

PROPOSED REGULATION OF THE BOARD OF REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS

LCB File No. R017-17

ADMINISTRATIVE PROCEEDINGS

Conduct of hearings and disciplinary proceedings.

1. *Each hearing of a contested case will be conducted in accordance with the provisions of chapter 233B of NRS and, if the hearing concerns a disciplinary proceeding, chapter 622A of NRS.*

Complaints against registrants.

1. *Any person who believes that another person registered by the Board has violated a provision of this chapter or chapter 625A of NRS may file a complaint with the Board on a form provided by the Board.*

2. *The Board may, on its own, initiate a complaint against a person registered by the Board.*

3. *A complaint must, without limitation:*

(a) *Identify one or more grounds for disciplinary action; and*

(b) *Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.*

4. *The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.*

5. *The Executive Director of the Board shall bring before the Board any complaint found to have merit.*

6. *For any proceedings regarding a complaint filed against an environmental health specialist trainee, the Board may require that the trainee be accompanied by any environmental health specialist who supervised or provided training related to the allegations contained in the complaint.*

Recovery by Board of attorney's fees and costs. Pursuant to NRS 622.400, the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.

Fees and expenses of witnesses. A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this state.

PROCEEDINGS BEFORE BOARD

Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing.

1. *The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board must be submitted*

to the Board as a petition.

2. Any interested person may submit a petition to the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board.

3. The petition must be in writing and addressed to the Chair of the Board.

4. An original and two legible copies of the petition must be filed with the Board. The Board may, when appropriate, direct that a copy of each petition be made available to any other person who the Board determines may be affected by the petition.

5. The petition must contain:

(a) The full name and mailing address of the petitioner;

(b) If the adoption of a new regulation is proposed, the body or substance of the proposed regulation and the supporting facts and arguments;

(c) If the amendment or repeal of an existing regulation is proposed, the NAC citation of the regulation and the supporting facts and arguments;

(d) If a formal hearing by the Board is requested, the relevant facts which support the request; and

(e) A statement that the petition is made in accordance with the applicable provisions of the NRS.

6. The petition must be signed by the petitioner. The signature constitutes a representation by the signer that:

(a) He or she has read the petition;

(b) To the best of his or her knowledge, information and belief, the statements made therein are true.

Petitions for declaratory orders or advisory opinions.

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be submitted in the same manner as a petition for adoption, amendment or repeal of a regulation.