of senior living community referral agencies while adding the requirement that a senior living community referral agency register with the Division. S.B. 260 defines the terms: (1) “senior living community referral agency” to mean a business that refers persons who are aged to senior living communities for a fee paid by the senior living community, the person who is aged or the representative of the person; and (2) “senior living community” to mean certain residential facilities and other housing arrangements that provide assistance, food, shelter or limited supervision to persons who are aged. S.B 290 excludes senior living community referral agencies from NRS 449.0305.

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.

An email with a link to the Small Business Impact Questionnaire and proposed regulations were sent to actively licensed residential facilities for groups, homes for individual residential care, skilled nursing

facilities, community-based living arrangements, businesses that provide referrals to group housing arrangements, transitional living facilities for released offenders and agencies to provide personal care services in the home.

The questions on the questionnaire were:

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

Summary of Response

Summary Of Comments Received **Two (2) responses were received from small businesses.**			
Will a specific regulation have an adverse economic effect upon your business? Yes – 1 No – 1	**Will the regulation (s) have any beneficial effect upon your business?** Yes – 2 No – 0	**Do you anticipate any indirect adverse effects upon your business?** Yes – 1 No – 1	**Do you anticipate any indirect beneficial effects upon your business?** Yes – 2 No – 0
Comment Summary: No comments submitted.	**Comment Summary:** - Currently referral agencies, marketeers, are only interested in their placement fee. I have witnessed this not only with referral people but case workers in hospitals and rehabilitation centers. There lacks over site, which results in residents being placed in home which are inappropriate for their needs. Simply, they	**Comment Summary:** No comments submitted.	**Comment Summary:** - Fewer residents placed incorrectly.

	don't consider and are not knowledgeable in placing a resident in the correct facility.		

2) Describe the manner in which the analysis was conducted.

A small business impact questionnaire was disseminated to licensed health care facilities through the Division's facility List Servs, as described in number 1. The data collected from the questionnaire was reviewed, along with a review of the proposed regulations, and applicable statutes. This information was then analyzed by a Health Facilities Inspection Manager to determine the impact of the proposed regulations on small business.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

Adverse Economic Effects – There are no immediate adverse effects to small businesses described in the survey.

Indirect Adverse Economic Effects – There are no indirect adverse effects to small businesses described in the survey.

Beneficial Economic Effects – With oversite of those providing referrals, residents will be more likely to be placed in facilities which are appropriate for their needs.

Indirect Beneficial Economic Effects – Fewer residents will be placed incorrectly.

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 provided opportunities for licensed providers to give input and comments regarding the proposed LCB File R081-24 regulations, including the economic impact the proposed regulations may have on licensed senior living community facilities as defined in NRS 449.0179. The Division received no feedback regarding the proposed regulations and the impact to small businesses.

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 of Health Care Purchasing and Compliance expects to collect and the manner in which the money will be used.

The Division expects to collect sufficient funds in application and renewal fees to offset the current operating cost to register this new facility type.

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 duplicate or more stringent provisions regulating senior living community referral agencies.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The Division concluded the proposed regulations will not have a negative economic impact upon a small business. NRS 449.0305(5) excludes senior living community referral agencies from NRS 449.0305. Unless a referral agency is acting as both a referral agency and a senior living community referral agency, the proposed regulations do not apply to referral agencies.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Tina Leopard at the Division of Health Care Purchasing and Compliance at:

Health Care Purchasing and Compliance Division
500 E. Warm Springs Rd, Ste 200
Las Vegas, NV 89119
Tina Leopard
Phone: (702) 486-6515
Email: tleopard@nvha.nv.gov

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 (Aug 20, 2026 09:42:44 PDT) Date: 08/20/2026

R109-26

ADOPTED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R109-26

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

AUTHORITY: §§ 1 and 2, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the minimum standard of training required for peace officers in training category I; revising the number of hours of training required for the completion of a basic course for peace officers in training category II; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations establish the minimum standard of training for peace officers in training categories I and II, which require peace officers to complete a certain number of hours in certain basic training courses. (NAC 289.140, 289.150) **Section 1** of this regulation: (1) increases the number of hours of training in basic courses for peace officers in training category I from 480 to 725; and (2) requires peace officers in training category I to attend and complete basic courses in person. **Section 1** also eliminates certain subjects from the list of subjects required for inclusion in basic courses in training category I. **Section 2** of this regulation increases the number of hours of training in basic courses for peace officers in training category II from 200 to 270.

Section 1. NAC 289.140 is hereby amended to read as follows:

289.140 The minimum standard of training for officers in training category I is successful completion of a basic course that includes [~~480~~] ***725*** hours of ***in-person*** training in:

1. Law and legal procedures, specifically:

(a) Civil liability;

(b) Constitutional law;

(c) Crimes against persons;

(d) Crimes against property;

(e) Juvenile law;

(f) Laws governing coroners;

(g) Laws relating to arrest;

(h) ~~[Laws relating to correctional institutions;~~

~~(i)]~~ Laws relating to drugs, including, without limitation, current trends in drugs;

~~[(j)]~~ ***(i)*** Miscellaneous crimes;

~~[(k)]~~ ***(j)*** Probable cause;

~~[(l)]~~ ***(k)*** Rights of victims;

~~[(m)]~~ ***(l)*** Search and seizure;

~~[(n) Searches of offender institutions;~~

~~(o)]~~ ***(m)*** Traffic laws; and

~~[(p)]~~ ***(n)*** Use of force.

2. Patrol operations and investigations, specifically:

(a) Abuse of older persons;

(b) Basic patrol procedures;

(c) Child abuse and sexual abuse of a child;

(d) Crash investigations;

(e) Domestic violence, stalking and aggravated stalking;

(f) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;

(g) Principles of investigation;

(h) Techniques of interviewing and interrogation;

(i) The DWI Detection and Standardized Field Sobriety Testing and the Advanced Roadside Impaired Driving Enforcement courses approved by the National Highway Traffic Safety Administration; and

(j) Unknown-risk and high-risk vehicle stops.

3. Performance skills, specifically:

(a) Fire safety and use of emergency equipment;

(b) Interpersonal communications;

(c) Lifetime fitness;

(d) Operation of emergency vehicles;

(e) Provision of emergency first aid and cardiopulmonary resuscitation;

(f) Public and media relations;

(g) Searching of buildings;

(h) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;

(i) Training concerning active assailants;

(j) Training in the use of firearms; and

(k) Writing of reports.

4. The functions of a peace officer, specifically:

(a) Care of persons in custody;

(b) ~~[Classification and receiving of offenders;~~

~~(c)]~~ Community policing;

~~[(d)]~~ ***(c)*** Counter-terrorism and weapons of mass destruction;

~~[(e)]~~ ***(d)*** Courtroom demeanor, including, without limitation, the giving of testimony;

~~[(f)]~~ ***(e)*** Crisis intervention;

~~[(g)]~~ ***(f)*** Cultural awareness;

~~[(h)]~~ ***(g)*** Ethics in law enforcement;

~~[(i)]~~ ***(h)*** Games offenders play;

~~[(j)]~~ ***(i)*** Gangs and cults;

~~[(k)]~~ ***(j)*** Handling of persons with mental illness;

~~[(l)]~~ ***(k)*** History and principles of law enforcement;

~~[(m) Modern correctional philosophy;~~

~~(n)]~~ ***(l)*** National Crime Information Center procedures;

~~[(o) Records of offenders in institutions;~~

~~(p) Supervision of offenders;~~

~~(q)]~~ ***(m)*** Survival of peace officers;

~~[(r)]~~ ***(n)*** Systems of criminal justice; and

~~[(s)]~~ ***(o)*** The realities of law enforcement.

5. Course administration and examinations.

Sec. 2. NAC 289.150 is hereby amended to read as follows:

289.150 The minimum standard of training for officers in training category II is successful completion of a basic course that includes ~~[200]~~ ***270*** hours of training in:

1. Law and legal procedures, specifically:

(a) Civil liability;

(b) Constitutional law;

(c) Crimes against persons;

(d) Crimes against property;

(e) Juvenile law;

(f) Laws relating to arrest;

(g) Laws relating to correctional institutions;

(h) Laws relating to drugs, including, without limitation, current trends in drugs;

(i) Miscellaneous crimes;

(j) Probable cause;

(k) Rights of victims;

(l) Search and seizure;

(m) Searches of offender institutions; and

(n) Use of force.

2. Operations and investigations, specifically:

(a) Abuse of older persons;

(b) Child abuse and sexual abuse of a child;

(c) Domestic violence, stalking and aggravated stalking;

(d) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;

(e) Principles of investigation; and

(f) Techniques of interviewing and interrogation.

3. Performance skills, specifically:

(a) Fire safety and use of emergency equipment;

(b) Interpersonal communications;

(c) Lifetime fitness;

(d) Provision of emergency first aid and cardiopulmonary resuscitation;

(e) Public and media relations;

(f) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;

(g) Training concerning active assailants;

(h) Training in the use of firearms; and

(i) Writing of reports.

4. The functions of a peace officer, specifically:

(a) Care of persons in custody;

(b) Classification and receiving of offenders;

(c) Counter-terrorism and weapons of mass destruction;

(d) Courtroom demeanor, including, without limitation, the giving of testimony;

(e) Crisis intervention;

(f) Cultural awareness;

(g) Ethics in law enforcement;

(h) Games offenders play;

(i) Gangs and cults;

(j) Handling of persons with mental illness;

(k) History and principles of law enforcement;

(l) Modern correctional philosophy;

(m) National Crime Information Center procedures;

(n) Records of offenders in institutions;

(o) Supervision of offenders;

(p) Survival of peace officers;

(q) Systems of criminal justice; and

(r) The realities of law enforcement.

5. Course administration and examinations.

INFORMATIONAL STATEMENT

R109-26

A clear and concise explanation of the need for the adopted regulation:
Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510)

This regulation change will increase the minimum hours required for basic training for category I (from 480 to 725) and II (200 to 270) academies, bringing Nevada closer to the industry standards nationally. This regulation change will require all category I basic academies be in person and eliminate certain subjects from category I training. Subjects removed from the category I minimum standards are not category I subjects, which increased training hours in areas not as important for this category. This regulation change will put the focus back on actual category I training subjects.

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:
A workshop was held April 30, 2026, where public comment was accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the Legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Workshop 16**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

A Public hearing was held July 14, 2026, where public comment was accepted during the Public Hearing and during the regularly scheduled meeting after the Public Hearing. The notice and regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the Legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Public Hearing 11**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state "not provided"):

N/A

Summary Public Response:

No public response therefore there is nothing to summarize.

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:
Because this regulation amends Nevada Administrative Code Chapter 289, the proposed amendment to NAC 289 will have no impact on small business.

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.

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 much include:

1)Both the adverse and beneficial effects; and

Adverse – No adverse economic effects to be expected.
Beneficial – No beneficial economic effects to be expected.

2)Both immediate and long-term effects

Immediate effects – No immediate effects to be expected.
Long-term effects – No long-term effects to be expected.

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

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 of duplicates a federal regulation, the name of the regulating federal agency:
The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

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 provisions which are more stringent than a federal regulation which regulates the same activity.

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 establish a new fee or increase an existing fee.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

SMALL BUSINESS IMPACT STATEMENT
LCB FILE NO. R109-26
EFFECTIVE DATE OF REGULATION :
Upon filing with the Nevada Secretary of State

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(1), the Commission on Peace Officer Standards and Training (or "POST") made a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden upon small business or directly restrict the formation, operation or expansion of a small business. POST determined that no such burdens or restrictions are applicable here. A workshop is scheduled for April 30, 2026, starting at 9:00 a.m. at the POST Administrative Building/Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV 89701, where public comment will be accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 241.020(4), will be provided via electronic mean to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice will be physically posted at the Commission on Peace Officer Standards and Training Administration Office at 5587 Wa Pai Shone Ave., Carson City, NV and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended will be available upon request by contacting the POST Standards Division at (775) 687-3335.

2. **The manner in which the analysis was conducted:**
This regulation change does not apply to small businesses. The Commission on Peace Officer Standards and Training has authority to adopt regulations regarding the certification and training of peace officers. The regulations apply to peace officers and employing state, local and government agencies regulated by POST.

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:**
      i. **Adverse effects:** There are no adverse effects on small business as POST regulations do not apply to small business.
      ii. **Beneficial effects:** There are no beneficial effects on small business as POST regulations do not apply to small business.
   b. **Both direct and indirect effects**
      i. **Direct effects:** There will be no direct effect on small business as POST regulations do not apply to small business.
      ii. **Indirect effects:** There will be no indirect effect on small business as POST regulations do not apply to small business.

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:**
   There will be no impact to small business.

5. **The estimated cost to the agency for enforcement of the proposed regulation:** There will be no fiscal impact to the agency.

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:** There be no new fees or increases to existing 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:**
   There are no duplicative or more stringent provisions with this regulation change.

8. **The reason for the conclusions of the agency regarding the impact of a regulation on small businesses:**
   This regulation change does not apply to small businesses. The Commission on Peace Officer Standards and Training has authority to adopt regulations regarding the certification and training of peace officers. The regulations apply to peace officers and employing state, local and government agencies regulated by POST.

I certify that, to the best of my knowledge or belief, the information contained in this statement was prepared properly and is accurate. (NRS 233B.0609(2))



Michael Sherlock, Executive Director
NV Commission on POST

R110-26

ADOPTED REGULATION OF THE

PEACE OFFICERS' STANDARDS AND

TRAINING COMMISSION

LCB File No. R110-26

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; authorizing the Executive Director of the Peace Officers' Standards and Training Commission to certify certain basic training courses; eliminating certain obsolete requirements relating to training in the use of certain restraints; requiring instructional facilities used for certain basic training courses to provide an adequate location for training in the operation of emergency vehicles; requiring an agency requesting certification of a basic training course to demonstrate that the proposed course satisfies certain criteria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers, which must include regulations establishing requirements for basic training for category I, category II, category III and reserve peace officers. (NRS 289.510) Existing regulations require the Executive Director of the Commission to certify basic training courses presented by agencies or approved by the Commission which meet certain requirements. (NAC 289.300) This regulation instead authorizes the Executive Director to certify such basic training courses. This regulation additionally requires an agency requesting the certification of a basic training course to demonstrate: (1) the need for the approval of the course; (2) that the course meets the minimum standards of training for the applicable training category; and (3) that there is sufficient demand for the course.

Existing regulations require the minimum standard of training for officers in certain training categories to include training in the operation of emergency vehicles. (NAC 289.140) This regulation requires an agency submitting a course for certification to have, if the course requires training in the operation of emergency vehicles, an instructional facility with an adequate location to enable the course to provide practical demonstrations, training and testing regarding the operation of emergency vehicles in a manner consistent with certain standardized performance objectives or instructor manuals.

Before the enactment of Assembly Bill No. 3 (A.B. 3) of the 32nd Special Session, a peace officer was only authorized to use a choke hold in the course of his or her duties if: (1) the agency employing the peace officer authorized the use of choke holds; and (2) the peace officer

had completed certain training prescribed by the Commission in the proper use of the choke hold and held certification for its use. However, A.B. 3 repealed the authority of an agency to authorize the use of the choke hold and affirmatively prohibited a peace officer from using a choke hold on another person, which includes the application of pressure to a person's neck on either side of the windpipe to stop the flow of blood to the brain via the carotid arteries. (NRS 193.305; section 12 of Assembly Bill No. 3, chapter 4, Statutes of Nevada 2020, 32nd Special Session, at page 73) Existing regulations require a basic training course to include certain instruction and testing in the use of certain restraints that temporarily restrict the flow of blood to the brain via the carotid arteries, if the applicable agency authorized the use of such restraints. (NAC 289.300) This regulation therefore eliminates this obsolete requirement, as the use of such restraints by a peace officer is prohibited under existing law.

Section 1. NAC 289.300 is hereby amended to read as follows:

289.300 1. The Executive Director ~~[shall]~~ ***may*** certify basic training courses presented by agencies or approved by the Commission which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the Commission.

(b) A person enrolling in the course may be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. To pass such a physical fitness examination, the person must:

(1) For category I and reserve training:

(I) Complete a vertical jump of not less than 11.5 inches.

(II) Complete not less than 24 sit-ups in 1 minute.

(III) Complete not less than 18 push-ups.

(IV) Run 300 meters in not more than 1 minute and 22 seconds.

(V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.

(VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 23 sit-ups in 1 minute.

(III) Complete not less than 12 push-ups.

(IV) Run 300 meters in not more than 1 minute and 36 seconds.

(V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.

(VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 16 push-ups.

(III) Run 300 meters in not more than 1 minute and 29 seconds.

(IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(4) Each topic of instruction must be assigned a specific amount of time.

(d) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(e) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(f) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; ~~[and]~~

(5) A firing range adequate to train officers safely in the use of firearms ~~[.~~

~~(g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.]~~ ***; and***

(6) If the course requires training in the operation of emergency vehicles, a location adequate for the course to provide practical demonstrations, training and testing regarding the

operation of emergency vehicles in a manner consistent with any standardized performance objectives or instructor manuals prescribed or approved by the Commission.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

4. An agency requesting certification of a course shall ~~[make]~~ ***:***

(a) Make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after receipt of the request.

(b) Demonstrate in the written request made pursuant to paragraph (a):

(1) The need for the approval of a new basic training course. The agency may demonstrate such a need by, without limitation, showing that other basic training courses that have previously been approved by the Commission are not:

(I) Currently available to the agency; or

(II) Cost-effective.

(2) That the course meets the minimum standards of training pursuant to NAC 289.140 to 289.170, inclusive, for the applicable training category.

(3) That there is sufficient demand for the course, including an incoming class size that is capable of, at a minimum:

(I) Facilitating effective interactions among a diverse group of students;

(II) Enabling a student to demonstrate his or her effectiveness in situations requiring teamwork or involving group dynamics; and

(III) Supporting or facilitating performance-based or scenario-based participation and training exercises.

INFORMATIONAL STATEMENT

R110-26

A clear and concise explanation of the need for the adopted regulation:
Existing regulation requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510).

Existing language states the Executive Director shall certify any basic training course presented by an agency. This adopted regulation will allow the Executive Director the latitude to not certify an academy presented by an agency that is not the same category as that agency is designated by statute. For example, a category II agency should not be able to certify a category I peace officer basic academy. The required training for category I exceeds the training for category II peace officers. Based on past practice, these types of academies were for profit and not in the best interest of peace officer training in Nevada.

The second addition to this regulation would require every academy provide proof, upon request for certification, of an adequate training location for Emergency Vehicle Operations (EVOC) and that all performance objectives can be met at this location.

The third change to this regulation removes the obsolete training requirement which required training in the use of the carotid restraint/lateral vascular neck restraint for all agencies authorized to use it. This training requirement was repealed by Assembly Bill No.3 of the 32nd Special Session.

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:
A workshop was held April 30, 2026, where public comment was accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the Legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Workshop 16**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

A Public hearing was held July 14, 2026, where public comment was accepted during the Public Hearing and during the regularly scheduled meeting after the Public Hearing. The notice and

regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the Legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Public Hearing 11**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state "not provided"):

N/A

Summary Public Response:

No copy of summary response available since no summary was created.

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:
Because this regulation amends Nevada Administrative Code Chapter 289, the proposed amendment to NAC 289 will have no impact on small business.

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.

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 much include:

1)Both the adverse and beneficial effects; and

Adverse – No adverse economic effects to be expected.

Beneficial – No beneficial economic effects to be expected.

2)Both immediate and long-term effects
Immediate effects – No immediate effects to be expected.
Long-term effects – No long-term effects to be expected.

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

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 of duplicates a federal regulation, the name of the regulating federal agency:
The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

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 provisions which are more stringent than a federal regulation which regulates the same activity.

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 establish a new fee or increase an existing fee.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

SMALL BUSINESS IMPACT STATEMENT
LCB FILE NO. TBD
EFFECTIVE DATE OF REGULATION :
Upon filing with the Nevada Secretary of State

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(1), the Commission on Peace Officer Standards and Training (or "POST") made a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden upon small business or directly restrict the formation, operation or expansion of a small business. POST determined that no such burdens or restrictions are applicable here. A workshop is scheduled for April 30, 2026, starting at 9:00 a.m. at the POST Administrative Building/Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV 89701, where public comment will be accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 241.020(4), will be provided via electronic mean to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice will be physically posted at the Commission on Peace Officer Standards and Training Administration Office at 5587 Wa Pai Shone Ave., Carson City, NV and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended will be available upon request by contacting the POST Standards Division at (775) 687-3335.

2. **The manner in which the analysis was conducted:**
This regulation change does not apply to small businesses. The Commission on Peace Officer Standards and Training has authority to adopt regulations regarding the certification and training of peace officers. The regulations apply to peace officers and employing state, local and government agencies regulated by POST.

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:**

i. **Adverse effects:** There are no adverse effects on small business as POST regulations do not apply to small business.

ii. **Beneficial effects:** There are no beneficial effects on small business as POST regulations do not apply to small business.

b. **Both direct and indirect effects**

i. **Direct effects:** There will be no direct effect on small business as POST regulations do not apply to small business.

ii. **Indirect effects:** There will be no indirect effect on small business as POST regulations do not apply to small business.

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:**
There will be no impact to small business.

5. **The estimated cost to the agency for enforcement of the proposed regulation:** There will be no fiscal impact to the agency.

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:** There be no new fees or increases to existing 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:**
There are no duplicative or more stringent provisions with this regulation change.

8. **The reason for the conclusions of the agency regarding the impact of a regulation on small businesses:**
This regulation change does not apply to small businesses. The Commission on Peace Officer Standards and Training has authority to adopt regulations regarding the certification and training of peace officers. The regulations apply to peace officers and employing state, local and government agencies regulated by POST.

I certify that, to the best of my knowledge or belief, the information contained in this statement was prepared properly and is accurate. (NRS 233B.0609(2))



Michael Sherlock, Executive Director
NV Commission on POST

R114-26

ADOPTED REGULATION OF THE NEVADA STATE

BOARD OF VETERINARY MEDICAL EXAMINERS

LCB File No. R114-26

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

AUTHORITY: §§ 1, 3 and 4, NRS 638.070; § 2, NRS 638.070, 638.100, 638.122, 638.127, 638.128 and 638.132.

A REGULATION relating to veterinary medicine; establishing certain requirements relating to advertising by a veterinarian; revising the schedule of fees charged and collected by the Nevada State Board of Veterinary Medical Examiners; establishing a fee for an application for registration as a registered veterinary student extern; providing that failure to pay certain fees may be grounds for disciplinary action; revising certain duties of supervising veterinarians; 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. (NRS 638.070) **Section 1** of this regulation prohibits a veterinarian from making, disseminating or causing to be made or disseminated any advertising, including any testimonial or endorsement, which: (1) contains any false, deceptive or misleading statement, claim or material omission; or (2) uses the terms "board eligible" or "board qualified." **Section 1** also requires each veterinarian to comply with all applicable federal laws, regulations and guidelines of the Federal Trade Commission relating to the use of testimonials or endorsements in advertising.

Existing law requires and authorizes the Board to adopt by regulation certain fees relating to licenses, registrations and permits issued by the Board. (NRS 638.070, 638.100, 638.122, 638.127, 638.128, 638.132) Existing regulations set forth those fees. (NAC 638.035) Existing law makes a violation of a regulation of the Board grounds for disciplinary action. (NRS 638.140, 638.147) **Section 2** of this regulation: (1) revises certain fees relating to licenses, registrations and permits issued by the Board; and (2) provides that the failure to pay such a fee which is required to be paid in accordance with the applicable provisions of existing law and regulations may be grounds for disciplinary action.

Under existing regulations, certain students at an accredited school of veterinary medicine who meet certain requirements may apply to register with the Board as a registered veterinary student extern. (Section 5 of LCB File No. R026-26) **Sections 2 and 4** of this regulation establish a fee for an application for registration as a registered veterinary student extern.

Existing regulations impose certain duties on supervising veterinarians, including that a supervising veterinarian is responsible for ensuring that no person performs certain tasks or

duties that are specific to licensees or registrants unless the person holds the appropriate license or registration to do so. (NAC 638.057) **Section 3** of this regulation instead: (1) prohibits a supervising veterinarian from delegating, directing or assigning any task, responsibility or duty to a person that is outside the scope of practice which is appropriate for that person; (2) requires a supervising veterinarian to ensure that all licensees and registrants are performing tasks, responsibilities or duties only within the scope of practice which is appropriate for the licensee or registrant; (3) requires a supervising veterinarian to facilitate open communication with each person under his or her supervision and allow each such person, without fear of reprisal or retaliation, to express concerns regarding or refuse to perform a task, responsibility or duty for which the person believes he or she is not prepared or not qualified; and (4) prohibits a supervising veterinarian from unduly pressuring or requiring any person under his or her supervision to perform any task, responsibility or duty for which the person is not qualified.

Section 1. Chapter 638 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A veterinarian shall not make, disseminate or cause to be made or disseminated any advertising, including, without limitation, any testimonial or endorsement, which:

(a) Contains any false, deceptive or misleading statement or claim, including, without limitation, a material omission that is intended to create a false, deceptive or misleading impression; or

(b) Uses the terms "board eligible" or "board qualified."

2. Each veterinarian shall comply with all applicable federal laws, regulations and guidelines of the Federal Trade Commission relating to the use of testimonials or endorsements in advertising.

Sec. 2. NAC 638.035 is hereby amended to read as follows:

638.035 1. Except as otherwise provided in subsections 2 and 3, the Board will charge and collect the following fees:

For an application and examination for a license to practice veterinary medicine $500

For an application for a license by endorsement to practice veterinary medicine 500

For an application for a license to practice veterinary medicine as a diplomate.....500

For an application for a license to practice as a veterinary technician.....~~[220]~~ ***250***

For an application or examination for a license to practice as a euthanasia technician.....500

For a 2-year registration to practice as a veterinary technician in training .....~~[60]~~ ***70***

For an application for registration as a registered veterinary student extern 70

For a permit to operate a facility owned by a licensed veterinarian, other than a mobile clinic .....~~[500]~~ ***575***

For a permit to operate a facility not owned by a licensed veterinarian, other than a mobile clinic .....~~[700]~~ ***840***

For a permit to operate a mobile clinic .....~~[150]~~ ***180***

For a permit to operate a nonprofit facility 200

For a registration to practice animal chiropractic.....~~[200]~~ ***240***

For a registration to practice animal physical therapy .....~~[200]~~ ***240***

For a registration to practice as an equine dental provider.....~~[220]~~ ***240***

For a temporary license to practice veterinary medicine .....~~[150]~~ ***200***

For the reinstatement of a veterinary or diplomate license .....~~[525]~~ ***640***

For the reinstatement of a veterinary technician license .....~~[200]~~ ***220***

For the biennial renewal of an active license to practice veterinary medicine, including, without limitation, a license by endorsement and a diplomate license ..... ~~[500]~~ ***600***

For the biennial renewal of an inactive license to practice veterinary medicine ..... ~~[275]~~ ***330***

For the biennial renewal of a license to practice as a veterinary technician ..... ~~[150]~~ ***180***

For the biennial renewal of a license to practice as a euthanasia technician..... ~~[250]~~ ***300***

For the biennial renewal of a registration to practice as an animal physical therapist ..... ~~[200]~~ ***240***

For the biennial renewal of a registration to practice as an animal chiropractor ..... ~~[200]~~ ***240***

For the biennial renewal of a registration to practice as an equine dental provider..... ~~[200]~~ ***240***

For the biennial renewal of a permit for a facility owned by a licensed veterinarian, other than a mobile clinic ..... ~~[400]~~ ***480***

For the biennial renewal of a permit for a facility not owned by a licensed veterinarian, other than a mobile clinic ..... ~~[700]~~ ***840***

For the biennial renewal of a permit to operate a mobile clinic..... ~~[100]~~ ***120***

For the biennial renewal of a permit for a nonprofit facility.....200

For a duplicate of a license, registration or permit described in this section ..... ~~[20]~~ ***25***

2. If an applicant or licensee is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a reserve component thereof or the National Guard, the Board will charge and collect one-half of the fee established pursuant to subsection 1.

3. The Board will reduce the fee charged and collected for the application for any license, registration or permit set forth in subsection 1, including any fee reduced pursuant to subsection 2, by 50 percent if the license, registration or permit is issued on or after June 30 of the immediately preceding even-numbered year.

4. The fees charged and collected pursuant to this section are not refundable.

5. ***Failure to pay a fee which is required pursuant to this section, in accordance with the applicable provisions of this chapter and chapter 638 of NRS, may be grounds for disciplinary action.***

6. For the purposes of this section, a facility is "owned by a licensed veterinarian" if one or more licensed veterinarians hold at least 10 percent of the total ownership interest, solely or jointly, of the facility.

Sec. 3. 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]~~ ***Shall*** not ~~[perform]~~ ***delegate, direct or assign any tasks, responsibilities or*** duties ***to a person under his or her supervision*** that are ~~[specific to licensed veterinary technicians or licensed veterinarians;~~

~~(2) A person does not perform tasks as a veterinary technician in training unless]~~ ***outside the scope of practice which is appropriate for*** the person **.** ~~[is registered pursuant to NAC 638.0525;~~

~~(3) A person does not perform tasks as a registered veterinary student extern unless the person is registered pursuant to section 5 of LCB File No. R026-26; and~~

~~(4) A person does not perform]~~

(f) Shall ensure that all licensees and registrants are performing tasks ~~[as a veterinary assistant except]~~ ***, responsibilities and duties only within the scope of practice which is appropriate for the licensee or registrant,*** as ~~[provided in NAC 638.0602 and 638.06025.]~~ ***applicable.***

(g) Shall facilitate open communication with each person who is under his or her supervision and allow each such person, without fear of reprisal or retaliation, to express concerns regarding or refuse to perform a task, responsibility or duty for which the person believes he or she is not prepared or not qualified.

(h) Shall not unduly pressure or require any person under his or her supervision to perform any task, responsibility or duty for which the person is not qualified.

2. A supervising veterinarian who ~~[does not comply with]~~ ***violates*** the requirements of this section may be subject to disciplinary action.

Sec. 4. Section 5 of LCB File No. R026-26 is hereby amended to read as follows:

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 ~~[.]~~ ***;***

and

(g) Pay to the Board the fee required pursuant to NAC 638.035.

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.

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 adopted regulation is needed to enable the Nevada State Board of Veterinary Medical Examiners to keep pace with the growing volume of licensing, inspection, and consumer complaint activity resulting from Nevada's expanding population of veterinary professionals and regulated facilities. As a self-funded agency operating solely on fees collected under NRS 638.083, the Board's revenue has not kept pace with the increasing administrative and investigative burden required to fulfill its statutory public protection mandate under NRS Chapter 638. The fee adjustments in this regulation are necessary to sustain adequate staffing and resources for timely complaint investigation, facility inspection, and licensing administration. In addition, the regulation updates ethical communication standards to reflect current practice dynamics within veterinary facilities, clarifying that professionals at every level of supervision and responsibility are accountable for communicating clearly about their abilities and the quality and safety of the care they provide.

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 April 30, 2026, and the Board received 1 written comment pertaining to the regulation fees, with no individuals testifying in-person or virtually.

A public hearing was held on July 30, 2026. At that hearing, no written comment was submitted before the hearing, and no individuals 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: 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, 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 included in the notice for the April 30, 2026, workshop.

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 written or public comment received that expressed significant or broad impact on small businesses or individuals.

7. Estimated Economic Effect of the Adopted Regulation

(a) Adverse and beneficial effects for business.

Of benefit, the regulation allows the Board to respond to the increasing administrative burden of licensing and consumer complaint activity driven by Nevada's growing number of veterinary professionals. Fee increases are deliberately calibrated against earnings in the field to avoid overburdening any individual professional or business. The revised ethical communication standards reflect current practice dynamics within veterinary facilities, ensuring that professionals at every supervisory level understand their responsibility for the quality and safety of care provided and for clearly communicating their abilities and expectations. No significant adverse effect on business is anticipated beyond the marginal fee adjustment itself.

(b) Adverse and beneficial effects for the public.

The regulation benefits the public by enabling the Board to respond to consumer complaints in a timely and efficient manner, helping ensure veterinary professionals practice safely and ethically. It also allows the Board to expand consumer outreach, so pet owners are better informed of their rights in Nevada. No adverse effect on the public is anticipated.

(c) Immediate and long-term effects for business.

The immediate effect is the fee increase itself; because the increase is marginal, no long-term financial effect on business is anticipated. The revised communication standards are intended to foster a collaborative, honest, and safe working relationship among colleagues at every level of practice, producing a long-term benefit to workplace communication and transparency.

(d) Immediate and long-term effects for the public.

Immediately, the public benefits from faster complaint response times and more consistent facility oversight as the Board's capacity better matches current demand. Over the long term, the regulation supports sustained public trust in the veterinary profession, higher and more consistently enforced standards of care, and a better-informed public through expanded consumer outreach. No adverse effect on the public is anticipated in either the immediate or long term.

(e) Estimated cost to the agency for enforcement.

There is no additional cost to the agency for enforcement of this regulation.

(f) Overlap or duplication with other state or government agency regulations.

There are no regulations of other state or government agencies that this regulation duplicates or overlaps.

(f) Provisions more stringent than a federal regulation.

There is no federal regulation governing this same activity; accordingly, no such comparison applies.

(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.

The total annual amount the agency will collect will be $664,449.16 from licensing fees and applications. This is an increase in the annual revenue, due to the fee increase, of $120,439.17. Currently, the Board is operating at a long-term deficit. The current budgetary needs are being met with reserve funds but require increases to support structural deficits and to ensure long-term stability of Board activities. Increases in health care costs, staffing, and technology security needs are the most pressing needs; however, funding is also required to support ongoing operational activities, technology infrastructure improvements, public outreach, and continued support of the investigation and inspection activities that are at the core of the Board's mission.

ATTACHMENT A

Public Comment Summary R114-26

April 30, 2026, Workshop:

MarkBen Paulino, DVM, submitted a written comment expressing concern that the fee related to the Student Extern would put an undue burden on individuals who have student debt.

July 30, 2026, Hearing to Adopt:

No public comment received.

ATTACHMENT B

1. Summary

Meeting title	Quarterly Board Meeting (Virtual Only)
Attended participants	40
Start time	7/30/26, 6:59:18 AM
End time	7/30/26, 2:25:29 PM
Meeting duration	7h 26m 11s
Average attendance time	2h 18m 45s

2. Participants

Name	First Join	Last Leave	In-Meeting Duration	Email	Participant ID (UPN)	Role
John Crumley	7/30/26, 7:00:04 AM	7/30/26, 7:23:28 AM	8m 53s	crumley@vetboard.nv.gov	crumley@vetboard.nv.gov	Organizer
Jennifer Pedigo	7/30/26, 6:59:22 AM	7/30/26, 2:19:50 PM	7h 20m 28s	vetbdinfo@vetboard.nv.gov	vetbdinfo@vetboard.nv.gov	Presenter
Dr. O'Dea (Unverified)	7/30/26, 7:47:05 AM	7/30/26, 2:19:01 PM	6h 31m 56s			Board Member
Alan Cuthbertson (Unverified)	7/30/26, 7:48:24 AM	7/30/26, 9:03:12 AM	1h 14m 47s			Attendee
Melissa Munro (Unverified)	7/30/26, 7:54:19 AM	7/30/26, 8:39:47 AM	45m 28s			Attendee
Dr. Damonte (Unverified)	7/30/26, 7:54:52 AM	7/30/26, 2:19:03 PM	6h 24m 10s			Board Member
Nevada Veterinary Board	7/30/26, 7:55:27 AM	7/30/26, 2:25:29 PM	6h 30m 1s	mail@vetboard.nv.gov	mail@vetboard.nv.gov	Organizer
Dr White (Unverified)	7/30/26, 7:55:58 AM	7/30/26, 2:19:02 PM	6h 23m 4s			Board Member
Heather Nichols (Unverified)	7/30/26, 7:56:37 AM	7/30/26, 2:18:57 PM	6h 22m 19s			Attendee
Michael Laffins	7/30/26, 7:57:21 AM	7/30/26, 2:19:02 PM	6h 21m 41s	laffins@vetboard.nv.gov	laffins@vetboard.nv.gov	Organizer
Crystal Vaquera	7/30/26, 7:57:25 AM	7/30/26, 2:19:00 PM	6h 21m 34s			Board Member
MT (Unverified)	7/30/26, 7:57:29 AM	7/30/26, 8:05:18 AM	7m 48s			Attendee
Dr Knehr (Unverified)	7/30/26, 7:58:09 AM	7/30/26, 10:33:39 AM	2h 35m 30s			Board Member
John Travis	7/30/26, 7:58:50 AM	7/30/26, 2:19:02 PM	5h 42m 32s			Board Member
Susie Costa (Unverified)	7/30/26, 7:59:17 AM	7/30/26, 9:39:17 AM	1h 40m			Board Member
Beth Venit	7/30/26, 8:01:24 AM	7/30/26, 11:50:39 AM	3h 48m 14s	evenit@aavsb.org	evenit@aavsb.org	Attendee
Scott Young (External)	7/30/26, 8:01:30 AM	7/30/26, 1:09:55 PM	3h 30m 51s	ScottYoung@SummitPolicy.onmicrosoft.com	ScottYoung@SummitPolicy.onmicrosoft.com	Attendee
Jeannette Hutchings, LVT	7/30/26, 8:02:22 AM	7/30/26, 8:20:44 AM	18m 21s	Jeannette.Hutchings@banfield.com	JH_67190@banfield.com	Attendee
Mountain View (Unverified)	7/30/26, 8:02:41 AM	7/30/26, 8:22:16 AM	19m 34s			Attendee
Elise Lenske (Unverified)	7/30/26, 8:04:21 AM	7/30/26, 2:13:37 PM	1h 26m 24s			Attendee
Casey (Unverified)	7/30/26, 8:05:24 AM	7/30/26, 1:09:25 PM	5h 4m			Attendee
MT (Unverified)	7/30/26, 8:07:14 AM	7/30/26, 8:07:18 AM	4s			Attendee
MT (Unverified)	7/30/26, 8:09:50 AM	7/30/26, 8:51:45 AM	41m 55s			Attendee
17074780080 (Unverified)	7/30/26, 8:10:02 AM	7/30/26, 8:46:48 AM	36m 46s			Attendee
Wy (Unverified)	7/30/26, 8:15:14 AM	7/30/26, 8:39:58 AM	24m 43s			Attendee
Wy (Unverified)	7/30/26, 8:44:01 AM	7/30/26, 9:00:31 AM	16m 30s			Attendee
Mountain View (Unverified)	7/30/26, 8:50:05 AM	7/30/26, 8:50:07 AM	1s			Attendee
Mountain View (Unverified)	7/30/26, 8:51:42 AM	7/30/26, 8:51:44 AM	1s			Attendee
Susie Costa (Unverified)	7/30/26, 9:39:52 AM	7/30/26, 11:58:15 AM	2h 12m 2s			Attendee
Wy (Unverified)	7/30/26, 10:08:56 AM	7/30/26, 10:15:19 AM	6m 23s			Attendee
Wy (Unverified)	7/30/26, 10:14:46 AM	7/30/26, 10:21:24 AM	6m 37s			Attendee
Sam Anastassatos	7/30/26, 10:16:04 AM	7/30/26, 10:56:25 AM	40m 21s	SAnastassatos@kcnvlaw.com	SAnastassatos@kcnvlaw.com	Attendee
Dr Knehr (Unverified)	7/30/26, 10:34:24 AM	7/30/26, 2:19:03 PM	3h 44m 38s			Attendee
Scott Young (Unverified)	7/30/26, 10:55:58 AM	7/30/26, 12:30:52 PM	1h 34m 53s			Attendee
Patty Porter (External)	7/30/26, 11:12:44 AM	7/30/26, 1:18:50 PM	1h 3m 55s	pporter@nshe.nevada.edu	pporter@nshe.nevada.edu	Attendee
Susie Costa (Unverified)	7/30/26, 12:36:00 PM	7/30/26, 2:19:45 PM	1h 43m 45s			Attendee
Dr. Kris Vine (Unverified)	7/30/26, 1:06:32 PM	7/30/26, 1:14:00 PM	7m 28s			Attendee
Mountain View (Unverified)	7/30/26, 1:09:35 PM	7/30/26, 1:19:40 PM	10m 5s			Attendee

Alexandria Charles	7/30/26, 1:38:46 PM	7/30/26, 1:39:27 PM	41s			Attendee
Christopher Sobeck (External)	7/30/26, 1:52:28 PM	7/30/26, 1:54:08 PM	1m 39s	christopher.sobeck@thrivepet.com	christopher.sobeck@thrivepet.com	Attendee

3. In-Meeting Activities

Name	Join Time	Leave Time	Duration	Email	Role
John Crumley	7/30/26, 7:00:04 AM	7/30/26, 7:08:39 AM	8m 34s	crumley@vetboard.nv.gov	Organizer
John Crumley	7/30/26, 7:23:08 AM	7/30/26, 7:23:28 AM	19s	crumley@vetboard.nv.gov	Organizer
Jennifer Pedigo	7/30/26, 6:59:22 AM	7/30/26, 2:19:50 PM	7h 20m 28s	vetbdinfo@vetboard.nv.gov	Presenter
Dr. O'Dea (Unverified)	7/30/26, 7:47:05 AM	7/30/26, 2:19:01 PM	6h 31m 56s		Attendee
Alan Cuthbertson (Unverified)	7/30/26, 7:48:24 AM	7/30/26, 9:03:12 AM	1h 14m 47s		Attendee
Melissa Munro (Unverified)	7/30/26, 7:54:19 AM	7/30/26, 8:39:47 AM	45m 28s		Attendee
Dr. Damonte (Unverified)	7/30/26, 7:54:52 AM	7/30/26, 2:19:03 PM	6h 24m 10s		Attendee
Nevada Veterinary Board	7/30/26, 7:55:27 AM	7/30/26, 2:25:29 PM	6h 30m 1s	mail@vetboard.nv.gov	Presenter
Dr White (Unverified)	7/30/26, 7:55:58 AM	7/30/26, 2:19:02 PM	6h 23m 4s		Attendee
Heather Nichols (Unverified)	7/30/26, 7:56:37 AM	7/30/26, 2:18:57 PM	6h 22m 19s		Attendee
Michael Laffins	7/30/26, 7:57:21 AM	7/30/26, 2:19:02 PM	6h 21m 41s	laffins@vetboard.nv.gov	Presenter
Crystal Vaquera	7/30/26, 7:57:25 AM	7/30/26, 2:19:00 PM	6h 21m 34s		Attendee
MT (Unverified)	7/30/26, 7:57:29 AM	7/30/26, 8:05:18 AM	7m 48s		Attendee
Dr Knehr (Unverified)	7/30/26, 7:58:09 AM	7/30/26, 10:33:39 AM	2h 35m 30s		Attendee
John Travis	7/30/26, 7:58:50 AM	7/30/26, 11:51:01 AM	3h 52m 10s		Attendee
John Travis	7/30/26, 12:28:40 PM	7/30/26, 2:19:02 PM	1h 50m 22s		Attendee
Susie Costa (Unverified)	7/30/26, 7:59:17 AM	7/30/26, 9:39:17 AM	1h 40m		Attendee
Beth Venit	7/30/26, 8:01:24 AM	7/30/26, 10:16:13 AM	2h 14m 49s	evenit@aavsb.org	Attendee
Beth Venit	7/30/26, 10:17:14 AM	7/30/26, 11:50:39 AM	1h 33m 25s	evenit@aavsb.org	Attendee
Scott Young (External)	7/30/26, 8:01:30 AM	7/30/26, 10:54:03 AM	2h 52m 33s	ScottYoung@SummitPolicy.onmicrosoft.com	Attendee
Scott Young (External)	7/30/26, 12:31:36 PM	7/30/26, 1:09:55 PM	38m 18s	ScottYoung@SummitPolicy.onmicrosoft.com	Attendee
Jeannette Hutchings, LVT	7/30/26, 8:02:22 AM	7/30/26, 8:20:44 AM	18m 21s	Jeannette.Hutchings@banfield.com	Attendee
Mountain View (Unverified)	7/30/26, 8:02:41 AM	7/30/26, 8:22:16 AM	19m 34s		Attendee
Elise Lenske (Unverified)	7/30/26, 8:04:21 AM	7/30/26, 8:47:43 AM	43m 21s		Attendee
Elise Lenske (Unverified)	7/30/26, 1:30:33 PM	7/30/26, 2:13:37 PM	43m 3s		Attendee
Casey (Unverified)	7/30/26, 8:05:24 AM	7/30/26, 1:09:25 PM	5h 4m		Attendee
MT (Unverified)	7/30/26, 8:07:14 AM	7/30/26, 8:07:18 AM	4s		Attendee
MT (Unverified)	7/30/26, 8:09:50 AM	7/30/26, 8:51:45 AM	41m 55s		Attendee
17074780080 (Unverified)	7/30/26, 8:10:02 AM	7/30/26, 8:46:48 AM	36m 46s		Attendee
Wy (Unverified)	7/30/26, 8:15:14 AM	7/30/26, 8:39:58 AM	24m 43s		Attendee
Wy (Unverified)	7/30/26, 8:44:01 AM	7/30/26, 9:00:31 AM	16m 30s		Attendee
Mountain View (Unverified)	7/30/26, 8:50:05 AM	7/30/26, 8:50:07 AM	1s		Attendee
Mountain View (Unverified)	7/30/26, 8:51:42 AM	7/30/26, 8:51:44 AM	1s		Attendee
Susie Costa (Unverified)	7/30/26, 9:39:52 AM	7/30/26, 10:07:41 AM	27m 49s		Attendee
Susie Costa (Unverified)	7/30/26, 10:11:55 AM	7/30/26, 10:16:30 AM	4m 34s		Attendee
Susie Costa (Unverified)	7/30/26, 10:18:35 AM	7/30/26, 11:58:15 AM	1h 39m 39s		Attendee
Wy (Unverified)	7/30/26, 10:08:56 AM	7/30/26, 10:15:19 AM	6m 23s		Attendee
Wy (Unverified)	7/30/26, 10:14:46 AM	7/30/26, 10:21:24 AM	6m 37s		Attendee
Sam Anastassatos	7/30/26, 10:16:04 AM	7/30/26, 10:56:25 AM	40m 21s	SAnastassatos@kcnvlaw.com	Attendee
Dr Knehr (Unverified)	7/30/26, 10:34:24 AM	7/30/26, 2:19:03 PM	3h 44m 38s		Attendee
Scott Young (Unverified)	7/30/26, 10:55:58 AM	7/30/26, 12:30:52 PM	1h 34m 53s		Attendee
Patty Porter (External)	7/30/26, 11:12:44 AM	7/30/26, 11:17:05 AM	4m 21s	pporter@nshe.nevada.edu	Attendee
Patty Porter (External)	7/30/26, 11:18:43 AM	7/30/26, 11:50:23 AM	31m 39s	pporter@nshe.nevada.edu	Attendee

Patty Porter (External)	7/30/26, 12:50:55 PM	7/30/26, 1:18:50 PM	27m 55s	pporter@nshe.nevada.edu	Attendee
Susie Costa (Unverified)	7/30/26, 12:36:00 PM	7/30/26, 2:19:45 PM	1h 43m 45s		Attendee
Dr. Kris Vine (Unverified)	7/30/26, 1:06:32 PM	7/30/26, 1:14:00 PM	7m 28s		Attendee
Mountain View (Unverified)	7/30/26, 1:09:35 PM	7/30/26, 1:19:40 PM	10m 5s		Attendee
Alexandria Charles	7/30/26, 1:38:46 PM	7/30/26, 1:39:27 PM	41s		Attendee
Christopher Sobeck (External)	7/30/26, 1:52:28 PM	7/30/26, 1:54:08 PM	1m 39s	christopher.sobeck@thrivepet.com	Attendee

4. Explicit Audio and Video Consent Information

Name	Participant ID (UPN)	Consent	Time	Client type
Jennifer Pedigo	vetbdinfo@vetboard.nv	Yes	7/30/26, 8:12:03 AM	Teams Desktop
Dr. O'Dea (Unverified)		Yes	7/30/26, 8:12:16 AM	Teams Web
Alan Cuthbertson (Unverified)		Yes	7/30/26, 8:18:57 AM	Teams Mobile
Dr. Damonte (Unverified)		Yes	7/30/26, 8:12:15 AM	Teams Web
Dr White (Unverified)		Yes	7/30/26, 8:12:37 AM	Teams Desktop
Heather Nichols (Unverified)		Yes	7/30/26, 12:56:44 PM	Teams Web
Michael Laffins	laffins@vetboard.nv.go	Yes	7/30/26, 8:43:55 AM	Teams Mobile
Crystal Vaquera		Yes	7/30/26, 8:12:33 AM	Teams Desktop
Dr Knehr (Unverified)		Yes	7/30/26, 8:12:50 AM	Teams Mobile
John Travis		Yes	7/30/26, 8:12:17 AM	Teams Desktop
John Travis		Yes	7/30/26, 12:42:51 PM	Teams Desktop
Susie Costa (Unverified)		Yes	7/30/26, 8:12:57 AM	Teams Web
Susie Costa (Unverified)		Yes	7/30/26, 9:19:55 AM	Teams Web
Scott Young (External)	ScottYoung@SummitPe	Yes	7/30/26, 10:13:54 AM	Teams Desktop
Jeannette Hutchings, LVT	JH_67190@banfield.co	Yes	7/30/26, 8:14:47 AM	Teams Mobile
Elise Lenske (Unverified)		Yes	7/30/26, 8:12:19 AM	Teams Web
Elise Lenske (Unverified)		Yes	7/30/26, 1:30:26 PM	Teams Web
17074780080 (Unverified)		Yes	7/30/26, 8:12:12 AM	PSTN
Susie Costa (Unverified)		Yes	7/30/26, 10:12:14 AM	Teams Web
Susie Costa (Unverified)		Yes	7/30/26, 10:26:52 AM	Teams Web
Wy (Unverified)		Yes	7/30/26, 10:13:02 AM	Teams Mobile
Wy (Unverified)		Yes	7/30/26, 10:14:57 AM	Teams Mobile
Dr Knehr (Unverified)		Yes	7/30/26, 10:34:36 AM	Teams Mobile
Susie Costa (Unverified)		Yes	7/30/26, 12:44:49 PM	Teams Web
Dr. Kris Vine (Unverified)		Yes	7/30/26, 1:09:48 PM	Teams Mobile
Mountain View (Unverified)		Yes	7/30/26, 1:14:08 PM	Teams Desktop
Alexandria Charles		Yes	7/30/26, 1:39:14 PM	Teams Mobile
Christopher Sobeck (External)	christopher.sobeck@th	Yes	7/30/26, 1:53:16 PM	Teams Desktop

5. Meeting Engagement

Name	Engagement Type	Time
Alan Cuthbertson (Unverified)	Turned on camera	7/30/26, 7:48:28 AM
Alan Cuthbertson (Unverified)	Unmuted	7/30/26, 8:37:22 AM
Heather Nichols (Unverified)	Turned on camera	7/30/26, 12:56:47 PM
Heather Nichols (Unverified)	Unmuted	7/30/26, 12:56:54 PM
Scott Young (External)	Unmuted	7/30/26, 10:13:54 AM
Jeannette Hutchings, LVT	Unmuted	7/30/26, 8:14:47 AM
Elise Lenske (Unverified)	Turned on camera	7/30/26, 8:04:21 AM
Elise Lenske (Unverified)	Turned on camera	7/30/26, 8:12:21 AM

Elise Lenske (Unverified)	Turned on camera	7/30/26, 1:30:33 PM
Elise Lenske (Unverified)	Unmuted	7/30/26, 1:30:48 PM
Susie Costa (Unverified)	Unmuted	7/30/26, 9:57:37 AM
Susie Costa (Unverified)	Unmuted	7/30/26, 10:26:53 AM
Susie Costa (Unverified)	Unmuted	7/30/26, 10:44:47 AM
Susie Costa (Unverified)	Unmuted	7/30/26, 10:51:35 AM
Wy (Unverified)	Unmuted	7/30/26, 10:14:58 AM
Dr. Kris Vine (Unverified)	Unmuted	7/30/26, 1:09:49 PM
Dr. Kris Vine (Unverified)	Unmuted	7/30/26, 1:09:54 PM
Dr. Kris Vine (Unverified)	Unmuted	7/30/26, 1:11:05 PM
Mountain View (Unverified)	Unmuted	7/30/26, 1:14:09 PM
Alexandria Charles	Unmuted	7/30/26, 1:39:15 PM
Christopher Sobeck (External)	Unmuted	7/30/26, 1:53:16 PM

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 intended to ensure that, in the face of increasing costs due to rising workload, staffing, and technology infrastructure, fees must be updated to address the widening gap between the Board's current fee structure and its actual operating costs. Rising costs and growing caseload are the basis for the Board's funding request. The Board's ability to protect the public and the animals in licenses' care depends on investigating complaints promptly, inspecting facilities on schedule, and maintaining accurate, defensible records throughout that process. Current staffing and funding levels were not built for the volume of work the Board now carries, and without additional funding, the Board's capacity to meet its statutory obligations in a timely and thorough manner will continue to be strained. Additional regulatory language clarifying language for ethical and transparent team-based veterinary care would not impose any financial burden.

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))

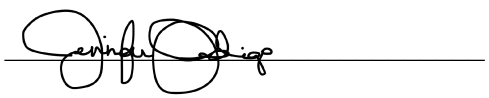
The proposed regulation does not impose a direct or significant economic burden upon small businesses or directly restrict any formation, operation, or expansion of a small business.

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, only one respondent expressed a concern that the fee for veterinary students would be burdensome for that particular earning group.

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: August 25, 2026

Signed: 

Jennifer Pedigo, Executive Director
State of Nevada Board of Veterinary Medical Examiners

ADOPTED REGULATION OF THE

COMMISSIONER OF INSURANCE

LCB File No. R115-26

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

AUTHORITY: §§ 1 and 2, NRS 679B.130 and 680C.110.

A REGULATION relating to insurance; revising the amount of the annual fee that certain insurers are required to pay; repealing certain provisions that require the Commissioner of Insurance to hold certain public meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each insurer who is authorized to transact casualty insurance, health insurance, life insurance or property insurance and each title insurer, fraternal benefit society, corporation that operates a hospital, medical or dental service plan, health maintenance organization, organization for dental care and prepaid limited health service organization to pay to the Commissioner of Insurance an initial fee of $1,000 and an annual fee that has been determined by the Commissioner. (NRS 680C.110) Existing regulations establish the amount of that annual fee, which varies based on the amount of direct written premiums of the insurer. (NAC 680C.200) **Section 1** of this regulation increases the amount of that annual fee.

Existing regulations provide that the Commissioner will: (1) hold a public meeting on or before April 30 of each even-numbered year to present his or her preliminary budget request; and (2) hold an annual public meeting to present the budget of the Division of Insurance of the Department of Business and Industry, as approved by the Legislature, and the proposed amount of the annual fee. (NAC 680C.250, 680C.260) **Section 2** of this regulation repeals those provisions.

Section 1. NAC 680C.200 is hereby amended to read as follows:

680C.200 1. Each insurer described in subsection 5 of NRS 680C.110 shall pay the following annual fee that is determined by the Commissioner pursuant to subsection 6 of NRS 680C.110 and is based on the direct written premiums reported to the Commissioner by the insurer during the previous year:

(a) Less than [~~$1~~] ***$50,000*** in direct written premiums..... [~~$1,500~~] ***$3,000***

(b) At least ~~[$1]~~ ***$50,000*** but not more than $100,000 in direct written premiums..... ~~[$1,800]~~ ***$3,500***

(c) More than $100,000 but not more than $1,000,000 in direct written premiums..... ~~[$2,100]~~ ***$4,000***

(d) More than $1,000,000 but not more than $5,000,000 in direct written premiums..... ~~[$2,800]~~ ***$4,250***

(e) More than $5,000,000 in direct written premiums ..... ~~[$3,600]~~ ***$4,750***

2. The insurer shall pay the annual fee required in subsection 1 pursuant to NAC 680C.220.

Sec. 2. NAC 680C.250 and 680C.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

680C.250 Public meeting of Commissioner to present preliminary budget request for inclusion in executive budget; notice of meeting and opportunity to comment; required contents of budget request. [Effective July 1, 2019.]

1. On or before April 30 of each even-numbered year, the Commissioner will hold a public meeting to present his or her preliminary budget request to be submitted for inclusion in the executive budget pursuant to the guidelines determined by the Office of Finance. Notice of the meeting must be posted at least 5 working days before the meeting.

2. The preliminary budget request presented by the Commissioner must:

(a) To the extent practicable, contain:

(1) Base budget expenditures, including, without limitation, expenditures relating to personnel, operations, equipment and technology and other expenses necessary for the efficient and effective functioning of the Division as a regulatory agency; and

(2) Recommended enhancements to the budget.

(b) Provide any estimated change to the annual fee set forth in NAC 680C.200 and the reason therefor.

3. The public meeting held pursuant to this section must provide all interested parties with an opportunity to comment on the preliminary budget request.

680C.260 Public meeting of Commissioner to present legislatively approved budget and proposed amount of annual fee; required notice of meeting. [Effective July 1, 2019.]

1. Each year before the amount of the annual fee is determined by the Commissioner pursuant to subsection 6 of NRS 680C.110 and set forth in NAC 680C.200, the Commissioner will hold a public meeting to present the budget of the Division as approved by the Legislature and the proposed amount of the annual fee. Notice of the meeting must be posted:

(a) At least 5 working days before the meeting; and

(b) At a minimum:

(1) At the Grant Sawyer Office Building located at 555 East Washington Avenue, Las Vegas, Nevada, the Legislative Building and all offices of the Division; and

(2) In the location established on the official website of the State pursuant to NRS 232.2175 and on the official website of the Division.

2. In addition to the notice posted pursuant to subsection 1, the Commissioner will also send a notice of the meeting to each person included on the mailing list that the Division is required to maintain pursuant to paragraph (e) of subsection 1 of NRS 233B.0603.

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

LCB FILE NO. R115-26

The following statement is submitted by the State of Nevada, Department of Business and Industry, Division of Insurance ("Division") for adopted amendments to Nevada Administrative Code ("NAC") Chapter 680C.

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

The purpose of this regulation is to amend the annual fees assessed against certain companies operating under NRS title 57, as required by NRS 680C.110 section 6, for administration and enforcement of NRS title 57, based on the Division's needs as expressed through the proposed budget for the next budget cycle.

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

(a) A description of how public comment was solicited:

Public comment was solicited by emailing the proposed regulation, notice of workshop, notice of intent to act upon the regulation, and determination of small business impact statement to persons on the Division's mailing list requesting notification of proposed regulations. The documents were also made available on the public website of the Division, http://doi.nv.gov/, the website of the Nevada Legislature, http://www.leg.state.nv.us, and the Nevada Public Notice website, http://www.notices.nv.gov. The documents were also emailed to the main library for each county in Nevada.

Public comment was also solicited at the workshop held on June 29, 2026, and at the hearing held on July 30, 2026. The public workshop and hearing took place virtually via Teams and in person at the Division's offices located at 1818 E. College Pkwy, Carson City, Nevada 89706 and 3300 W. Sahara Ave., Las Vegas, Nevada 89102.

(b) A summary of the public response:

No public response or comment received.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 2(b) above reflects the public comments and testimony that transpired with regard to regulation R115-26. A copy of said summary may be obtained by contacting regs@doi.nv.gov.

3. The number of persons who:

(a) Attended the hearing: 14
(b) Testified at the hearing: 1
(c) Submitted to the agency written statements: 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 part 3(b) and (c), as provided to the agency:

Testified at the hearing:

Name	Entity/Organization Represented	Business Address	Telephone No. / Business Telephone No.	E-Mail Address
Darryl Van Dorn	Division of Insurance	1818 E. College Pkwy., Ste. 103, Carson City, NV 89703	(775) 687-0780	dvandorn@doi.nv.gov

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

(a) A description of how comments were solicited from affected businesses:

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Please see the description provided above in response to part 2(a).

(b) A summary of the responses from affected businesses:

No responses or comments received from affected businesses.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 5(b) above reflects the public comments and testimony that transpired with regard to regulation R115-26. A copy of said summary may be obtained by email request to regs@doi.nv.gov.

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

As the Division received no public comments for consideration, the Division recommends adoption of the proposed regulation, R115-26, without change.

7. What is the anticipated economic benefit of the regulation? Provide a statement as to potential beneficial impact on the following:

(a) Public

1. Immediate: None, as the regulation will not take effect until FY28, and it will take time to hire and train staff and implement technology systems to adapt operations.

2. Long Term: More staff, training, and modern systems will allow the agency to better service consumers, identify and address market disruptions, and ensure company solvency, which, in turn, impacts market stability, competition, and market growth. Staff can continue to ensure products are available and rates are properly evaluated to ensure consumers are paying no more for coverage than is needed.

(b) Insurance Business

1. Immediate: None, as the regulation will not take effect until FY28, and it will take time to hire and train staff and implement technology systems to adapt operations.

2. Long Term: Market stability, such as a fair and competitive insurance market, through uninterrupted regulatory operations.

(c) Small Businesses

1. Immediate: None, as the regulation will not take effect until FY28, and it will take time to hire and train staff and implement technology systems to adapt operations.

2. Long Term: More staff, training, and modern systems will allow the agency to better service consumers, identify and address market disruptions, and ensure company solvency, which, in turn, impacts market stability, competition, product availability, and rates, potentially giving small businesses more options for their insurance needs.

(d) Small Communities

1. Immediate: None, as the regulation will not take effect until FY28, and it will take time to hire and train staff and implement technology systems to adapt operations.

2. Long Term: More staff, training, and modern systems will allow the agency to better service consumers, identify and address market disruptions, and ensure company solvency, which, in turn, impacts market stability, competition, product availability, and rates, potentially giving small communities more options for their insurance needs.

(e) Government Entities

1. Immediate: None, as the regulation will not take effect until FY28, and it will take time to hire and train staff and implement technology systems to adapt operations.

2. Long Term: More staff, training, and modern systems will allow the agency to more timely respond to requests from government entities and coordinate issues with other agencies to better service Nevadans.

8. What is the anticipated <u>adverse impact</u>, if any? Provide a statement as to any anticipated adverse impact, including adverse economic effects, on the following:

(a) Public

1. Immediate: None.

2. Long Term: None. The proposed A&E fee change is nominal and will not materially impact rates.

(b) Insurance Business

1. Immediate: None, as the regulation will not take effect until FY28.

2. Long Term: None because the proposed A&E fee change is nominal and based on direct written premiums (revenue).

(c) Small Businesses

1. Immediate: None.

2. Long Term: None. The proposed A&E fee change is nominal and will not materially impact rates.

(d) Small Communities

1. Immediate: None.

2. Long Term: None. The proposed A&E fee change is nominal and will not materially impact rates.

(e) Government Entities
1. Immediate: None.
2. Long Term: None.

9. The estimated cost to the agency for enforcement of the adopted regulation.

The Division anticipates costs in the following areas:

(a) Enactment: LCB drafting cost.
(b) Enforcement: None—annual fees are a prerequisite to a license to engage in the business of insurance.
(c) Compliance: None anticipated. Carriers have been paying A&E fees every year since obtaining a license.

10. 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.

None. NRS 680C.110.6 directs the responsibility of determining the annual A&E fee on the Commissioner of Insurance.

11. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

Not applicable.

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

This regulation increases an existing fee. This fee is not new to companies, as this fee structure previously existed and companies have been paying under this structure; therefore, the Division considers this regulation to be an existing fee that is being increased.

The agency expects to collect $5,891,250, and it will be used to cover the Division's budget, enabling it to perform regulatory duties.

STATE OF NEVADA
DEPARTMENT OF BUSINESS & INDUSTRY
DIVISION OF INSURANCE

Determination of Necessity of Small Business Impact Statement - REVISED NRS 233B.0608(1)

REGULATION CONCERNING ANNUAL FEES
LCB FILE NO. R115-26

The Commissioner is amending the amount of the annual fee to be assessed on certain insurers operating under NRS title 57 starting in fiscal year 2028.

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

1. BACKGROUND.

In regulating the business of insurance in Nevada, the Commissioner is required to collect fees from licensees as set out in NRS 680C. Specifically, insurers are required to pay the Commissioner an annual administration and enforcement fee based on factors set by statute. NRS 680C.110(6). When determining the annual fee amounts, the Commissioner must consider the direct written premiums for the prior year, the number of insurers required to pay the annual fee, the direct written premiums written by all insurers required to pay the annual fee, and the budget of the Division. Having reviewed these factors for the 2028 biennium (fiscal years 2028 and 2029), the Commissioner proposes to amend the annual fees.

2. DESCRIPTION OF SOLICITATION SHOWING A CONCERTED EFFORT. NRS 233B.0608(1).

The Division evaluated past public meeting attendance and comments, past public participation and attendance of annual fee rulemaking workshops and hearings, fees charged by other states' insurance regulators, and the distribution of services provided to companies. The Division also presented the topic for public discussion at past advisory committee meetings (Life & Health Advisory Committee and Property & Casualty Advisory Committee, whose participants include insurers and other insurance licensees, as well as the public) and considered who would be affected by this annual fee change. Along with this information, the Division conducted an analysis of the impact of a changed annual fee based on services provided and consulted with various Division financial experts to determine how a changed annual fee would impact the companies.

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 ☐ YES

4. HOW WAS THAT CONCLUSION REACHED? NRS 233B.0608(3).

The only persons affected by this annual fee change are the insurers listed in NRS 680C.110(5) (companies transacting in casualty insurance, health insurance, life insurance, property insurance, title insurance, fraternal benefit societies, corporations, health maintenance organizations, organizations for dental care,

and prepaid limited health service organizations). While some of these entities may have fewer than 150 employees (technically qualifying them as a "small business" under NRS 233B.0382), insurers are sophisticated entities required to have considerable financial resources and extensive expertise. The term "small business" would not generally apply to an insurance company.

This annual fee is based on the amount of premium revenue collected by insurers (for risks located in NV) and by applying factors the Legislature identifies in the statute. These fees cover the Division's budget, enabling it to perform regulatory duties. The Division has proposed modest fee increases which are not expected to impose a burden on any of the companies affected or to restrict the formation, operation, or expansion of a small business.

The business of insurance requires an efficient regulatory process so that applications and policy language can be properly reviewed on an expected schedule; an efficient regulatory process benefits policyholders, insurers, and producers. Approval delays due to inadequate resourcing of the Division can be far more costly to the insurers operating in NV (and their agents, *who may actually be small businesses)* than a nominal fee increase which preserves the core functioning of the Division.

During public meetings, rulemaking, and advisory committee meetings held since 2017, no public comments have been raised about annual fees.

I, Ned Gaines, Commissioner of Insurance for the State of Nevada, 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 is accurate. (NRS 233B.0608(3))

26 June 2026
(DATE)



NED GAINES
Commissioner of Insurance

ADOPTED REGULATION OF THE

BOARD OF MASSAGE THERAPY

LCB File No. R137-26

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

AUTHORITY: § 1, NRS 640C.320; § 2, NRS 640C.320 and 640C.630; §§ 3, 4, 8 and 14, NRS 640C.320 and 640C.330; § 5, NRS 640C.320, 640C.420, 640C.580, 640C.600, 640C.620 and 640C.630; § 6, NRS 640C.320 and 640C.420; § 7, NRS 640C.320 and 640C.710; § 9, NRS 640C.320, 640C.330 and 640C.520; §§ 10-13 and 16, NRS 640C.320 and 640C.500; § 15, NRS 622.085 and 640C.320.

A REGULATION relating to massage therapy, reflexology and structural integration; establishing requirements for the issuance of a temporary license to practice massage therapy, reflexology or structural integration; establishing certain grounds for disciplinary action against a holder of a certificate to operate a massage, reflexology or structural integration establishment; establishing the types of disciplinary action that the Board of Massage Therapy may impose against such certificate holders; revising certain requirements for the recognition of out-of-state programs of massage therapy, reflexology and structural integration for the purpose of licensure; revising the terms of probation that the Board may impose on certain licensees; eliminating certain required contents of an application for a certificate to operate a massage, reflexology or structural integration establishment; revising certain fees; revising requirements governing continuing education for massage therapists, reflexologists and structural integration practitioners; revising the manner in which the Board will review the criminal history of certain petitioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the Board of Massage Therapy to issue a temporary license to practice massage therapy, reflexology or structural integration which expires 90 days after issuance; and (2) requires the holder of a temporary license to be supervised by a fully licensed massage therapist, reflexologist or structural integration practitioner, as applicable. Existing law requires the Board to adopt regulations establishing the requirements for the issuance of such a temporary license. (NRS 640C.630) **Section 2** of this regulation establishes those requirements. **Section 2** also provides that the supervising massage therapist, reflexologist or structural integration practitioner of a temporary licensee is responsible for the acts of the temporary licensee.

Existing law requires an applicant for a license to practice massage therapy, reflexology or structural integration to have successfully completed a program of massage therapy, reflexology or structural integration, as applicable, recognized by the Board. Existing law: (1)

requires the Board to recognize programs approved by the Commission on Postsecondary Education or offered by a public college; and (2) authorizes the Board to recognize certain additional programs. (NRS 640C.580, 640C.600, 640C.620) For the recognition of such an additional program completed by an applicant for a license, existing regulations require the submission of a detailed outline of the training the applicant received. (NAC 640C.060) If a program has been approved by the appropriate licensing authority in another jurisdiction of the United States, **section 5** of this regulation authorizes the submission of documentation which demonstrates that the program satisfies the relevant requirements of existing regulations instead of a detailed outline.

Existing law authorizes the Board to issue a license under certain circumstances to an applicant who holds a current license to practice massage therapy, reflexology or structural integration issued by another state, territory or possession of the United States or the District of Columbia, if the licensing requirements of the other jurisdiction at the time of licensing were substantially equivalent to the licensing requirements of this State. (NRS 640C.420) Existing regulations provide that a program of massage therapy in another jurisdiction is substantially equivalent to a program of massage therapy in this State if the other jurisdiction requires a minimum of 550 hours of training in a program of massage therapy. (NAC 640C.065) **Section 6** of this regulation increases that minimum number of hours from 550 hours to 600 hours.

Existing regulations provide that the Board may issue a license and immediately place the licensee on probation if the applicant has committed certain acts. (NAC 640C.075) **Section 7** of this regulation provides that the terms of such probation may prohibit the licensee from providing mobile massage.

Existing law requires the Board to establish a schedule of fees and charges, including fees for the issuance and renewal of a license or certificate. (NRS 640C.520) **Section 9** of this regulation replaces a fee of $250 for issuing a temporary license with a fee of $150 for the application for and issuance of a temporary license. **Section 9** also revises certain fees relating to the issuance of a certificate for certain establishments of massage therapy, reflexology and structural integration.

Existing law requires a regulatory body to develop and implement a process by which a person with a criminal history can petition the regulatory body to determine if the criminal history of the person will disqualify him or her from being licensed by the regulatory body. (NRS 622.085) **Section 15** of this regulation eliminates the requirement for the Board to conduct a background check of the petitioner. **Section 9** eliminates the fee to submit such a petition.

To maintain licensure, existing regulations require licensees who practice: (1) massage therapy or structural integration to complete 24 hours of continuing education during a biennial licensing period; and (2) reflexology to complete 12 hours of continuing education during a biennial licensing period. (NAC 640C.100, 640C.115) **Section 16** of this regulation eliminates separate treatment of reflexologists for the purpose of continuing education, and **section 10** of this regulation instead subjects reflexologists to the same continuing education requirements as massage therapists and structural integration practitioners. **Section 10** reduces the amount of continuing education that all such licensees must complete during a biennial licensing period to 6 hours. **Sections 11-13** of this regulation accordingly reduce the number of hours of credit for continuing education that a licensee may receive for certain activities. **Section 10** also: (1) revises the manner in which a licensee must demonstrate that he or she has completed the required continuing education; and (2) provides that the Board will conduct random audits of licensees to ensure compliance with continuing education.

Existing regulations: (1) specify the types of instruction and other activities for which a licensee who practices massage therapy, reflexology or structural integration may earn credit toward continuing education requirements; and (2) authorize such a licensee to request that the Board consider additional types of continuing education for approval for such credit. (NAC 640C.110, 640C.112, 640C.117) **Sections 11-13** eliminate the authorization for a licensee to request such consideration.

Existing law requires the Board to adopt regulations establishing the grounds for disciplinary action against the holder of a certificate to operate a massage therapy, reflexology or structural integration establishment and the disciplinary actions that the Board may impose on such a certificate holder. (NRS 640C.330) **Section 3** of this regulation provides that the Board may refuse to issue or renew a certificate to operate a massage therapy, reflexology or structural integration establishment or may initiate disciplinary action if the holder of or applicant for a certificate has engaged in certain conduct. **Section 4** of this regulation prescribes the types of disciplinary action that the Board may take against the holder of a certificate to operate a massage therapy, reflexology or structural integration establishment who engages in such conduct. **Sections 8 and 14** of this regulation make conforming changes to remove certain provisions duplicative of **section 3** and indicate the applicability of certain terminology to **section 3**, respectively. **Section 8** also eliminates certain required contents of an application for a certificate to operate a massage therapy, reflexology or structural integration establishment.

Section 1. Chapter 640C 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 application for a temporary license to practice massage therapy, reflexology or structural integration in this State pursuant to NRS 640C.630 must be accompanied by the fee set forth in NAC 640C.095 and must include:***

(a) A copy of each active license to practice massage therapy, reflexology or structural integration.

(b) A list of each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy, reflexology or structural integration.

(c) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy, reflexology or structural integration verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy, reflexology or structural integration; and

(2) Disciplinary proceedings relating to his or her license to practice massage therapy, reflexology or structural integration are not pending.

(d) The name and license number of the fully licensed massage therapist, fully licensed reflexologist or fully licensed structural integration practitioner, as applicable, who has agreed to supervise the applicant.

2. The supervising massage therapist, reflexologist or structural integration practitioner identified pursuant to paragraph (d) of subsection 1 is responsible for all of the acts performed by the holder of a temporary licensee whom he or she supervises.

Sec. 3. *The Board may refuse to issue or renew a certificate, or may initiate disciplinary action against the applicant for or holder of a certificate, if the applicant or holder of a certificate, or, where applicable, any member, partner, director, officer or manager of the applicant for or holder of a certificate, has:*

1. Submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, territory or possession of the United States, the District of Columbia or the Federal Government;

2. Violated any provision of chapter 640C of NRS or any regulation adopted pursuant thereto;

3. Been convicted of a crime involving violence, prostitution, advancing prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to

massage therapy, reflexology or structural integration or a substantially similar business, or a crime involving moral turpitude;

4. Engaged in or solicited sexual activity during the course of practicing massage, reflexology or structural integration on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the certificate:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board and, where applicable, complied with NAC 640C.340;

5. Been cited or arrested for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances;

6. Been cited by the Board for facilitating unlicensed activities;

7. Failed to provide information requested by the Board within 60 days after receiving the request;

8. In the judgment of the Board, engaged in unethical conduct or unprofessional conduct;

9. Knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy, reflexology or structural integration within 30 days after becoming aware of that conduct;

10. Been disciplined by:

(a) The Board; or

(b) Another state, territory or possession of the United States, the District of Columbia or the Federal Government for conduct that would be a violation of the provisions of this chapter or chapter 640C of NRS if the conduct were committed in this State;

11. Solicited or received compensation for services relating to the practice of massage therapy, reflexology or structural integration that he or she did not provide;

12. Violated the terms and conditions imposed by the Board during a period of probation; or

13. Engaged in false, deceptive or misleading advertising, including, without limitation:

(a) Falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage, reflexology or structural integration for which he or she has not received training;

(b) Practicing massage therapy, reflexology or structural integration under an assumed name; or

(c) Impersonating a licensed massage therapist, reflexologist or structural integration practitioner.

Sec. 4. *1. If, after notice and a hearing pursuant to chapter 622A of NRS and NRS 640C.750, the Board finds one or more grounds for taking disciplinary action against the applicant for or the holder of a certificate, the Board may:*

(a) Place the applicant for or holder of the certificate on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the certificate a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the certificate;

(d) Suspend or revoke the certificate;

(e) Require the applicant for or holder of the certificate to pay the costs incurred by the Board to conduct the investigation and hearing; or

(f) Impose any combination of actions set forth in paragraphs (a) to (e), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board will not issue a private reprimand.

Sec. 5. NAC 640C.060 is hereby amended to read as follows:

640C.060 1. ~~[If]~~ ***Except as otherwise provided in subsection 2, if*** an applicant for a license to practice massage therapy, reflexology or structural integration who otherwise satisfies the requirements of NRS 640C.420, 640C.580, 640C.600, ~~[640C.610,]~~ 640C.620 or 640C.630 wishes the Board to recognize a program of massage therapy, reflexology or structural integration other than a program listed in paragraph (a) of subsection 3 of NRS 640C.580, paragraph (a) of subsection 3 of NRS 640C.600 or paragraph (a) of subsection 3 of NRS 640C.620, as applicable, the applicant or the program from which the applicant received training must submit to the Board a detailed outline of the training of the applicant that includes, without limitation:

(a) A list of the instructors of the training;

(b) Any texts used as study guides for the training; and

(c) Certificates of completion for the training which evidence that the applicant has satisfied the number of training hours required by the Commission on Postsecondary Education for a program of massage therapy, reflexology or structural integration.

2. ***If an applicant has completed a program of massage therapy, reflexology or structural integration approved by the appropriate licensing authority in another state, territory or possession of the United States or the District of Columbia, the applicant may request the Board to recognize the program of massage therapy, reflexology or structural integration by submitting documentation which demonstrates that the program of massage therapy, reflexology or structural integration satisfies the requirements of NAC 640C.052, 640C.055 or 640C.057, as applicable.***

3. Where practicable, a request for recognition of a program of massage therapy, reflexology or structural integration made pursuant to this section will be considered by the Board at the next regularly scheduled meeting of the Board immediately following the receipt of the request. ***The Board will maintain a list of recognized programs of massage therapy, reflexology or structural integration.***

Sec. 6. NAC 640C.065 is hereby amended to read as follows:

640C.065 1. Except as otherwise provided in subsection 2, the licensing requirement in this State to successfully complete a program of massage therapy, reflexology or structural integration is substantially equivalent to a licensing requirement of another state, territory or possession of the United States or the District of Columbia requiring completion of a program of massage therapy, reflexology or structural integration if:

(a) For massage therapy, the other jurisdiction requires a minimum of ~~[550]~~ ***600*** hours of training in a program of massage therapy;

(b) For reflexology:

(1) The other jurisdiction requires a minimum of 200 hours of training in a program of reflexology; or

(2) The applicant completed an International Therapy Examination Council (ITEC) diploma program in reflexology; or

(c) For structural integration, the other jurisdiction requires a minimum of 730 hours of training in a program of structural integration.

2. If an applicant who holds a license to practice massage therapy, reflexology or structural integration issued by another state, territory or possession of the United States or the District of Columbia:

(a) Was licensed in another state, territory or possession of the United States or the District of Columbia on or before the date that the last person was licensed under a grandfather clause in this State; and

(b) Has continuously maintained active licensure in the other jurisdiction since the initial date that the applicant was licensed in the other jurisdiction,

➥ the Board will deem the licensing requirements concerning the educational requirements for licensure in this State to be substantially equivalent to those of the other jurisdiction regardless of the number of hours required in the other jurisdiction to complete a program for massage therapy, reflexology or structural integration or the number of hours required in an apprenticeship program.

3. The Executive Director of the Board or his or her designee will maintain a list of jurisdictions that have program requirements for licensure that are substantially equivalent to those of this State.

Sec. 7. NAC 640C.075 is hereby amended to read as follows:

640C.075 1. The Board may issue a license to an applicant and immediately place the licensee on probation pursuant to NRS 640C.710 if the application or background of the

applicant demonstrates that the applicant has committed one or more of the acts described in NRS 640C.700.

2. The terms of probation imposed pursuant to subsection 1 may require the licensee to:

(a) Report to the Board all contact with law enforcement personnel within 48 hours after such contact occurs;

(b) Refrain from providing outcall services;

(c) ***Refrain from providing mobile massage;***

(d) Submit employment offers to the staff of the Board for review and approval;

~~[(d)]~~ ***(e)*** Notify the Board of any changes in his or her employment;

~~[(e)]~~ ***(f)*** Complete an ethics course within 90 calendar days after the issuance of the license;

~~[(f)]~~ ***(g)*** Submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report upon renewal of his or her license;

~~[(g)]~~ ***(h)*** Attend a probation orientation;

~~[(h)]~~ ***(i)*** Take any other action that the Board deems appropriate; or

~~[(i)]~~ ***(j)*** Take any combination of the actions set forth in paragraphs (a) to ~~[(h),]~~ ***(i),*** inclusive.

3. As used in this section ~~[, "outcall]~~ ***:***

(a) "Mobile massage" means massage therapy, reflexology or structural integration provided out of a vehicle, mobile unit or at an event for massage services. The term does not include outcall services.

(b) "Outcall services" means massage therapy, reflexology or structural integration provided for compensation by a massage therapist, reflexologist or structural integration practitioner in a

location other than at ~~[the address set forth in the business license of]~~ the massage establishment, reflexology establishment or structural integration establishment ~~[.]~~ ***, including, without limitation, the home or office of a client. The term does not include mobile massage.***

Sec. 8. NAC 640C.083 is hereby amended to read as follows:

640C.083 1. A person shall not operate a massage establishment, a reflexology establishment or a structural integration establishment unless the person holds a valid certificate to operate a massage establishment, a reflexology establishment or a structural integration establishment, as applicable, which has been issued by the Board.

2. To obtain a certificate, an applicant for a certificate must:

(a) Submit a completed application for the applicable certificate on a form prescribed by the Board;

(b) Pay the fee set forth in NAC 640C.095; and

(c) Comply with any other requirements of this chapter and chapter 640C of NRS.

3. The application must include, without limitation:

(a) A copy of the state business license of the applicant; ***and***

(b) A copy of any business license or conditional business license of the applicant issued by a local government**.** ~~[;~~

~~(c) A list of services that the applicant wishes to provide to clients; and~~

~~(d) A photograph of the entrance of the establishment.~~

~~4. The Board will issue a certificate to an applicant who complies with the requirements of subsection 2, if the applicant and, where applicable, each member, partner, director, officer or manager of the applicant, has not been:~~

~~(a) Convicted of advancing prostitution pursuant to NRS 201.395;~~

~~(b) Except as otherwise provided in paragraph (a), cited, arrested or convicted for any offense involving pandering, prostitution, human trafficking or trafficking in controlled substances; or~~

~~(c) Previously cited by the Board for facilitating unlicensed activities.~~

~~5.~~ ***4.*** Except as otherwise provided in ~~subsection 6,~~ ***section 3 of this regulation,*** a certificate is valid for 1 year after the first day of the first calendar month immediately following the date of issuance or renewal and may be renewed if, before the certificate expires, the holder of the certificate:

(a) Submits to the Board a completed application for renewal on a form prescribed by the Board;

(b) Pays the fee set forth in NAC 640C.095; and

(c) Complies with any other requirements of this chapter and chapter 640C of NRS.

~~6. The Board will not renew a certificate pursuant to subsection 5 if the holder of the certificate or any member, partner, director, officer or manager of the holder has been arrested, convicted or cited, as applicable, in the manner described in subsection 4.~~

~~7.~~ ***5.*** A certificate issued pursuant to this section is not transferable.

Sec. 9. NAC 640C.095 is hereby amended to read as follows:

640C.095 The Board will charge and collect the following nonrefundable fees:

1. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted by paper copy.....$130

2. For an application for a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application was submitted through the Internet website of the Board.....$100

3. For issuing a license as a massage therapist, a reflexologist or a structural integration practitioner.....$295

4. For ~~[issuing]~~ ***an application for and issuance of*** a temporary license.....~~[$250]~~ ***$150***

5. For conducting a background check $85

6. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted by paper copy $325

7. For renewing a license as a massage therapist, a reflexologist or a structural integration practitioner, where the application for renewal was submitted through the Internet website of the Board.....$295

8. For restoring an expired license ..... $25 per each expired month, not to exceed $500

9. For reinstatement of a suspended or revoked license.....$500

10. For issuing a replacement license $50

11. For restoring an inactive license $295

12. For reissuance of a certificate for a massage establishment, reflexology establishment or structural integration establishment $25

13. ~~[For a petition submitted to the Board for review of criminal history .....$50~~

~~14.]~~ For issuing a certificate for a massage establishment or a structural integration establishment:

(a) For an establishment with a single room for massage therapy or structural integration .....no fee

(b) For an establishment with at least 2 but not more than ~~[7]~~ ***20*** rooms for massage therapy or structural integration..... ~~[$15]~~ ***$25***

~~(c) [For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration .....$25~~

~~(d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration .....$35~~

~~(e)]~~ For an establishment with more than ~~[40]~~ ***20*** rooms for massage therapy or structural integration.....$50

~~[15.]~~ ***14.*** For the renewal of a certificate for a massage establishment or a structural integration establishment:

(a) For an establishment with a single room for massage therapy or structural integration .....no fee

(b) For an establishment with at least 2 but not more than ~~[7]~~ ***20*** rooms for massage therapy or structural integration..... ~~[$15]~~ ***$25***

~~(c) [For an establishment with at least 8 but not more than 20 rooms for massage therapy or structural integration .....$25~~

~~(d) For an establishment with at least 21 but not more than 40 rooms for massage therapy or structural integration .....$35~~

~~(e)]~~ For an establishment with more than ~~[40]~~ ***20*** rooms for massage therapy or structural integration.....$50

~~[16.]~~ ***15.*** For issuing a certificate for a massage establishment that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for massage therapy ..... ~~[$20]~~ ***$25***

(b) For an establishment with more than 10 chairs or tables for massage therapy ..... ~~[$40]~~ ***$50***

~~[17.]~~ ***16.*** For the renewal of a certificate for a massage establishment that does not have rooms for massage therapy:

(a) For an establishment with not more than 10 chairs or tables for massage therapy ..... ~~[$20]~~ ***$25***

(b) For an establishment with more than 10 chairs or tables for massage therapy ..... ~~[$40]~~ ***$50***

~~[18.]~~ ***17.*** For issuing a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology ..... ~~[$20]~~ ***$25***

(b) For an establishment with more than 10 chairs or tables for reflexology ..... ~~[$40]~~ ***$50***

~~[19.]~~ ***18.*** For renewal of a certificate for a reflexology establishment:

(a) For an establishment with not more than 10 chairs or tables for reflexology ..... ~~[$20]~~ ***$25***

(b) For an establishment with more than 10 chairs or tables for reflexology ..... ~~[$40]~~ ***$50***

Sec. 10. NAC 640C.100 is hereby amended to read as follows:

640C.100 1. To maintain his or her licensure, a massage therapist ***, reflexologist*** or structural integration practitioner must complete ~~[, to the satisfaction of the Board,]~~ at least ~~[24]~~

6 hours of instruction in continuing education as specified in NAC 640C.110 ***,*** ~~[or]~~ 640C.112 ~~[,]~~ ***or 640C.117,*** as applicable, and 640C.119 within the licensing period immediately preceding the request for renewal of his or her license. ~~[Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.]~~ ***Each massage therapist, reflexologist or structural integration practitioner must attest to his or her compliance with the requirements set forth in this subsection at the time for the renewal of his or her license.***

2. ~~[If a massage therapist or structural integration practitioner obtains more than 24 hours of instruction in continuing education in a licensing period, the massage therapist or structural integration practitioner may request that the Board carry over the excess hours of credit, not to exceed 72 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 6 succeeding years.~~

~~3. If a massage therapist or structural integration practitioner fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the massage therapist or structural integration practitioner indicating that the massage therapist or structural integration practitioner is not in compliance with the requirements for continuing education.]~~ ***The Board will perform random audits of massage therapists, reflexologists and structural integration practitioners to ensure compliance with the requirements for continuing education prescribed by this section.***

3. If audited by the Board, a massage therapist, reflexologist or structural integration practitioner shall provide proof that he or she has completed 6 hours of continuing education for the licensing period audited by presenting copies of original certificates of completion or computer printouts from approved providers of continuing education to the Board.

4. A massage therapist, reflexologist and structural integration practitioner shall maintain documentation of completion of the requirements for continuing education for 4 years after the last day of the licensure period during which the continuing education was completed.

Sec. 11. NAC 640C.110 is hereby amended to read as follows:

640C.110 1. The Board will approve credit for continuing education for a license to practice massage therapy as follows:

(a) One hour of credit will be approved for each hour of instruction that a massage therapist attends a workshop, course, conference or seminar relating to the practice of massage therapy which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

(2) Approved by the National Certification Board for Therapeutic Massage and Bodywork;

(3) A massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of massage therapy that is recognized by the Board pursuant to NRS 640C.580 and NAC 640C.060; or

(4) A massage therapist with at least 2 years of experience in the practice of massage therapy or a related field who has previously received approval from the Board for the workshop, course, conference or seminar.

(b) The amount of credit for authoring a publication relating to the practice of massage therapy will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.

(c) One hour of credit, up to a maximum of ~~[16]~~ *4* hours of credit per renewal period for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour of instruction spent:

(1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of massage therapy.

(2) Preparing a presentation described in subparagraph (1).

(3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.

2. A massage therapist may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~[3. The Board will consider the written request of a massage therapist for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to massage therapy, if the request is submitted to the Board at least 90 days before the date on which the license of the massage therapist expires.]~~

Sec. 12. NAC 640C.112 is hereby amended to read as follows:

640C.112 1. The Board will approve credit for continuing education for a license to practice structural integration as follows:

(a) One hour of credit will be approved for each hour of instruction that a structural integration practitioner attends a workshop, course, conference or seminar relating to the practice of structural integration which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

(2) Approved by the International Association of Structural Integrators;

(3) A structural integration school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of structural integration that is recognized by the Board pursuant to NRS 640C.620 and NAC 640C.060; or

(4) A structural integration practitioner with at least 2 years of experience in the practice of structural integration or a related field who has previously received approval from the Board for the workshop, course, conference or seminar.

(b) The amount of credit for authoring a publication relating to the practice of structural integration will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.

(c) One hour of credit, up to a maximum of ~~[16]~~ *4* hours of credit per renewal period for each activity listed in subparagraphs (1) to (4), inclusive, will be approved for each hour of instruction spent:

(1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of structural integration.

(2) Preparing a presentation described in subparagraph (1).

(3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.

(4) Serving as a member of a board or committee relating to the practice of structural integration.

2. A structural integration practitioner may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~[3. The Board will consider the written request of a structural integration practitioner for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to structural integration, if the request is submitted to the Board at least 90 days before the date on which the license of the structural integration practitioner expires.]~~

Sec. 13. NAC 640C.117 is hereby amended to read as follows:

640C.117 1. The Board will approve credit for continuing education for a license to practice reflexology as follows:

(a) One hour of credit will be approved for each hour of instruction that a reflexologist attends a workshop, course, conference or seminar relating to the practice of reflexology which is provided by a person or entity that is:

(1) Accredited by the National Commission for Certifying Agencies, or an equivalent accrediting body approved or recognized by the Board;

(2) Approved by the American Reflexology Certification Board;

(3) A reflexology school, massage therapy school, bodywork therapy school, public college, postsecondary institution or other entity which offers a program of reflexology that is recognized by the Board pursuant to NRS 640C.600 and NAC 640C.060; or

(4) A reflexologist with at least 2 years of experience in the practice of reflexology who is certified by the American Reflexology Certification Board, International Institute of Reflexology or National Certification Board for Therapeutic Massage and Bodywork or who has experience in a related field and has previously received approval from the Board for the workshop, course, conference or seminar.

(b) The amount of credit for authoring a publication relating to the practice of reflexology will be determined upon receipt and evaluation by the Board of the information required to be submitted pursuant to NAC 640C.130.

(c) One hour of credit, up to a maximum of ~~[16]~~ ***4*** hours of credit per renewal period for each activity listed in subparagraphs (1), (2) and (3), will be approved for each hour of instruction spent:

(1) Giving a presentation at a workshop, course, conference or seminar relating to the practice of reflexology.

(2) Preparing a presentation described in subparagraph (1).

(3) Serving as a member of the Board or a member of a committee appointed by the Board or attending a meeting of the Board.

2. A reflexologist may receive credit only once for giving or preparing a presentation described in subparagraph (1) of paragraph (c) of subsection 1.

~~[3. The Board will consider the written request of a reflexologist for approval of credit for any continuing education that is not specified in subsection 1, including credit for any continuing education that is not specifically related to reflexology, if the request is submitted to the Board at least 90 days before the date on which the license of the reflexologist expires.]~~

Sec. 14. NAC 640C.410 is hereby amended to read as follows:

640C.410 1. As used in subsection 9 of NRS 640C.700 ~~[,]~~ ***and section 3 of this regulation,*** the Board interprets the phrases:

(a) "Unethical conduct" to include, without limitation, any of the following conduct that occurred outside the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Aiding, abetting or assisting any person in performing any act prohibited by law.

(2) Performing any act prohibited by law.

(b) "Unprofessional conduct" to include, without limitation, any of the following conduct that occurred in the course and scope of the practice of massage therapy, reflexology or structural integration:

(1) Offering to practice massage therapy, reflexology or structural integration on a client in exchange for sexual favors.

(2) Using health care information to contact a client for the purpose of engaging in a sexual activity with the client.

(3) Using health care information or access to health care information to meet or attempt to meet the sexual needs of the massage therapist, reflexologist or structural integration practitioner.

(4) Performing acts beyond the scope of the practice of massage therapy, reflexology or structural integration.

(5) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration without adequate training.

(6) Assuming duties and responsibilities within the practice of massage therapy, reflexology or structural integration if competency is not maintained or the standards of competence are not satisfied, or both.

(7) Disclosing the contents of the examination for licensure or certification, or soliciting, accepting or compiling information regarding the contents of the examination before, during or after its administration.

(8) Assigning or delegating functions, tasks or responsibilities of licensed or certified persons to unqualified persons.

(9) Failing to supervise a person to whom functions of massage therapy, reflexology or structural integration are delegated or assigned, if responsible for supervising the person.

(10) Failing to safeguard a client from the incompetent, abusive or illegal practice of any person during the practice of massage therapy, reflexology or structural integration.

(11) Practicing massage therapy, reflexology or structural integration while, with or without good cause, the physical, mental or emotional condition of the massage therapist, reflexologist or structural integration practitioner impairs his or her ability to act in a manner consistent with established or customary standards of the practice of massage therapy, reflexology or structural integration, as applicable.

(12) Practicing massage therapy, reflexology or structural integration, if any amount of alcohol or a controlled substance or dangerous drug that is not legally prescribed is present in the body of the massage therapist, reflexologist or structural integration practitioner.

(13) Failing to respect and maintain a client's right to privacy.

(14) Performing or offering to perform the functions of a licensee or holder of a certificate by false representation or under a false or assumed name.

(15) Soliciting or borrowing money, materials or other property, or any combination thereof, from a:

(I) Client; or

(II) Family member of a client.

(16) Aiding, abetting or assisting any person in performing any acts prohibited by law.

(17) Failing to abide by any state or federal statute or regulation relating to the practice of massage therapy, reflexology or structural integration.

(18) Engaging in sexual contact with a client.

(19) Failing to report the unauthorized practice of massage therapy, reflexology or structural integration.

(20) Endangering the safety of the general public, clients or coworkers by making actual or implied threats of violence or carrying out an act of violence.

(21) Abusing a client.

(22) Misappropriating the property of a client.

(23) Failing to comply with a condition, limitation or restriction which has been placed on the license of the massage therapist, reflexologist or structural integration practitioner, or the certificate of the massage establishment, reflexology establishment or structural integration establishment.

(24) Engaging in the practice of massage therapy, reflexology or structural integration without a license issued pursuant to the provisions of this chapter and chapter 640C of NRS.

(25) Displaying a license, certificate, diploma or permit, or a copy of a license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited or materially altered.

(26) Engaging in a pattern of conduct that demonstrates failure to exercise the knowledge, skills and abilities to use the methods ordinarily exercised by a reasonable and prudent massage therapist, reflexologist or structural integration practitioner to protect the public.

(27) Failing to cooperate with an investigation or inspection conducted by the Board.

(28) Engaging in any other unprofessional conduct with a client that the Board determines is outside the professional boundaries generally considered acceptable in the profession.

(29) Advertising in a manner that is inconsistent with this chapter or chapter 640C of NRS.

2. When evaluating whether a massage therapist, reflexologist or structural integration practitioner is prohibited from engaging or attempting to engage in a sexual activity with a client or former client, the Board will consider, without limitation:

(a) Documentation of a formal termination of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(b) The transfer of care of the client or former client from the massage therapist, reflexologist or structural integration practitioner to another massage therapist, reflexologist or structural integration practitioner, as applicable;

(c) The duration of the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client;

(d) The amount of time that has passed since the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client by the massage therapist, reflexologist or structural integration practitioner;

(e) The communication between the massage therapist, reflexologist or structural integration practitioner and the client or former client after the last services related to the practice of massage therapy, reflexology or structural integration were provided to the client or former client and before the commencement of the personal relationship;

(f) The extent to which the personal or private information of the client or former client was shared with the massage therapist, reflexologist or structural integration practitioner;

(g) The nature of the health condition of the client or former client, if any, during the professional relationship between the massage therapist, reflexologist or structural integration practitioner and the client or former client and after that professional relationship ended;

(h) The extent of emotional dependence of the client or former client on the massage therapist, reflexologist or structural integration practitioner, if any, and the vulnerability of the client or former client; and

(i) The standard cycle for revisiting a massage therapist, reflexologist or structural integration practitioner as determined by the Board.

Sec. 15. NAC 640C.580 is hereby amended to read as follows:

640C.580 1. A person wishing to apply for a license to practice massage therapy, reflexology or structural integration may petition the Board to review his or her criminal history to determine if the criminal history would disqualify the petitioner from being licensed by the Board.

2. The petition must be completed on a form prescribed by the Board.

3. The Board will ~~[complete a background check of the petitioner in addition to reviewing]~~ ***review*** the information contained in the petition.

4. Not later than 90 days after receiving the completed petition, the Board will inform the petitioner of whether the criminal history will disqualify the petitioner from being licensed by the Board.

Sec. 16. NAC 640C.115 is hereby repealed.

TEXT OF REPEALED SECTION

640C.115 Reflexologists: Requirements to maintain license; request to carry over excess hours of credit; notice of noncompliance.

1. To maintain his or her license to practice reflexology, a reflexologist must complete, to the satisfaction of the Board, at least 12 hours of instruction in continuing education as specified in NAC 640C.117 within the licensing period immediately preceding the request for renewal of his or her license. Except as otherwise provided in subsection 2, proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license.

2. If a reflexologist obtains more than 12 hours of instruction in continuing education in a licensing period, the reflexologist may request that the Board carry over the excess hours of credit, not to exceed 36 hours of instruction, to apply towards completion of the requirement for continuing education set forth in subsection 1 for succeeding years, up to a maximum of 6 succeeding years.

3. If a reflexologist fails to complete the requirements for continuing education set forth in subsection 1 before the date on which his or her license expires, the Board will send a notice to the reflexologist indicating that the reflexologist is not in compliance with the requirements for continuing education.

STATE OF NEVADA
BOARD OF MASSAGE THERAPY

INFORMATIONAL STATEMENT
LCB File R137-26

The following informational statement is provided pursuant to NRS 233B.066

(a) A clear and concise explanation of the need for the adopted regulation.
The Nevada Board of Massage Therapy ("Board") has proposed changes to the Nevada Administrative Code ("NAC") Chapter 640C to set forth hearing provisions for establishment certificate holders, update licensing fees, establish procedure for issuing a temporary license, defining mobile massage, and updating continuing education requirements. The changes for establishment certificate and procedures for issuing a temporary license were needed to conform with changes to NRS 640C adopted during the 2025 Legislative session. The changes to continuing education requirements were adopted in response to feedback from licensees and other stakeholders to ensure regulation align with public protection needs.

(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.
Public comment was solicited by conducting a public workshop and then noticed and conducted a public hearing on this matter. The Board also solicited comments by sending out a survey to its licensees and other interested parties regarding feedback on the Board's requirements for continuing education.
Public comment was supportive of the regulation because of the regulation reduces the number of hours a licensee is required to complete continuing education. No public comments were received at the public hearing.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at ebarnard@lmt.nv.gov or 775-687-9951.

(c) The number of persons who:
(1) Attended each hearing: 39 persons, including Board members and staff, at the June 8, 2026, workshop and 22 persons, including Board members and staff at the September 4, 2026, hearing
(2) Testified at each hearing:, 0 persons testified at either the June 8, 2026, workshop or the September 4, 2026, hearing
(3) Submitted to the agency written statements: no written statements were received

(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing: (1) name (2) telephone number; (3) business address; (4) business telephone number; electronic mail; name of organization.
not applicable

(e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.
The Board made a concerted effort to determine whether the regulation is likely to "[i]mpose a direct and significant economic burden upon a small business" or "[d]irectly restrict the formation, operation or expansion of a small business." NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and massage, reflexology and structural integration establishments and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff. Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at ebarnard@lmt.nv.gov or 775-687-9951.

(f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.
The regulation was adopted with two changes which was to correct an error in a term in Section 4 of the regulation to revise the word "remand" in paragraph (b) of subsection (1) to "reprimand" and revising a portion of deleted language in Section 7 of the regulation—to undelete paragraph (a) and (b) of subsection 3.

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

(1) Both adverse and beneficial effects:

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates nor on the public.

Beneficial effects: The changes will establish a process pursuant to which the Board can discipline holders of establishment certificates, reduces the fees for a temporary license, creates clarity in continuing education requirements. There may be beneficial economic effects for the public by reducing the burden on licensees to remain compliant with continuing education requirements to maintain licensure.

(2) Both immediate and long-term effects:

Immediate effects: The direct effects are to establish clear guidance on acceptable practices and creates clear procedures for disciplining holders of establishment certificates. The immediate effects for the public will potentially be more access to their licensee since the licensee will not be required to engage in long hours of continuing education.

Long-term effects: Licensees and their businesses may see indirect effects improved public confidence and expectations. Long-term effects on the public is that they can have more confidence in the compliance of establishments with applicable laws. Such increased confidence is often reflected in higher consumer spending.

(h) The estimated cost to the agency for enforcement of the proposed regulation.
There are no costs to the Board for implementation of this regulation.

(i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.
There are no other state or government agencies that overlap this regulation. This regulation does not overlap or duplicate a federal regulation.

(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
This regulation does not contain any provisions which are more stringent than a federal regulation that regulates the same activity.

(k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
This regulation does restructure the fee schedule for establishment certificates. Some businesses may see an increase of a maximum of $15 per year. The revised fee structure is simpler for both businesses to understand and for administration. Anticipated increases in revenue is approximately $3,000 which will be used to offset the costs of administering the program. The fee for the new temporary license is less than what the Board charged for the prior temporary license.

Small Business Impact Statement
Proposed Changes to NAC 640C

The Nevada Board of Massage Therapy ("Board") has proposed changes to the Nevada Administrative Code ("NAC") Chapter 640C regarding the discipline of establishments, establishing definitions, revising the recognition of a program of massage therapy, revising the requirements for the issuance and renewal of an establishment certificate, revising the fee for a temporary license, revising the requirements for continuing education, revising the term "unprofessional conduct."

The Board made a concerted effort to determine whether the regulation is likely to "[i]mpose a direct and significant economic burden upon a small business" or "[d]irectly restrict the formation, operation or expansion of a small business." NRS 233B.0608(1). The Board concluded the regulation would not cause these negative impacts or effects, after consultation with the licensing community and massage, reflexology and structural integration establishments and other potentially affected parties, professional associations for massage, reflexology and structural integration and internal staff. While the Board determined that no Small Business Impact Statement (SBIS) was required, the Board is submitting the following information to reflect how it might respond if a SBIS was required.

RE: NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

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

Internally, the Executive Director of the Board reviewed the draft regulation with staff and legal counsel to determine the potential impact to small businesses. The Board also noticed and will conduct a public workshop. There is a potential to impact small businesses because the Board is revising the way that it charges for an establishment certificate, which may result in an increase in costs associated with that certificate. However, the increase is at most $50, which is not a significant or negative impact. Additionally, the Executive Director sought input from the licensing community regarding continuing education and sent a survey to licensees requesting feedback. The Executive Director reviewed the feedback and adjusted the regulation based on some of the feedback.

Interested persons may review a copy of the summary of the public response by contacting Elisabeth Barnard, Executive Director for the Board, at ebarnard@lvmt.nv.gov or at 775-687-9951.

2. The manner in which the analysis was conducted.

The manner in which the analysis was conducted was through reviewing and discussing the proposed changes with the Executive Director of the Board, staff and the Board's counsel and through a survey sent to licensees.

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

(1) Both adverse and beneficial effects; and

Adverse effects: There are no adverse effects of this regulation on the businesses it regulates or on the public.

Beneficial effects: The changes will establish a process pursuant to which the Board can discipline holders of establishment certificates, reduces the fees for a temporary license, creates clarity in continuing education requirements.

(2) Both direct and indirect effects.

Direct effects: The direct effects are to establish clear guidance on acceptable practices and creates clear procedures for disciplining holders of establishment certificates.

Indirect effects: Licensees and their businesses may see indirect effects improved public confidence and expectations.

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.

There is not a significant economic impact on small businesses. The Board has considered the need to enforce statutory requirements the associated costs. After assessing costs and revenues, a simplified fee structure serves that need and keeps impacts consistent across all businesses

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

No cost is expected due to the implementation of these 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 regulations do include increased fees. The Board is changing the structure of the way it charges its fees for establishments. This regulation also reduces a fee for the issuance of a temporary license.

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.

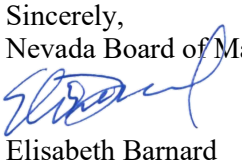
This regulation does not duplicate any other nor is it more stringent.

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

The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses are the result of communications with those most likely to be affected by the changes as well as others which have expertise in the matter. The Board Executive Director has communicated and researched this matter with affected stakeholders, with the Board's attorney, and with staff.

As the Executive Director who is responsible for the Board I certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sincerely,
Nevada Board of Massage Therapy



Elisabeth Barnard
Executive Director
Nevada Board of Massage Therapy

R149-26

ADOPTED REGULATION OF THE

STATE BOARD OF ORIENTAL MEDICINE

LCB File No. R149-26

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

AUTHORITY: § 1, NRS 634A.070 and 634A.110; §§ 2-4, NRS 634A.070; § 5, NRS 624A.070 and 634A.225; § 6, NRS 634A.070, 634A.110 and 634A.167.

A REGULATION relating to Oriental medicine; revising requirements related to the application for a license to practice Oriental medicine; updating the name of a certain organization; authorizing certain courses to be offered as continuing education in Oriental medicine; decreasing certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires each state to have in effect procedures for recording the social security number of any applicant for a professional or occupational license for the purpose of: (1) identifying applicants for and holders of such licenses who owe child support arrearages or fail to comply with certain processes relating to paternity or child support proceedings; and (2) withholding, suspending or revoking such licenses for such applicants and licensees. (42 U.S.C. § 666) Existing Nevada law, which expires on the date on which the federal law is repealed, accordingly requires an applicant for a license to practice Oriental medicine to include his or her social security number in the application. (NRS 634A.115) **Section 1** of this regulation removes from existing regulations a duplicative requirement that such an applicant include his or her social security number in the application. Existing Nevada law will continue to require such an application to include the applicant's social security number until the date on which the federal law is repealed. (NRS 634A.115)

Existing law and regulations require a holder of a license to practice Oriental medicine to complete certain continuing education. (NRS 634A.167; NAC 634A.135) Existing regulations: (1) in general, require a course of continuing education to be approved by the State Board of Oriental Medicine; but (2) authorize courses in certain core competencies which are approved for recertification by the National Certification Commission for Acupuncture and Oriental Medicine to be offered as courses of continuing education without approval from the Board. (NAC 634A.137) **Section 5** of this regulation instead authorizes any course which is approved by that organization to be offered as courses of continuing education without approval from the Board, regardless of whether the course is approved for the purpose of recertification or provides instruction in a specified core competency. **Sections 2-5** of this regulation revise the name of the National Certification Commission for Acupuncture and Oriental Medicine to the National Certification Board for Acupuncture and Herbal Medicine to reflect the current name of the organization. **Sections 2-4** also revise the name of the Oriental Medicine Certification to the Diplomate of Acupuncture and Herbal Medicine to reflect the current name of the certification.

Existing law authorizes the Board to charge and collect certain fees. (NRS 634A.110, 634A.167) **Section 6** of this regulation reduces: (1) the fee for an original application for licensure as a doctor of Oriental medicine; (2) the fee for the renewal of an active license before February 1; (3) the fee for the renewal of an active license of an active member of the Armed Forces of the United States, a veteran or the spouse of such a member or veteran before February 1; and (4) the original fee for the state examination, which is administered under existing law to each applicant for a license to practice as a doctor of Oriental medicine to test the applicant's knowledge and understanding of the laws and regulations of this State relating to health and safety in the practice of Oriental medicine. (NRS 634A.120)

Section 1. NAC 634A.071 is hereby amended to read as follows:

634A.071 1. A person who desires to be licensed by the Board as a doctor of Oriental medicine must, at least 3 months before the date of the state examination in which the person wishes to participate:

(a) File an application with the Executive Director;

(b) Pay to the Board at the time of filing his or her application any applicable fees set forth in NAC 634A.165; and

(c) Submit any other documentation or proof that the Board may require.

2. The application must be:

(a) Made on the form provided by the Board; and

(b) Typed or written in English.

3. The application must include:

(a) ~~[The social security number of the applicant;~~

~~(b)]~~ A set of the fingerprints of the applicant, together with written consent for the Board to submit the fingerprints to any law enforcement agency in connection with his or her application;

~~[(c)]~~ ***(b)*** Written consent of the applicant to an investigation of his or her personal background, professional training and experience by the Board or any person acting on its behalf; and

~~[(d)]~~ ***(c)*** Evidence that the applicant possesses the qualifications required pursuant to this chapter and chapter 634A of NRS for licensure as a doctor of Oriental medicine.

Sec. 2. NAC 634A.080 is hereby amended to read as follows:

634A.080 1. An applicant for a license to practice Oriental medicine must submit, together with his or her application, evidence that he or she has successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine which is approved by the Board.

2. If the application is submitted pursuant to subsection 1 of NRS 634A.140, the applicant must submit evidence showing that he or she has earned a bachelor's degree from an accredited college or university in the United States.

3. If the application for licensure by endorsement is submitted pursuant to subsection 2 of NRS 634A.140, the applicant must submit evidence that he or she:

(a) Has lawfully practiced Oriental medicine in another state or foreign country for at least 4 years;

(b) Holds ~~[Oriental Medicine Certification by]~~ ***a Diplomate of Acupuncture and Herbal Medicine from*** the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization; and

(c) If the applicant successfully completed a 4-year program of study at a school or college of Oriental medicine described in subparagraph (3) of paragraph (a) of subsection 4, holds a valid license to practice Oriental medicine in the applicable state.

4. For the purposes of subsection 1, the Board may approve a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine if the Board finds that:

(a) The school or college of Oriental medicine is:

(1) Accredited by the Accreditation Commission for Acupuncture and Herbal Medicine or its successor organization;

(2) In pre-accreditation status with the Accreditation Commission for Acupuncture and Herbal Medicine or its successor organization and satisfies the requirements of paragraph (b); or

(3) Approved by a licensing agency that regulates the practice of Oriental medicine in another state, if the applicant currently holds a valid license to practice Oriental medicine in that state;

(b) The program of study includes training or instruction in the subjects of acupuncture, moxibustion, herbology, Oriental physiology, Oriental pathology, Oriental diagnosis, tuina or qigong, biology, anatomy, Western physiology, Western pathology, Western diagnosis, pharmacology, laboratory and radiology; and

(c) The program of study:

(1) Required the completion of at least 2,800 hours of instruction, including not less than 2,500 didactic hours, for a student to have graduated before November 25, 2002; or

(2) Requires the completion of at least 3,000 hours of instruction, including not less than 2,500 didactic hours, for a student to graduate on or after November 25, 2002, or results in the award of a combined bachelor's and master's degree in Oriental medicine to a student who graduates on or after November 25, 2002.

5. For the purposes of subsection 1, the Board will deem a master's degree to be the equivalent of a 4-year program of study if the program of study for the degree conforms to the requirements of paragraphs (b) and (c) of subsection 4.

6. For the purposes of subsections 2 and 3, evidence that the applicant is qualified for licensure as a doctor of Oriental medicine must include certified copies of any diplomas, transcripts, licenses and certificates issued to the applicant. If possible, all certified copies of official diplomas, transcripts, licenses or certificates must be forwarded directly to the Executive Director from the issuing entity rather than from the applicant.

Sec. 3. NAC 634A.085 is hereby amended to read as follows:

634A.085 To comply with the requirement of passing the national examination in Oriental medicine, an applicant for licensure as a doctor of Oriental medicine must have passed each examination for ~~[Oriental Medicine Certification]~~ ***a Diplomate of Acupuncture and Herbal Medicine*** administered by the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization.

Sec. 4. NAC 634A.133 is hereby amended to read as follows:

634A.133 Each holder of a new license that is first issued after December 31, 2018, including, without limitation, a holder of a license by endorsement issued pursuant to subsection 2 of NRS 634A.140, shall:

1. Maintain ~~[Oriental Medicine Certification by]~~ ***a Diplomate of Acupuncture and Herbal Medicine from*** the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine or its successor organization; and

2. Provide proof of ~~[that certification]~~ ***the unexpired Diplomate of Acupuncture and Herbal Medicine from the National Certification Board for Acupuncture and Herbal Medicine*** to the Executive Director upon:

(a) ~~[Certification;]~~ ***Each annual license renewal; and***

(b) ~~[Recertification; and~~

~~(c)]~~ The change of classification of his or her license from inactive status to active status.

Sec. 5. NAC 634A.137 is hereby amended to read as follows:

634A.137 1. Except as otherwise provided in subsection 2, a person or entity shall not offer a course of continuing education for licensees in this State unless the person or entity has first obtained approval for the course from the Board pursuant to this section.

2. Courses ~~[in any of the core competencies of Acupuncture and Oriental Medicine and Biomedicine (AOM-BIO), Oriental Medicine Foundation and Theory (AOM-OM), Acupuncture (AOM-AC), Chinese Herbology (AOM-CH), Asian Bodywork Therapy (AOM-ABT),Safety (SA) or Ethics (ET),]~~ which are approved ~~[for recertification]~~ by the National Certification ~~[Commission]~~ ***Board*** for Acupuncture and ~~[Oriental]~~ ***Herbal*** Medicine ~~[,]~~ ***or its successor organization*** may be offered as courses of continuing education for licensees in this State without approval from the Board and are exempt from the imposition of fees for approval of courses of continuing education pursuant to NAC 634A.165.

3. A person or entity may apply for approval of a course of continuing education by submitting to the Board:

(a) An application, on a form provided by the Board, which must include information indicating the specific subject or topics to be presented and the name of each proposed instructor;

(b) All material relating to the course, including, without limitation, written material to be provided to a licensee attending the course; and

(c) The fee required pursuant to NAC 634A.165.

4. If the Board approves a course of continuing education pursuant to this section, the Board will determine the number of hours of continuing education that a licensee may receive for attending the course.

5. Board approval of a course of continuing education other than a course described in subsection 2 expires 4 years after that approval.

Sec. 6. NAC 634A.165 is hereby amended to read as follows:

634A.165 The Board will charge and collect the following fees:

Original application for licensure as a doctor of Oriental medicine .....~~[$900.00]~~ ***$500.00***

Renewal of active license before February 1 .....~~[600.00]~~ ***500.00***

Renewal of inactive license before February 1 .....500.00

Renewal of active license of an active member of the Armed Forces of the United States, a veteran or the spouse of such a member or veteran before February 1 .....~~[500.00]~~ ***400.00***

Penalty for late renewal of license within 90 days after February 1 .....100.00

Replacement of license.....200.00

Original fee for state examination .....~~[900.00]~~ ***500.00***

Reexamination fee for state examination 500.00

Approval of course of continuing education 100.00

Check returned for insufficient funds.....25.00

For copies, per compact disc or tape recording.....20.00

Original application fee for a school or college of Oriental medicine 2,000.00

Annual fee for approval of curriculum before February 1 .....1,000.00

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

LCB FILE NO. R149-26

The following statement is submitted by the State of Nevada, Board of Oriental Medicine, for adopted amendments to Nevada Administrative Code ("NAC") Chapter 634A.

(A) A clear and concise explanation of the need for the adopted regulation.
Response: The need for the proposed NAC 634A regulation relates to the Oriental Medicine Act which deletes the requirement for the Applicant's social security number, updates the name of the national organization, clarifies the requirement of a current valid license in another state for endorsement eligibility, expands the automatic acceptance of all continuing education classes approved by the national organization, and eliminates and/or reduces certain fees; and providing other matters properly relating thereto.

(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.
Response: On 5/21/2026, a small business impact survey form ("SBIS Form") and the proposed regulation changes were sent to all licensed Oriental Medicine Doctors and requestors on the mailing list to determine the impact of the proposed regulations. Also, the SBIS Form is posted on the website of the Board of Oriental Medicine along with the proposed regulation changes.

The Board of Oriental Medicine received 3 responses on the SBIS Form indicating that there was no economic impact on their businesses. The Board of Oriental Medicine also received 2 other public comments questioning the new applicant fee reduction and opposing the Acupuncture Injection Point Therapy proposed requirements.

Also, the Board of Oriental Medicine conducted a public workshop on 6/23/2026 via a physical location as well as via Zoom to solicit comments from small businesses. Notice of these workshops were posted at Nevada State Board of Oriental Medicine, Nevada State Board of Oriental Medicine website: http://orientalmedicine.nv.gov/, State Library and Archives, website @ Notice.NV.GOV, and State of Nevada Register of Administrative Regulations. The Workshop notice and the proposed regulation were sent to all licensed Oriental Medicine Doctors and requestors on the mailing list to determine the impact of the proposed regulations.

Copies of comments submitted by the public is accessible in the workshop minutes of the Board's website or obtained from the Board Office directly upon request.

The minutes of the workshop contains summaries of the public response to the proposed regulations. A copy of the minutes may be obtained from the Board of Oriental Medicine, 3431 E. Sunset Rd., C21, Las Vegas, NV 89120, telephone: 702-675-5326 or email @ omboardexecutivedirector@gmail.com, or on its website at http://orientalmedicine.nv.gov/

(C) The number of persons who:

(1) Attended each hearing;

(2) Testified at each hearing; and

(3) Submitted to the agency written statements.

Response: There were 3 members of the public at the public workshop on 6/23/2026. All 3 members made public comments as well as submitted written statements against adopting the acupuncture injection point therapy certification promulgated by the National Certification Board for Acupuncture and Herbal Medicine. There was 1 additional written public comment submitted against adopting the acupuncture injection point therapy certification promulgated by the National Certification Board for Acupuncture and Herbal Medicine.

(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.

Response: Kris Justensen: drj@alpinewellnesscenter.com (attended and submitted written statement); David Flater: Flatersplace@yahoo.com (attended and submitted written statement); Nancy Brandt: drnb45@gmail.com (attended and submitted written statement); Susan Shutlz: drshultz@cascadiahealthcare.com (submitted written statement only).

(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.

Response: Please see responses to B and C above.

(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.

Response: There was a change. After the workshop, the section regarding the requirement for the acupuncture injection point therapy certification promulgated by the National Certification Board for Acupuncture and Herbal Medicine was removed from the proposed regulation as the LCB found that it conflicted NRS634A.142. After this change, at the Notice of Intent to Adopt Regulations public hearing on 8/20/2026, no member of the public appeared to contest the proposed final regulations.

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

(1) Both adverse and beneficial effects; and

(2) Both immediate and long-term effects.

Response: There is no adverse impact based upon the small business impact survey. The immediate and long-term economic benefits include lowering costs due to the automatic

acceptance of all continuing education classes approved by the national organization, and eliminates and/or reduces certain fees.

There is no adverse economic effect to the public. There may be some immediate and long-term beneficial effect to the public in that there are some cost savings as stated-above to the businesses of the licensees and applicants which may be passed on to the public.

(H) The estimated cost to the agency for enforcement of the proposed regulation.
Response: None

(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.
Response: None

(J) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
Response: None

(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.
Response: None

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

MERLE LOK
Executive Director

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF ORIENTAL MEDICINE

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

(LCB File No. R149-26)

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.

On 5/21/2026, a small business impact survey form ("SBIS Form") and the proposed regulation changes were sent to all licensed Oriental Medicine Doctors and requestors on the mailing list to determine the impact of the proposed regulations. Also, the SBIS Form is posted on the website of the Board of Oriental Medicine along with the proposed regulation changes.

The Board of Oriental Medicine received 3 responses on the SBIS Form indicating that there was no economic impact on their businesses. The Board of Oriental Medicine also received 2 other public comments questioning the new applicant fee reduction and opposing the Acupuncture Injection Point Therapy proposed requirements.

Also, the Board of Oriental Medicine conducted a public workshop on 6/23/2026 via a physical location as well as via Zoom to solicit comments from small businesses. Notice of these workshops were posted at Nevada State Board of Oriental Medicine, Nevada State Board of Oriental Medicine website: http://orientalmedicine.nv.gov/, State Library and Archives, website @ Notice.NV.GOV, and State of Nevada Register of Administrative Regulations. The Workshop notice and the proposed regulation were sent to all licensed Oriental Medicine Doctors and requestors on the mailing list to determine the impact of the proposed regulations.

Copies of comments submitted by the public is accessible in the workshop minutes of the Board's website or obtained from the Board Office directly upon request.

The minutes of the workshop contains summaries of the public response to the proposed regulations. A copy of the minutes may be obtained from the Board of Oriental Medicine, 3431 E. Sunset Rd., C21, Las Vegas, NV 89120, telephone: 702-675-5326 or email @ omboardexecutivedirector@gmail.com, or on its website at http://orientalmedicine.nv.gov/

2. The manner in which the analysis was conducted (if an impact was determined).

No impact was determined.

3. The estimated economic effect of the proposed regulation on small businesses:

There is no economic effect on the proposed regulation on small businesses.

a. Both adverse and beneficial effects

There is no adverse impact based upon the small business impact survey. The immediate and long-term economic benefits include lowering costs due to the automatic acceptance of all continuing education classes approved by the national organization, and eliminates and/or reduces certain fees.

There is no adverse economic effect to the public. There may be some immediate and long-term beneficial effect to the public in that there are some cost savings as stated-above to the businesses of the licensees and applicants which may be passed on to the public.

b. Both direct and indirect effects

Please see response to 3a. There is no 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.)***

a. Simplification of the proposed regulation

There was a change. After the workshop, the section regarding the requirement for the acupuncture injection point therapy certification promulgated by the National Certification Board for Acupuncture and Herbal Medicine was removed from the proposed regulation as the LCB found that it conflicted NRS634A.142. After this change, at the Notice of Intent to Adopt

Regulations public hearing on 8/20/2026, no member of the public appeared to contest the proposed final regulations.

b. Establishment of different standards of compliance for a small business

N/A

c. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine.

Certain application and renewal fees are lowered in the proposed regulations.

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.

The proposed regulations do not provide any new or increased fees.

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

The proposed regulations do not include provisions which duplicate or are more stringent than any federal, state or local standards regulating the same activity.

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

The proposed regulations do not impose an economic burden upon small businesses or restrict the formation, operation or expansion of small businesses as they do not impose any new or increased fees.

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

Merle Lok *8/25/2026*

Merle Lok, Executive Director **Date**

Regulations Submitted
Pursuant to NRS 233B.0675

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2022 REGULATIONS		
R131-22	**388**	**STATE BOARD OF EDUCATION** A REGULATION implementing provisions of SB 210 (2021) relating to convening of meetings to review appropriateness of a residential placement **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
2025 REGULATIONS		
R027-25	**534**	**STATE ENGINEER** A REGULATION revising provisions relating to well-drilling licenses **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**
R055-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION establishing provisions of SB 189 (2025) relating to genetic counselors **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**
2026 REGULATIONS		
R092-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to football **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**

2022

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2022 REGULATIONS		
R131-22	**388**	**STATE BOARD OF EDUCATION** A REGULATION implementing provisions of SB 210 (2021) relating to convening of meetings to review appropriateness of a residential placement **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

REVISED ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R131-22

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

AUTHORITY: §§ 1-8 and 11, NRS 385.080; § 9, NRS 385.080 and 387.1225; § 10, NRS 385.080 and 388.419; § 12, NRS 385.080 and 432B.60847.

A REGULATION relating to education; prescribing requirements relating to planning for and monitoring the education of certain children who are admitted to and discharged from a facility which provides residential treatment for mental illness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) certain licensed health care facilities to request reimbursement from the Department of Education for services provided to a child; and (2) the adoption of regulations to facilitate such requests. (NRS 387.1225) If a child in the custody of an agency which provides child welfare services is admitted to a psychiatric hospital, existing law requires the psychiatric hospital, in consultation with the public or private school in which the child was enrolled, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, to develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. (NRS 432B.60847) **Sections 2-8** of this regulation define certain terms relevant to the education of children who are admitted to mental health facilities. **Section 9** of this regulation requires a psychiatric hospital that has requested or intends to request reimbursement from the Department for educational services provided to a child who is in the custody of an agency which provides child welfare services to: (1) begin consulting to develop the plan for the continued education of the child not later than 3 school days after the admission of the child to the psychiatric hospital; and (2) include certain items in the plan.

Before a child who is in the custody of an agency which provides child welfare services is admitted by a court to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to perform certain duties, including convening a meeting to consider the appropriateness of the placement. (NRS 432B.60847) **Section 10** of this regulation requires the inclusion of certain persons at such a meeting regarding a child who is a pupil with a disability and authorizes the inclusion of certain additional persons at such a meeting. **Section 10** requires the persons who attend such a meeting to provide guidance to the agency which provides child welfare services and the court

concerning the placement of the child. When providing such guidance, **section 10** requires those persons to consider: (1) certain factors relating to the ability of the facility to provide an appropriate education for the child; and (2) any measures necessary to facilitate the return of the child to that school or transition to another school or other appropriate educational setting following discharge from the facility. **Section 11** of this regulation recommends the inclusion of similar persons, the provision of similar guidance and the consideration of similar factors and measures at such a meeting regarding a child who is not a pupil with a disability.

While a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when he or she was admitted to monitor the child's progress. (NRS 432B.60847) **Section 10** requires such a school or school district to: (1) establish certain measures to facilitate such monitoring and ensure that the child receives educational services that meet the requirements of applicable law; and (2) revise the individualized education program of the child if necessary.

If a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to the facility to participate in discharge planning for transitioning the child into a school or any other educational setting. (NRS 432B.60847) **Section 12** of this regulation requires such a school or school district to prepare a written discharge plan for the continued education of the child and provide the written discharge plan to certain persons.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 4. ***"Fictive kin" has the meaning ascribed to it in NRS 432B.0657.***

Sec. 5. ***"Foster home" has the meaning ascribed to it in NRS 424.014.***

Sec. 6. ***"Integrated student support" has the meaning ascribed to it in NRS 388.885.***

Sec. 7. ***"Parent" has the meaning ascribed to it in NRS 432B.080.***

Sec. 8. *"Relative" has the meaning ascribed to it in NRS 432B.6213.*

Sec. 9. *A psychiatric hospital that has requested or intends to request reimbursement from the Department pursuant to NRS 387.1225 for the cost of providing educational services to a child described in subsection 1 of NRS 432B.60847 must:*

1. Begin the consultation required by subsection 1 of NRS 432B.60847 not later than 3 school days after the child is admitted to the psychiatric hospital; and

2. Include in the plan for the continued education of the child developed pursuant to subsection 1 of NRS 432B.60847:

(a) An assessment of the credits that the child is anticipated to earn during the current semester; and

(b) Steps to ensure that the child receives credit for work that the child completes while admitted to the psychiatric hospital.

Sec. 10. *1. An individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847:*

(a) Must include each member of the individualized education program team, as defined in 20 U.S.C. § 1414(d)(1)(B), established for the child, including, without limitation, each member of the individualized education program team who is an employee of a school or school district; and

(b) May additionally include, to the extent allowed under federal law:

(1) The child;

(2) A parent of the child;

(3) A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;

(4) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(5) The attorney appointed pursuant to NRS 432B.420 to represent the child;

(6) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;

(7) A fictive kin of the child;

(8) A relative of the child; or

(9) Any additional persons invited by the educational decision maker appointed for the child pursuant to NRS 432B.462.

2. The persons described in subsection 1 shall provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement under federal law as it relates to the educational needs of the child.

3. When providing guidance pursuant to subsection 2, the persons described in subsection 1 shall consider the ability of the facility which provides residential treatment for mental illness to:

(a) Comply with the individualized education program or services plan established for the child;

(b) Comply with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto;

(c) Comply with NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto; and

(d) Provide or ensure access to any integrated student supports that the child needs.

4. At an individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847, the public or private school or school district described in that subsection shall:

(a) Establish the measures that will be taken to:

(1) Ensure that the child receives educational services that meet the requirements of state and federal law while the child is admitted to the facility which provides residential treatment for mental illness; and

(2) Monitor the academic progress of the child while the child is admitted to the facility which provides residential treatment for mental illness, as required by paragraph (c) of subsection 3 of NRS 432B.60847, in a manner that satisfies the requirements of 34 C.F.R. §§ 300.111 or 300.131, as applicable; and

(b) Revise the individualized education program of the child if necessary.

5. When performing the duties required by subsection 3 of NRS 432B.60847, a public or private school and any other persons involved in the performance of those duties shall consider any measures necessary to facilitate the return of the child to the school or the transition of the child to another school or other appropriate educational setting upon discharge from the facility which provides residential treatment for mental illness.

6. In monitoring the progress of a child pursuant to paragraph (c) of subsection 3 of NRS 432B.60847, a public or private school or school district described in subsection 3 of NRS 432B.60847 shall:

(a) Ensure that the monitoring is conducted in a manner that satisfies the requirements of 34 C.F.R. §§ 300.111 or 300.131, as applicable;

(b) Monitor the progress of the child on the individualized education program or services plan established for the child; and

(c) Monitor the credits earned by the child and the number of those credits accepted by the relevant local education agency.

Sec. 11. *1. In addition to the persons described in paragraph (b) of subsection 3 of NRS 432B.60847, a meeting to consider the appropriateness of the residential placement of a child who is not a pupil with a disability must include the educational decision maker appointed for the child pursuant to NRS 432B.462, as required by that section. The meeting may additionally include, without limitation:*

(a) The child;

(b) A parent of the child;

(c) A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;

(d) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(e) The attorney appointed pursuant to NRS 432B.420 to represent the child;

(f) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;

(g) A fictive kin of the child;

(h) A relative of the child; and

(i) Any additional persons invited by the educational decision maker appointed for the child pursuant to NRS 432B.462.

2. The persons described in subsection 1 may provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement. In doing so, such persons may consider the ability of the facility which provides residential treatment for mental illness to:

(a) Provide for the educational needs of the child, including, without limitation, access to any integrated student supports that the child needs; and

(b) Prevent any violation of the educational rights of the child under federal and state law.

3. When performing the duties required by subsection 3 of NRS 432B.60847 with respect to a child who is not a pupil with a disability, a public or private school and any other persons involved in the performance of those duties may consider any measures necessary to facilitate the return of the child to the school or the transition of the child to another school or other appropriate educational setting upon discharge from the facility which provides residential treatment for mental illness. Such measures may include, without limitation, monitoring:

(a) The progress of the child; and

(b) The credits earned by the child and the number of those credits accepted by the relevant local education agency.

Sec. 12. *Before a child is discharged from a facility which provides residential treatment for mental illness, the public or private school or school district described in subsection 3 of NRS 432B.60847 shall:*

1. Prepare a written discharge plan for the continued education of the child after the child is discharged. The written discharge plan must include, without limitation:

(a) A safety plan, if recommended by the facility or otherwise deemed appropriate by the school or school district;

(b) The academic schedule of the child, which must be appropriate for the child based on the educational goals and needs of the child;

(c) A statement of whether, upon discharge, the child will need to be evaluated or reevaluated to determine whether the child is or remains a pupil with a disability;

(d) Recommendations regarding the creation or revision of an individualized education program or other accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(e) A plan to support the continuity of services for the child under 34 C.F.R. §§ 300.111 or 300.131, as applicable;

(f) Recommendations from the facility regarding academic supports for the child;

(g) If applicable, plans for follow-up meetings with any clinicians who are providing or have provided services to the child;

(h) If applicable, plans for communicating with the school nurse concerning the needs of the child for medication;

(i) Procedures for transferring credit for work completed while the child was admitted to the facility; and

(j) If necessary, a plan for the child to earn credits necessary for graduation that the child was unable to earn while he or she was admitted to the facility.

2. Provide a copy of the written discharge plan prepared pursuant to subsection 1 to:

(a) The educational decision maker appointed for the child pursuant to NRS 432B.462;

(b) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(c) The attorney appointed pursuant to NRS 432B.420 to represent the child; and

(d) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135.

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 R131-22, 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:**
   Senate Bill 210 (2021) amended NRS 432B regarding the placement of children in the custody of a public agency in a residential treatment center; this regulation clarifies requirements regarding educational services and the continuity of services for such students.

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 follows:
   - July 30, 2025, Hearing: Opposition to the regulation regarding district responsibilities for students with disabilities while students are enrolled in a private treatment facility from Washoe County School District.
   - December 10, 2025, Hearing: Opposition that the regulation is not sufficiently stringent to require accountability from schools from Sunarch Academy. Support for the regulation in addition to recommendations for implementation and further work from the Governor's Council on Developmental Disabilities. Opposition to the regulation regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District.
   - January 27, 2026, Workshop: Opposition regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District.
   - June 24, 2026, Hearing: Opposition regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District, Clark County School District, and the Nevada Association of School Superintendents.

   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:
        i. September 30, 2021, Workshop: (**0**)
        ii. January 27, 2026, Workshop: (**2**)
        iii. July 31, 2024, Hearing: (**4**)
        iv. July 30, 2025, Hearing: (**4**)
        v. December 10, 2025, Hearing: (**17**); and
        vi. June 24, 2026, Hearing: (**3**)
    b. Testified at
        i. September 30, 2021, Workshop: (**0**);
        ii. January 27, 2026, Workshop: (**0**);
        iii. July 31, 2024, Hearing: (**0**);
        iv. July 30, 2025, Hearing: (**0**);
        v. December 10, 2025, Hearing: (**2**); and
        vi. June 24, 2026, Hearing: (**2**)
    c. Submitted Written Statements for
        i. September 30, 2021, Workshop: (**0**);
        ii. January 27, 2026, Workshop: (**1**);
        iii. July 31, 2024, Hearing: (**0**);
        iv. July 30, 2025, Hearing: (**1**);
        v. December 10, 2025, Hearing: (**1**); and
        vi. June 24, 2026, 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.**

January 27, 2026, Workshop:

- Desiree Mandeville, Washoe County School District, dmandeville@washoeschools.net

July 30, 2025, Hearing:

- Andrea Schulewitch, Washoe County School District, andrea.schulewitch@washoeschools.net

December 10, 2025, Hearing:

- Sam Bogoff, Sunarch Academy, sbogoff@sunarchacademy.com
- Anne Marie Binder, Governor's Council on Developmental Disabilities, binder4nevada@gmail.com
- Jennifer Van Tress, Washoe County School District, jvantress@washoeschools.net

June 24, 2026, Hearing:

- Desiree Mandeville, Washoe County School District, dmandeville@washoeschools.net
- Andrew Feuling, Nevada Association of School Superintendents, afeuling@carson.k12.nv.us
- Ana Adkins, Clark County School District, adkinak@nv.ccsd.net

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.**
R131-22 went through multiple rounds of revision in collaboration with impacted public agencies, treatment centers, and school districts. However, opposition remained upon passage of this regulation from the State Board for R131-22 RP3. Summarized below are the primary points of opposition and the reasoning for passage without amendment specific to RP3:
    - Opposition regarding responsibility and burden on districts for students with individual education plans
        - Response: Several points of opposition relate to provisions for a free and public education (FAPE) under federal law; the Board does not have the authority to waive federal FAPE requirements and maintained regulatory language in alignment with FAPE.
    - Opposition regarding responsibility and burden on districts
        - Response: The provisions in NRS 432B are burdensome, but the regulation must adhere to the requirements and guardrails inherent in the statute. After multiple rounds of revision, and a caseload analysis (only 14 pupils statewide fell under these provisions in SY25-26, 6 of which had an IEP) it was determined that a resolution which serves this population, complies with the law, and reduces the burden on districts is not presently possible under current circumstances. However, as these provisions are implemented, the Board and Department strive to continue to monitor implementation, improve systems, and revise provisions.

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
REGULATION HEARING AGENDA
JUNE 24, 2026
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

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, 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. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement ***for public comment related to a regulation hearing,*** *please submit your statement to NVBoardEd@doe.nv.gov* ***no later than Friday, June 19****. If you are unable to attend but would like to provide a written statement for public comment related to all other items on the agenda, please submit your statement before the conclusion of the meeting to NVBoardEd@doe.nv.gov. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time. 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 State Board of Education Meeting Materials page under the meeting date referenced above or by contacting Lisa Ford at 2080 E. Flamingo Rd, Ste 220, Las Vegas, NV 89119, by phone at 702-486-6561, or 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 the State Board 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 Board will impose a time limit of three minutes. Please hold comments specific to a given hearing until public comment is called upon for that hearing specifically.

3. **9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.
   - Anna Reynolds, Director, Office of Career Readiness, Adult Learning, and Education Options
   - Ingrid Cepeda, Education Programs Supervisor

4. **9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
   - Mike Pacheco, Education Programs Supervisor

5. **9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO 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. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.
   - Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

6. **9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS** *(For possible action)*
   The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.
   - LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
   - Julie Bowers, Director, 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 State Board. 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 Board will impose a time limit of three minutes.

8. **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 R131-22 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **9:34 AM** on **Wednesday, June 24, 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:** SB210 (2021) amended language regarding residential treatment facilities providing treatment and/or educational services to public school students. While subsequent legislation has been passed, this regulation still largely addresses the provisions under SB210.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospitals / residential treatment facilities. This regulation also outlines the duties of the hospital/facility and the local education agency as it relates to transition supports for students.

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

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** Noncompliance with the regulation may impact a facilities' eligibility for reimbursement for the provision of educational services.

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

6. **The estimated cost to the agency for enforcement of the proposed regulation:** 0.5 FTE has been allocated to this work within existing capacity.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** Aligns with existing statute and regulation.

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

9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** Not applicable.

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,** 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:

1:33 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding children admitted to residential treatment facilities.

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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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

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.XXX

The proposed regulation regarding the children admitted to residential treatment facilities 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

2025

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2025 REGULATIONS		
R027-25	**534**	**STATE ENGINEER** A REGULATION revising provisions relating to well-drilling licenses **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**
R055-25	**630**	**BOARD OF MEDICAL EXAMINERS** A REGULATION establishing provisions of SB 189 (2025) relating to genetic counselors **CONTACT Sarah Bradley (775) 324-9365** **bradleys@medboard.nv.gov**

REVISED ADOPTED REGULATION

OF THE STATE ENGINEER

LCB File No. R027-25

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

AUTHORITY: §§ 1-5, NRS 534.020, 534.110 and 534.140.

A REGULATION relating to the drilling of wells; revising the requirements for an application for a well-drilling license; revising provisions relating to the examination of applicants for licensure as a well driller; revising provisions relating to the grounds for denial of a well-drilling license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every well driller to apply annually to the State Engineer for a license to drill. (NRS 534.140) Existing regulations require an application for a well-drilling license to be accompanied by evidence that the applicant has at least 2 years of full-time experience acquired during the immediately preceding 5 years and by at least four professional references. (NAC 534.280) **Section 1** of this regulation: (1) removes the requirement that the experience be acquired during the immediately preceding 5 years; and (2) requires that at least three of the required four references be received and accepted by the Division of Water Resources of the State Department of Conservation and Natural Resources before the applicant is eligible to take the written examination.

Existing regulations require an applicant to pass a two-part examination consisting of a written examination and an oral examination conducted by the Well Drillers' Advisory Board. As part of the written examination, existing regulations require a test of the applicant's ability to use a standard 7.5 minute topographic map to provide the public land survey description of the location of a well. (NAC 534.282) **Section 2** of this regulation removes the requirement to take the topographic map test. **Section 3** of this regulation makes a conforming change to remove the provision that the Board is not required to conduct an oral examination for an applicant who fails the topographic map test.

Existing regulation provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails to pass any section of the examination. (NAC 534.282) **Section 2** instead provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails two consecutive times to pass the written or oral examination.

Lastly, **sections 1, 2, 4 and 5** of this regulation revise references to the two-part examination to instead refer to the written and oral examination which an applicant is required to take.

Section 1. NAC 534.280 is hereby amended to read as follows:

534.280 An application for a well-drilling license must be submitted to the Division. The application:

1. Must:

(a) Be completed and signed by the applicant on a form provided by the Division.

(b) Be accompanied by evidence that the applicant has at least 2 years of full-time experience ~~[acquired during the immediately preceding 5 years.]~~ The State Engineer will determine whether such experience is satisfactory and appropriate for the type of license for which the applicant is applying.

(c) Be accompanied by at least four professional references ~~[.]~~ ***, of which not less than three references must be received and accepted by the Division before the applicant is eligible to take the written examination described in subparagraph (1) of paragraph (b) of subsection 1 of NAC 534.282.*** The State Engineer will determine whether such references are satisfactory and appropriate for the type of license for which the applicant is applying.

(d) Include any other information requested by the State Engineer.

(e) Be accompanied by the fee prescribed in NRS 534.140.

2. Is valid for 1 year after the date of submission of the application unless the applicant fails ~~[any part of]~~ the ***written or oral*** examination required pursuant to NAC 534.282.

Sec. 2. NAC 534.282 is hereby amended to read as follows:

534.282 1. An applicant for a well-drilling license must:

(a) Be at least 18 years of age; and

(b) Pass ***:*** ~~[a two-part examination, consisting of the following sections:]~~

(1) A written examination ~~[which includes:~~

~~(I) A written test~~] consisting of questions on which the applicant must obtain a passing score of at least 80 percent; and

~~[(II) A test of the applicant's ability to use a standard 7.5 minute topographic map from the United States Geological Survey to provide the public land survey description of the location of a well, which will be scored on a pass or fail basis; and]~~

(2) An oral examination conducted by the Board.

2. The State Engineer will deny an applicant a license if the applicant:

(a) Fails to notify the Division at least 3 working days before the scheduled examination date that he or she cannot appear for the examination as instructed by a notice to appear before the State Engineer or the Board;

(b) Reschedules the written or oral examination more than twice; or

(c) Fails ***two consecutive times*** to pass ~~[any section of]~~ the ***written or oral*** examination described in paragraph (b) of subsection 1.

Sec. 3. NAC 534.288 is hereby amended to read as follows:

534.288 The Board is not required to conduct the oral examination section of the examination for an applicant for a well-drilling license:

1. Who receives a score of less than 80 percent on the written test portion of the written examination; ***or***

2. ~~[Who is unable to demonstrate his or her ability to locate a well by public land survey on a topographic map; or~~

~~3.]~~ If the State Engineer finds that the applicant's experience or professional references required pursuant to NAC 534.280 are not satisfactory or appropriate for the type of license for which the applicant is applying.

Sec. 4. NAC 534.293 is hereby amended to read as follows:

534.293 To reinstate a license, a well driller whose license has been:

1. Expired for 1 year or less must:

(a) File a renewal application pursuant to NAC 534.2923 with the renewal fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;***

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero; and

(d) Provide documentation satisfactory to the Division that the well driller has completed the eight credit units of continuing education required pursuant to subsection 3 of NAC 534.2923, unless the well driller receives an exemption or deferral from the Division pursuant to subsection 4 of NAC 534.2927. The eight credit units of continuing education must have been earned:

(1) During the most recent licensing period during which the license of the well driller was active; or

(2) During the time the license of the well driller was expired.

2. Expired for more than 1 year or suspended or revoked must:

(a) File a new application for a well-drilling license with the fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282; and

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero.

Sec. 5. NAC 534.294 is hereby amended to read as follows:

534.294 1. A well-drilling license authorizes the licensee to drill, plug or rehabilitate the following types of wells:

(a) Water wells; and

(b) Monitoring wells.

2. The State Engineer may issue limited well-drilling licenses that limit a well driller to a class of work or type of drilling rig, or both, for which the Board has determined the driller is qualified.

3. If a well driller wishes to modify the scope of his or her limited well-drilling license, the well driller must:

(a) File a new application for a well-drilling license and submit the required license fee pursuant to NAC 534.280;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required pursuant to NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;*** and

(c) Reduce the number of demerit points the well driller has accumulated against his or her limited license to zero.

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: R027-25RP2

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 Division of Water Resources (Division), in coordination with the Well Driller's Advisory Board (Board), has identified necessary revisions to the regulations governing applications, examinations, and licensing for well drillers. These revisions remove unnecessary barriers while maintaining the essential qualifications required for licensure. The revised regulations streamline the licensure process, enhance clarity and administrative efficiency, and support a more accessible and transparent regulatory framework, all without compromising public health, safety, or the integrity of the profession.

The Legislative Commission raised concerns about the reciprocity provision (LCB File No. R027-25RP1), noting that it lacked explicit statutory authority and suggested that the Division seek express authorization from the Legislature before moving forward. In response, the Division removed the reciprocity language from the regulation (R027-25RP2) and is proceeding with the other previously proposed updates related to well-driller licensing.

This adjustment does not diminish the need for, nor the value of, the remaining revisions. The revised regulation continues to provide essential improvements to the licensure process and remain necessary to ensure consistent, efficient, and effective administration of the program.

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

Public comment was solicited through multiple methods. A survey was distributed to small businesses to obtain initial feedback (see Question 5). The Division conducted a public workshop on October 3, 2025, to present the proposed regulatory revisions and receive oral or written comments; no public comment was submitted. An adoption hearing was held on November 12, 2025, during which the Division provided an additional presentation and accepted further comment. No public comment was received, and the regulations were adopted.

After the Legislative Commission deferred action on April 28, 2026, the Division held a second adoption hearing on September 1, 2026, to consider revised language that removed the reciprocity provision while retaining all other previously proposed revisions. No public comment was received, and the regulation was adopted.

Copies of the Small Business Impact Statement and recordings of the workshop and hearings are available on the Division's website.

3. The number of persons from the public who:

a. Attended each hearing:

- *November 12, 2025 - 5 attendees*
- *September 1, 2026 – 0 attendees*

b. Testified at each hearing:

- *November 12, 2025 – 0 public testimony*
- *September 1, 2026 – 0 public testimony*

c. Submitted to the agency written comments: *0 public written comments*

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

No oral testimony or written statements were provided by the public for the hearing.

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

A Small Business Impact Survey was distributed on August 19, 2025, to the Division's Well Driller listserv, which includes all licensed well drillers in Nevada, including those who own and operate well-drilling businesses. The Division received 13 responses, of which 6 were excluded because the respondents employed more than 150 employees and therefore did not qualify as small businesses. Respondents who supported the proposed regulations indicated that the revisions would improve the licensure pathway for experienced out-of-state drillers, facilitate business expansion into Nevada, and streamline succession planning and onboarding.

Other respondents opposed changes to testing requirements or the introduction of reciprocity, expressing concern that less qualified drillers might obtain licensure without sufficient familiarity with Nevada's regulatory framework. The Division evaluated the survey responses, reviewed factors contributing to delays in scheduling examinations, and assessed recent testing data to determine the potential impacts on small businesses.

A Small Business Impact Statement was prepared in response to the survey and is available 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.

On March 12, 2025, the Division adopted temporary regulations covering the same general material as these permanent regulations, with only minor adjustments. During and after that process, the Division completed a similar process of soliciting responses from small businesses

to prepare a Small Business Impact Statement and holding both a public workshop and adoption hearing.

Feedback gathered through the Small Business Survey, the public workshop, the adoption hearings, and the Legislative Commission review primarily focused on license reciprocity. Because most comments centered on the proposed reciprocity provision, the Division removed that portion of the regulation and will consider any future action on reciprocity separately.

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:** Testing for licensure will be more streamlined, and scheduling procedures will be clearer, which will directly benefit businesses and employees seeking licensure. The Division does not anticipate any adverse economic effects on regulated businesses.
- **On the public:** The Division does not anticipate any adverse or beneficial economic effects on the public resulting from this regulation.

b. Both immediate and long-term effects.

- **On business:** Immediate effects include a clearer and more efficient licensing process, reducing avoidable delays in exam scheduling and licensure. In the long term, the Division does not anticipate any change to the standards for licensed well drillers or additional economic impacts beyond improved administrative efficiency.
- **On the public:** The Division does not anticipate any immediate or long-term economic effects on the public resulting from these regulations.

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 fees or increase existing fees.

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

September 16, 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 sent on August 19, 2025, to licensed Nevada well drillers, some of which are the owners of well drilling companies that operate in the State. The survey included a summary description of the proposed regulation changes and began with questioning if the respondents' business fell under 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 534 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 response to these questions, the survey taker may have been prompted to provide additional details, including estimated monetary values, if applicable.

   The Division of Water Resources (Division) received 13 responses to the survey; however, only 7 indicated they qualified as a small business that employs fewer than 150 employees. The following table summarizes the responses received to the questions above by qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	5	1	3
No	5	2	6	4

   A couple of the respondents expressed opposition about making changes to testing standards or introducing reciprocal licenses out of concern that there could be lesser qualified well drillers obtaining licenses in the state that would not be as familiar with regulations.

   Several other respondents expressed positive support for the proposed regulations, stating favorable positions for a more direct pathway to licensure for experienced out of state drillers, improved ability to expand into Nevada, and more streamlined succession planning and onboarding for existing businesses.

The correlation of responses to the potential financial impact to the small businesses that responded was inconclusive. Estimated annual impacts of $0 to over $10,000 were submitted with limited context as to how those estimates were derived.

In addition to the survey, the Division will be conducting a public workshop on October 3, 2025, at 9:00 am to solicit input and public comment on the proposed amendments to the regulations. The workshop will be held in person at the Division of Water Resources Bonnie Conference room located at 901 S. Stewart Street, Carson City, NV 89701, and broadcast virtually via Microsoft Teams. The Division will also accept written public comments.

2. **Describe the manner in which the analysis was conducted.**

   The Division solicited answers to a survey and comments from Nevada licensed well drillers, some of which are small business owners. The Division vetted all 13 responses to the survey. The Division will also hold a public workshop pursuant to NRS 233B.061 to solicit comments from interested persons which may cause the Division of Water Resources to amend this Small Business Impact Statement.

3. **The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

   The Division estimates that the proposed amendments to existing licensing regulations do not pose a significant direct or indirect economic burden on small businesses.

   The potential impacts resulting from establishing a pathway to obtain a license by way of reciprocity are difficult to estimate. It is possible that providing a more direct path to licensure by way of reciprocity could invite competitors from out-of-state to seek licensure in Nevada. As a result, they may be awarded projects that could otherwise be performed by an in-state contractor. The Division estimates this potential is greater for larger companies that perform work in many states and will minimally impact small businesses.

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 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.

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

   There are no anticipated costs for the Division.

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 create a new fee or increase an existing fee.

7. **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.

8. **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

   The proposed amendments to the regulations seek to provide clarity and updates to the requirements for obtaining a water well drilling license in Nevada.

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

R055-25

REVISED ADOPTED REGULATION OF THE

BOARD OF MEDICAL EXAMINERS

LCB File No. R055-25

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

AUTHORITY: §§ 1, 16-19, 22-26, 28, 24 and 30, NRS 630.130 and 630.282; §§ 2, 6 and 8, NRS 630.130 and 630.282-630.284; § 3, NRS 630.130, 630.268 and 630.282-630.284; § 4, NRS 622.530, 630.130, 630.268 and 630.282; §§ 5 and 11-13, NRS 630.130, 630.282 and 630.284; § 7, NRS 630.130 and 630.282-630.284; § 9, NRS 630.130, 630.282 and 630.289; § 10, NRS 630.130, 630.268, 630.282 and 630.289; §§ 14 and 15, NRS 630.130, 630.282 and 630.286; § 20, NRS 630.130, 630.318 and 630.282; § 21, NRS 630.130,630.281 and 630.282; § 27, NRS 630.130, 630.336 and 630.282; § 29, NRS 622.530, 630.130, 630.26825 and 630.268.

A REGULATION relating to health care; prescribing requirements governing the issuance, renewal or change of status of a license as a genetic counselor; prescribing requirements governing the supervision and practice of temporarily licensed genetic counselors; prescribing requirements governing the practice of genetic counselors; setting forth grounds for disciplinary action against a genetic counselor; establishing certain procedures relating to the imposition of such disciplinary action; prescribing requirements governing the Genetic Counseling Advisory Council; revising provisions governing the discipline of certain persons who are no longer actively licensed; providing for the confidentiality of certain information relating to a genetic counselor; prohibiting the reinstatement of certain retired licenses; revising the requirements and procedures for licensure by endorsement as an anesthesiologist assistant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners. (Chapter 630 of NRS) Senate Bill No. 189 (S.B. 189) of the 2025 Legislative Session similarly provides for the licensure of genetic counselors and requires the Board to adopt regulations establishing the requirements for such licensure. (Sections 4-40 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1098-1115)

S.B. 189 prescribes certain qualifications for licensure as a genetic counselor. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099 (NRS 630.283)) **Section 2** of this regulation prescribes the qualifications for licensure as a genetic counselor, in addition to the qualifications required by S.B. 189. **Section 3** of this regulation establishes the required contents of an application for such licensure. **Sections 4 and 5** of this regulation

establish the requirements and procedure for licensure by endorsement and temporary licensure, respectively, as a genetic counselor. **Section 6** of this regulation establishes grounds for the rejection of an application for the issuance or renewal of a license as a genetic counselor. **Section 7** of this regulation authorizes the Board to deny an application for the issuance or renewal of a license as a genetic counselor if the applicant has committed any act that would constitute grounds for disciplinary action against a person who is already licensed as a genetic counselor. **Section 8** of this regulation sets forth the required contents of a license as a genetic counselor.

If an applicant for licensure as a genetic counselor has received a master's degree or higher in genetic counseling from a program in a foreign country, S.B. 189 requires that program to have standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, as determined by the Board. (Section 7 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099 (NRS 630.283)) **Section 2** prescribes certain circumstances under which the Board will deem a foreign program in genetic counseling to have such standards.

S.B. 189 requires a genetic counselor to complete at least 20 hours of continuing education each biennium to renew his or her license. (Section 10 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101(NRS 630.289)) **Section 9** of this regulation requires at least 2 of those hours of continuing education to pertain to ethics in genetic counseling. **Section 9** also authorizes the Board to issue credit toward the required continuing education to a genetic counselor who reviews a complaint for the Board.

Existing law and regulations provide that: (1) the failure to submit evidence of the completion of required continuing education or pay the required renewal fee results in the expiration of certain licenses issued by the Board; and (2) the fee to reinstate such licenses is twice the standard renewal fee. (NRS 630.267; NAC 630.153, 630.178, 630.350, 630.530, 630.750; 630.918) **Section 10** of this regulation enacts similar provisions applicable to genetic counselors.

S.B. 189: (1) requires a temporarily licensed genetic counselor to be supervised by a genetic counselor or a physician while the temporarily licensed genetic counselor is practicing genetic counseling; and (2) requires the temporarily licensed genetic counselor and his or her supervisor to enter into a contract that prescribes the responsibilities of both parties. (Section 8 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1100 (NRS 630.284)) **Section 11** of this regulation requires that such a contract include a reasonable amount of compensation for the temporarily licensed genetic counselor. **Section 11** also: (1) authorizes the contract to designate a substitute supervisor to serve if the primary supervisor is unavailable; and (2) requires a supervisor to notify the Board upon the termination of such a contract. **Sections 12 and 13** of this regulation prescribe certain limitations and requirements governing the supervision and practice of temporarily licensed genetic counselors.

S.B. 189 authorizes a student who is enrolled in certain programs in genetic counseling and who does not hold a license to practice genetic counseling to assist a genetic counselor in the practice of genetic counseling if such assistance is within the scope of the education and training of the student. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101 (NRS 630.286)) **Section 14** of this regulation prescribes: (1) the authorized activities of such a student; and (2) the requirements governing the supervision and identification of such a student.

S.B. 189 authorizes a person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid

certification issued by the American Board of Genetic Counseling, or its successor organization, to provide consulting services related to genetic counseling in this State on a temporary basis if he or she receives authorization from the Board. (Section 9 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1101 (NRS 630.286)) **Section 15** of this regulation: (1) prescribes the manner in which a person must obtain such authorization; (2) requires a physician, physician assistant or genetic counselor to whom such a person provides consulting services to adhere to certain provisions of state law regarding the preparation, retention and dissemination of health care records; and (3) defines the term "temporary basis" for the purpose of establishing the maximum length of time that such a person may provide consulting services.

Section 16 of this regulation adopts the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics governing the professional conduct of genetic counselors in this State, as required by S.B. 189. (Section 6 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at page 1099 (NRS 630.282)) **Sections 17 and 18** of this regulation prescribe certain requirements and prohibitions governing the practice of a genetic counselor. **Section 19** of this regulation sets forth certain grounds for disciplinary action by the Board against a genetic counselor, which include malpractice. **Section 22** of this regulation includes within the definition of "malpractice" the failure of a genetic counselor, in treating a patient, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances. **Section 20** of this regulation provides that the Board will serve notice on a genetic counselor at least 21 business days before a hearing relating to any disciplinary action. **Section 20** also provides that any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by existing law for disciplinary actions against other licensees.

S.B. 189 authorizes the Board to require a genetic counselor to undergo an examination to determine his or her fitness to practice under certain circumstances. (NRS 630.318) **Section 20** requires a genetic counselor whom the Board requires to undergo such an examination to pay the cost of that examination.

S.B. 189: (1) creates the Genetic Counseling Advisory Council; (2) requires the Advisory Council to advise the Board on regulations and other matters relating to the practice of genetic counseling; and (3) provides that the Advisory Council expires by limitation on January 1, 2031. (Sections 5.9 and 62 of Senate Bill No. 189, chapter 179, Statutes of Nevada 2025, at pages 1099 and 1132, respectively (NRS 630.281)) **Section 21** of this regulation: (1) requires any genetic counselor appointed to the Advisory Council on or after January 1, 2029, to have lived and continuously practiced in this State for at least 3 years immediately preceding the appointment; (2) provides that the Board will notify appointees to the Advisory Council of their appointment and terms of office; (3) provides that members of the Advisory Council serve until a successor is appointed; and (4) requires the Advisory Council, upon the request of the Board, to review and make recommendations concerning matters relating to licensed genetic counselors.

Existing regulations require an original signature or authenticated electronic signature on certain documents submitted to the Board by licensees or applicants for any license to practice medicine or to practice as a physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist. (NAC 630.045) Existing regulations prescribe procedures for the voluntary surrender of a license to practice medicine, perfusion or respiratory care, or a license to practice as an anesthesiologist assistant, while an investigation concerning the license or disciplinary proceeding concerning the licensee is pending. (NAC 630.240) Existing regulations require a committee conducting an investigation of a complaint against a physician, physician

assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to appoint a group of specialists to review the practice of the licensee and make certain recommendations if the committee finds that the licensee tests positive for exposure to the human immunodeficiency virus. (NAC 630.243) Existing regulations require the Board to keep confidential certain records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist to correct a dependence on alcohol or a controlled substance or certain other impairments. (NAC 630.275) Existing regulations prescribe procedures concerning prehearing conferences in proceedings relating to physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists. (NAC 630.465) Existing regulations prescribe the criteria and procedure for placing a license to practice medicine, perfusion or respiratory care or a license to practice as an anesthesiologist assistant on retired status. (NAC 630.167) **Sections 23-24** of this regulation make these provisions additionally applicable to genetic counselors. **Section 24** additionally prohibits the holder of a retired license to practice medicine, perfusion or respiratory care or a retired license to practice as an anesthesiologist assistant or genetic counselor from reinstating the license.

Existing regulations provide that the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status does not preclude the Board from hearing a complaint for disciplinary action made against the licensee. (NAC 630.240) **Section 25** limits the applicability of this provision to circumstances where the license was active at the time of the relevant conduct. However, **section 25** also clarifies that, if the license was not active at that time but existing law requires a license in order to engage in the relevant conduct, the Board may take action in response to such unlicensed activity. (NRS 630.400)

Existing law establishes the requirements and procedure for licensure by endorsement as an anesthesiologist assistant. (NAC 630.910) **Section 29** of this regulation makes various changes to align the requirements and procedures for obtaining such licensure with the requirements and procedures of other providers of health care regulated by the Board without changing the underlying education or examination requirements.

Section 1. Chapter 630 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. ***1. In addition to the qualifications required by NRS 630.283, an applicant for licensure as a genetic counselor must:***

(a) Be able to communicate adequately orally and in writing in the English language.

(b) At the order of the Board, take and pass a competency examination or other assessment of competency designated by the Board if the applicant has not:

(1) Engaged in the practice of genetic counseling for more than 24 consecutive months immediately preceding the date of the application; or

(2) Passed an examination described in subsection 5 of NRS 630.283, within the 24 months immediately preceding the date of the application.

2. For the purpose of paragraph (b) of subsection 4 of NRS 630.283, the Board will deem a program in genetic counseling located in a foreign country to have educational standards that are at least as stringent as those established by the Accreditation Council for Genetic Counseling, or its successor organization, if that organization determines based on the education of the applicant that the applicant is eligible to:

(a) Take an examination described in subsection 5 of NRS 630.283; and

(b) Receive the certification described in subsection 6 of NRS 630.283.

Sec. 3. *1. An application for licensure as a genetic counselor must be made on a form supplied by the Board. The application must state:*

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

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

(c) Whether the applicant has ever applied for a license or certificate as a genetic counselor in another state and, if so, when and where and the results of his or her application;

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

(e) Whether the applicant has ever been investigated for misconduct as a genetic counselor or had a license or certificate as a genetic counselor revoked, modified, limited or suspended

or whether any disciplinary action or proceedings have ever been instituted against the applicant by a licensing body in any jurisdiction;

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

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

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

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

(h) Whether the applicant has an untreated medical condition that may affect his or her ability to safely practice as a genetic counselor;

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

(j) A telephone number and electronic mail address at which the applicant may be contacted.

2. An applicant must submit to the Board:

(a) Proof of graduation from a program:

(1) In genetic counseling described in subsection 4 of NRS 630.283; or

(2) That the Board determines is substantially similar to a program that satisfies the requirements of subsection 4 of NRS 630.283, if the applicant has been engaged in the

practice of genetic counseling for at least 5 years immediately preceding the date on which the application is submitted;

(b) Proof of passage of an examination described in subsection 5 of NRS 630.283;

(c) Proof of certification issued by the American Board of Genetic Counseling, or its successor organization; and

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

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

(a) The applicant is the person named in the proof of graduation from a program in genetic counseling required by subsection 2;

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

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

4. The application must be accompanied by the applicable fee. If an applicant seeking licensure as a genetic counselor pursuant to this section is an active member of or the surviving spouse of an active member of the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.

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

6. Within 30 days after any change to the information provided to the Board pursuant to paragraph (i) or (j) of subsection 1, an applicant or genetic counselor shall provide updated information to the Board.

Sec. 4. *1. An application for licensure by endorsement as a genetic counselor must be made on a form supplied by the Board. An application must include:*

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

(b) Information about the applicant's postsecondary education as a genetic counselor, including, without limitation, each postsecondary institution attended, the dates of attendance at each institution and whether he or she is a graduate of those institutions;

(c) Whether the applicant has ever applied for a license or certificate as a genetic counselor in the District of Columbia or in another state or territory of the United States and, if so, when and where and the results of his or her application;

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

(e) Whether the applicant has ever been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice as a genetic counselor;

(f) Whether the applicant has been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her license to practice as a genetic counselor;

(g) Whether the applicant has had a license to practice as a genetic counselor suspended or revoked in the District of Columbia or any state or territory of the United States;

(h) Whether the applicant has pending any disciplinary action concerning his or her license to practice as a genetic counselor in the District of Columbia or any state or territory of the United States;

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

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

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

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

(k) Whether the applicant has an untreated medical condition that may affect his or her ability to safely practice as a genetic counselor;

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

(m) A telephone number and electronic mail address at which the applicant may be contacted.

2. An applicant must submit to the Board:

(a) Proof that the applicant holds a corresponding valid and unrestricted license as a genetic counselor in the District of Columbia or any state or territory of the United States;

(b) Proof of completion of a program:

(1) In genetic counseling that satisfies the requirements of subsection 4 of NRS 630.283; or

(2) That the Board determines is substantially similar to a program that satisfies the requirements of subsection 4 of NRS 630.283, if the applicant has engaged in the practice of genetic counseling for a period of at least 5 years immediately preceding the date on which the application is submitted;

(c) Proof of passage of an examination described in subsection 5 of NRS 630.283;

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

(e) The statement prescribed by the Division of Social Services of the Department of Human Services pursuant to NRS 425.520;

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

(g) A complete set of his or her fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check.

3. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

4. The application must be accompanied by the applicable fee for the application and issuance of the license.

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

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

(a) Sixty days after receiving the application; or

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

➥ whichever occurs later.

7. A license by endorsement as a genetic counselor issued pursuant to this section may be issued at a meeting of the Board or outside a meeting of the Board by the President of the Board and the Executive Director of the Board. If the license is issued outside a meeting of the Board pursuant to this subsection, such an action shall be deemed to be an action of the Board.

8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.

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

(a) Been disciplined by or has a disciplinary action pending with the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in

which the applicant currently holds or has held a license as a genetic counselor or an equivalent license;

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

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

10. In addition to the grounds set forth in this chapter and chapter 630 of NRS, including, without limitation, NRS 630.292, the Board may deny an application for licensure by endorsement pursuant to this section if:

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

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

Sec. 5. *1. The Board will issue a temporary license to practice as a genetic counselor to any qualified applicant who meets the requirements of subsection 1 of NRS 630.284.*

2. The holder of a temporary license to practice as a genetic counselor may apply to the Board to renew the temporary license in the same manner as the original application. The Board may, upon the applicant's compliance with the provisions of subsection 3 of NRS 630.283, renew the temporary license once for a period of 1 additional year. A temporary license may not be renewed more than once.

Sec. 6. *In addition to any other grounds specified in this chapter or chapter 630 of NRS, the Board may reject an application for the issuance or renewal of a license as a genetic counselor if the Board determines that:*

1. The applicant is not qualified or is not of good moral character or reputation;

2. The applicant has submitted a false credential; or

3. The application is not made in proper form or is otherwise deficient.

Sec. 7. *The Board may deny an application for the issuance or renewal of a license to practice as a genetic counselor for:*

1. Failure to comply with any provision of section 17 or 18 of this regulation; or

2. Any act or omission that constitutes grounds for disciplinary action under NRS 630.292 or section 19 of this regulation.

Sec. 8. *The license issued by the Board to a genetic counselor must contain:*

1. The name of the genetic counselor;

2. The duration of the license; and

3. Any other limitations or requirements which the Board prescribes.

Sec. 9. *1. At least 2 hours of the continuing education required by NRS 630.289 during each biennial licensing period must pertain to ethics in genetic counseling.*

2. The Board may issue not more than 5 hours of continuing education during a biennial licensing period to a genetic counselor who reviews a complaint for the Board. The hours issued by the Board:

(a) May be credited against the hours of continuing education required by NRS 630.289;

(b) Except as otherwise provided in paragraph (c), must be equal to the actual time involved in performing the review; and

(c) May not exceed 5 hours per review.

Sec. 10. *If a genetic counselor fails to pay the fee for renewal after the fee becomes due or fails to submit proof that the licensee completed the number of hours of continuing education required by NRS 630.289 his or her license expires. Within 2 years after the date on which the license expires, the license may be reinstated if the holder:*

1. Pays twice the amount of the current fee for renewal to the Secretary-Treasurer of the Board;

2. Submits proof that he or she:

(a) Has completed the number of hours of continuing education required by NRS 630.289; and

(b) Holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization; and

3. Is found to be in good standing and qualified pursuant to this chapter.

Sec. 11. *1. A contract entered into pursuant to subsection 6 of NRS 630.284 between a temporarily licensed genetic counselor and his or her supervising genetic counselor or supervising physician must be submitted to and approved by the Executive Director or his or her designee before the temporarily licensed genetic counselor practices under the supervision of the supervisor. The contract:*

(a) Must include, without limitation, an amount of compensation for the temporarily licensed genetic counselor that is reasonable.

(b) May designate another physician or genetic counselor to serve as the substitute supervisor of the temporarily licensed genetic counselor if the primary supervisor of the temporarily licensed genetic counselor is unavailable.

2. A temporarily licensed genetic counselor must enter into a separate contract pursuant to subsection 6 of NRS 630.284 for each employer of the temporarily licensed genetic counselor.

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall, within 72 hours after the termination of the contract between the supervisor and the temporarily licensed genetic counselor, notify the Board of the termination. The temporarily licensed genetic counselor shall immediately cease practicing under the supervision of the supervisor until the Executive Director or his or her designee approves a new contract between the temporarily licensed genetic counselor and the supervisor pursuant to subsection 1.

Sec. 12. *1. A genetic counselor or physician shall not supervise more than three temporarily licensed genetic counselors at one time.*

2. A temporarily licensed genetic counselor shall:

(a) Ensure that each patient is informed that the temporarily licensed genetic counselor holds a temporary license and of the name of his or her supervisor; and

(b) Wear at all times while on duty a name badge that identifies the holder as a "Graduate Genetic Counselor."

3. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must be available in person or by telephone or other electronic means to consult with the temporarily licensed genetic counselor at all times while the temporarily licensed genetic counselor is providing genetic counseling. The supervisor shall:

(a) Ensure that all work completed by the temporarily licensed genetic counselor is performed in a competent and ethical manner that complies with all applicable state and federal laws and regulations.

(b) Ensure that the temporarily licensed genetic counselor possesses the knowledge, skill and training required to competently provide genetic counseling to a particular patient before allowing the temporarily licensed genetic counselor to provide genetic counseling to the patient outside of the direct supervision of the supervisor.

(c) Hold at least one meeting with the temporarily licensed genetic counselor each week to review the work of the temporarily licensed genetic counselor. Such a meeting may occur in person or by electronic means.

Sec. 13. *1. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor and the temporarily licensed genetic counselor shall develop a method by which the temporarily licensed genetic counselor may designate specific records of patients for the review of the supervisor.*

2. The supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor shall review the records of at least 10 percent of the patients to whom the temporarily licensed genetic counselor provides genetic counseling.

3. All records reviewed by the supervising genetic counselor or supervising physician of a temporarily licensed genetic counselor must include the name and signature of both the supervisor and the temporarily licensed genetic counselor.

4. A temporarily licensed genetic counselor and his or her supervising genetic counselor or supervising physician shall ensure that the records of each patient to whom the temporarily licensed genetic counselor provides genetic counseling are:

(a) Clear, legible, accurate and complete; and

(b) Maintained in accordance with chapter 629 of NRS.

Sec. 14. *1. A student who is assisting a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of NRS 630.286:*

(a) May review patient records and talk with a patient about the results of a genetic test;

(b) Shall abide by all state and federal laws concerning the confidentiality of health care records and information relating to patients;

(c) In any interaction with a patient or another provider of health care, shall:

(1) Identify himself or herself as a student; and

(2) Provide the name of the genetic counselor whom the student is assisting;

(d) Shall wear at all times while on duty a name badge that identifies the student as a "Student Genetic Counselor"; and

(e) Shall not assist any person other than a genetic counselor in the practice of genetic counseling or perform tasks delegated by a person who is not a genetic counselor.

2. Before a student assists a genetic counselor in the practice of genetic counseling pursuant to subsection 1 of NRS 630.286, the genetic counselor must:

(a) Notify the patient that the student will be participating in the care of the patient; and

(b) Obtain the informed consent of the patient to the participation of the student and document such consent in the medical record of the patient.

3. A genetic counselor who receives assistance from a student shall:

(a) Provide appropriate supervision of all tasks performed by the student in accordance with subsection 5;

(b) Ensure that the records of each patient in whose care the student assists:

(1) Are clear, legible, accurate and complete;

(2) Are maintained in accordance with chapter 629 of NRS; and

(3) Include the name of the student for each task in which the student has provided assistance; and

(c) Sign the records of each patient in whose care the student assists.

4. A genetic counselor shall not receive assistance from more than three students at one time.

5. A genetic counselor shall supervise a student in accordance with the standards set forth by the Accreditation Council for Genetic Counseling, or its successor organization, for graduate-level training programs for genetic counseling. Such supervision:

(a) Must include, without limitation, monitoring the knowledge, skill and ability of the student;

(b) May include, without limitation, the use of a progressive model of supervision that provides less direct supervision as the student gains more knowledge;

(c) Must meet the needs of the student; and

(d) Must ensure the protection of the patient.

Sec. 15. *1. A person who is not licensed to practice genetic counseling in this State, the District of Columbia or any state or territory of the United States but holds a valid certification issued by the American Board of Genetic Counseling, or its successor organization, who wishes to receive the approval of the Board to provide consulting services related to genetic counseling in this State pursuant to subsection 3 of NRS 630.286 must notify the Board in writing of:*

(a) His or her name and contact information;

(b) The name and contact information of each physician, physician assistant, advanced practice registered nurse or genetic counselor licensed in this State with whom he or she will be consulting;

(c) The dates on which the person wishes to provide consulting services relating to genetic counseling in this State; and

(d) The nature of the consulting services that the person wishes to provide.

2. A physician, physician assistant or genetic counselor to whom a person provides consulting services related to genetic counseling in this State pursuant to subsection 3 of NRS 630.286 shall comply with the provisions of chapter 629 of NRS regarding the preparation, retention and dissemination of any records of the consulting services.

3. As used in subsection 3 of NRS 630.286, "temporary basis" means a period of not more than 30 days.

Sec. 16. *1. Pursuant to subsection 1 of NRS 630.282, the Board hereby adopts by reference the NSGC Code of Ethics published by the National Society of Genetic Counselors as the code of ethics governing the professional conduct of genetic counselors in this State. The Code is available from the National Society of Genetic Counselors free of charge at the Internet address https://www.nsgc.org/POLICY/Code-of-Ethics-Conflict-of-Interest/Code-of-Ethics or, if that Internet website ceases to exist, from the Board.*

2. If the publication adopted by reference in subsection 1 is revised, the Board will review the revision to determine its suitability for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give

notice that the revision is not suitable for this State within 30 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

Sec. 17. *1. A genetic counselor shall:*

(a) Provide competent genetic counseling and assume as his or her primary responsibility the health, safety, welfare and dignity of all patients with regard to genetic counseling;

(b) Deliver genetic counseling to patients without regard to race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry;

(c) Adhere to all state and federal laws governing informed consent concerning the genetic counseling of a patient;

(d) Seek consultation with other providers of health care as necessary and authorized by the patient whenever the welfare of a patient will be safeguarded or advanced by such consultation;

(e) Become familiar with and adhere to all state and federal laws applicable to his or her practice as a genetic counselor, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and other federal and state laws and regulations governing the confidentiality of health information;

(f) Provide only those services for which the genetic counselor is licensed and qualified by education, training and experience;

(g) Avoid conflicts of professional interest, including, without limitation, by refraining from providing genetic counseling to family members or romantic partners;

(h) Comply with all applicable provisions of chapter 629 of NRS and the regulations adopted pursuant thereto;

(i) Comply with the NSGC Code of Ethics adopted by reference in section 16 of this regulation, except to the extent that the provisions of the Code conflict with any provision of this chapter or state or federal law; and

(j) Ensure that the records of all patients are clear, legible, accurate and complete.

2. A genetic counselor may provide general information concerning genetics, including, without limitation, general information concerning the mechanics of inheritance of certain genes, to a family member or romantic partner. If the family member or romantic partner desires genetic counseling, the genetic counselor shall refer the family member or romantic partner, as applicable, to a physician or genetic counselor who can provide genetic counseling without a conflict of interest.

Sec. 18. *A genetic counselor shall not:*

1. Falsify or alter records of health care;

2. Falsify or alter the records of a patient so as to indicate that testing or genetic counseling was performed by him or her which was in fact not performed by him or her;

3. Render professional services to a patient while the genetic counselor is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;

4. Engage in sexual activity with a patient who is currently receiving genetic counseling from the genetic counselor or who has received genetic counseling from the genetic counselor within the immediately preceding 2 years;

5. Engage in disruptive behavior with any genetic counselor, physician, hospital personnel, patient, member of the family of a patient or other person if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient;

6. Engage in conduct that violates the trust of a patient and exploits the relationship between the genetic counselor and the patient for financial or other personal gain;

7. Engage in or conceal conduct which brings the profession of genetic counseling into disrepute;

8. Engage in sexual contact with a surrogate of a patient or other key person related to a patient, including, without limitation, a spouse, parent or legal guardian, that exploits the relationship between the genetic counselor and the patient in a sexual manner;

9. Make or file a report that the genetic counselor knows to be false, fail to file a record or report as required by law or willfully obstruct or induce another person to obstruct such a filing;

10. Fail to report any person that the genetic counselor knows, or has reason to know, is in violation of the provisions of this chapter or chapter 630 of NRS relating to the practice of genetic counseling; or

11. Misrepresent in any manner, either directly or indirectly, his or her skills, training, professional credentials, identity or services.

Sec. 19. *In addition to the grounds specified in NRS 630.292, a genetic counselor is subject to disciplinary action by the Board if, after notice and hearing in accordance with this chapter, the Board finds that the genetic counselor:*

1. Has held himself or herself out as or authorized another person to represent the genetic counselor to be a licensed physician or physician assistant or licensed to practice another profession for which the genetic counselor does not hold a license;

2. Has performed genetic counseling other than as authorized in this chapter and chapter 630 of NRS;

3. Is guilty of malpractice in genetic counseling;

4. Is guilty of disobedience of any order of the Board or an investigative committee of the Board or any provision in the regulations of the State Board of Health or the State Board of Pharmacy;

5. Has been convicted of a violation of any federal or state law regulating the prescribing, possession, distribution or use of a controlled substance;

6. Has assisted in the practice of genetic counseling after his or her license as a genetic counselor expired or was revoked or suspended;

7. Has been convicted of a felony; or

8. Has violated any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230.

Sec. 20. *1. Before the Board takes disciplinary action against a genetic counselor, the Board will provide to the genetic counselor a written notice pursuant to NRS 233B.121. The notice will be served on the genetic counselor at least 21 business days before the date fixed for the hearing. Service of the notice will be made and any investigation and subsequent disciplinary proceedings will be conducted in the same manner as provided by law for disciplinary actions against other licensees.*

2. If the Board orders a genetic counselor to undergo an examination pursuant to NRS 630.318, the genetic counselor shall pay the cost of the examination.

Sec. 21. ***1. In addition to the qualifications required by NRS 630.281, any member appointed on or after January 1, 2029, to the Genetic Counseling Advisory Council pursuant to paragraph (b) of subsection 2 of that section must have resided in and continually practiced as a licensed genetic counselor in this State for at least 3 years immediately preceding the appointment.***

2. The Board will provide appointees to the Advisory Council written notice of their appointment and terms of office.

3. Each member of the Advisory Council serves until the Board appoints a successor.

4. At the request of the Board, the Advisory Council shall review and make recommendations to the Board concerning any matters relating to licensed genetic counselors.

Sec. 22. NAC 630.040 is hereby amended to read as follows:

630.040 For the purposes of this chapter and chapter 630 of NRS, "malpractice" means the failure of a physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

Sec. 23. NAC 630.045 is hereby amended to read as follows:

630.045 1. Any document submitted to the Board by a licensee or an applicant for a license to practice medicine, to practice as a physician assistant, to practice as an anesthesiologist assistant, ***to practice as a genetic counselor,*** to practice as a practitioner of respiratory care or to practice as a perfusionist must bear the original signature or an authenticated electronic signature of the licensee or applicant.

2. The Board may refuse to accept any document submitted by a licensee or an applicant for a license that does not comply with the requirements of subsection 1.

3. As used in this section, "document" means any written submission, notification or communication, including, without limitation:

(a) An application for a license;

(b) A request for renewal of a license;

(c) A request for a change of status; or

(d) A notification of a change of address.

Sec. 24. NAC 630.167 is hereby amended to read as follows:

630.167 ***1.*** A licensee may apply to the Board to change the status of his or her license to practice medicine, practice as an anesthesiologist assistant, ***practice as a genetic counselor,*** practice perfusion or practice respiratory care to retired by filing with the Board a notice in writing that states the intention of the licensee to retire from active practice. Upon the provision of such notice, the Board will change the status of the license to retired if:

~~[1.]~~ ***(a)*** The licensee is otherwise in good standing;

~~[2.]~~ ***(b)*** There are no complaints or investigations pending against the licensee; and

~~[3.]~~ ***(c)*** No disciplinary action is pending against the licensee.

2. A holder of a retired license may not reinstate the license. If the holder of a retired license wishes to be licensed, he or she must apply for a new license and is subject to all requirements that apply to an applicant for a new license.

Sec. 25. NAC 630.240 is hereby amended to read as follows:

630.240 1. If a licensee desires to surrender his or her license to practice medicine, practice as an anesthesiologist assistant, ***practice as a genetic counselor,*** practice perfusion or

practice respiratory care while an investigation concerning the license or disciplinary proceedings concerning the licensee are pending, the licensee shall submit to the Board a sworn written statement of surrender of the license accompanied by delivery to the Board of the actual license issued to him or her.

2. The voluntary surrender of a license is not effective until it is accepted by the Board in a public meeting. An order accepting such a surrender must prescribe a period of at least 1 year but not more than 10 years during which the holder of the surrendered license is prohibited from applying for reinstatement of the license.

3. The Board will:

(a) Make the voluntary surrender of a license public; and

(b) Deem the voluntary surrender of a license to be disciplinary action and report the surrender to applicable national databases.

4. The voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to NAC 630.167 does not preclude the Board from hearing a complaint for disciplinary action made against the licensee ~~[.]~~ ***if the conduct included in the complaint occurred while the license was active.***

5. If a complaint for disciplinary action is made against a person for conduct that occurred after the voluntary surrender of a license, the failure to renew a license or the placement of a license on retired status pursuant to NAC 630.167 and that conduct constitutes a violation of NRS 630.400, the Board may take any action authorized in response to such a violation.

Sec. 26. NAC 630.243 is hereby amended to read as follows:

630.243 If a committee conducting an investigation pursuant to NRS 630.311 becomes aware that the physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist who is subject to the investigation has tested positive for exposure to the human immunodeficiency virus, the committee shall appoint a group of specialists in the fields of public health and infectious diseases who shall:

1. Review all the circumstances of the practice of the physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist; and

2. Advise the committee, in accordance with the most recent guidelines on the exposure of health care workers to the human immunodeficiency virus established by the Centers for Disease Control and Prevention, on the action, if any, the committee should take concerning the physician, physician assistant, ***genetic counselor,*** anesthesiologist assistant, practitioner of respiratory care or perfusionist.

Sec. 27. NAC 630.275 is hereby amended to read as follows:

630.275 1. The Board will, pursuant to subsection 3 of NRS 630.336, keep confidential all records relating to a program established by the Board to enable a physician, physician assistant, anesthesiologist assistant, ***genetic counselor,*** practitioner of respiratory care or perfusionist to correct:

(a) A dependence upon alcohol or a controlled substance; or

(b) Any other impairment which could result in the revocation of his or her license.

2. The Board will, pursuant to subsection 4 of NRS 622.330, keep confidential a consent or settlement agreement between the Board and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

Sec. 28. NAC 630.465 is hereby amended to read as follows:

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

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

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

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

Sec. 29. NAC 630.910 is hereby amended to read as follows:

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

(a) All information required by NAC 630.902;

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

(b) The postsecondary education of the applicant as an anesthesiologist assistant, including, without limitation, each postsecondary institution attended, the dates of attendance at each institution and whether he or she is a graduate of those institutions;

(c) Whether the applicant has ever applied for a license or certificate as an anesthesiologist assistant in the District of Columbia or in another state or territory of the United States and, if so, when and where and the results of his or her application;

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

(e) Whether the applicant has been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice as anesthesiologist assistant;

(f) Whether the applicant has been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her license to practice as an anesthesiologist assistant;

(g) Whether the applicant has had a license to practice as an anesthesiologist assistant suspended or revoked in the District of Columbia or any state or territory of the United States;

(h) Whether the applicant has pending any disciplinary action concerning his or her license to practice as an anesthesiologist assistant in the District of Columbia or any state or territory of the United States;

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

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

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

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

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

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

2. An applicant must submit to the Board:

(a) Proof that the applicant ~~[~~:

~~(1) Holds]~~ ***holds*** a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

~~[and~~

~~(2) Meets the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530; and~~

~~(c) The documents described in paragraphs (g) and (h) of subsection 2 of NRS 622.530.~~

~~2. Unless the Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to practice as an anesthesiologist assistant to the applicant within the time required by subsection 4 of NRS 622.530.]~~

~~[3.]~~ ***(b) Proof of completion of an anesthesiologist assistant program that satisfies the requirements of NRS 630.2683;***

(c) Proof of passage of the examination administered by the National Commission for Certification of Anesthesiologist Assistants, or its successor organization, as required by NRS 630.2683;

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

(e) The statement prescribed by the Division of Social Services of the Department of Human Services pursuant to NRS 425.520;

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

(g) A complete set of his or her fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check.

3. Each application must be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

4. The application must be accompanied by the applicable fee for the application for and issuance of the license.

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

6. Not later than 21 business days after receiving an application for a license by endorsement pursuant to this section, the Board will provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board will approve the application and issue a license by endorsement to practice as an anesthesiologist assistant to the applicant not later than:

(a) Sixty days after receiving the application; or

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

➥ whichever occurs later.

7. A license by endorsement to practice as an anesthesiologist assistant issued pursuant to this section may be issued at a meeting of the Board or outside a meeting of the Board by the President of the Board and the Executive Director of the Board. If the license is issued outside a meeting of the Board pursuant to this subsection, such an action shall be deemed to be an action of the Board.

~~[4.]~~ ***8. If an applicant seeking licensure by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge not more than one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.***

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

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

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

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

10. In addition to the grounds set forth in this chapter and chapter 630 of NRS, the Board may deny an application for licensure by endorsement pursuant to this ~~[section:]~~ ***section if:***

(a) ~~[If the]~~ ***The*** applicant ~~[does not meet the requirements of paragraphs (a) to (e), inclusive, of subsection 2 of NRS 622.530;]~~ ***willfully fails to comply with the provisions of paragraph (g) of subsection 2;*** or

~~[(b) For the reasons set forth in subsection 6 of NRS 622.530.~~

~~5. If an applicant seeking licensure by endorsement as an anesthesiologist assistant pursuant to this section is an active member of, or the surviving spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge one-half of the fee established pursuant to NRS 630.268 for the initial issuance of the license.]~~ ***The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary actions against the applicant as a licensee and the Board has not previously taken disciplinary actions against the applicant based on that conviction.***

Sec. 30. 1. This regulation becomes effective upon filing with the Secretary of State.

2. Section 21 of this regulation expires by limitation on January 1, 2031.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

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

Edward O. Cousineau, J.D.
Executive Director

Informational Statement LCB File No. R055-25

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

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

The proposed regulations are necessary to implement SB189 from the 2025 Legislative Session regarding the licensing of genetic counselors in the State of Nevada. The proposed regulations add requirements for genetic counselors regarding licensure applications and disciplinary matters to NAC Chapter 630 and sets out documentation and other requirements that are necessary for public safety. The proposed regulations add genetic counselors to relevant existing NAC Chapter 630 provisions.

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

The Board solicited comments from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on September 26, 2025:

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

Copies of the Board's regulation draft, workshop notices, and a copy of the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to

have an interest in the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, and the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

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

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

State Library, Archives and Public Records - *Carson City, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/

No public comment was received at the regulation workshops, public hearing, or Board meeting on January 29, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshops held on October 28, 2025, and November 17, 2025, and the public hearing held on January 16, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. All the questions asked by members of the public, stakeholders, and potential license applicants were later answered in the public meetings held on these regulations. No public comment was received at the January 29, 2026 Board meeting, wherein the Board adopted the regulations with three changes. However, the Board carefully considered the public comment received prior to voting to adopt the regulation with changes.

The Board received an email Weldon Havins, M.D., on October 15, 2025. The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. The Board received an email from Julia Prinzi on

January 7, 2026. The Board received an email from Ashley Smith signed by Michael Stephen Skylor Smith, on January 13, 2026. The Board received letter from Christine Barth, MA, CGC on May 10, 2026. None of these emails or letters indicated that the proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

A summary of the public comment received regarding LCB File No. R055-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

3. The Number of Persons Who:

(a) Attended Each Hearing:

October 28, 2025 (Regulation Workshop): 8;
November 17, 2025 (Regulation Workshop): 5;
January 16, 2026 (Public Hearing): 2;
May 12, 2026 (Public Hearing) 10.

(b) Testified at Each Hearing:

October 28, 2025 (Regulation Workshop): 6;
November 2, 2023 (Regulation Workshop): 4;
January 16, 2026 (Public Hearing): 1;
May 12, 2026 (Public Hearing) 2.

(c) Submitted to the Agency Written Comments:

The Board received an email Weldon Havins, M.D., on October 15, 2025. Dr. Havins asked how the Board will determine whether an applicant for licensure as a genetic counselor communicates adequately orally or in writing in the English language. Board staff responded indicating that this language in Section 2(1)(b) in the regulation draft is the same as that for physician assistants, elsewhere in NAC Chapter 630. With regard to physician assistants, there has not been an issue with the use of this language or determining an applicant's English language skill. In addition, at the public hearing held on January 16, 2026, this public comment was discussed and Dr. Nunes indicated that passing of the examinations, which are given in English and required to obtain certification as a genetic counselor should adequately ensure that applicants are able to communicate adequately in English.

The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. This letter was in support of the regulations and suggested several changes to the regulations. First, the Association suggested that the reinstatement fee contained in Section 10 of the regulations be reduced. The Association requested that competency assessment requirement after a genetic counselor has been out of practice for 24 months or more as contained in the original regulation draft be changed to allow other options than just an examination. This change was accepted and is reflected in Section 2 of the proposed regulation draft. The Association suggested a change to the original regulation draft regarding patient consent for students participating in their care. This change was accepted and is reflected in Section 14 of the proposed regulation draft. The Association also requested that the supervision requirements for students in the original regulation draft be updated to be more consistent with training models. This change was accepted and is reflected in Section 14 of the

proposed regulation draft. The Association requested that temporary licensed genetic counselors be able to be supervised by qualified medical doctors. This change was accepted and is reflected in Section 11 of the proposed regulation draft. The Association requested revision to the language regarding compensation for temporary licensed genetic counselors to be reviewed and approved by the Board. This was discussed at the workshop and it was explained that this was meant to protect temporary licensed individuals, and the Association representatives seemed to feel more comfortable about this provision. The Association asked about liability of supervisors for misconduct of temporary licensed genetic counselors. This was discussed at the workshop. These provisions are similar to what already exists for supervision by other licensees for other license categories regulated by the Board. After the discussion, the Association representatives seemed to be satisfied with the provision. The Association finally asked that the Board explore options for financial assistance or fee waivers for applicants for licensure with financial barriers in the application process. This was discussed and mentioned to the Board at the adoption hearing on January 29, 2026. At this time, the Board is not aware of options to implement this.

The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The comments in this letter are very similar to those received from the Association and previously addressed. This letter also mentioned several things that were not suggested changes to the regulation, but, instead, were policy discussions that the Board and/or the Genetic Counseling Advisory Council may want to address in the future.

The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. These comments were very similar to those received from the Association and Cure 4 The Kids Foundation and were previously addressed.

The Board received an email from Ashley Smith and signed by Michael Stephen Skylor Smith, on January 13, 2026. This email contained concerns with an event that would potentially happen January 11-16, 2026, and the writer was concerned that temporary licensed genetic counselors would be working at that time. Because the regulations were not yet effective during that timeframe and there are currently no temporary licensed genetic counselors in Nevada, this concern will not occur. Further, the regulations provide the requirements for the supervision of temporary licensed genetic counselors by a licensed genetic counselor or a physician. The regulations always require supervision for temporary licensed genetic counselors while they are practicing. The remainder of this email addressed concerns about testing for certain biomarkers and isotopes and assurance that the results of these tests will be used appropriately. Part of supervision of a temporary licensed genetic counselor is to oversee those issues and the Board believes that this proposed regulation adequately addresses this. This email was addressed in more detail by Dr. Nunes at the January 16, 2026, Public Hearing and it is contained in the record of that hearing.

The Board received an email from Julia Prinzi requesting that Section 5(1)(b) be removed from the regulation due to the timing that is available for applicants to take the required examination. This change will allow applicants to work after graduation from an approved program as a temporary licensed genetic counselor without a gap if they are unable to immediately register for the licensing examination after graduation. This is consistent with the requirements for other license types that the Board regulates and the Board removed this provision prior to adopting the regulation.

The Board received written comment from Christine Barth, MA, CGC, providing feedback on Sections 2, 3, 4, 9, 12, 14, and 15. Based on Ms. Barth's feedback the regulation was adopted with changes that add the American Board of Medical Genetics as a possible entity providing certification to genetic counselors that would be accepted by the Board and adding a requirement that students wear badges that identify them as genetic counseling students when working with genetic counselors in an approved genetic counseling education program.

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

Attendees at the October 28, 2025 Public Workshop in Reno:

Kate Emery
Telephone: 708-250-7869
Address: Not Provided
Business Telephone: 708-250-7869
Email: katlyn.emery@providence.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Anette Logan-Parker
Telephone: 702-481-3179
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: alogan@cure4thekids.org
Representing: Cure 4 The Kids Foundation and Nevada Rare Disease Advisory Council

Provided comments regarding the regulations and asked questions.

Attendees at the October 28, 2025 Public Workshop in Las Vegas:

Amber Schreiber
Telephone: 702-673-7097
Address: Not Provided.
Business Telephone: Not Provided.
Email: aschreiber@cure4thekids.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Julia Prinzi
Telephone: 702-732-6808
Address: 3131 La Canada St., Las Vegas, NV 89169
Business Telephone: 702-732-1290
Email: jprinzi@chcnv.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Ali Khalaf
Telephone: 909-904-2940
Address: 3730 S. Eastern Ave., Las Vegas, NV 89169
Business Telephone: Not Provided.
Email: Ali.khalaf@usoncology.com
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions.

Sabrina Schnur
Telephone: 702-518-5822
Address: 1111 W. Proctor St., Suite 208, Carson City, NV 89701
Business Telephone: Not Provided.
Email: ss@cartwrightnv.com
Representing: Cartwright NV Government Affairs

No testimony was provided.

Zoe Houghton
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: zoe@theperkinsco.com
Representing: Not Provided.

No testimony was provided.

Attendees at the November 17, 2025 Public Workshop in Reno:

None.

Attendees at the November 17, 2025 Public Workshop in Las Vegas:

Julia Prinzi
Telephone: 702-732-6808
Address: 3131 La Canada St., Las Vegas, NV 89169
Business Telephone: 702-732-1290
Email: jprinzi@chcnv.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Daniel Rodriguez
Telephone: Not Provided.
Address: Not Provided.
Business Telephone: Not Provided.
Email: danielrodriquez@nationwideperfusion.net
Representing: Perfusion

No testimony was provided.

Samantha Barnes
Telephone: 702-994-8304
Address: 400 N. Stephanie St., Henderson, NV 89014
Business Telephone: Not Provided.
Email: Samantha.barnes@usoncology.com
Representing: CCCN

No testimony was provided.

Amber Schreiber
Telephone: 702-673-7097
Address: Not Provided.
Business Telephone: Not Provided.
Email: aschreiber@cure4thekids.org
Representing: Genetic Counselors Association of Nevada

Provided comments regarding the regulations and asked questions.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions.

Attendees at the January 16, 2026 Public Hearing in Reno:

None.

Attendees at the January 16, 2026 Public Hearing in Las Vegas:

Sabrina Petrel
Telephone: 702-518-5822
Telephone: 702-518-5822
Address: 1111 W. Proctor St., Suite 208, Carson City, NV 89701
Business Telephone: Not Provided.
Email: sp@cartwrightnv.com
Representing: Nevada Public Health Association

No testimony was provided.

Mark E. Nunes, M.D.
Telephone: 702-672-3188
Address: 1 Breakthrough Way, Las Vegas, NV 89135
Business Telephone: 702-732-1493
Email: mnunes@cure4thekids.org
Representing: Cure 4 The Kids Foundation

Provided comments regarding the regulations and asked questions. Provided testimony addressing all the written comments on the regulation that had been received.

Attendees at the May 12, 2026 Public Hearing in Reno:

None.

Attendees at the May 12, 2026 Public Hearing in Las Vegas:

Mark E. Nunes, M.D.
Telephone: 614-886-4165
Address: Not Provided
Business Telephone: Not Provided
Email: nmbnunes@sbcglobal.net
Representing: Intermountain Children's Health and Genetic Counseling Advisory Council

Provided comments regarding the regulations and asked questions. Provided testimony addressing all the written comments on the regulation that had been received.

Attendees at the May 12, 2026 Public Hearing by Teams:

Julia Prinzi
Telephone: 702-732-6808
Address: 3131 La Canada St., Las Vegas, NV 89169
Business Telephone: 702-732-1290
Email: jprinzi@chcnv.org
Representing: Genetic Counselors Association of Nevada and
Genetic Counseling Advisory Council

Provided comments regarding the regulations and asked questions.

Tomas Hammond
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: tomas@carraranv.com
Representing: Not Provided

No testimony was provided.

Christine K. Barth, MA, CGC
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

Provided comments regarding the regulations and asked questions.

Ali Khalaf
Telephone: 909-904-2940
Address: 3730 S. Eastern Ave., Las Vegas, NV 89169
Business Telephone: Not Provided.
Email: Ali.khalaf@usoncology.com
Representing: Genetic Counselors Association of Nevada and Genetic Counseling Advisory Council

No testimony was provided.

Jo
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony was provided.

Cade Grogan
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Not Provided
Representing: Not Provided

No testimony was provided.

Zoë Houghton
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: zoe@theperkinsco.com
Representing: Not Provided

No testimony was provided.

Shelby Bindert
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: shelby1516@sbcglobal.net
Representing: Genetic Counseling Advisory Council

No testimony was provided.

Regan Hart
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Reagan@nvha.net
Representing: Not Provided

No testimony was provided.

Todd Mason
Telephone: Not Provided
Address: Not Provided
Business Telephone: Not Provided
Email: Todd.Mason@ClarkCountyNV.gov
Representing: Not Provided

No testimony was provided.

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

The Board solicited comments from any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft were sent to the following organizations on September 26, 2025:

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

Copies of the Board's regulation draft, workshop notice, the Board's preliminary Small Business Impact Statement were sent by U.S. mail and emailed to persons who were known to have an interest in

the subject of medical regulation, as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Nevada State Board of Medical Examiners, available at http://medboard.nv.gov/About/Proposed_Regulations/, the website of the Legislative Counsel Bureau, available at https://www.leg.state.nv.us/App/Notice/A/.

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

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

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshops, public hearings, or Board meetings on January 29, 2026 and June 5, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshops held on October 28, 2025, and November 17, 2025, and the public hearings held on January 16, 2026 and May 12, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. No written public comment was received prior to the regulation workshop, public hearing, or adoption meeting indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. All the public comments received at the regulation workshops and public hearing, as well as the written comments received throughout the process, were in favor of the regulations or contained questions about the regulations that were later answered. No public comment was received at the January 29, 2026 or the June 5, 2026 Board meetings.

The Board received an email Weldon Havins, M.D., on October 15, 2025. The Board received a letter from the Genetic Counselors Association of Nevada, on October 21, 2025. The Board received a letter from Cure 4 The Kids Foundation on October 27, 2025. The Board received a letter from Nevada Rare Disease Advisory Council, on October 28, 2025. The Board received an email from Julia Prinzi on January 7, 2026. The Board received an email from Ashley Smith signed by Michael Stephen Skylor Smith, on January 13, 2026. The Board received letter from Christine Barth, MA, CGC on May 10, 2026. None of these emails or letters indicated that the proposed regulation would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

A summary of the public comment received regarding LCB File No. R055-25 is available upon request by contacting Deputy Executive Director Bradley at bradleys@medboard.nv.gov or by telephone at 775-324-9365.

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

This regulation was adopted by the Board at a public meeting held on Friday, June 5, 2026. It was adopted with changes. These changes were a result of public comment submitted by Ms. Christine K. Barth, MA, CGC.

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

(a) Both Adverse and Beneficial Effects.

No, the proposed regulation does not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations implement the provisions of SB189, which was passed in the 2025 Legislative Session. Licensing this new profession, genetic counselors, should benefit small businesses by allowing them to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada.

(b) Both Immediate and Long-Term Effects.

The Board believes that the proposed regulation will have immediate and long-term direct economic benefit on the business of the practice of medicine because the regulation will allow business in Nevada to hire additional licensed personnel to help with the provision of medical care to the citizens of Nevada. The Board believes that the proposed regulation will have a positive direct economic effect on the public by allowing more licensed personnel to provide them with medical care. This will provide the public with more access to medical care and potentially lower medical care costs. Genetic counselors are utilized in many areas of medicine to assist patients with making informed choices about

their medical care. Licensing genetic counselors in Nevada will be good for both businesses and patients.

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

Licensing a new profession, genetic counselors, will cause increased costs for the Board. However, the Board hopes that the increased costs will be covered in time by the increased licensing fees received from the new licensees.

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

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

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

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

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

In 2026, the Board anticipates receiving approximately 120 new applications for licensure as a genetic counselor. This would result in the Board collecting $36,000 in application fees, $44,000 in registration fees for the full biennium (applications received and licenses issued prior to July 1, 2026), and $2,000 in registration fees for the second half of the biennium (applications received and licenses issued after July 1, 2026) for a total receipt of $82,000 in new licensing fees. The Board anticipates paying its licensing software vendor an initial fee of $18,000 in 2026 to add this new license type to the Board's licensing system which will allow the Board to receive and process electronic applications. The remaining $64,000 received in 2026 will be used to pay for staff time in reviewing and processing applications for licensure, as well as utilized to regulate and enforce Nevada law regarding genetic counselors. The Board is also looking at implementing a new licensing software system which will improve its licensing processes for all license types, including genetic counselors, and some of these funds will be used for that new system. The Board is expecting to have the new system fully implemented by October 31, 2027.

In 2027, the Board anticipates receiving approximately 20 new applications for licensure as a genetic counselor. This would result in the Board collecting $6,000 in application fees, $2,000 in registration fees for the second half of the biennium (applications received and licenses issued from January 1, 2027 through June 30, 2027), and $4,000 in registration fees for applications received in the first half of the new biennium (applications received and licenses issued from July 1, 2027 through December 31, 2027) for a total receipt of $12,000 in new licensing fees. The Board will

also process renewals for genetic counselors in 2027, and the Board anticipates receiving renewal applications from approximately 120 genetic counselors. This will result in receiving approximately $48,000 in genetic counselor renewal fees, for a total receipt of fees in 2027 from genetic counselors of $48,000. The Board will use this money to pay for staff time in reviewing and processing applications for licensure and applications for license renewals and to regulate and enforce Nevada law regarding genetic counselors. The Board is also looking at implementing a new licensing software system which will improve its licensing processes for all license types, including genetic counselors, and some of these funds will be used for that new system. The Board is expecting to have the new system fully implemented by October 31, 2027.

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

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

Edward O. Cousineau, J.D.
Executive Director

Small Business Impact Statement for Proposed Regulations Contained in LCB File No. R055-25

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

1. Background:

The proposed regulations are necessary to implement SB189 from the Legislative Session with regard to the regulation and licensure of genetic counselors in the State of Nevada.

2. Description of Solicitation:

The Board solicited any potentially impacted businesses by reaching out to various business chambers and associations. Copies of the Board's proposed regulation draft and preliminary Small Business Impact Statement were sent to the following organizations on Friday, September 26, 2025:

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

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

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

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

Nevada State Board of Medical Examiners - *Las Vegas, NV*
Nevada State Board of Medical Examiners - *Reno, NV*
Nevada State Board of Medical Examiners Website - https://medboard.nv.gov/
State Library, Archives and Public Records - *Carson City, NV*

No public comment was received at the regulation workshops, public hearings, or Board meeting on January 29, 2026 or June 5, 2026, wherein the Board adopted the regulations, indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. At the regulation workshops held on October 28, 2025, and November 17, 2025, and the public hearings held on January 16, 2026 and May 12, 2026, stakeholders, potential license applicants, and members of the public were invited to attend, ask questions about the regulations, and provide public comment regarding the regulations. Multiple individuals attended those meetings, and all the comments that they provided were in support of the Board's proposed regulations, asked questions about provisions contained in the Board's proposed regulations, and suggested potential changes to the Board's proposed regulations for clarity or to better reflect what might work best in the practice setting or better assist new licensees. The Board's regulations were amended based on comments received and the Board adopted the regulations with changes pursuant to written public comment received in May 2026. No written public comment was received prior to the regulation workshop, public hearing, or adoption meeting indicating that the Board's proposed regulations would have a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. All the public comments received at the regulation workshops and public hearing, as well as the written comments received throughout the process, were in favor of the regulations, contained questions about the regulations that were later answered, or suggested changes to the regulations that were generally incorporated into the final, adopted regulation draft. No

public comment regarding the regulations was received at the January 29, 2026 or the June 5, 2026 Board meeting.

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

No, the proposed regulations do not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. These proposed regulations allow genetic counselors to receive licensure in Nevada which may be a benefit to businesses.

4. How Was That Conclusion Reached?

This conclusion was reached by reviewing the proposed regulation draft and existing provisions in Nevada law, as well as the comments received by stakeholders, potential license applicants, and members of the public at the Board's regulation workshops, public hearings, and adoption meetings or via written comment.

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

Dated: July 21, 2026 Signature: _____

EDWARD O. COUSINEAU, J.D.
Executive Director
Nevada State Board of Medical Examiners

2026

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

September 24, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2026 REGULATIONS		
R092-26	**385B**	**NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION** A REGULATION revising provisions relating to football **CONTACT Cate Sgroi (775) 453-1012** **csgroi@niaa.com**

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