

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

LCB File No. R112-17

November 8, 2017

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

AUTHORITY: §§1-4, 7, 10, 11, 14-18 and 20, NRS 656.130; §§5, 6, 8, 9 and 19, NRS 656.130 and 656.160, as amended by section 12 of Senate Bill No. 406, chapter 361, Statutes of Nevada 2017, at page 2217; §12, NRS 656.130 and 656.220; §13, NRS 656.130 and 656.186.

A REGULATION relating to court reporters; revising various provisions relating to the examination required to be taken by an applicant for a certificate of registration as a court reporter; removing provisions that authorize such an applicant to review and appeal his or her examination; revising provisions relating to continuing education required to be completed by a court reporter or designated representative of a court reporting firm; revising provisions concerning the examination required to be taken by a person who is not a certified court reporter but wishes to serve as a designated representative of a court reporting firm; increasing the fee for such an examination; requiring that a request for an advisory opinion by the Certified Court Reporters' Board of Nevada include a certain certification; revising procedural provisions relating to informal complaints filed with the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Certified Court Reporters' Board of Nevada to adopt such regulations as are necessary to carry out the provisions of law relating to certified court reporters and court reporting firms. (NRS 656.130)

Senate Bill No. 406 of the 2017 Legislative Session, which becomes effective on January 1, 2018, requires each applicant for a certificate of registration as a court reporter to fulfill certain requirements, including passing an examination prescribed by the Board. (NRS 656.150, as amended by section 11 of Senate Bill No. 406, chapter 361, Statutes of Nevada 2017, at page 2217) Senate Bill No. 406 also eliminates the requirement that the examination include a practical demonstration portion. (NRS 656.160, as amended by section 12 of Senate Bill No. 406, chapter 361, Statutes of Nevada 2017, at page 2217) Accordingly, **section 19** of this regulation repeals the provisions relating to that portion of the examination, and **sections 5, 6, 8 and 9** of this regulation make conforming changes. **Section 5** also revises provisions relating to the equipment that an applicant is required to bring to the examination.

Existing regulations provide that after the Board provides official notice of the results of an examination, an applicant is authorized to review his or her examination and appeal any aspect of the examination. (NAC 656.150) **Section 7** of this regulation removes the provisions authorizing an applicant to review and appeal his or her examination.

Existing regulations establish provisions relating to continuing education that a court reporter or designated representative of a court reporting firm is required to complete. (NAC 656.205-656.240) **Section 10** of this regulation removes the provision requiring that a written notice of noncompliance from the Board be mailed by certified or registered mail. **Section 11** of this regulation provides that the Board will approve courses of study for continuing education upon written request, at the next open meeting of the Board after receipt of the request, rather than on an annual basis.

Existing regulations require that before a person who is not a certified court reporter is authorized to serve as a designated representative of a court reporting firm, the person must pass an examination that consists of 100 multiple-choice questions. The fee for such an examination is \$100 for an initial examination and \$50 for each subsequent examination taken within 1 year after the initial examination. (NAC 656.261, 656.265) **Section 12** of this regulation increases the fee for an initial or subsequent examination to \$250. **Section 13** of this regulation increases the number of multiple choice questions on the examination to 125.

Existing regulations authorize a person to request that the Board issue an advisory opinion concerning the applicability of a statute, regulation or decision of the Board unless the advisory opinion concerns a question or matter that is an issue in a pending administrative, civil or criminal proceeding. (NAC 656.415) **Section 15** of this regulation requires a person to certify in a request for an advisory opinion that to the best of his or her knowledge and belief, the request does not concern a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

Sections 16-18 of this regulation revise certain procedural provisions relating to an informal complaint filed with the Board concerning the acts of or services provided by a holder of a certificate or license.

Section 1. Chapter 656 of NAC is hereby amended by adding thereto a new section to read as follows:

“License” has the meaning ascribed to it in NRS 656.030.

Sec. 2. NAC 656.035 is hereby amended to read as follows:

656.035 “Complainant” means any person who submits a written complaint to the Board regarding any act of a holder of a certificate ~~or~~ *or license.*

Sec. 3. NAC 656.040 is hereby amended to read as follows:

656.040 “Court reporter” has the meaning ascribed to ~~the~~ *“certified court reporter”* in NRS 656.030 ~~the~~, *as amended by section 6 of Senate Bill No. 406, chapter 361, Statutes of Nevada 2017, at page 2215.*

Sec. 4. NAC 656.070 is hereby amended to read as follows:

656.070 “Respondent” means a holder of a certificate *or license* who is charged in a formal or informal complaint with a violation of a provision of this chapter or chapter 656 of NRS.

Sec. 5. 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 a member of the staff of the Board. A member of the Board or a member of the staff of the Board will open the examination room on the day of the examination for registration. A member of 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 or a member of the staff of the Board shall give oral instructions and remarks of introduction immediately before administering 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 reregister before taking a subsequent examination.

4. A member of the Board or a member of the staff of 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 . ~~{steno-graphic or voice writing equipment and any other equipment required by the Board.}~~ The Board will not ~~{~~—(a) Provide stenographic, voice writing or} *provide* 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, a member of the Board or a member of the staff of 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. 6. 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~~ *examination* 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~~ *examination*.

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 applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State; and

(h) 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. 7. 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 Board will 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 Board provides official notice of the results of the ~~{examinations,}~~ *examination*, 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. An applicant may, within 45 days after the Board certifies the score of the applicant pursuant to subsection 1, review one or both sections of the examination at the office of the Board. The Board will not mail either section of the examination to an applicant. An applicant may not copy or otherwise reproduce 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. 8. 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.

Sec. 9. NAC 656.170 is hereby amended to read as follows:

656.170 1. A court reporter who is current in the fees required by the Board and the requirements of continuing education may submit an application in a form prescribed by the Board to place his or her certificate on inactive status. Except as otherwise provided in subsection 2, a court reporter whose certificate is on inactive status must pay a fee each year in an amount that is one-half of the fee which is required for renewal of a certificate.

2. If a court reporter wants to request to have the fee for obtaining inactive status waived by reason of hardship caused by injury or illness of the court reporter or an immediate relative of the court reporter, the court reporter must appear before the Board to request the waiver. A waiver

granted by the Board is valid for 1 year but may be requested again by the court reporter. As used in this subsection, “immediate relative” has the meaning ascribed to it in NRS 622.020.

3. Unless otherwise instructed by the Board, a court reporter shall provide a transcript of a proceeding if:

(a) The court reporter’s certificate is placed on inactive status;

(b) The court reporter has not prepared a transcript of a proceeding in which the court reporter provided services as a court reporter before the certificate was placed on inactive status; and

(c) A person has requested a transcript of the proceeding.

4. A court reporter whose certificate has been on inactive status for less than 5 years may reactivate his or her certificate if the court reporter pays the fee for renewal of a certificate and complies with the requirements for continuing education for the year in which the court reporter reactivates his or her certificate.

5. If the certificate of a court reporter has been on inactive status for 5 years or more, the Board may, in addition to requiring the applicant to comply with the provisions of subsection 4, require the applicant to do one or any combination of the following:

(a) Take the ~~written section or the section on transcription of the~~ examination . ~~[, or both.]~~

(b) If the applicant engaged in the practice of court reporting in another jurisdiction during the time that his or her certificate was on inactive status, submit proof of such practice.

(c) Submit any other proof that is required by the Board to demonstrate that the applicant possesses the skills that are necessary to practice court reporting.

Sec. 10. NAC 656.230 is hereby amended to read as follows:

656.230 1. If a court reporter or designated representative of a court reporting firm fails to complete and return the form required pursuant to NAC 656.220, the Board will, on or before July 15, provide written notice of noncompliance ~~by certified or registered mail,~~ to the last known address of the court reporter or designated representative of a court reporting firm.

2. The notice of noncompliance must contain:

(a) A statement explaining the manner in which the court reporter or designated representative of a court reporting firm failed to comply with the requirements for continuing education;

(b) A notice that the court reporter or designated representative of a court reporting firm shall, on or before August 15, file with the Board a compliance form showing that he or she has cured the failure specified; and

(c) A notice which specifies the consequences provided in subsection 3 for failure to file the form by August 15.

3. The Board may suspend or revoke the certificate of a court reporter or the license of a firm if the court reporter or designated representative of the court reporting firm fails to file a report of compliance by August 15. Reinstatement of a certificate or license may be conditioned upon one or both of the following:

(a) Proof of compliance with the requirements for continuing education.

(b) The passage of the ~~written exam~~ *examination* required pursuant to NRS 656.160 ~~H~~, *as amended by section 12 of Senate Bill No. 406, chapter 361, Statutes of Nevada 2017, at page 2217.*

Sec. 11. NAC 656.240 is hereby amended to read as follows:

656.240 1. A sponsor of a program or course of study for continuing education may submit to the Board, on a form provided by the Board, a request for accreditation of the program or course. The form may be submitted either before or after the program or course has been offered.

2. A court reporter or designated representative of a court reporting firm who attends a course of instruction not accredited by the Board may submit, on a form provided by the Board, a request for accreditation of the course.

3. The Board will determine whether programs or courses of study offered by a sponsor or taken by a court reporter or designated representative of a court reporting firm are to receive accreditation, and the Board will set forth the terms and conditions for the accreditation of the programs or courses of study.

4. The Board will determine the number of hours of credit each participant is entitled to receive for attendance or participation in a program or course of study.

5. The Board will approve courses of study ~~on an annual basis~~, *upon written request, at the next open meeting of the Board after receipt of the request.*

6. To be approved, a course of study must directly relate to the skills and knowledge required to engage competently in the practice of court reporting and must be made available to each court reporter and designated representative of a court reporting firm in this State. Such courses of study may relate to:

(a) Strengthening the participant's understanding of the English language, including, but not limited to, the following areas:

- (1) Reading;
- (2) Spelling;

- (3) Vocabulary; and
- (4) Medical and legal terminology;
- (b) Increasing speed;
- (c) Technological advances in the field of court reporting;
- (d) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;
- (e) Ethics and professionalism in the field of court reporting;
- (f) Substance abuse;
- (g) Management of the business affairs and the economics of court reporting; or
- (h) Any other subject which the Board determines to be appropriate.

7. Each court reporter or designated representative of a court reporting firm who completes a program or course of study offered or approved by the National Court Reporters Association or a sponsor designated or approved by the Board as an accredited sponsor is entitled to receive credit for continuing education.

Sec. 12. NAC 656.261 is hereby amended to read as follows:

656.261 1. Before a person who is not a certified court reporter may serve as a designated representative of a court reporting firm, the person must pass an examination administered by the Board.

2. The Executive Secretary of the Board shall prepare a schedule for the administration of examinations to applicants to become a designated representative of a court reporting firm.

3. The fee for an ~~initial~~ examination is ~~100, and the fee for each subsequent examination taken by an applicant within 1 year after the initial examination is 50.~~ **250.**

Sec. 13. NAC 656.265 is hereby amended to read as follows:

656.265 1. Each examination administered pursuant to NAC 656.261 will consist of ~~100~~ **125** multiple-choice questions that test the knowledge of the applicant in:

- (a) The applicable laws, regulations, and court and procedural rules governing the practice of court reporting in this State;
- (b) Technical advances in the practice of court reporting;
- (c) Ethics and professionalism in the practice of court reporting;
- (d) Management of the business and economics of court reporting; and
- (e) Any other subject relating to court reporting that the Board determines appropriate for inclusion in the examination.

2. Each applicant will have 90 minutes to complete the examination. During the examination, the applicant must not refer to or otherwise use any book, paper or other material.

3. Not later than 7 days after an examination, the Board will mail the results of the examination to each applicant. If the applicant passed the examination, the Board will include with the results of the examination a certificate of completion. If the applicant failed the examination, the Board will include with the results of the examination a statement that the applicant failed the examination and is not eligible for a certificate of completion.

4. An applicant may not take more than four examinations during any period of 12 consecutive months. To apply for a subsequent examination, an applicant must submit a written request to the Board and pay the fee required pursuant to NAC 656.261.

Sec. 14. NAC 656.400 is hereby amended to read as follows:

656.400 The Board encourages each court reporter to cooperate with *and donate services to* organizations that provide legal services to ~~indigents,]~~ *indigent persons*, including, without limitation, programs for legal services described in NRS 12.015.

Sec. 15. NAC 656.415 is hereby amended to read as follows:

656.415 1. Except as otherwise provided in subsection 3, a person may request that the Board issue an advisory opinion concerning the applicability of a statute, regulation or decision of the Board.

2. A request for an advisory opinion must be in writing and ~~{set}~~ :

(a) Set forth:

~~{(a)}~~ *(1)* The name and address of the person requesting the advisory opinion;

~~{(b)}~~ *(2)* A clear and concise statement of the specific question for which the advisory opinion is being sought; and

~~{(e)}~~ *(3)* A statement of the facts that support the advisory opinion being sought ~~{H}~~ ; *and*

(b) Contain a certification, verified by oath, that to the best of the person's knowledge and belief, the request does not concern a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

3. ~~{A person may not request}~~ *The Board will not issue* an advisory opinion concerning a question or matter that is an issue in a pending administrative, civil or criminal proceeding.

4. The Board will review a request for an advisory opinion and, within 30 days after receiving the request, will issue a response concerning whether the Board will issue the advisory opinion.

5. An advisory opinion issued by the Board will be limited to the facts and circumstances set forth in the request.

6. An advisory opinion issued by the Board is not binding for the purposes of judicial review.

7. The Board will not render an oral advisory opinion to a request for an advisory opinion. An oral response, including, without limitation, a response given over the telephone, by a member of the staff of the Board is not a decision or an official advisory opinion of the Board.

Sec. 16. NAC 656.420 is hereby amended to read as follows:

656.420 1. A person may file an informal complaint with the Board or the Board may, on its own initiative, cause an informal complaint to be filed concerning the acts of or services provided by a holder of a certificate ~~+~~ *or license*.

2. Each informal complaint must be filed with the Board on a form provided by the Board. A complainant shall include in his or her informal complaint information that is sufficiently detailed so as to enable the Board to investigate and verify each accusation set forth in the informal complaint.

3. Upon receipt of an informal complaint, the staff of the Board shall examine the informal complaint to determine whether it:

- (a) Is within the jurisdiction of the Board;
- (b) Has been properly verified; and
- (c) Alleges sufficient facts to warrant further proceedings.

4. If the staff of the Board determines that an informal complaint does not meet the requirements of subsection 3, the Board or the staff of the Board shall so inform the complainant. If the staff of the Board determines that an informal complaint meets the requirements of subsection 3, the staff shall notify the respondent by certified mail. The notice must include:

- (a) A statement setting forth each violation of this chapter or chapter 656 of NRS alleged in the informal complaint;
- (b) A copy of the informal complaint; and

(c) A request for a written response for review by the staff of the Board.

5. The transmission of a notice pursuant to subsection 4 will be deemed to be a notice of intended action pursuant to subsection 3 of NRS 233B.127. Upon receipt of a copy of an informal complaint filed against a court reporter or a court reporting firm, the respondent shall submit to the Board a written response within 30 days after the service of the notice. The written response must:

(a) Address each allegation set forth in the informal complaint; and

(b) Be accompanied by all documentation *referenced in the response and all other documentation* that would be useful to the staff of the Board in its review.

6. Failure by a respondent to cooperate with the Board or the staff of the Board during an investigation of an informal complaint filed against the respondent, including, without limitation, failure by the respondent to respond in a timely manner regarding the informal complaint, is a ground for disciplinary action.

7. If a respondent fails to respond *in a timely manner* to an informal complaint pursuant to subsection 5, the respondent shall be deemed to have admitted each allegation set forth in the informal complaint. The Board may, based on such an admission, impose appropriate disciplinary action against the respondent.

Sec. 17. NAC 656.430 is hereby amended to read as follows:

656.430 1. If a response is filed pursuant to subsection 5 of NAC 656.420 and the Board does not settle the matter, the staff of the Board shall review the informal complaint and the responses made thereto, may enlist the aid of a member of the Board or any other qualified person in conducting the review and may take any other reasonable action required to further the

review. After reviewing the informal complaint and the responses thereto, the staff of the Board may:

- (a) Investigate each allegation set forth in the informal complaint and employ any person required by the staff to further the investigation;
- (b) Consult with a person who is an expert in an appropriate field, including, without limitation, employing such a person for the purpose of an investigation or hearing;
- (c) Investigate any new information discovered or allegation made during the course of the investigation;
- (d) Enlist the aid of a member of the Board or any other qualified person to conduct the investigation; and
- (e) Take any other reasonable action required to further the investigation.

2. During an investigation of an informal complaint, the staff of the Board or any investigator employed by the staff may demand that the respondent produce records or other evidence for inspection or copying, ~~with or without notice to the respondent, and~~ with or without a subpoena. A respondent shall not deny any such demand for records or other evidence if the record or evidence is not confidential as provided by law. If a respondent refuses or fails to cooperate with a request for records in violation of this section, the Board may immediately suspend the certificate or license of the respondent until the respondent complies with the request. If the respondent continues to refuse or fails to comply with a request for records or other evidence in violation of this section, the Board may take such further disciplinary action against the respondent as the Board determines necessary.

3. If the staff of the Board or any investigator employed by the staff determines that a record or other evidence is required for an investigation, the staff or investigator may copy the record or

evidence. If the record or other evidence can be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator at that location. If a record or other evidence cannot be readily copied at the location of the record or evidence, the respondent shall copy the record or evidence and submit the copy to the staff or investigator within 10 business days after the staff or investigator requests the record or evidence.

Sec. 18. NAC 656.440 is hereby amended to read as follows:

656.440 1. When an investigation of an informal complaint is complete, the staff of the Board or any investigator employed by the staff shall determine whether a preponderance of evidence exists to sustain the alleged violation of a statute or regulation set forth in the informal complaint. If the staff or the investigator determines that no allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the staff shall provide a written notice of that determination to the respondent and the complainant. If the staff or the investigator determines that an allegation of a violation of a statute or regulation set forth in the informal complaint is sustainable, the Board or the legal counsel for the Board shall:

(a) Offer to:

- (1) Engage in mediation;
- (2) Enter into a settlement agreement;
- (3) Stipulate to any fact or to the existence or extent of any liability; or
- (4) Conduct any informal hearing; ~~to~~ *and*

(b) ~~Prepare~~ *If the actions set forth in paragraph (a) do not resolve the informal complaint, prepare* a notice of hearing and a formal complaint.

2. The notice of hearing and the formal complaint prepared pursuant to subsection 1 must:

(a) Set forth a plain statement of the facts asserted and any applicable provision of the statute or regulation allegedly violated by the respondent;

(b) Include the date, time and place for the hearing; and

(c) Be signed by the legal counsel for the Board and, if a member of the Board participated in the investigation, by that member of the Board.

3. If a notice of hearing and a formal complaint are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the notice of hearing and formal complaint to the respondent named in the notice of hearing and formal complaint.

4. A respondent who receives a notice of hearing and a formal complaint pursuant to subsection 3 ~~may~~ *shall* file an answer to the notice of hearing and the formal complaint not later than 20 days after the date of service of the notice of hearing and formal complaint.

5. The Board may join two or more formal complaints into a single formal complaint if:

(a) The causes of action set forth in each formal complaint are against the same person and allege the same or substantially similar violations of statutes or regulations; and

(b) The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.

Sec. 19. NAC 656.140 is hereby repealed.

Sec. 20. This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

TEXT OF REPEALED SECTION

656.140 Examination: Section on transcription. (NRS 656.130, 656.160)

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. 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 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.