



# POLICY AND PROGRAM REPORT



## Occupational and Professional Licensing

April 2016

### PROFESSIONS REGULATED IN NEVADA

Many types of businesses, occupations, and professions are regulated by government. Most of the laws regulating occupations in this State are found in Title 54 (“Professions, Occupations and Businesses”) of *Nevada Revised Statutes* (NRS), which contains provisions governing more than 50 professions, occupations, and businesses. Of these, most occupations are regulated by independent boards or commissions, while the remainder are administered through State agencies or officials, or rely on local officials or civil action for enforcement.

In discharging these functions, regulatory bodies are mandated to enforce the provisions of State law for the protection and benefit of the public. For this reason, lawmakers in recent legislative sessions have required regulatory bodies to make more information about professional disciplinary proceedings readily available to the public.

### TABLE OF CONTENTS

Professions Regulated in Nevada .....	1
<i>Title 54 of NRS—Professions in Nevada Regulated by Independent Boards</i> .....	1
Creation and Operation of Independent Boards .....	2
Businesses and Professions Regulated by State Agencies .....	3
Pursuits Regulated by Government Officials or Private Legal Enforcement .....	3
Licensing Requirements .....	4
Disciplinary Powers of Regulatory Bodies .....	4
Additional Resources.....	5
Research Staff Contacts.....	5

### *Title 54 of NRS—Professions in Nevada Regulated by Independent Boards*

The following table lists the 33 categories of professions in Title 54 of NRS that are regulated by independent boards:

Title 54 of NRS—Professions in Nevada Regulated by Independent Boards	Chapter of NRS
Accountants	628
Administrators of Facilities for Long-Term Care	654
Alcohol, Drug, and Gambling Counselors and Detoxification Technicians	641C
Architecture, Interior Design, and Residential Design	623
Athletic Trainers	640B
Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers	637B
Barbers and Barbering	643
Certified Court Reporters	656

Title 54 of NRS—Professions in Nevada Regulated by Independent Boards ( <i>continued</i> )	Chapter of NRS
Chiropractic	634
Contractors	624
Cosmetology	644
Dentistry and Dental Hygiene	631
Dispensing Opticians	637
Environmental Health Specialists	625A
Funeral Directors, Embalmers, and Operators of Cemeteries and Crematories	642
Homeopathic Medicine	630A
Landscape Architects	623A
Marriage and Family Therapists and Clinical Professional Counselors	641A
Massage Therapists	640C
Nursing	632
Occupational Therapists	640A
Optometry	636
Oriental Medicine	634A
Osteopathic Medicine	633
Pharmacists and Pharmacy	639
Physical Therapists	640
Physicians, Physician Assistants, Medical Assistants, Perfusionists, and Practitioners of Respiratory Care	630
Podiatry	635
Private Investigators, Private Patrol Officers, Polygraphic Examiners, Process Servers, Repossessors, and Dog Handlers	648
Professional Engineers and Land Surveyors	625
Psychologists, Licensed Behavior Analysts, Licensed Assistant Behavior Analysts, and Certified Autism Behavior Interventionists	641
Social Workers	641B
Veterinarians	638

## CREATION AND OPERATION OF INDEPENDENT BOARDS

The Legislature creates occupational and professional licensing boards and sets public policy governing them. The boards are invested with authority to adopt regulations regarding licensing and practice of the various professions, subject to review by the Legislature. Members are appointed by the Governor to fixed terms, generally running three or four years. Some boards have limits on the number of terms, or at least consecutive terms, a member may serve. When making appointments to professional licensing boards, the Governor is required to solicit nominees from professional associations but may appoint any statutorily qualified individual. A number of boards have statutes providing the Governor may remove a member for cause. Many, but not all, boards have public members in addition to members of the regulated profession or occupation. Some boards utilize the Office of the Attorney General for legal counsel; other boards retain private counsel, and a few boards use a combination of both.

Independent boards are funded by fees charged to licensees and do not receive State General Fund support. However, each board must submit financial accounting documents every fiscal year to the Legislative Auditor and the Chief of the Budget Division of the Office of Finance within the Office of

the Governor. The Legislative Auditor may audit the fiscal records of any independent board when directed to do so by the Legislative Commission.

### **BUSINESSES AND PROFESSIONS REGULATED BY STATE AGENCIES**

The following table indicates the 12 businesses or professions in Title 54 of NRS that are regulated by State agencies, along with NRS chapter and the agency with the regulatory authority:

<b>Title 54 of NRS—Professions in Nevada Regulated by State Agencies</b>	
<b>Profession</b>	<b>Regulatory Authority</b>
Appraisers of Real Estate and Appraisal Management Companies (Chapter 645C of NRS)	Administrator of Real Estate Division and Commission of Appraisers of Real Estate
Collection Agencies (Chapter 649 of NRS)	Commissioner of Financial Institutions and Collection Agency Advisory Board
Dietetics (Chapter 640E of NRS)	State Board of Health
Escrow Agencies and Agents (Chapter 645A of NRS)	Commissioner of Mortgage Lending
Exchange Facilitators (Chapter 645G of NRS)	Commissioner of Financial Institutions
Inspectors of Structures and Energy Auditors (Chapter 645D of NRS)	Administrator of Real Estate Division
Interpreters and Realtime Captioning Providers (Chapter 656A of NRS)	Aging and Disability Services Division
Medical Laboratories (Chapter 652 of NRS)	State Board of Health
Mortgage Bankers (Chapter 645E of NRS)	Commissioner of Mortgage Lending
Mortgage Brokers and Mortgage Agents (Chapter 645B of NRS)	Commissioner of Mortgage Lending
Music Therapists (Chapter 640D of NRS)	State Board of Health
Real Estate Brokers and Salespersons (Chapter 645 of NRS)	Real Estate Division and Real Estate Commission

### **PURSUIITS REGULATED BY GOVERNMENT OFFICIALS OR PRIVATE LEGAL ENFORCEMENT**

The following table lists the six businesses or occupations in Title 54 of NRS that are not regulated by a board or agency but instead rely on local officials or civil action for enforcement:

<b>Title 54 of NRS—Professions in Nevada Not Regulated by an Agency or Board</b>	
<b>Profession</b>	<b>Enforcement Authority</b>
Dealers in Junk and Secondhand Materials; Scrap Metal Processors (Chapter 647 of NRS)	Sheriff, Police Department, or Local Government Officials
Disbursement of Money by Construction Controls (Chapter 627 of NRS)	Civil Action

<b>Title 54 of NRS—Professions in Nevada Not Regulated by an Agency or Board</b> <i>(continued)</i>	
<b>Profession</b>	<b>Enforcement Authority</b>
Financial Planners (Chapter 628A of NRS)	Civil Action
Locksmiths and Safe Mechanics (Chapter 655 of NRS)	Permit From County Sheriff
Pawnbrokers (Chapter 646 of NRS)	District Attorney, Sheriff, or Chief of Police
Public Accommodations (Chapter 651 of NRS)	Criminal or Civil Action

There are numerous other business pursuits regulated to a greater or lesser extent by statute that are not generally considered under the occupational and professional title. These include such diverse enterprises as insurance agents, sellers of travel, and telemarketing.

**LICENSING REQUIREMENTS**

The majority of regulatory bodies establish some type of minimum qualifications for professional licensing. These qualifications can include minimum age limits; educational requirements; written, oral, or practical examinations; and background checks to ensure the applicant has not been disciplined or denied a license in another jurisdiction. Many bodies also require completion of annual or biannual continuing education courses to maintain and enhance skills. In general, boards do not provide for reciprocal licensing, that is, issuing a license to a practitioner who is already licensed in another jurisdiction.

**DISCIPLINARY POWERS OF REGULATORY BODIES**

Each licensing board or commission has the authority to suspend or revoke the license or certificate that permits a person to practice the regulated profession. Boards also have authority to impose a fine or civil penalty; place a member on probation; issue a public reprimand; and recover the costs of an investigation, hearing, or prosecution from a member of the profession. Regulatory bodies have specific procedures for conducting investigations and disciplinary hearings to ensure licensees are accorded due process before any penalties are imposed. Once disciplinary action is initiated by an independent board, all proceedings must be conducted in public. Additionally, results of proceedings conducted by independent boards must be reported quarterly to the Legislature, which then posts them on the Internet so the public has ready access to the records.

A number of boards also have specific authority to refuse issuance of a new license or renewal of an existing license or to impose limits or conditions on the use of a license or a member’s practice. Only a few licensing boards have authority to take other disciplinary actions, such as requiring certain competency examinations, training requirements, or supervision of a person’s practice. These actions are limited to the more specialized occupations such as dentists, physicians, and veterinarians.

Most licensing bodies have detailed statutory grounds for discipline. These grounds range from general prohibitions against fraud, deceit, habitual intoxication, repeated acts of malpractice, or

conduct involving moral turpitude to profession-specific provisions such as falsifying an entry on a patient's medical chart concerning a controlled substance (nurses), willful failure to pay for materials or services when due (contractors), or using a towel on one patron that has already been used on someone else unless the towel has been laundered (barbers).

### **ADDITIONAL RESOURCES**

A list of members and contact information for Nevada's occupational and professional licensing boards may be viewed at: <http://www.leg.state.nv.us/Division/Research/Publications/Directory/index.html>.  
*Please note that the list is updated manually and may be out of date.*

Copies of disciplinary records of the independent occupational and professional boards may be viewed at: <http://www.leg.state.nv.us/App/OL/A/>.

### **RESEARCH STAFF CONTACTS**

Kelly Richard  
Principal Research Analyst  
E-mail: [Kelly.Richard@lcb.state.nv.us](mailto:Kelly.Richard@lcb.state.nv.us)

Marjorie Paslov Thomas  
Principal Research Analyst  
E-mail: [Marjorie.PaslovThomas@lcb.state.nv.us](mailto:Marjorie.PaslovThomas@lcb.state.nv.us)

Research Division  
Legislative Counsel Bureau  
Telephone: (775) 684-6825  
Fax: (775) 684-6400