

**PROPOSED REGULATION OF THE BOARD
OF REGISTERED ENVIRONMENTAL
HEALTH SPECIALISTS**

LCB File No. R017-17

July 13, 2017

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

AUTHORITY: §§1-6, NRS 625A.080.

A REGULATION relating to environmental health specialists; establishing provisions relating to complaints filed against persons who hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; providing that witnesses who participate in any proceeding before the Board of Registered Environmental Health Specialists are entitled to certain payment and reimbursement from the Board; establishing provisions relating to petitions filed with the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Registered Environmental Health Specialists to adopt such regulations as are necessary to enable it to carry out the provisions of law relating to environmental health specialists and environmental health specialist trainees. (NRS 625A.080)

Section 2 of this regulation authorizes any person who believes that a person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee has violated certain provisions of law or regulations to file a complaint with the Board.

Section 2 also sets forth certain requirements concerning the contents and filing of such a complaint.

Section 3 of this regulation authorizes the Board to require any environmental health specialist who provided certain relevant supervision or training to an environmental health specialist trainee against whom a complaint has been filed to accompany the environmental health specialist trainee to any proceeding held by the Board that concerns the complaint.

Section 4 of this regulation provides that: (1) a witness who participates in any proceeding held by the Board is entitled to be paid a certain fee and be reimbursed for mileage traveled; and (2) the Board will pay such costs.

Sections 5 and 6 of this regulation establish provisions relating to petitions filed with the Board.

Section 1. Chapter 625A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. 1. *Any person who believes that a person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee 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 who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee if the Board believes that the person has violated a provision of this chapter or chapter 625A of NRS.

3. A complaint filed against a person pursuant to this section must, without limitation:

- (a) Identify one or more grounds for disciplinary action against the person; and*
- (b) Set forth a statement of facts that contains sufficient detail to enable the Board to understand the allegations.*

4. Upon receipt of a complaint filed against a person pursuant to this section, the Chair of the Board or a person designated by the Chair who is employed pursuant to NRS 625A.055 shall:

(a) In consultation with an attorney employed pursuant to NRS 625A.055, review the complaint and determine whether the complaint has merit and therefore warrants an investigation; and

(b) Present to the Board any such complaint determined to have merit.

Sec. 3. *During any proceeding held by the Board concerning a complaint filed against an environmental health specialist trainee pursuant to section 2 of this regulation, the Board may*

require any environmental health specialist who provided to the environmental health specialist trainee supervision or training relating to the allegations contained in the complaint to accompany the environmental health specialist trainee to the proceeding.

Sec. 4. 1. *A witness who participates in any proceeding held by the Board is entitled to be paid:*

(a) A fee in the same amount set forth in paragraph (a) of subsection 1 of NRS 50.225 for each day's attendance; and

(b) At the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route.

2. *The payment to which a witness is entitled pursuant to subsection 1 will be paid by the Board.*

Sec. 5. 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 before the Board must be filed with the Board as a petition.*

2. *Any interested person may file a petition with the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing before the Board.*

3. *A petition filed with the Board pursuant to this section must:*

(a) Be in writing;

(b) Be addressed to the Chair of the Board;

(c) Contain:

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

(2) If the petitioner is proposing the adoption of a new regulation, the body or substance of the proposed regulation and the supporting facts and arguments for the adoption thereof;

(3) If the petitioner is proposing the amendment or repeal of an existing regulation, the specific section of the Nevada Administrative Code that the petitioner is proposing to amend or repeal and the supporting facts and arguments for the amendment or repeal thereof;

(4) If the petitioner is requesting a formal hearing before the Board, the relevant facts supporting the request; and

(5) A statement that the petition is being made in accordance with all applicable provisions of the Nevada Revised Statutes and the Nevada Administrative Code; and

(d) Be signed by the petitioner and contain a statement that the petitioner acknowledges that by signing the petition:

(1) He or she has read the petition; and

(2) To the best of his or her knowledge, information and belief, the statements made in the petition are true.

4. A person who files a petition pursuant to this section must file the original petition and two legible copies with the Board. The Board may, if appropriate, direct that a copy of the petition be made available to any other person who the Board determines might be affected by the petition.

Sec. 6. 1. *A person may file, and the Board will consider, a petition for a declaratory order or an advisory opinion concerning the applicability of any relevant statutory provision or any regulation or decision of the Board.*

2. A petition for a declaratory order or an advisory opinion must be filed with the Board in the same manner as a petition for the adoption, amendment or repeal of a regulation pursuant to section 5 of this regulation.