

**ADOPTED REGULATION OF THE
CERTIFIED COURT REPORTERS' BOARD OF NEVADA**

LCB File No. R005-11

Effective December 30, 2011

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

AUTHORITY: §§1-3, NRS 656.130 and 656.160; §4, NRS 656.130, 656.155, 656.160 and 656.180; §5, NRS 656.130, 656.150, 656.160 and 656.180.

A REGULATION relating to court reporters; revising provisions relating to the examination of an applicant for a certified court reporter's certificate; and providing other matters properly relating thereto.

Section 1. NAC 656.120 is hereby amended to read as follows:

656.120 1. The Executive Secretary of the Board shall assign a unique identification number to each application that is approved by the Board. An applicant must register on the day of the examination by presenting the original of the photo identification that accompanied his or her application and by signing the sheet for registration provided by the Board. The Board or a member of the staff of the Board will open the examination room on the day of the examination at 8 a.m. for registration. The Board or a member of the staff of the Board will provide a seat for the applicant in the examination room according to the identification number that is assigned to his or her application.

2. A member of the Board shall give oral instructions and remarks of introduction at approximately 9 a.m. on the day of the examination. Unless special arrangements are made pursuant to subsection 8 or 9, all applicants must register and be present for the oral instructions and remarks of introduction.

3. Each applicant must be on time to take the examination. An applicant who arrives late to take the examination:

- (a) Will be denied admission to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must, if the applicant had registered, reregister before taking a subsequent examination.

4. The Board will administer two sections of the examination. An applicant who takes the examination for the first time must complete both sections of the examination. The name of the applicant or the applicant's identification number, or both, must not be written or otherwise appear on the examination provided by the Board.

5. The examination of an applicant and all other material relating to the examination must not be removed from the examination room during the administration of the examination. If an applicant removes the examination or material relating to the examination, the Board will fail the applicant for the purposes of the current application and will, if deemed appropriate by the Board, disqualify the applicant from participation in future examinations. After an applicant completes the examination, the applicant must return the examination and material to the registration desk.

6. An applicant shall not:

- (a) Ask questions during the examination except for questions that are necessary for clarification of the examination; or
- (b) Leave the room in which the examination is administered without permission from a person who is monitoring the examination or a member of the staff of the Board who is present at the registration desk.

7. An applicant must bring to the examination room a pen or pencil, stenographic *or voice writing* equipment and any other equipment required by the Board. The Board will not:

(a) Provide stenographic , *voice writing* or any other equipment.

(b) Replace equipment for an applicant if the applicant's equipment malfunctions during the examination.

8. Upon the written request of an applicant with a disability at least 10 working days before the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if those arrangements are:

(a) Feasible;

(b) Reasonable; and

(c) In compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213, inclusive.

9. Upon the request of an applicant whose religious beliefs prevent the applicant from taking the examination on the date of the examination, the Executive Secretary of the Board shall make special arrangements for the administration of the examination to the applicant if the request is made before the date of the examination.

10. If an applicant cheats on the examination, the Board will expel the applicant from the examination room and fail the applicant.

11. Questions concerning the administration, procedure or content of the examination must be submitted in writing to the Board.

Sec. 2. NAC 656.130 is hereby amended to read as follows:

656.130 1. After the presentation of the oral instructions and remarks of introduction by a member of the Board, the Board will provide for the administration of the written section of the

examination. Unless special arrangements are made pursuant to subsection 8 of NAC 656.120, the Board will give an applicant 1 hour and 45 minutes to complete *and submit* the written section **[H]** *to the Board or a member of the staff of the Board*. A grade of at least 70 percent is required to pass the written section.

2. The written section of the examination consists of not less than 150 and not more than 200 questions that test the knowledge of the applicant in:

- (a) Vocabulary;
- (b) Punctuation;
- (c) Grammar;
- (d) Spelling;
- (e) Medical terminology;
- (f) Legal terminology;
- (g) The provisions of the Nevada Rules of Civil Procedure relating to the practice of court reporting;
- (h) The provisions of the Supreme Court Rules relating to the practice of court reporting; and
- (i) Any other subject relating to the duties of a court reporter specified by the Board.

↪ The Executive Secretary of the Board shall include material to prepare for the written section of the examination in the letter of admittance to the examination mailed to the applicant.

3. An applicant shall not refer to or otherwise use books, papers or other material during the written section of the examination. All books, papers and other such material must be placed on the floor during the examination.

Sec. 3. NAC 656.140 is hereby amended to read as follows:

656.140 1. After the administration of the written section of the examination, the Board will administer the section of the examination that tests the ability of the applicant to transcribe. Before the section on transcription, an applicant will have a warm-up period of approximately 3 minutes to establish voice familiarity and clarity. An accuracy of 97.5 percent is required to pass the section on transcription.

2. The section on transcription consists of dictation of not less than 200 nor more than 225 words per minute. ~~[Before dictation begins, the]~~ *The* Board will provide to each applicant a glossary of proper names for use during the examination.

3. After completion of the dictation, the applicant shall transcribe the dictation. Unless special arrangements are made pursuant to subsection 8 of NAC 656.120, the Board will give each applicant 3 hours to complete *and submit* the transcription ~~[]~~ *to the Board or a member of the staff of the Board*. An applicant may use a dictionary. If an applicant elects not to complete the section on transcription, the applicant must sign an affidavit acknowledging that he or she forfeits the examination. An applicant who signs such an affidavit shall turn in all notes taken by the applicant *and all electronic storage media used by a device for voice writing that was used by the applicant* during the examination and include on the notes *and electronic storage media* his or her name, the date and the identification number assigned to him or her.

4. An applicant shall prepare the transcription in the manner prescribed by the Board. In preparing the transcript, the applicant shall not :

(a) *Except as otherwise provided in paragraph (b)*, use handwriting or any ~~[electronic]~~ *audio* recording device ~~[]~~; *or*

(b) If taking the examination through the use of voice writing, use handwriting or any system of manual or mechanical shorthand writing, but may use an audio recording of the applicant's voice.

5. The Board will count each of the following as one error on the section on transcription:

(a) One wrong word;

(b) Misuse of the singular or plural of a word;

(c) Misuse of the present or past tense of a word;

(d) Omission of a word;

(e) Addition of a word;

(f) Transposition of a word;

(g) A word that is spelled incorrectly, including, but not limited to, typographical errors and keyboard errors;

(h) A name that is wrong;

(i) A period that is omitted or placed incorrectly;

(j) A question mark that is omitted or placed incorrectly;

(k) A contraction of a word that is incorrectly typed as two words;

(l) Two words that are incorrectly typed as a contraction;

(m) Omission of a question or answer;

(n) A number or figure that is incorrectly typed; and

(o) A capital letter that is omitted if the Board determines that the capitalization is necessary.

6. The Board will not count the following as errors on the section on transcription:

(a) Punctuation that is included if the Board determines that the punctuation is optional;

(b) Words that are incorrectly capitalized if the Board determines that the capitalization is optional;

(c) Use of paragraphs;

(d) Crossing out words by use of a typewriter;

(e) Typing dates with the use of ordinal or cardinal numbers;

(f) Errors in the use of spacing; or

(g) Use of hyphenation, including, but not limited to, compound words.

Sec. 4. NAC 656.150 is hereby amended to read as follows:

656.150 1. Not more than 8 weeks after the administration of the examination, the Board will, at a public meeting held for that purpose, certify the score of each applicant who took the examination. As soon as practicable after conducting the public meeting, the Chair of the Board shall provide official written notice to each applicant of the results of the examination of the applicant. The results of an examination must not be given to an applicant by telephone.

2. After the Chair of the Board provides official notice of the results of the examinations, a successful applicant may submit an application for a certificate on a form provided by the Board. The application must include:

(a) The fee required by NAC 656.200 for the original issuance of a certificate;

(b) The residential address and telephone number of the applicant;

(c) The business address and telephone number, if any, of the applicant;

(d) The date on which the applicant successfully passed the examination;

(e) In accordance with NRS 656.155, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520; and

(f) Complete answers to the questions contained on the form.

↳ Upon receipt of a complete application, the Board will process an application for a certificate.

3. A successful applicant shall not practice court reporting in this State until he or she receives a certificate from the Board.

4. An applicant may submit a written request to the Board to review his or her examination. ~~Upon receipt of such a request, the Board will provide a copy of the section on transcription if the applicant pays the Board for the actual expenses incurred by the Board in photocopying the examination and mailing the examination to the applicant.~~ An applicant may, within 45 days after the Board certifies the score of the applicant pursuant to subsection 1, review ~~the written section~~ *one or both sections* of the examination at the office of the Board. The Board will not mail ~~the written~~ *either* section of the examination to an applicant. An applicant may not copy or otherwise reproduce ~~the written~~ *either* section of the examination.

5. An applicant who wishes to appeal any aspect of the examination must do so in writing within 30 days after the Board certifies the score of the applicant pursuant to subsection 1.

6. For the purposes of NRS 233B.130, a decision of the Board regarding the appeal submitted pursuant to subsection 5 is a final decision.

Sec. 5. NAC 656.160 is hereby amended to read as follows:

656.160 1. If an applicant fails one or both sections of the examination, the applicant is ineligible for a certificate. Such an applicant may retake the examination if he or she submits an application and the fee required for examination to the Board.

2. A passing grade on either section of the examination received by an applicant will be valid for the two immediately succeeding examinations administered by the Board. An applicant who has a passing grade on either section of the examination that is valid for the examination is

required to be present for the oral instructions and remarks of introduction by a member of the Board, but is not required to be present for the section of the examination that he or she passed.

3. An applicant who passes both sections of the examination must submit an application to the Board for a certificate within 2 years after the last date on which the applicant passed a section of the examination.



STATEMENT OF ADOPTION OF PERMANENT REGULATIONS

The State of Nevada Certified Court Reporters Board adopted permanent regulations assigned LCB File No. R005-11, that pertains to chapter 656 of the Nevada Administrative Code on December 1, 2011. A copy of the permanent regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

Date: Thursday, December 1, 2011
Start Time: 5:38pm
End Time: 7:18pm

Las Vegas Location: Esquire Deposition Services, LLC
2300 West Sahara Avenue, Suite 770
Las Vegas, Nevada 89102

Reno Location: Aevos Office Suites
10775 Double R Boulevard
Las Vegas, NV 89521

Present in Las Vegas: Lori Judd Sherrill Grotheer Peggy Elias Debbie Uehara
 Pauline May Mark Tafton Peter Hellman Clara Casey
 Rene Hannah Kristy Clark Jennifer Clark Michelle Marez
 Brittany Marez Peggy Isom Leah Jorgenson Brittany Castrejon
Present in Reno: Peggy Hoogs Severin Carlson (via telcon)

The adoption hearing on proposed permanent regulations was called to order by Lori Judd.

Board member roll call:

Severin Carlson – Present
Lori Judd – Present
Sherrill Grotheer – Present
Peggy Elias – Present
Peggy Hoogs - Present

1. 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 permanent and temporary regulations, notices of workshop and notices of intent to act upon the regulations were sent by U.S. mail and email to persons who were known to have an interest in the subject of court reporting practices as well as any persons who had specifically requested such notice. These documents were also available at the website of the State of Nevada Certified Court Reporters Board at www.crptr.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations on September 16, 2010:

Certified Court Reporters Board 6628 Sky Pointe Drive, Suite 104 Las Vegas, NV 89131	8th Judicial District Court 200 Lewis Avenue Las Vegas, NV 89155	2nd Judicial District Court 75 Court Street Reno, NV 89520
Office of the Attorney General 885 East Musser Street, #2030 Carson City, NV 89701	Grant Sawyer Building 555 E. Washington Avenue Las Vegas, NV 89101	Carson City Library 900 N Roop Street Carson City, NV 89702
Churchill County Library 553 South Main Street Fallon, NV 89406	Clark County District Library 833 Las Vegas Boulevard Las Vegas, NV 89101	Douglas County Library 1625 Library Lane Minden, NV 89423
Elko County Library 720 Court Street Elko, NV 89801	Esmeralda County Library Corner of Crook & 4 th Streets Goldfield, NV 89013	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lander County Library 625 S Broad Street Battle Mountain, NV 89820	Lincoln County Library 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447
Mineral County Public Library 110 1 st Street Hawthorne, NV 89415	Pershing County Library 1125 Central Avenue Lovelock, NV 89419	Storey County Pub. Library 95 South R Street Virginia City, NV 89440
Tonopah Public Library 167 Central Street Tonopah, NV 89049	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301

Notice of the workshop and intent to act upon the regulations instructed interested persons of the public to contact Debbie Uehara at the State of Nevada Certified Court Reporters Board at 702-489-8787 to obtain copies of the comment summaries.

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed permanent and temporary regulations.

Workshop – Thursday, November 3, 2011

Number of persons who attended Las Vegas location: 3
Number of persons who attended Reno location: 0
Number of persons who testified: 0
Number of written comments: 0

Adoption Hearing – Thursday, December 1, 2011

Number of persons who attended Las Vegas location: 16
Number of persons who attended Reno location: 2
Number of persons who testified: 0
Number of written comments: 0

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

Notices of the workshop and adoption hearing to solicit comments were sent out to each active and inactive court reporter and designated firm representative registered with the State of Nevada Certified Court Reporters Board. Notice of the workshop and adoption hearing instructed interested persons of the public to contact Debbie Uehara at the State of Nevada Certified Court Reporters Board at 702-489-8787 to obtain copies of the comment summaries.

4. **If the permanent regulations was adopted without changing any part of the proposed permanent and temporary regulations, a summary of the reasons for adopting the permanent regulation without change. The statement should also explain the reasons for making any changes to the permanent regulation as proposed.**

The introduction of new language and general housekeeping amendments will keep NAC Chapter 656 consistent with NRS Chapter 656 and will provide clarification regarding continuing education requirements for designated firm representatives and certification exam procedures for exam applicants. A copy of the permanent regulations identified as R005-11 as adopted is attached.

5. **The estimated economic effect of the permanent and temporary regulations 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.**

The Board does not anticipate any adverse economic effect on the proposed permanent regulations.

- b) **Both immediate and long-term effects.**

The effects of the proposed permanent language will keep NAC Chapter 656 consistent with NRS Chapter 656 and provide clarification regarding continuing education requirements for court reporting firms and certification exam applicants in the state of Nevada to better safeguard the public.

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

There is no additional cost to the agency for enforcement of these regulations.

7. **A description of any regulations of other state or government agencies which the proposed permanent regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the permanent 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.

- 8. If the permanent regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.**

Not applicable.

- 9. If the permanent 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.**

Not applicable.