

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

LCB FILE NO. R104-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/20/2019**

STATE OF NEVADA CERTIFIED COURT REPORTERS BOARD
Proposed NAC Amendments

As of 11/14/19

EXPLANATION – Matter in *blue italics* is new material; and matter between ~~[red brackets with single strikethrough]~~ is material to be omitted.

NAC 656.XXX Appointment and qualifications of a committee member who holds a certificate, license or serves as a designated representative of a court reporting firm. (NRS 656.110)

1. *The Board shall appoint committee members:*
 - a. *A resident of the State of Nevada;*
 - b. *Must be current with registration, fees and continuing education requirements;*
 - c. *No outstanding disciplinary history with the Board;*
 - d. *Must be a person of recognized ability and integrity.*
 - e. *Must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as a member of the committee.*

NAC 656.XXX Appointment and qualifications of a committee member who does not hold a certificate, license or serves as a designated representative of a court reporting firm. (NRS 656.110)

1. *The Board shall appoint committee members:*
 - a. *A citizen of the United States;*
 - b. *A resident of the State of Nevada;*
 - c. *No outstanding disciplinary history with the Board;*
 - d. *Must be a person of recognized ability and integrity.*
 - e. *Must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as a member of the committee.*

NAC 656.035 “Complainant” defined. (NRS 656.130) “Complainant” means any person who submits a written complaint to the Board regarding any act of a holder of a certificate or license~~[,]~~ *a designated representative of a court reporting firm, or anyone else allegedly performing acts or services for which a certificate or license is required.*

(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R030-09, 10-27-2009; R112-17, 2-27-2018)

NAC 656.070 “Respondent” defined. (NRS 656.130) “Respondent” means a holder of a certificate or license, *a designated representative of a court reporting firm, or anyone else allegedly performing acts or services for which a certificate or license is required* who is charged in a ~~[formal or informal]~~ complaint with a violation of a provision of this chapter or chapter 656 of NRS.

(Added to NAC by Cert. Court Reporters’ Bd. by R101-03, eff. 2-18-2004; A by R112-17, 2-27-2018)

NAC 656.150 Certification and notice of results of examination; submission of application for certificate by successful applicant. (NRS 656.130, 656.155, 656.160, 656.180)

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 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 request on a form provided by the Board and pay a fee of \$25 to receive an analysis of their test results by subject matter. Applicants may not review their exams.

(Added to NAC by Cert. Court Reporters' Bd. by R120-97, eff. 4-13-98; A by R101-03, 2-18-2004; R005-11, 12-30-2011; R072-12, 4-5-2013; R112-17, 2-27-2018)

NAC 656.240 Request for accreditation of program or course of study; determination of hours of credit; requirements for approval of course of study; credit for completion of program offered or approved by National Court Reporters Association or the National Verbatim Reporters Association. (NRS 656.130, 656.187, 656.200)

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, 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, *National Verbatim Reporters Association* or a sponsor designated or approved by the Board as an accredited sponsor is entitled to receive credit for continuing education.

(Added to NAC by Cert. Court Reporters' Bd., eff. 11-6-95; A by R030-09, 10-27-2009; R072-12, 4-5-2013; R112-17, 2-27-2018)

NAC 656.420 Informal complaint: Filing; action by Board and its staff; response; failure of respondent to cooperate or respond. (NRS 656.130)

1. A person may file a ~~an~~ *verified* 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) ~~A~~ *holder of a certificate or license.*

(b) *A designated representative of a court reporting firm, or*

(c) *Anyone else allegedly performing acts or services for which a certificate or license is required.*

2. Each informal complaint must be filed ~~[with the Board]~~ on a form provided by the Board. A complainant shall *verify, by oath, [include in]* his or her informal complaint *and shall include* information that is sufficiently detailed so as to enable the Board to investigate and *the respondent to prepare a defense to [verify]* each accusation set forth in the informal complaint. *The informal complaint must be accompanied by all documentation referenced therein and all other documentation that would be useful to the staff of the Board in its review of 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

(b) ~~[(e)]~~—A request for a written response ~~[for review by the staff of the Board]~~ *indicating the date the response is due.*

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, t]~~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 *by the due date* ~~[in a timely manner]~~ regarding the informal complaint, is a ground for disciplinary action.

7. If a respondent fails to respond *by the due date* ~~[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.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004; A by R099-16, 6-21-2017; R112-17, 2-27-2018)

NAC 656.430 Informal complaint: Review and investigation; production and copying of records and other evidence; disciplinary action against respondent for failure to produce. (NRS 656.130)

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 *pursuant to NAC 656.420*, 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]~~ *Investigate any new information discovered or allegation made during the course of the investigation;*

(c) *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* ~~[Investigate any new information discovered or allegation made during the course of the investigation];~~ *and*

(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 *conduct or* further the investigation, *including employing or enlisting the aid of any other qualified person.*

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 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, *under subsection 1(b) or 1(c) of NAC 656.420*, 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]~~ *refer the matter to the Attorney General's office for possible prosecution*. 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.

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004; A by R099-16, 6-21-2017; R112-17, 2-27-2018)

NAC 656.440 Action following investigation of informal complaint; *complaint and notice of hearing* ~~[and formal complaint]~~; answer by respondent; joining of complaints; *conduct at hearings*. (NRS 656.130)

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 *an* ~~[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) *The Board or the legal counsel of the Board may, but is not required to* ~~[O]~~ offer to:

- (1) Engage in mediation *with the staff of the Board*;
- (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; and

↪ *If offered, the respondent will have 30 days to respond.*

(b) If the actions set forth in paragraph 1(a) *are not offered, or are offered but* do not resolve the informal complaint *within 90 days of the offer, the Board or the legal counsel of the Board shall* prepare a *complaint and* notice of hearing ~~[and a formal complaint]~~.

2. The *transmission of the complaint and* notice of hearing ~~[and the formal complaint]~~ prepared pursuant to subsection 1 *will be deemed a notice of intended action pursuant to subsection 3 of NRS 233B.127 and* 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 *and nature of* ~~[for]~~ the hearing; ~~[and]~~

(c) *A statement of the legal authority and jurisdiction under which the hearing is to be held;* *and*

(d) 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 *complaint and* notice of hearing ~~[and a formal complaint]~~ are prepared pursuant to subsection 1, the staff of the Board shall, by certified mail, send the *complaint and* notice of hearing ~~[and formal complaint]~~ to the *named* respondent ~~[named in the notice of hearing and formal complaint]~~.

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

5. The Board may *consider* ~~[join]~~ two or more ~~[formal]~~ complaints *and notices of hearing* ~~[into]~~ in a single *hearing* ~~[formal complaint]~~ if:

(a) The causes of action set forth in each ~~[formal]~~ complaint *and notice of hearing* are against the same *respondent* ~~[person and allege the same or substantially similar violations of statutes or regulations]~~; and

(b) *Good cause exists, including, but not limited to, the convenience of witnesses, the orderly presentation of evidence, to conserve resources, and any other reason intended to secure the just, speedy, or inexpensive resolution of the multiple complaints and notices of hearing.* ~~[The joining of the formal complaints will serve the best interests of the Board, complainants and respondent.]~~

6. *All parties to a hearing, their counsel and spectators shall conduct themselves in a respectful manner.*

(Added to NAC by Cert. Court Reporters' Bd. by R101-03, 2-18-2004; A by R099-16, 6-21-2017; R112-17, 2-27-2018)