

BACKGROUND PAPER 95-13

**DISCIPLINARY AUTHORITY OF
OCCUPATIONAL LICENSING
BOARDS IN NEVADA**

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**DISCIPLINARY AUTHORITY OF OCCUPATIONAL
LICENSING BOARDS IN NEVADA**

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DISCIPLINARY AUTHORITY OF OCCUPATIONAL LICENSING BOARDS IN NEVADA

I. INTRODUCTION

Many types of businesses, occupations, and professions are regulated by state governments. Most of the laws regulating occupations in this State are found in Title 54 of *Nevada Revised Statutes* (NRS).

In the Nevada Legislature, the Senate Committee on Commerce and Labor and the Assembly Committee on Commerce generally have jurisdiction over any proposed additions, changes, or deletions to the provisions in Title 54 of NRS. In every legislative session, these committees consider a large number of bills proposing to regulate new professions or making changes to existing statutes for the regulation of occupations in Nevada. Many of these proposals relate to the authority of the occupational licensing boards to impose disciplinary actions upon the members of their profession.

A. Request Directed to Licensing Boards

Toward the end of the 1993 Session, the Chairmen of the Senate and Assembly Commerce Committees sent a letter to the 31 occupational licensing boards in Nevada. The Chairmen requested that the boards provide notification of the disciplinary actions taken by them during the interim period until the beginning of the 1995 Session. The notifications were to be sent to the Research Division of the Legislative Counsel Bureau for compilation and review. Appendix A contains a copy of the letter, and the mailing list of the occupational licensing boards.

The Chairmen requested this information to allow the members of their committees to understand the extent and frequency of use of disciplinary actions. This data was necessary so the committees could effectively evaluate future requests by the boards to increase, revise, or otherwise modify their disciplinary authority. As of the middle of November 1994, at least 30 measures pertaining to occupational licensing boards were on the list of bill draft requests for the 1995 Session, including bills to create new licensing boards and to modify the provisions for existing boards.

B. Information Contained in Background Paper

This background paper provides information on the disciplinary authority of occupational licensing boards in Nevada based on the current statutes in NRS and the responses furnished by the boards. It must be emphasized that this background paper is not intended to justify or suggest changes in disciplinary authority for licensing boards. The primary intent of this paper is to outline the existing authority and determine the extent of its use.

II. PROFESSIONS REGULATED IN NEVADA

Title 54 of NRS contains provisions governing 42 professions, occupations, and businesses in Nevada. Of these, 31 occupations are regulated by independent boards, six are administered through State agencies or officials, and five professions have regulatory provisions that rely on local officials or civil action for enforcement.

The following list indicates the six businesses or professions in Title 54 that are regulated by State agencies, along with the NRS chapter and, in parentheses, the agency with the regulatory authority:

1. Real Estate Brokers and Salesmen, NRS 645. (Real Estate Division and Real Estate Commission)
2. Escrow Agencies and Agents, NRS 645A. (Commissioner of Financial Institutions)
3. Mortgage Companies, NRS 645B. (Commissioner of Financial Institutions)
4. Appraisers of Real Estate, NRS 645C. (Administrator of Real Estate Division, Commission of Appraisers of Real Estate)
5. Collection Agencies, NRS 649. (Commissioner of Financial Institutions, Collection Agency Advisory Board)
6. Medical Laboratories, NRS 652. (State Board of Health)

The following is a list of the five businesses or occupations in Title 54 that are not regulated by a board or agency, but rely on local officials or civil action for enforcement as indicated in parentheses:

1. Financial Planners, NRS 628A. (Civil Action)
2. Pawnbrokers, NRS 646. (District Attorney, Sheriff, Chief of Police)
3. Dealers in Junk and Secondhand Materials, NRS 647. (Sheriff, Police Department, or local government officials)
4. Public Accommodations, NRS 651. (Criminal or civil actions)
5. Locksmiths and Safe Mechanics, NRS 655. (Permit from County Sheriff)

This background paper focuses on the 31 occupations regulated by independent licensing boards, ranging from physicians to cosmetologists. Appendix B provides an alphabetical list of regulated professions in Nevada, the formal name of each licensing board, and the statutory citation for authorized disciplinary actions.

III. OVERVIEW OF DISCIPLINARY AUTHORITY

Each chapter of NRS in Title 54 pertaining to an occupational licensing board contains a section or paragraph that specifies the actions authorized for the board to address violations of its laws or rules. This portion of the paper highlights the range of actions and the authority granted to each board by statute.

A. Range of Disciplinary Actions

A review of the statutory authority for disciplinary actions by occupational licensing boards indicates a range of up to 16 possible actions, but no one board is granted all of those options. Appendix C lists the authorized disciplinary actions and indicates the number of boards that have the authority to take each type of action.

Every occupational licensing board has the authority to suspend or revoke the license or certificate that permits a person to practice the regulated profession. Most of Nevada's 31 occupational licensing boards also have the authority to impose a fine or civil penalty (25 boards); place a member on probation (21); issue a reprimand (19); and recover the costs of the investigation, hearing, or prosecution from a member of the profession (16). A number of boards also have specific authority to refuse renewal of or deny a license (14) and to impose limits or conditions on the use of a license or a member's practice (13). Only a few licensing boards have authority to take other disciplinary actions, such as requiring certain examinations, training requirements, or supervision of a person's practice. These actions appear to be limited to the more specialized fields like physicians, dentists, and veterinarians.

B. Disciplinary Authority of Licensing Boards

Appendix D shows the disciplinary actions that can be taken by each occupational licensing board. Additionally, it indicates the number of times each board has actually exercised a particular authority during the preceding biennium. Most of the boards have from four to seven options for taking disciplinary action. As noted, the more specialized professions (such as dentists, homeopathic physicians, physicians, and veterinarians) have more varied actions that may be imposed (10 to 12 options). Other fairly-specialized professions such as accountants, architects, contractors, and psychologists have nine types of disciplinary actions available to their boards. The licensing boards for court reporters and the funeral industry have the fewest options with authority primarily limited to suspending or revoking a license.

Among the boards with authority to impose a fine or civil penalty for a violation, the maximum amounts range from \$1,000 for audiologists, barbers, cosmetologists, and pharmacists up to \$10,000 for architects, chiropractors, homeopathic physicians, and opticians.

IV. RESPONSES FROM OCCUPATIONAL LICENSING BOARDS

A. Overview

Initially, it is important to note that the number of formal disciplinary actions taken by the boards does not necessarily indicate their actual level of activity. Some of the bodies investigate numerous complaints but determine that they are unfounded. Also, this report does not include every type of disciplinary activity a board may handle. For example, the State Board of Nursing reviewed and restored 30 licenses that had been on probation and 14 that had previously been revoked. Finally, this paper does not reflect the normal processing of applications and renewals.

Summary of Board Activities

The following eight boards reported that they did not take disciplinary action during the biennium:

Board of Examiners for Audiology and Speech Pathology

Board of Homeopathic Medical Examiners

Board of Landscape Architecture

Board of Psychological Examiners

Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care

State Board of Oriental Medicine

State Board of Podiatry

Board for Registration of Public Health Sanitarians

Eleven boards reported five or fewer actions:

State Board of Physical Therapy Examiners (5)

Nevada State Board of Chiropractic Examiners (4)

State Barbers' Health and Sanitation Board (3)

Board of Hearing Aid Specialists (3)

Board of Dispensing Opticians (2)

Private Investigator's Licensing Board (2)

Certified Court Reporters' Board of Nevada (1)

Board of Examiners for Marriage and Family Therapists (1)

Board of Occupational Therapy (1)

State Board of Funeral Directors, Embalmers and Operators of Cemeteries and
Crematories (1)

State Board of Osteopathic Medicine (1)

Four reported 10 or less actions:

Board of Dental Examiners of Nevada (8)

Nevada State Board of Optometry (7)

Board of Examiners for Social Workers (6)

Nevada State Board of Veterinary Medical Examiners (6)

Two boards reported 20 or less actions:

Board of Medical Examiners (18)

Nevada State Board of Accountancy (17)

Six boards acted 20 or more times:

State Board of Nursing (188)

State Board of Architecture (106)

State Board of Pharmacy (81)

State Contractors' Board (67)

State Board of Cosmetology (33)

State Board of Professional Engineers and Land Surveyors (26)

Formal Hearings and Stipulated Settlements

A majority of the actions for which information was available were settled by stipulation between the board and the person charged with a violation, as opposed to going forward with a formal hearing. In some cases, licenses were voluntarily surrendered in lieu of further disciplinary proceedings. Voluntarily surrendered licenses are considered revoked licenses for purposes of this report.

Exercise of Discipline Not Specifically Authorized

In some instances, boards utilized modes of discipline not specifically authorized in their particular NRS chapters. For example, some boards issued reprimands or assessed the costs of board actions although these forms of discipline were not specifically enumerated in the board's list of disciplinary actions. This does not necessarily mean that the board exceeded its authority, since the actions taken may be implied in other authority granted to the board. For example, the ability to issue a fine may also encompass the authority to assess costs, although generally these two actions are set out separately in the statutes. These actions are reflected in Appendix E.

B. Summary of Respective Board Actions

Nevada State Board of Accountancy

The board reported 17 disciplinary actions. Five involved failure to complete mandatory continuing professional education (CPE); three licenses were revoked for this violation. Seven cases dealt with failure to secure the required annual permit. All seven licenses were revoked. Two professional negligence matters resulted in fines totaling \$3,000, in addition to \$650 in costs and 64 hours of CPE. Altogether, 12 licenses were revoked, two were placed on probation, and the board assessed \$5,250 in fines plus \$3,600 in costs.

State Board of Architecture

The board issued 55 cease and desist orders, revoked one license, suspended two, put two on probation, and deferred registration in seven cases. The board assessed \$29,250 in fines involving at least 20 violations and ordered restitution totaling \$6,915 in seven cases.

Board of Examiners for Audiology and Speech Pathology

The board took no disciplinary action. The secretary indicated that the board received very few complaints, and those that were lodged proved unfounded upon investigation.

State Barbers' Health and Sanitation Board

The board took action in three cases. One case involved operating a barber shop without a license. A fine of \$100 was assessed. The second case concerned allowing a barber to work without a license, drawing a \$250 fine. The final case arose from the unauthorized remodeling of a barber shop, which resulted in a \$250 fine.

Nevada State Board of Chiropractic Examiners

The Chiropractic Examiners reported four disciplinary cases. One involved unprofessional conduct (lying on the licensing application) which resulted in revocation of the license. A case of gross malpractice received a \$5,000 fine, an assessment of \$9,395.27 in costs, 6 months monitoring by a board representative, and 10 additional hours of CPE. The third case involved mail fraud. The board fined the practitioner \$2,500 and suspended his license for 1 year. The suspension was stayed, and he was placed on 3 years probation. He was also ordered to perform 150 hours of community service in the Special Olympics Program. The fourth case arose out of failure to keep adequate records. The board suspended the license for 1 year and stayed the suspension. It ordered 1 year of probation, 12 additional hours of CPE, and assessed the costs of the disciplinary proceeding.

State Contractors' Board

The board suspended 13 licenses, revoked 17, and placed nine on probation. It imposed 10 fines totaling more than \$12,000. The board has only been authorized to impose fines since October 1, 1993. It also developed an efficient, easy-to-read tracking system for disciplinary proceedings. Additionally, the board devised a method to help standardize fines through the use of a Penalty Matrix guideline. A copy is attached as Appendix F for the benefit of other boards that might be considering adopting a similar guideline to assist in determining appropriate disciplinary sanctions and to help assure consistency.

State Board of Cosmetology

This board disciplined 33 licensees. Twelve actions involved employing an unlicensed person as a cosmetologist. The board applied a standard \$500 fine for a first offense in each of these cases. Three beauty schools were sanctioned. One school falsified student time cards; two allowed students to perform work without having completed the minimum hours of training; and one of these schools also failed to have a licensed instructor on the premises at all times. Eight individuals were fined for working without a license, one was fined for working out of his home, and another was fined for having a dog in the salon. Three licenses were placed on 1 year's probation; two of the licenses belonged to instructors who allowed students to work without the minimum training. The other probation was for a second offense involving animals in the salon.

Additionally, one license was placed on probation for 3 months. Altogether, the board levied \$13,600 in fines and \$4,000 in costs.

Certified Court Reporters' Board of Nevada

This board took one disciplinary action, involving the revocation of a license. The licensee pled guilty to felony charges in another state. This was grounds for revocation of the Nevada license as well.

Board of Dental Examiners of Nevada

The board processed eight cases. Three licenses were suspended and the pediatric specialty portion of one practitioner's license was revoked. In two cases, fines of \$20,000 were imposed. One of these cases involved 281 unnecessary prescriptions for controlled substances. The second case arose from repeated acts of malpractice and, in addition to the fine, the practitioner was required to provide \$150,000 of free Medicaid treatment over a 3-year period. The board levied over \$24,000 in costs for the various proceedings.

State Board of Professional Engineers and Land Surveyors

The board imposed discipline in 26 cases, ranging from negligence and failing to register to improper stamping of plans. Nine reprimands were issued and one renewal was denied. Seven licenses were suspended; four of the suspensions were stayed. Eight were placed on probation. Additionally, two licenses were limited in their scope of practice, and five individuals were required to submit quarterly reports to the board. More than \$34,870 in fines were levied.

State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories

The board took action in one case, involving failure to properly preserve bodies. The license was suspended for 90 days.

Board of Hearing Aid Specialists

The board took action in three cases. Two resulted in revocation of the license and the third involved probation.

Board of Homeopathic Medical Examiners

The board indicated that no discipline had been imposed to date. Seven cases are pending for January 1995, but these may or may not warrant discipline. The board's secretary will update the committees on the pending matters.

Board of Landscape Architecture

The board indicated that no disciplinary action was taken; however, a number of complaints have been investigated.

Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care

The board did not take any disciplinary action.

Board of Examiners for Marriage and Family Therapists

The board revoked the license of a practitioner for unethical and unprofessional conduct. The licensee entered into a sexual relationship with a client.

Board of Medical Examiners

The board took action in 18 cases. There were seven reprimands, one renewal denial, one suspension, and eight revocations. Generally, the revocations were stayed and the physician was placed on probation. Three of the revocations involved gross negligence. Eight doctors were placed on probation, one for 10 years. Six cases resulted in fines totaling \$9,100 and more than \$5,500 in costs were assessed. Seven of the actions were triggered by discipline in other states. Two cases involved Medicaid fraud. The board required submission to random drug tests in four matters. It also ordered 100 hours of community service and over 140 hours of CPE in various cases.

State Board of Nursing

The board issued 20 reprimands, denied renewal 30 times, and suspended 10 licenses. It also revoked 83 licenses, placed another 37 on probation, and imposed 11 fines.

Board of Occupational Therapy

The board issued one private reprimand.

Board of Dispensing Opticians

The board took action on two matters. One involved an apprentice who was convicted of a non-related crime of moral turpitude. The license was placed on probation, the apprentice was restricted from public contact and had to file quarterly reports from a supervising optician as well as the Division of Parole and Probation. The action was also published. The second case involved failure to properly supervise apprentices. Probation was ordered in this instance.

Nevada State Board of Optometry

The board imposed discipline in seven cases. One matter was failure to renew on time. Three were for misleading advertising. One was for prescribing an unauthorized drug. Another was for improperly working with an adjoining eyeglass business. The final action involved failure to provide copies of records to a patient. The board imposed five fines totalling \$1,650. Costs of \$1,500 were assessed in one case.

State Board of Oriental Medicine

The board took no disciplinary action. According to the board's Executive Director, Dr. William Edwards, the requirement that an applicant must have practiced 6 years before being licensed in Nevada has reduced the need for discipline. This requirement assures that the practitioners are well-trained and any potential candidates for discipline have usually been identified due to prior actions in other states.

State Board of Osteopathic Medicine

The board reported one action involving revocation of a license due to conviction of a felony in another state.

State Board of Pharmacy

The board issued 31 reprimands, one suspension, and five revocations. Three of the latter were for substance abuse. Additionally, the board placed 16 licenses on probation and imposed restrictions on two others.

State Board of Physical Therapy Examiners

The board acted in five cases. Two involved private consent decrees. One resulted in a private reprimand. The remaining two ended with license revocations.

State Board of Podiatry

The board did not take any final disciplinary action.

Private Investigator's Licensing Board

The board reported two disciplinary actions. One involved unauthorized practice by a private investigator, and the other concerned an unlicensed firearm instructor. The board imposed fines totaling \$3,500.

Board of Psychological Examiners

No discipline was imposed by the board. However, five matters are currently pending. Two cases involve revocations in other states. One deals with substandard record keeping; and another with falling below the standard of care for a neuropsychologist. The final matter concerns sexual misconduct with underage patients. Additionally, approximately 40 cases have been investigated since 1993. The board also indicated that there have been instances where a complainant has subsequently refused to testify and, therefore, no formal discipline could be considered. However, the board has still managed to adjust some of these cases by arranging refunds or obtaining commitments from practitioners to stop engaging in certain conduct.

Board for Registration of Public Health Sanitarians

The board reported no actions taken.

Board of Examiners for Social Workers

The board acted on six cases. It issued four reprimands, usually for misrepresenting qualifications to clients. It revoked two licenses, one for falsification of signatures and assessed costs of \$5,501.80 in that matter. The other revoked licensee was placed on probation. Limits were placed on another license and 30 hours of CPE were mandated.

Nevada State Board of Veterinary Medical Examiners

The board took action on six cases, resulting in two suspensions, one revocation and two probations. Four fines totaling \$6,750 were levied and \$12,750 in costs were assessed. Actions were primarily for unsanitary conditions and substandard care.

V. CONCLUDING REMARKS

Nevada's occupational licensing boards cover such diverse areas of practice that trends or tendencies were difficult to identify. However, one pattern did emerge: when formal disciplinary action was initiated, the majority of cases were resolved by consent agreements without the necessity of contested hearings.

In general, most boards imposed some form of discipline during the biennium. Those boards that did not take formal action stressed that such activities were only one part of their functions. They indicated that they investigate numerous complaints each year but frequently conclude that no discipline is warranted. These activities are in addition to their ongoing licensing and renewal responsibilities. This same point was echoed by all the boards.

Finally, some boards applied forms of discipline that were not specifically included in their statutory authority. These were generally less serious sanctions, such as reprimands, that the boards assumed were implied in their broader authority to suspend and revoke licenses.

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APPENDIX A

**Letter and Mailing List to Occupational Licensing Boards
from Commerce Committee Chairmen in 1993**



Nevada Legislature

May 25, 1993

< Name >
< Title >
< Agency >
< Address >
< City >, < State > < Zip >

Dear < Dear >:

As Chairmen, and on behalf of the members, of the Senate Committee on Commerce and Labor and the Assembly Committee on Commerce, we are writing to request notification of all disciplinary actions taken by your board through the next biennium.

As you know, the Senate Committee on Commerce and Labor and the Assembly Committee on Commerce have jurisdiction over Title 54 of *Nevada Revised Statutes* relating to all professional and occupational licensing boards. Every legislative session, the committees process numerous bills that include requests from licensing boards to increase, revise or otherwise modify the authority of the boards to impose disciplinary actions. The committees need to understand the extent and frequency of use of approved disciplinary actions to effectively evaluate such requests in the future.

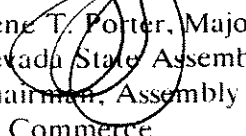
Therefore, we request that, from now until the start of the 1995 Session of the Nevada Legislature, you provide notification of all disciplinary actions taken by your board. This notification request is not intended to increase the administrative burden on your agency. The notification should be simply a copy of the formal action taken by your board that includes a brief summary of the circumstances and the disciplinary action imposed.

Please send your notifications to:


Senate and Assembly Commerce Committees
ATTN: Research Division
Legislative Counsel Bureau
Legislative Building
Capitol Complex
Carson City, Nevada 89710

Legislative staff will consolidate and furnish these notifications to the members of the committees on a regular basis throughout the interim period. Thank you for your consideration and assistance with this request. Your cooperation is sincerely appreciated.

Respectfully,



Gene T. Porter, Majority Leader
Nevada State Assemblyman
Chairman, Assembly Committee
on Commerce



Randolph J. Townsend
Nevada State Senator
Chairman, Senate Committee
on Commerce and Labor

RJT/GTP:gj:W93-1455.1,51

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Nevada State Board of Accountancy
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Reno, NV 89501

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State Board of Architecture
2080 E. Flamingo Rd., Ste. 310
Las Vegas, NV 89119

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University of Nevada
Reno, NV 89557-0046

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President, State Barbers' Health and
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Las Vegas, NV 89104

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NV State Board of Chiropractic
Examiners
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Reno, NV 89502

Robert B. Weld
Executive Officer
State Contractors' Board
1800 Industrial Road
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1785 E. Sahara Ave., Ste. 180
Las Vegas, NV 89104

William L. Thomason, D.D.S.
Executive Secretary
Board of Dental Examiners of Nevada
6889 W. Charleston Blvd., Ste. B
Las Vegas, NV 89117

Jerry Higgins, Ex. Director
State Board of Registered
Prof. Engineers & Land Surveyors
1755 E. Plumb Lane, Ste. 135
Reno, NV 89502

Edward B. McCaffery, Jr.
Secretary-Treasurer
St. Bd. of Funeral Directors &
Embalmers
P.O. Box 2462
Reno, NV 89505

Julie Causey
Secretary
Board of Hearing Aid Specialists
440 E. Sahara Avenue, Ste. B
Las Vegas, NV 89104

Members of the Board of
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P.O. Box 41064
Reno, NV 89504

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Carson City, NV 89702

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434 10th Street
Sparks, NV 89431

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1005 Terminal Way, Ste. 246
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Las Vegas, NV 89119

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Las Vegas, NV 89104

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Carson City, NV 89710

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Reno, NV 89505-2286

Dr. Donald S. Kwalick
State Health Officer, Board for
Registration of Pub. Health Sanitarians
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Reno, NV 89520

Stella Butterfield, Secretary/
Treasurer, Certified Shorthand
Reporters of Nevada
P.O. Box 237
Las Vegas, NV 89125-0237

Rosalind Tuana
Executive Secretary
Board of Examiners for Social Workers
P.O. Box 9779
Reno, NV 89507

APPENDIX B

Alphabetical List of Regulated Professions in Nevada, Name of Licensing Board, and Statutory Citation for Authorized Disciplinary Actions

APPENDIX B

ALPHABETICAL LIST OF REGULATED PROFESSIONS IN NEVADA, NAME OF LICENSING BOARD, AND STATUTORY CITATION FOR AUTHORIZED DISCIPLINARY ACTIONS

<u>Occupation</u>	<u>Formal Name of Board</u>	<u>NRS Citation</u>
Accountants	Nevada State Board of Accountancy	628.390
Architects	State Board of Architecture	623.270
Audiologists	Board of Examiners for Audiology and Speech Pathology	637B.280
Barbers	State Barbers' Health and Sanitation Board	643.185
Chiropractors	Nevada State Board of Chiropractic Examiners	634.190
Contractors	State Contractors' Board	624.300
Cosmetologists	State Board of Cosmetology	644.430
Court Reporters	Certified Court Reporters' Board of Nevada	656.240
Dentists and Dental Hygienists	Board of Dental Examiners of Nevada	631.350
Engineers and Land Surveyors	State Board of Professional Engineers and Land Surveyors	625.460
Funeral Industry	State Board of Funeral Directors, Embalmers and Operators of Cemeteries and Crematories	642.470
Hearing Aid Specialists	Board of Hearing Aid Specialists	637A.290
Homeopathic Physicians	Board of Homeopathic Medical Examiners	630A.510
Landscape Architects	Board of Landscape Architecture	623A.270
Marriage and Family Therapists	Board of Examiners for Marriage and Family Therapists	641A.320
Nurses	State Board of Nursing	632.325
Nursing Facility Administrators	Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care	654.190
Occupational Therapists	Board of Occupational Therapy	640A.200
Opticians	Board of Dispensing Opticians	637.150
Optometrists	Nevada State Board of Optometry	636.325
Oriental Medicine	State Board of Oriental Medicine	634A.170
Osteopathic Physicians	State Board of Osteopathic Medicine	633.651
Pharmacists	State Board of Pharmacy	639.255
Physical Therapists	State Board of Physical Therapy Examiners	640.160

<u>Occupation</u>	<u>Formal Name of Board</u>	<u>NRS Citation</u>
Physicians	Board of Medical Examiners	630.352
Podiatrists	State Board of Podiatry	635.130
Private Investigators	Private Investigator's Licensing Board	648.175
Psychologists	Board of Psychological Examiners	641.240
Public Health Sanitarians	Board for Registration of Public Health Sanitarians	625A.180
Social Workers	Board of Examiners for Social Workers	641B.430
Veterinarians	Nevada State Board of Veterinary Medical Examiners	638.147

APPENDIX C

List of Disciplinary Actions Authorized for Occupational Licensing

Boards by *Nevada Revised Statutes* and and

Number of Boards With Such Authority

APPENDIX C

LIST OF DISCIPLINARY ACTIONS AUTHORIZED FOR OCCUPATIONAL LICENSING BOARDS BY *NEVADA REVISED STATUTES* AND NUMBER OF BOARDS WITH SUCH AUTHORITY

<u>Code*</u>	<u>Disciplinary Action</u>	<u>Number of Boards</u>
REP	Reprimand or censure.	19
REN	Refuse renewal of license, or deny registration or license.	14
SUS	Suspension.	31
REV	Revocation of license or certification.	31
PRO	Probation.	21
FCP	Fine or civil penalty.	25
RCI	Recover costs of investigation, hearing, and/or prosecution.	16
RES	Require restitution.	3
BCD	Increase amount of bond or cash deposit of licensee.	1
LIM	Impose limits on field, scope, and monetary limit of license or practice; or impose conditions on the use of a license.	13
SUP	Require review or supervision of practice.	6
ADI	Require participation in program to correct alcohol and drug dependence or any other impairment.	3
PPS	Require performance of public service without compensation.	3
PMC	Require physical, mental, or competency examination.	5
TER	Require certain training or educational requirements.	6
OTH	Take other less severe or other disciplinary action as the board deems appropriate.	6

*Codes apply to the tables in Appendices D and E of this report.

APPENDIX D

Disciplinary Authority Provided by *Nevada Revised Statutes*

For Each Occupational Licensing Board and

Number of Times Each Was Exercised

APPENDIX D
DISCIPLINARY AUTHORITY PROVIDED BY NEVADA REVISED STATUTES
FOR EACH OCCUPATIONAL LICENSING BOARD AND NUMBER OF TIMES EACH WAS EXERCISED

OCCUPATION	Disciplinary Authority ¹															
	REP	REN	SUS	REV	PRO	FCP	RCI	RES	BCD	LIM	SUP	ADI	PPS	PMC	TER	OTH
Accountants	1	0	0	12	2	7	10				0				5	
Architects	53		2	1	1	20	0	9		0					3	
Audiologists	0	0	0	0		0										
Barbers		0	0	0		3	0									
Chiropractors	0		2	1	2	2	1			0						0
Contractors	8	24	13	17		10	0		3	2						0
Cosmetologists		0	0	0	4	29										
Court Reporters		0	0	1												
Dentists and Dental Hygienists	0		3	1	1	2	7			1	4	3	1	2	2	
Engineers and Land Surveyors	9	1	7	0	8	19		0								3
Funeral Industry			1	0												
Hearing Aid Specialists	0		0	2	1	0										
Homeopathic Physicians	0		0	0	0	0	0			0	0	0	0	0	0	
Landscape Architects		0	0	0												0
Marriage and Family Therapists	0		0	1	0	0				0				0		
Nurses		30	10	83		11	0			13				0		
Nursing Facility Administrators			0	0		0	0									
Occupational Therapists		0	0	0						0						
Opticians	1		0	0	1	0										
Optometrists	0		0	0	0	5	1									
Oriental Medicine		0	0	0		0	0									

APPENDIX D
DISCIPLINARY AUTHORITY PROVIDED BY NEVADA REVISED STATUTES
FOR EACH OCCUPATIONAL LICENSING BOARD AND NUMBER OF TIMES EACH WAS EXERCISED

OCCUPATION	Disciplinary Authority ¹															
	REP	REN	SUS	REV	PRO	FCP	RCI	RES	BCD	LIM	SUP	ADI	PPS	PMC	TER	OTH
Osteopathic Physicians	0		0	1	0					0						0
Pharmacists	31		1	5	16	20	0									
Physical Therapists		0	0	2	0	0	0									
Physicians	7		1	7	8	6				2	1	4	3	1	4	
Podiatrists		0	0	0	0	0	0									
Private Investigators	1		0	0	0	2	0									
Psychologists	0		0	0	0	0	0			0	0					
Public Health Sanitarians	0		0	0	0											
Social Workers	4		0	2	1	0	1			1						0
Veterinarians	1	0	2	1	2	4				0	0			1	1	

¹Codes are from Appendix C of this report.

APPENDIX E

**Disciplinary Authority Exercised But Not Provided by
Nevada Revised Statutes for Each Occupational
Licensing Board**

APPENDIX E
DISCIPLINARY AUTHORITY EXERCISED BUT NOT PROVIDED BY NEVADA REVISED STATUTES
FOR EACH OCCUPATIONAL LICENSING BOARD

OCCUPATION	Disciplinary Authority ¹															
	REP	REN	SUS	REV	PRO	FCP	RCI	RES	BCD	LIM	SUP	ADI	PPS	PMC	TER	OTH
Accountants																
Architects		7									1					26
Audiologists																
Barbers																
Chiropractors																
Contractors																
Cosmetologists							1									
Court Reporters																
Dentists and Dental Hygienists																
Engineers and Land Surveyors																
Funeral Industry																
Hearing Aid Specialists																
Homeopathic Physicians																
Landscape Architects																
Marriage and Family Therapists																
Nurses	20															
Nursing Facility Administrators																
Occupational Therapists																
Opticians										1	1					
Optometrists																
Oriental Medicine																

APPENDIX E
DISCIPLINARY AUTHORITY EXERCISED BUT NOT PROVIDED BY NEVADA REVISED STATUTES
FOR EACH OCCUPATIONAL LICENSING BOARD

OCCUPATION	Disciplinary Authority ¹															
	REP	REN	SUS	REV	PRO	FCP	RCI	RES	BCD	LIM	SUP	ADI	PPS	PMC	TER	OTH
Osteopathic Physicians																
Pharmacists																8
Physical Therapists	2															
Physicians		1					4									
Podiatrists																
Private Investigators																1
Psychologists																
Public Health Sanitarians																
Social Workers																
Veterinarians							3					1				

¹Codes are from Appendix C of this report.

APPENDIX F

Penalty Matrix Developed by the State Contractors' Board

State Contractors Board
 70 Linden Street
 Reno, Nevada 89502

PENALTY MATRIX			
	OPTION A	OPTION B	OPTION C
Level 1	ADMINISTRATIVE FINE UP TO \$500 AND/OR letter of reprimand and reimbursement of costs.	ADMINISTRATIVE FINE UP TO \$1,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs	ADMINISTRATIVE FINE UP TO \$2,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs.
Level 2	ADMINISTRATIVE FINE UP TO \$1,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs	ADMINISTRATIVE FINE UP TO \$2,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs.	ADMINISTRATIVE FINE UP TO \$3,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs.
Level 3	ADMINISTRATIVE FINE UP TO \$2,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs.	ADMINISTRATIVE FINE UP TO \$3,000 and/or letter of reprimand, probation, suspension, or revocation and reimbursement of costs.	ADMINISTRATIVE FINE UP TO \$5,000 and suspension or revocation <u>and</u> reimbursement of costs.

DISCIPLINARY GUIDELINES - FINES AND PENALTIES

THREE LEVELS OF VIOLATIONS

- I. **Level 1** violations are normally less severe discipline matters, where the acts complained on have not resulted in property damage, monetary loss, or physical injury or harm to any person.
- II. **Level 2** violations are generally more critical discipline matters, which result in monetary loss or financial harm to another person.
- III. **Level 3** violations are the most serious or blatant violations of law, where the nature and severity of the act or acts have seriously endangered the public welfare and safety. Violations of this magnitude normally result in danger to life or property, substantial monetary loss, or personal injury.

RECOMMENDED OPTIONS

THREE OPTIONS OF PENALTIES ARE LISTED FOR EACH POSSIBLE VIOLATION:

- A. **Option A** is a reduced penalty, created by mitigating factors or extenuating circumstances considered.
- B. **Option B** is the standard or normal penalty.
- C. **Option C** is an increased penalty created by aggravating or blatant violations considered by the Board (or committee), repeat or subsequent violations.

MITIGATING OR AGGRAVATED CIRCUMSTANCES

Circumstances which may be considered for the purpose of mitigation or aggravation may include but are not limited to the following:

- Monetary or other damage to the Licensee's customer, in any way associated with the violation, which damage the licensee has not relieved, as of the time the penalty is to be assessed. (This provision shall not be given to the extent it would contravene federal bankruptcy law.)

- Actual job site violations of building codes, conditions exhibiting gross negligence, incompetence, misconduct by the licensee, which have not been corrected as of the time the penalty is assessed.
- The severity of the offense.
- The danger to the public.
- The number of repetitions of offenses.
- The number of complaints filed against the licensee.
- The length of time the licensee has practiced.
- The actual damage, physical or otherwise, to the licensee's customer.
- The effect of the penalty upon the licensee's livelihood.
- Any efforts at rehabilitation.
- Any other mitigating or aggravating circumstances.