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ASSEMBLY BILL NO. 72—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing state professional licensing boards. (BDR 54-161)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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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  
2 enforce certain provisions regulating an occupation or profession for the protection  
3 and benefit of the public. (NRS 622.080) This bill authorizes those regulatory  
4 bodies to issue a citation to a person if the regulatory body has reason to believe  
5 that the person has committed an act which constitutes a violation of any provision  
6 of NRS or NAC over which the regulatory body has jurisdiction. Such a citation  
7 may include: (1) an order to cease an action or to take corrective action; (2) an  
8 order to pay an administrative fine; (3) an order to reimburse the regulatory body  
9 for the expenses incurred by the regulatory body in investigating the violation; or  
10 (4) any combination of (1), (2) or (3). This bill also provides that a person against  
11 whom such a citation has been issued may request a hearing to contest the citation,  
12 the facts underlying the issuance of the citation and any orders issued by the  
13 regulatory body as part of the citation.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

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

40       ***5. Upon receipt of a request for a hearing pursuant to***  
41 ***subsection 2, the regulatory body shall:***



1 (a) Provide notice of the hearing to the person who requested  
2 the hearing; and

3 (b) Conduct the hearing.

4 6. At a hearing conducted pursuant to subsection 5, the  
5 person who requested the hearing may contest, without limitation:

6 (a) The facts forming the basis for the determination by the  
7 regulatory body that the person committed an act which  
8 constitutes a violation of a provision of NRS or NAC;

9 (b) Whether an order by the regulatory body to cease any  
10 activity or to take corrective action is reasonable;

11 (c) The time allowed to cease any activity or to take any  
12 corrective action in an order by the regulatory body;

13 (d) The amount of any administrative fine imposed by the  
14 regulatory body; and

15 (e) The amount of any order for reimbursement to the  
16 regulatory body for the expenses incurred by the regulatory body  
17 or its designee to investigate a violation.

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

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

