AN ACT relating to professional licensing boards; providing professional licensing boards with the authority to issue citations in certain circumstances; providing procedures for contesting such citations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1. Under existing law, various regulatory bodies are required to carry out and enforce certain provisions regulating an occupation or profession for the protection and benefit of the public. (NRS 622.080) This bill authorizes those regulatory bodies to issue a citation to a person if the regulatory body has reason to believe that the person has committed an act which constitutes a violation of any provision of NRS or NAC over which the regulatory body has jurisdiction. Such a citation may include: (1) an order to cease an action or to take corrective action; (2) an order to pay an administrative fine; (3) an order to reimburse the regulatory body for the expenses incurred by the regulatory body in investigating the violation; or (4) any combination of (1), (2) or (3). This bill also provides that a person against whom such a citation has been issued may request a hearing to contest the citation, the facts underlying the issuance of the citation and any orders issued by the regulatory body as part of the citation.
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 622 of NRS is hereby amended by adding
thereto a new section to read as follows:

1. If a regulatory body has reason to believe that a person has
committed an act which constitutes a violation of any provision of
this title which the regulatory body has the authority to enforce or
any administrative regulation which the regulatory body has
adopted pursuant thereto, the regulatory body or its designee may
issue or authorize the issuance of a citation to the person. A
citation issued pursuant to this section may include, without
limitation:

(a) An order to cease any activity or to take action to correct a
condition resulting from an act that constitutes a violation at the
person’s cost;

(b) An order to pay an administrative fine prescribed by the
regulatory body for each violation;

(c) An order to reimburse the regulatory body for the expenses
incurred by the regulatory body or its designee to investigate each
violation; or

(d) Any combination of paragraphs (a), (b) and (c).

2. A person to whom a citation has been issued pursuant to
subsection 1 may request a hearing to contest the citation before
the regulatory body which issued the citation by filing a written
request with the regulatory body. That request must be filed not
later than 30 days after the date on which the person receives the
citation, except that the regulatory body may, for good cause
shown, grant the person an extension of time in which to file the
request.

3. A citation issued pursuant to this section is deemed to have
been received by the person named in the citation:

(a) On the date on which the citation is personally delivered to
the person; or

(b) If the citation is mailed, 3 days after the date on which the
citation is mailed by certified mail to the last known business or
residential address of the person.

4. If a person to whom a citation has been issued pursuant to
subsection 1 does not request a hearing to contest the citation
before the regulatory body which issued the citation within the
time provided in subsection 2, the citation is deemed a final order
of the regulatory body.

5. Upon receipt of a request for a hearing pursuant to
subsection 2, the regulatory body shall:
(a) Provide notice of the hearing to the person who requested the hearing; and
(b) Conduct the hearing.

6. At a hearing conducted pursuant to subsection 5, the person who requested the hearing may contest, without limitation:
   (a) The facts forming the basis for the determination by the regulatory body that the person committed an act which constitutes a violation of a provision of NRS or NAC;
   (b) Whether an order by the regulatory body to cease any activity or to take corrective action is reasonable;
   (c) The time allowed to cease any activity or to take any corrective action in an order by the regulatory body;
   (d) The amount of any administrative fine imposed by the regulatory body; and
   (e) The amount of any order for reimbursement to the regulatory body for the expenses incurred by the regulatory body or its designee to investigate a violation.

7. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing regulatory bodies. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the regulatory body.

Sec. 2. This act becomes effective upon passage and approval.