



**STATE OF NEVADA**

**BOARD OF DISPENSING OPTICIANS**

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October 10, 2025

Ms. Nikki Haag, Deputy Director  
Office of Nevada Boards, Commissions, and Councils Standards  
Department of Business and Industry  
1830 E. College Pkwy, Suite 100  
Carson City, NV 89706

Dear Ms. Haag:

This letter is in response to your request for comments on the proposed regulations, which would amend NAC Chapter 232, to be submitted to your office by October 10<sup>th</sup>. The Board of Dispensing Opticians respectfully requests an extension of the comment period and a postponement of the regulation workshop, currently scheduled for October 17<sup>th</sup>.

While we recognize your office's responsibility to enact regulations under NRS 232.8413, many of the occupational licensing boards, all of whom are key stakeholders in the proposed regulations, were not adequately engaged during their development. Specifically, on July 29<sup>th</sup>, our Board received an email stating you had formed a working group consisting of five boards that would provide you with feedback during the regulation drafting phase. That group included the Board of Medical Examiners, Board of Nursing, Veterinary Medical Examining Board, Funeral and Cemetery Services Board, and State Contractors Board. Our own board was not invited to the conversation surrounding the development of these regulations. That email also indicates the following process/timeline for the development of the regulations:

- The first meeting with the working group would take place in August to review the draft regulations and gather preliminary feedback.
- Following that meeting, the draft regulations would be distributed to all Executive Directors to ensure every board had the opportunity to provide input.
- After receiving feedback from all boards, the working group would reconvene to consider all comments and suggestions.
- Your office anticipated holding regulation workshops and submitting the final version to the Legislative Commission for review in November or December.

Your email states this timeline would provide ample opportunity to refine the regulations and collaborate effectively across all boards. However, in a subsequent email sent on September 10<sup>th</sup>, the timeline had been condensed, and you stated a workshop would take place by the end of October. We would like clarification on whether the follow-up meeting with the working group will still take place, and whether there will be additional legislative workshops after the workshop on the 17<sup>th</sup>, as our Board did not receive any formal notice of the initial workshop.

Given the significant impact the regulations will have on the operations of the licensing boards, additional time is warranted to allow us to conduct a thorough review and prepare meaningful, constructive feedback. Nevada open meeting law requires that all board member discussion of this topic take place at an open, publicly noticed meeting. While our board was able to meet yesterday, one day prior to the deadline for comments, this does not provide adequate time to consider the feedback of each board member and consolidate our suggestions into a helpful response. Many of the licensing boards only meet a few times per year, pursuant to their statutes, making this timeline especially difficult.

While I have included some board member notes that were collected during our meeting yesterday, as well as some general concerns of our legal counsel, we respectfully request an extension of at least 30 days to allow us time to create a more comprehensive response.

Thank you for your consideration,

Corinne Sedran  
Executive Director

**Please Note:** The comments below, in red text, are supplied on behalf of the Nevada Board of Dispensing Opticians. A summary of the discussion that took place at the Board's October 9, 2025 board meeting is included at the end of page 6.

## DEPARTMENT OF BUSINESS AND INDUSTRY

**Disclaimer:** *Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

### General Provisions

**NAC 232.010 Definitions. (NRS 233B.505)** As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. "Chief" means the chief of a division of the Department.
2. "Department" means the Department of Business and Industry.
3. "Director" means the Director of the Department.
4. *"Office" means the Office of Nevada Boards, Commissions, and Councils Standards.*
5. *"Board" means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *"Board Member" means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *"Executive Director, or equivalent officer of the boards" means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *"License" means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *"Licensee" means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *"Profession" means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

### NAC 232.XXX – Department; powers and duties

The provisions below do not delineate the powers and duties of the department/Office, but rather create new duties and responsibilities for the boards, or restate duties that are already in statute.

1. *Pursuant to NRS 232.8415(1)(a), Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including*

*Centralized administration needs to be defined to indicate how these procedures/requirements support that function of the department.*

- a. *In regards to Performance Monitoring and Date Reporting, Boards shall:*

- i. *submit quarterly reports to the Office detailing*
  - 1. *complaints received, resolved, pending, and processing time averages*
  - 2. *licensing received, rejected and processing time averages*  

These items are already submitted to the LCB pursuant to NRS 622.100; are duplicate reports necessary? Perhaps checking for/compiling the reports should be one of the duties of the Office.
- ii. *Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*  

Does this provision refer to an internal policy of each individual board? If this is a generally applicable provision, it should be a regulation under NRS 233B.
- iii. *Track bills during the legislative session that affect Board operations or professions*  

This function is often provided to the boards by their individual lobbyists because the directors and other staff do not have the time or resources to track legislation while performing their administrative duties. How will this be implemented, and who will determine whether a bill affects a particular board? Does this mean the boards must contract with a lobbyist during a legislative session?
- iv. *Update its administrative codes in response to newly enacted laws*  

This is already a requirement under NRS 233B.050.
- v. *Ensure proper reconciliation of board accounts and bank records*
- b. *In regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, and procedures required by the Office. To meet these obligations, Boards shall:*  

NRS 353.040 exempts the boards from the provisions of the State Administrative Manual.

  - i. *Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,*  

AB 505 removed subsection 7 of NRS 333, and subsection 9 says subsections 1-6 do not apply to the boards, so only subsection 8 is applicable.
  - ii. *Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*  

This provision is overly broad and should specify which statutes or regulations create the requirements. Boards have an inherent obligation to comply with preexisting statutes, so this section may be redundant. This does not seem to fall under the purview of “centralized administration”.
  - iii. *Prepare and Submit Financial Statements pursuant to Nevada Revised Statute (This requires a citation to the specific statute.) to the Office, including*
    - 1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
    - 2. *Submit a comprehensive annual financial report within 9 months of year end close out* (Does this mean by September of the following year?):
      - a. *Total revenues, expenditures, and year-end cash balances*
      - b. *A review of the adequacy of existing fees*
      - c. *Any significant financial or structural concerns*

NRS 622.235 requires the Department of Administration to adopt fiscal regulations such as the above.

- c. *For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*

The provisions listed below are overly vague and may be unenforceable.

- i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*

NRS 622.200 requires the Attorney General's Office to conduct board member training, but the statute does not require the training to be approved by the Office of Boards.

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*

- iii. *Executive Directors will provide completion status of training to the Office.* There is no date or deadline given for this requirement.

- iv. *Required Board Members complete any specific training mandated by the Office* The specific training being mandated should be explained here.

- v. *Include timelines for the completion of any training required by this chapter.* There is no specific training required by this chapter, so this would be unenforceable.

- vi. *Be approved by the Office.*

- d. *In regards to Board Member Support Services* What are Board Member Support Services? They are not defined here or referenced in the statute.:

- i. *Boards shall maintain a centralized log of appointment terms and expiration dates* Should the Governor's Office do this, as the Governor makes the appointments?

- e. *Access to investigative reports and documentation*

- i. *Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board. :*

- ii. *Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.* The boards generally have statutes that render certain information confidential and non-disclosable. A statute would be required to allow the sharing of this information with the Office.

2. *Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.*

The uniform standards should be outlined here, along with an explanation of how the roles and responsibilities must be separated, specifically. This provision is too vague and may be enforceable.

3. *Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:*

The standards should be listed (approved) by the Office in the regulation.

- a. *In regards to fiscal accountability, Boards shall develop and monitor board budgets*

- b. *In regards to data integrity and information management, Board's shall*

- i. *Ensure licensee, financial, and complaint data are accurate and verifiable*

- ii. *Protect confidential and personally identifiable information*
    - 1. *Respond to all statutory Audits including* The boards' responsibility to adhere to statutory audit requirements is already addressed in Section 1(b).
      - a. *Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required*
      - b. *Cooperating with audit reviews conducted by the Office, the Legislative Auditor, or other authorized entities*  
This requirement is already covered by 218G.400, as well as Section 1 of this regulation.
    - 2. *Remedies for Noncompliance* There does not seem to be authority for this in the statute.
      - a. *The Office may issue a written notice of deficiency and require corrective action within a 30 days*
      - b. *Continued failure to comply may result in enhanced administrative oversight (enhanced administrative oversight should be explained in detail), referral to the Governor for potential removal actions under NRS 232A.030, or withholding of administrative or fiscal support services*
  - c. *Fiscal independence and cost allocation*
    - i. *Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.*
    - ii. *The Office shall not access, redirect, or utilize Boards funds*
    - iii. *Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.*  
This provision was not enacted in statute.
    - iv. *All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.*
4. *Pursuant to NRS 232.8415(1)(d), Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office.* The uniform set of standards must be set out in the regulation, pursuant to the referenced statute. This vague provision may be unenforceable.
5. *Pursuant to NRS 232.8415(1)(e), Boards shall adopt and enforce those sets of structural standards created or approved by the Office, including:*
- a. *In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.* This information is included in the letter of appointment, and should be maintained by the Governor's Office.
  - b. *In regards to Board officer roles and elections, Boards shall*
    - i. *Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.*
  - c. *In regards to Board Member attendance and participation,*
    - i. *Board Members shall observe the minimum attendance requirements for board meetings set by the Office*  
The minimum attendance requirements should be set in the regulation.
    - ii. *Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, as defined by the Office, for meetings, or has unexcused absences for 50% of the meetings within a 12-month period.*



The provision below (iii) says boards must define “unexcused absences,” but this provision says “as defined by the Office” – which body will define the term? Removal of a board member would require a formal notice and meeting agenda item.

- iii. *Defining “unexcused absences” and procedures for documenting member absences*  
We are not aware of any provision in any board’s statute that pertains to “unexcused absences” from board meetings/activities.
- iv. This item left blank
- v. *Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities.* These procedures should be explained here, and they must relate to the powers/duties conferred on the Office by statute. “Active engagement” is a broad term and is not mentioned in the statute. “Board responsibilities” is also an overly-broad term.

6. *Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including*

a. *In regards to Websites*

i. *Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:*

1. *A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)*
2. *The name of all current Board Members*
3. *The statutorily designated position each board member fills*
4. *The start and expiration date of each board member’s current term*
5. *The name and title of the Executive Director or equivalent officer of the boards*
6. *A general email address for contacting the Board*
7. *The physical and mailing address of the Board*
8. *The main telephone number of the Board*
9. *Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available* These requirements are already covered by Nevada Open Meeting Law.
10. *Archived agendas and minutes of past meetings must follow NRS 241.035*  
Again, this requirement is already covered; citing the law is not necessary.
11. *A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
  - a. *The full name of each active licensee*
  - b. *The type of license or certification held*
  - c. *The license number*
  - d. *The license status*
  - e. *The original issuance date and expiration or renewal date, and*
  - f. *An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*
12. *A disciplinary action portal or searchable system available on the Board’s homepage including, at a minimum, unless otherwise provided by statute* This will be expensive to implement, as this is not a service currently provided by StateWeb services. Additional funds will need to be allocated if individual boards do not have the budgetary means to create their own searchable databases. There are also other concerns regarding the disclosure of licensees’ past discipline. Most boards do not include this information on their websites, but provide it upon request.:
  - a. *All disciplinary actions taken by the Board against licensees*

- b. *The licensee's name, license number, type of disciplinary action, and date of action*
    - c. *Access to the final order or settlement agreement*
    - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
  - 13. *Instructions and forms for filing a complaint against a licensee*
  - 14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
  - 15. *Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*
  - 16. *A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board's homepage.*
  - 17. *All regulations that have been adopted and not codified*
  - 18. *Each Board shall include the following additional information on its website to improve transparency and service to the public unnecessary to include this clause:*
    - a. *Mission statement*
    - b. *Annual reports or performance data*
    - c. *Instructions and forms for licensure, renewal, and reinstatement*
    - d. *All statutory reports and audits This section should include a list of which reports/audits are required, specifically*
  - b. *In regards to complaint transparency and access, Boards shall*
    - i. *Provide clear instructions for filing complaints against licensees or the Board*
    - ii. *Offer online complaint portals or downloadable forms on Board websites*
    - iii. *Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness What does this mean, "to protect confidentiality while promoting fairness and responsiveness"? This seems more like a mission statement than a regulation.*
  - c. *In regards to consumer education and outreach, Boards may*
    - i. *Publish newsletters, alerts, and bulletins to inform the public about board activities*
    - ii. *Provide resources on professional standards, ethical conduct, and how to report misconduct This seems redundant of the complaint provisions, above, that require boards to include instructions on their websites.*
    - iii. *Promote awareness of consumer rights and board jurisdiction*
7. *Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency This provision is overly broad, and efficacy and efficiency are not defined.*

Summary of Board Concerns: The regulation is overly broad in many sections and simply cites the statute, rather than setting forth specific standards. We are concerned that many of the provisions are unenforceable due to being undefined or relying on questionable statutory authority. They also leave the boards without adequate guidance as to how to comply.

We also note many places where the boards are instructed to adhere to previously enacted statutes, which is unnecessary. There are no references to any specific roles or responsibilities of the Office, which should be a primary function of these regulations.



To: Office of the Nevada Boards, Commissions, and Councils Standards  
Via email: [BCCSinfo@business.nv.gov](mailto:BCCSinfo@business.nv.gov)

The Nevada State Board of Accountancy (“Board of Accountancy”) hereby submits the following written comments in response to the Notice of Workshop to Solicit Comments on Proposed Regulations issued on October 2, 2025, by the Office of Nevada Boards, Commissions and Councils Standards (“Office”) of the Department of Business and Industry. The Board of Accountancy appreciates the opportunity to provide these comments and to work with the Office to promulgate clear and concise regulations to effectively administer the responsibilities of the Office.

The Board of Accountancy provides general comments on the scope of the proposed regulation and has some questions and concerns regarding particular provisions of the proposed regulation. The Board of Accountancy is not offering specific language revisions at this time; that does not mean the Board of Accountancy agrees with the language in the regulation, and the Board of Accountancy reserves its right to provide specific language revisions prior to the public hearing.

**A. Introduction.**

NRS 232.8415 provides as follows:

1. The Office of Nevada Boards, Commissions and Councils Standards shall be responsible for:
  - (a) Centralized administration;
  - (b) A uniform set of standards for investigations, licensing and discipline, including, without limitation, separating the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline;
  - (c) A uniform set of standards for internal controls;
  - (d) A uniform set of standards for legal representation;
  - (e) A consistent set of structural standards for boards and commissions;
  - (f) Transparency and consumer protection; and
  - (g) Efficacy and efficiency.

NRS 232.8413(2) provides the “Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office.”

NRS 233B.038(1) defines “Regulation” to mean in part:

- (a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency; . . .

The Nevada Supreme Court has stated “An agency makes a rule when it does nothing more than state its official position on how it interprets a requirement already provided for and how it proposes to administer its statutory function.” (cite omitted). *Coury v. Whittlesea-Bell Luxury Limousine*, 102 Nev. 302, 305, 721 P.2d 375, 377 (1986).

The standard for reviewing the validity of a regulation under NRS 233B.110 is—whether the regulation “violates constitutional or statutory provisions or exceeds the statutory authority of the agency.” *Killebrew, Tr. of Killebrew Revocable Tr., 5TH ADM 1978 v. State ex rel. Donohue*, 139 Nev. 401, 405, 535 P.3d 1167, 1171 (2023). It is firmly established that “regulations cannot contradict or conflict with the statute they are intended to implement.” *The Nev. Indep. v. Whitley*, 138 Nev. 122, 126, 506 P.3d 1037, 1042 (2022) (internal quotation marks omitted).

With these concepts as background, the Board of Accountancy provides its comments on the proposed regulations. The Board of Accountancy provides its comments to the proposed regulation provisions in the same order as set forth in the proposed regulation.

## **B. General Comments on the Proposed Regulation.**

1. **General Provisions, No. 6, “Board Member” definition:** It is not clear why former board members are included in the definition of “Board Member”. The references and requirements concerning Board Members in the proposed regulation do not relate to former board members. Including former board members in the definition requires extra record keeping for training, designated seat, and attendance and participation requirements for board members no longer serving on the Board of Accountancy. The proposed regulation requirements for training, designated seat and attendance and participation do not relate to former board members but only current Board Members.
2. **Department; powers and duties:** Sections 2, 4 and 7 of the regulation generally provide that Boards shall adopt and enforce those requirements or uniform standards created or approved by the Office and then recite the statutory language in NRS 232.8415(1)(b), (d), and (g). These provisions are not proper regulations because they do not state how the Office interprets the statutory requirement already provided for and how it proposes to administer its statutory function. NRS 232.8415 repeatedly states the Office shall be responsible for a “uniform set of standards” and the regulations do not provide those standards. The Board of Accountancy suggests the goals of the Office, and our joint obligations to the public, would be best served by regulations vetted or adopted pursuant to the Administrative Procedures Act.
3. **Department; powers and duties:** For the same reasons, the Board of Accountancy also has concerns with such language being included in sections 1, 3, 5 and 6 citing to NRS 232.8415(1) (a), (c), (e) and (f) and suggests those sections just include the proposed regulation provisions which state how the Office interprets the statutory requirements for which it is responsible. For example, for internal controls as provided in section 3 referencing NRS 232.8415(1)(c), the proposed regulation lists standards in items (a) though

- (c) which the Office expects the Boards to comply with, and these are the types of standards that should be set forth in a regulation.
4. The word “statute” is incorrectly spelled as “statue” throughout the regulation.

**C. Specific Comments on the Proposed Regulation.**

**Powers and Duties:**

1(a)(i) Submit quarterly reports to the Office

**Will quarterly reports be in addition to the regular reporting Boards are required to submit to the State or will the Office be the repository for the regular reporting required of Boards?**

(ii) Adopt and maintain a written investigation policy

**While the Board of Accountancy supports adopting and maintaining a written investigation policy, each investigation is different and the timelines may be different depending on the nuances and complexity of the complaint, whether attorneys are involved, and whether the investigator may need additional information or technical assistance, which may affect the timelines, i.e. attorneys representing licensees are involved and may need additional time for responses etc.**

(b) Reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements

**The term “audit” should be deleted from this subsection because the term “audit” is usually intended for use pertaining to a financial audit and implies a financial context. The subsection appears to pertain to reporting requirements not financial requirements.**

(b)(i) track and maintain reporting deadlines

**This section should list the specific reporting requirements as it is ambiguous and leaves room for error.**

(b)(iii) Prepare and submit financial statements which include quarterly financial statements within 30 days using a standardized format provided by the Office

**The format should be stated as a QuickBooks balance sheet or QuickBooks Income & Expense statement. The previously provided financial spreadsheet included incorrect formats and requested Boards “plug” numbers in categories even if the numbers didn’t fit within an accounting category. The Board of Accountancy would be happy to assist the Office in developing an accounting reporting suited to the operational nature of Title 54 boards.**

(b)(iii)(2) Submit comprehensive annual financial report within 9 months of year end close out

**The Board of Accountancy requests clarification if this submission would be the already required financial statement audit that is due by December 1, 2025 of each calendar year.**

(c) Boards will draft a policy detailing training requirements.

**The Attorney General's Office already outlines the required training for staff and board members. It would be better if the Office drafted the policy that summarizes the AG's required training and provides it to Boards so that the policies are consistent and then each Board's policy would not have to be approved by the Office. The Board of Accountancy is not clear what the reason for subsection iv is and how the Office would be able to mandate specific training for "required Board Members" as it does not have specific statutory authority to mandate specific training for Board Members.**

(e) Access to investigative reports and documentation

**All documents and other information compiled as a result of an investigation conducted by the Board of Accountancy to determine whether to initiate disciplinary action are confidential and privileged pursuant to NRS 628.418(1). Not only is the information confidential for purposes of the public records law, the Board's investigative materials are privileged and not subject to subpoena production. The Office does not appear to have such statutory protection in place for its records, and the Board of Accountancy is concerned that a regulation adopted by the Office without statutory authority would not adequately protect any investigative information provided to the Office by the Board of Accountancy. The Board believes that licensees, including firms, would have an issue knowing that confidential and privileged information is outside the appropriate governing body.**

**If the purpose of subsection e is for the Office to respond to complaints against licensees escalated higher in the Executive Branch, a process could be put in place for a Board to respond to an inquiry from the Office related to a complaint against a licensee.**

3 Boards shall adopt standards for internal financial controls.

**This section is to provide for internal financial controls and then goes further into nonfinancial data integrity and information management which seems outside of the Office's oversight. This section also states: "respond to all statutory audits including addressing audit findings of authorized entities, including the Office". It is not clear if this section relates to financial audits or some other type of review. Use of the word audit is misleading and should be updated to reporting or some other terminology. It is not clear the Office has statutory authority to "audit" as an authorized entity and would be able to issue audit findings.**

### 3(c) Fiscal independence and cost allocation.

**This section discusses the Board's funds and fiscal independence which does not appear to be written in accordance with normal regulatory language. It is not clear what subsection iii refers to because the Office does not have statutory authority to impose costs on Boards to fund its Office. It is not clear what "applicable financial controls" is referring to in subsection iv. The purpose of section 3 is to define and set standards for internal financial controls and those definitions and a uniform set of standards are to be established by the Office if this section pertains to NRS 232.8415(1)(c).**

### 5(c) Structural Standards

**This section needs to include the standards for minimum attendance requirements and unexcused absences, the procedures for documenting member absences and the procedures created for participation in training and active engagement in board responsibilities.**

### 6 Website requirements

**(10) Archived agenda and minutes of past meetings. Should this section outline how far back the archive timeline is required?**

**(11) License Verification – required to be within 1 click from the homepage? It may be better in the regulation to state that the license search area is clearly visible and understandable on the Board's homepage of its website.**

**(12) Disciplinary section – The Board has a section on its website where the past newsletters and disciplinary summaries are available, and anyone can contact the Board office for a copy of disciplinary actions taken by the Board. However, the Board's website does not have access to the final order or settlement on its website. This would require a large software expense and staff time to designate the documents that would be available on the website. This regulation should also state a timeline on how far back this information should be available. The Board was created in 1913 and as written, the regulation would require all disciplinary actions taken by the Board since 1913 to be available on the Board's website. The Board recommends this requirement either start prospectively or state how far back this information should be available on a board's website.**

**(d) Updated within 15 days of disciplinary action – This might be a little tight to comply with and the Board recommends 30 days as it takes time to get the Board President's signature once the Board has approved an order.**

**(15) Any audit, sunset review, etc. prepared within the last 5 years – Again, use of the word "audit" implies a financial audit. All reporting that the Board provides to the various agencies can be found on the agencies' websites. Some information is voluminous, such as controller reporting or military reporting.**

(18)(b) and (d) Annual reports or performance data and all statutory reports and audits. **The Board's comments for this section are similar to the comments made above. This section should be better defined, the word audit should be removed if reporting provided to the State is what is intended to be provided on the Board's website, and including all statutory reports and audits is voluminous. There is no time limit for how far back the reporting is to be maintained on the Board's website.**

Thank you again for the opportunity to comment on the Office's proposed regulation. The Board of Accountancy will continue to participate in this rulemaking process and will provide further written comments prior to any hearing held on the proposed regulation.

NEVADA STATE BOARD OF ACCOUNTANCY

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Viki Windfeldt, Executive Director

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Date: October 9, 2025



## DEPARTMENT OF BUSINESS AND INDUSTRY

**Disclaimer:** *Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

### General Provisions

**NAC 232.010 Definitions.** (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. *“Office” means the Office of Nevada Boards, Commissions, and Councils Standards.*
5. *“Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *“Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *“Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *“License” means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *“Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *“Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

### NAC 232.XXX – Department; powers and duties

1. *Pursuant to NRS 232.8415(1)(a), Boards shall adopt ~~and enforce those procedures and requirements which are created or approved by the Office~~ for their centralized*

*The Office has the authority to adopt rules to help it carry out its responsibilities effectively. The Office can guide us in developing policies that support these goals. Any policies we will be required to follow should be included in this draft regulation. The regulation should not reference future or yet-to-be-created policies that could be changed without going through the formal rulemaking process outlined in NRS 233B.*

Should this section be more compliant with NRS 233B040(3)? which states the following:

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

An agency shall not attempt to incorporate any other material in a regulation by reference.

*administration, including*

*a. In regards to Performance Monitoring and Date Reporting, Boards shall:*

*i. submit quarterly reports to the Office detailing*

*1. complaints received, resolved, pending, and processing time averages*

*2. New licensing applications received, rejected and processing time averages*

Is the intent of this report to include new licensing applications?

*ii. Maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*

*iii. Track bills during the legislative session that affect Board operations or professions*

*iv. Update its administrative codes in response to newly enacted laws*

*v. Ensure proper reconciliation of board accounts and bank records*

*b. In regards to reporting and audit readiness, ~~Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, and procedures required by the Office. To meet these obligations, Boards shall:~~*

*~~i. Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,~~*

This language is already in NRS 218G.400, it seems repetitive.

*ii. Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*

*iii. ~~Prepare and~~ Submit Financial Statements pursuant to Nevada Revised Statute to the Office, including*

1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
2. *Submit a comprehensive annual financial report within 9 months of year end close out:*
  - a. *Total revenues, expenditures, and year-end cash balances*
  - b. *A review of the adequacy of existing fees*
  - c. *Any significant financial or structural concerns*
- c. ~~*For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*~~
  - i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*
  - ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
  - iii. *Executive Directors will provide completion status of training to the Office.*
  - iv. ~~*Required Board Members complete any specific training mandated by the Office*~~

Board members are already required to get trained by the AG's office. Is the Office requiring additional board training?

- v. *Include timelines for the completion of any training required by this chapter.*
- vi. ~~*Be approved by the Office.*~~

Does the Office have the legal authority to adopt policies? You may need to include it in this draft.

- d. *In regards to Board Member Support Services:*
  - i. *Boards shall maintain a centralized log of appointment terms and expiration dates*
- e. ~~*Access to investigative reports and documentation*~~
  - i. ~~*Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board.:*~~
  - ii. ~~*Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.*~~

This section violates our provisions under NRS 623.131(3), where a complaint was not publicly pursued. Such records are confidential to everybody except as set out in

NRS 623.131(6) where the Board can provide those records to any other licensing board or any other agency "that is investigating a person. . ." Under no circumstance will the Office ever be investigating any of the Board's licensees, so the Office is, by law, not one of the places with which we can share confidential information.

~~2. Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.~~

Is the Office sharing the set of standards that need to be incorporated in this section? We haven't seen them yet.

3. Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls ~~approved by the Office. These standards must include:~~

- a. In regards to fiscal accountability, Boards shall develop and monitor board budgets
- b. In regards to data integrity and information management, Board's shall
  - i. Ensure licensee, financial, and complaint data are accurate and verifiable
  - ii. Protect confidential and personally identifiable information
    - 1. Respond to all statutory Audits including
      - a. Addressing audit findings of authorized entities, ~~including the Office~~, with written plans and submission follow-up documentation as required

Does the Office have the statutory authority to audit boards & commissions under NRS 232.8413 or NRS 232.8415? NRS 233B.067(5) states that a regulation will be reviewed for and can be rejected where it "does not conform to statutory authority" (NRS 233B.067(5)(b)) or "does not carry out legislative intent (NRS 233B.067(5)(c)).

- b. Cooperating with audit reviews conducted by ~~the Office, the Legislative Auditor, or other authorized entities~~

~~2. Remedies for Noncompliance~~

If the Office has the statutory authority under NRS 232.8413 or NRS 232.8415, it needs to be included in this section.

- ~~a. The Office may issue a written notice of deficiency and require corrective action within a 30 days~~
- ~~b. Continued failure to comply may result in enhanced administrative oversight, referral to the Governor for potential removal actions under NRS 232A.030, or withholding of administrative or fiscal support services~~

- c. Fiscal independence and cost allocation

- i. *Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.*
  - ii. *The Office shall not access, redirect, or utilize Boards funds*
  - iii. *Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.*
  - iv. *All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.*
- 4. *Pursuant to NRS 232.8415(1)(d), Boards shall adopt ~~and enforce those uniform set of standards for legal representation that are created or approved by the Office.~~*  
Please share with Boards & Commissions the standards for legal representation. Any such standards need to be set out here, in this regulation, and should not be incorporated into this regulation by some as yet unwritten standards. The purpose of this regulation is to create the standards here.
- 5. *Pursuant to NRS 232.8415(1)(e), Boards shall adopt ~~and enforce those sets of structural standards created or approved by the Office,~~ including:*
  - a. ~~*In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.*~~
  - b. *In regards to Board officer roles and elections, Boards shall*
    - i. *Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.*
  - c. *In regards to Board Member attendance and participation,*
    - i. *Board Members shall observe the minimum attendance requirements for board meetings ~~set by the Office~~*

These expectations by the Office needs to be outlined before the regulation is submitted.

- ii. *Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, ~~as defined by the Office,~~ for meetings, or has unexcused absences for 50% of the meetings within a 12-month period.*
  - iii. *Defining "unexcused absences" and procedures for documenting member absences*

A definition of "unexcused absences" needs to be added in this section.

- iv.
  - v. ~~*Board Members shall observe the procedures created by the Office for*~~

~~participation in training and active engagement in board responsibilities.~~

6. Pursuant to NRS 232.8415(1)(f), Boards shall ~~adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including~~

The Office has the authority to adopt rules to help it carry out its responsibilities effectively. The Office can guide us in developing policies that support these goals. Any policies we will be required to follow should be included in this draft regulation. The regulation should not reference future or yet-to-be-created policies that could be changed without going through the formal rulemaking process outlined in NRS 233B.

a. In regards to Websites

- i. Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:

1. A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)
2. The name of all current Board Members
3. The statutorily designated position each board member fills
4. The start and expiration date of each board member's current term
5. The name and title of the Executive Director or equivalent officer of the boards
6. A general email address for contacting the Board
7. The physical and mailing address of the Board
8. The main telephone number of the Board
9. Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available
10. Archived agendas and minutes of past meetings must follow NRS 241.035
11. A license verification system available on the Board's homepage or accessible within one click from the homepage that includes at a minimum:
  - a. The full name of each active licensee
  - b. The type of license or certification held
  - c. The license number
  - d. The license status
  - e. The original issuance date and expiration or renewal date, and
  - f. An indication of whether the licensee has ever been subject to discipline ("yes" or "no")



12. *A disciplinary action portal or searchable system available on the Board's homepage including, at a minimum, unless otherwise provided by statute:*
  - a. *All disciplinary actions taken by the Board against licensees*
  - b. *The licensee's name, license number, type of disciplinary action, and date of action*
  - c. *Access to the final order or settlement agreement*
  - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
13. *Instructions and forms for filing a complaint against a licensee*
14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
15. *Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*
16. *A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board's homepage.*
17. *All regulations that have been adopted and not codified*
18. *Each Board shall include the following additional information on its website to improve transparency and service to the public:*
  - a. *Mission statement*
  - b. *Annual reports or performance data*
  - c. *Instructions and forms for licensure, renewal, and reinstatement*
  - d. *All statutory reports and audits*
- b. *In regards to complaint transparency and access, Boards shall*
  - i. *Provide clear instructions for filing complaints against licensees or the Board*
  - ii. *Offer online complaint portals or downloadable forms on Board websites*
  - iii. *Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*
- c. *In regards to consumer education and outreach, Boards may*
  - i. *Publish newsletters, alerts, and bulletins to inform the public about board activities*
  - ii. *Provide resources on professional standards, ethical conduct, and how to report misconduct*
  - iii. *Promote awareness of consumer rights and board jurisdiction*

~~7. Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements~~

~~*created by the Office for efficacy and efficiency*~~

Any policies we are required to follow must be included in this draft regulation. The regulation should not refer to future or not-yet-created policies that could be changed without following the formal rulemaking process outlined in NRS 233B.

## DEPARTMENT OF BUSINESS AND INDUSTRY

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### General Provisions

**NAC 232.010 Definitions.** (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
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5. *“Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *“Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *“Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *“License” means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *“Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *“Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

### NAC 232.XXX – Department; powers and duties

1. *Pursuant to NRS 232.8415(1)(a), Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including*
  - a. *In regards to Performance Monitoring and Date Reporting, Boards shall:*
    - i. *submit quarterly reports to the Office detailing*

1. *complaints received, resolved, pending, and processing time averages*
  2. *licensing received, rejected and processing time averages*
- ii. *Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*
- iii. *Track bills during the legislative session that affect Board operations or professions*
- iv. *Update its administrative codes in response to newly enacted laws*
- v. *Ensure proper reconciliation of board accounts and bank records*
- b. *In regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, and procedures required by the Office. To meet these obligations, Boards shall:*
  - i. *Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218C.400, NRS 331.110, NRS 333.705,*
  - ii. *Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*
  - iii. *Prepare and Submit Financial Statements pursuant to Nevada Revised Statute to the Office, including*
    1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
    2. *Submit a comprehensive annual financial report within 9 months of year end close out:*
      - a. *Total revenues, expenditures, and year-end cash balances*
      - b. *A review of the adequacy of existing fees*
      - c. *Any significant financial or structural concerns*
- c. *For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*
  - i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
  - iii. *Executive Directors will provide completion status of training to the Office.*
  - iv. ~~*Required Board Members complete any specific training mandated by the Office*~~
  - v. *Include timelines for the completion of any training required by this chapter.*
  - vi. ~~*Be approved by the Office.*~~
  - d. ~~*In regards to Board Member Support Services:*~~
    - i. ~~*Boards shall maintain a centralized log of appointment terms and expiration dates*~~
  - e. ~~*Access to investigative reports and documentation*~~
    - i. ~~*Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board. :*~~
    - ii. ~~*Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.*~~
2. ~~*Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.*~~
3. *Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:*
- ~~*a. In regards to fiscal accountability, Boards shall develop and monitor board budgets*~~
  - b. In regards to data integrity and information management, Board's shall*
    - i. *Ensure licensee, financial, and complaint data are accurate and verifiable*
    - ii. *Protect confidential and personally identifiable information*
      - 1. *Respond to all statutory Audits including*
        - a. *Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required*





iii. *Defining “unexcused absences” and procedures for documenting member absences*

~~iv.~~

~~v. Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities.~~

6. *Pursuant to NRS 232.8415(1)(f), Boards shall ~~adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including~~*

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- 5. The name and title of the Executive Director or equivalent officer of the boards*
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- 9. Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*
- 10. Archived agendas and minutes of past meetings must follow NRS 241.035*
- 11. A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
  - a. The full name of each active licensee*
  - b. The type of license or certification held*
  - c. The license number*
  - d. The license status*
  - e. The original issuance date and expiration or renewal date, and*
  - f. An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

- 12. *A disciplinary action portal or searchable system available on the Board's homepage including, at a minimum, unless otherwise provided by statute:*
    - a. *All disciplinary actions taken by the Board against licensees*
    - b. *The licensee's name, license number, type of disciplinary action, and date of action*
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    - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
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  - 14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
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DRAFT

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- iii. *Defining “unexcused absences” and procedures for documenting member absences*
  - iv.
  - v. *Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities.*
6. *Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including*
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      - 5. *The name and title of the Executive Director or equivalent officer of the boards*
      - 6. *A general email address for contacting the Board*
      - 7. *The physical and mailing address of the Board*
      - 8. *The main telephone number of the Board*
      - 9. *Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*
      - 10. *Archived agendas and minutes of past meetings must follow NRS 241.035*
      - 11. *A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
        - a. *The full name of each active licensee*
        - b. *The type of license or certification held*
        - c. *The license number*
        - d. *The license status*
        - e. *The original issuance date and expiration or renewal date, and*
        - f. *An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

- 12. *A disciplinary action portal or searchable system available on the Board's homepage including, at a minimum, unless otherwise provided by statute:*
  - a. *All disciplinary actions taken by the Board against licensees*
  - b. *The licensee's name, license number, type of disciplinary action, and date of action*
  - c. *Access to the final order or settlement agreement*
  - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
- 13. *Instructions and forms for filing a complaint against a licensee*
- 14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
- 15. *Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*
- 16. *A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board's homepage.*
- 17. *All regulations that have been adopted and not codified*
- 18. *Each Board shall include the following additional information on its website to improve transparency and service to the public:*
  - a. *Mission statement*
  - b. *Annual reports or performance data*
  - c. *Instructions and forms for licensure, renewal, and reinstatement*
  - d. *All statutory reports and audits*
- b. *In regards to complaint transparency and access, Boards shall*
  - i. *Provide clear instructions for filing complaints against licensees or the Board*
  - ii. *Offer online complaint portals or downloadable forms on Board websites*
  - iii. *Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*
- c. *In regards to consumer education and outreach, Boards may*
  - i. *Publish newsletters, alerts, and bulletins to inform the public about board activities*
  - ii. *Provide resources on professional standards, ethical conduct, and how to report misconduct*
  - iii. *Promote awareness of consumer rights and board jurisdiction*

7. *Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency*

DRAFT

**Good morning Nikki,**

**I just wanted to see if the October 10<sup>th</sup> deadline listed below could be moved one additional week to October 17<sup>th</sup>.**

**Thank you again for the assistance and including me in the working group.**

**Respectfully,**

**David Behar**

***Executive Officer***

**Nevada State Contractors Board**

**8400 West Sunset Road, Suite 150**

**Las Vegas, Nevada 89113**

**Office: 702.486.1109**

**Cell: 725-278-5873**

**Email: [dbehar@nscb.state.nv.us](mailto:dbehar@nscb.state.nv.us)**



**“Model Regulatory Board”**

STATE OF NEVADA

JOE LOMBARDO  
Governor



DR. KRISTOPHER SANCHEZ  
*Director*

PERRY FAIGIN  
NIKKI HAAG  
MARCEL F. SCHAEERER  
*Deputy Directors*

STEVEN MCDONALD, ESQ., MBA  
*Executive Director*

DEPARTMENT OF BUSINESS AND INDUSTRY  
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS  
NEVADA STATE BOARD OF COSMETOLOGY

MEMORANDUM

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**DATE:** October 8, 2025  
**TO:** Nikki Haag, Deputy Director  
**FROM:** Steven McDonald, Executive Director  
**SUBJECT:** Department of Business and Industry Proposed Regulations

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Dear Deputy Director Haag:

Thank you so much for the opportunity to review the proposed regulations from the Department of Business & Industry, Office of Boards, Commissions and Councils Standards (BCCS).

After our review, it appears there may be underlying processes and procedures related to these regulations yet to be developed which may raise some issues surrounding board statutory requirements, definitions, interpretations, our own regulations, and our possible misunderstandings in the merging of them with existing board requirements, operations, and administration. Additionally, some of the proposed regulations are required in statute currently.

However, we would respectfully propose that the following language be added as the very first regulation clause in the proposed regulations under NAC 232 as referenced in the B&I disclaimer at the top of the proposed regulations:

*NAC 232.001. Applicability.*

*These regulations shall not be construed to supersede nor substitute any existing or future federal or state statutes and related regulations specifically applicable, mandated, or enforced by the Board.*

Because we exercise and enforce various statutes, not just ours jurisdictionally, we believe that this clause may proactively be a way to address some of the BCCS processes and underlying procedures yet to be created that may possibly conflict with existing statutory and regulatory provisions within and outside of the Nevada State Board of Cosmetology as we collaboratively partner with BCCS in its mission.

Additionally, please find below some questions, comments, and suggestions for your review and consideration related to these proposed regulations and references to each proposed subsection, accordingly:

**NAC 232.XXX**

1. What are the uniform sets of standards?
  - 1(a)(2). This reporting is required by the LCB on a quarterly basis pursuant to statute.
  - 1(e)(i). This proposed subsection may raise statutory confidentiality issues
2. This proposed subsection may conflict with existing licensing and disciplinary statutes and may hinder resolution and efficiencies, hence the proposed applicability clause suggested previously
  - 3(b)(2)(b). This proposed subsection may conflict with statutes involving specific hiring/disciplinary statutes, hence the proposed applicability clause suggested previously
3. What are the internal controls?
  4. This proposed subsection may conflict with existing legal representation statutes, hence the suggested applicability clause suggested previously
5. What are the structural standards?
  - 5(c). What are the minimum attendance requirements?

I hope that this information is helpful to you. Again, thank you for the opportunity to bring forth questions, comments, and suggestions. We sincerely appreciate it.

Dental Board:

- **Page 1, Disclaimer Section-**

- Instead of a disclaimer, we believe this should be part of the NAC language, particularly because some of the proposed language below, if implemented based on its plain language, would contradict NSBDE's NAC requirements.

- **Page 2, 1.a Section-**

- "Date" was likely meant, please clarify what dates are to be reported.

- **Page 2, 1.a.i.1 Section -**

- We are hopeful you are looking for raw data on the amount of the complaints received, resolved, pending, etc, and not copies of all the complaints and stipulations we received, resolved, etc. To that end, consider adding the words "the number of "complaints received, resolved, pending, etc.

- **Page 2, 1.a.i.2 Section -**

- The NSBDE already submits this data to the LCB, such that this requirement is duplicative of work already being done. If B&I means for us to report to you instead of LCB, please make that clear in the language.

- **Page 2, 1.a.2.ii Section-**

- The NSBDE already has a written investigation policy enumerated in its regulations, such that requiring a separate written document would result in duplicative work. Can this be amended to "Unless otherwise established in statute or regulation, adopt and maintain ..." ?

- **Page 2, 1.a.2.iii Section-**

- The NSBDE already does this through the state legislative website. If you mean for us to do something additional to what is already being done through the state legislative website, please clarify how you want Boards to track in excess of what is already done. Alternatively, you could add similar language to the above, such as "Unless otherwise tracked by the board through state legislative publications, track bills ..."

- **Page 2, 1.b.iii Section -**



- Is this intended to replace LCB audited financial statements? If so, that should be clarified. If not, this is already being done and would result in duplicative work.

- **Page 2, 1.c.i Section-**

- Can a Board can still offer their own training (in addition to whatever AG training is required)? If so, please add clearer language that allows the Boards to offer their own training as well. This is especially necessary when it will be the individual boards potentially sued and not B&I by former employees who may claim poor or no training specific to their claim.
- Also, there should be an exclusion/exception for profession-specific training. For example, if we are going to train incoming infection control inspectors on our new forms and the OSHA protocols, this should be something the NSBDE authors and teaches outside of the AG's office or B&I, since those entities may not have time and resources to devote to obtaining an expert to create and train, while the NSBDE already has access to such clinical experts.
- Also, it is our understanding from our AG rep that the AG's office's wheelhouse for training is OML and contested case/hearing procedure trainings only. If this is the only AG training that will be offered, we would like the freedom to do more robust training.

- **Page 3, 1.e.i Section -**

- This conflicts with the NSBDE's governing statute, specifically NRS 631,368. Outside of the initial complaint that started the disciplinary proceeding/investigation, which is public record, once the case goes to an investigator/screening expert (which it must per our new regulations), records or information relevant to the case become confidential until the point the proposed penalties are up for a Board vote, at which time, they become public record. Thus, at any point between the initial complaint and Board vote, the NSBDE could not--per statute--comply with this regulation if B&I requested investigation materials.
- Also, to the extent B&I seeks these reports and documentation to potentially alter or propose changes to a proposed discipline, this would contradict with our regulations that specifies that a Review Panel and Board are the only persons that can decide penalties and liability.

- In short, we could not comply with a request for records by B&I during a pending disciplinary proceeding.
- However, if what B&I wants is to ensure the boards are handling their claims properly, consider alternative language such as, “For the purpose of performance auditing, at the conclusion of any investigation or disciplinary proceeding, the Office may request all documents related to an investigation or disciplinary proceeding. The board agrees to communicate about and cooperate with that request.”
- Or if what B&I wants is to aid congresspersons or other elected officials with responding to constituent complaints or questions, consider language like “For the purpose of providing information to other government officers or entities so that they may respond to public complaints or questions, the Office may, during the course of any investigation or disciplinary proceeding, ask the board for non-confidential information about a case. The board agrees to communicate about and cooperate with that request to the extent permitted by their governing statutes and regulations.”

- **Page 3, 1.e.ii Section-**

- Though this may have been meant to alleviate any confidentiality issues inherent with board statutes and regulations, such that it would legitimize subsection (i) above, it does not cure the problem as outlined in our prior comment. The NRS does not contain any exceptions to the confidentiality requirement, not even as to other government entities. Thus, even if this regulation exists as written, it does not relieve the NSBDE of its statutory confidentiality obligations.

- **Page 3, 2. Section-**

- We worry about this one impacting our ability to use our own disciplinary matrices, our own administrative hearing scripts, etc.
- It would be more palatable if this were a minimum and not a mandate, i.e. “Pursuant to NRS 232.8415(1)(b), where not otherwise established by statute or regulation, the Boards shall, at minimum, enact and enforce policies for investigations, licensure, and discipline that meet general standards established by the Office. However, each Board may craft more detailed Board-specific regulations, guidance, and internal policies to implement these minimum standards.”

- **Page 4, 3.b.ii.2.A Section-**

- This is likely too little time to cure a defect, particularly where we often have to wait for other Boards, agencies, dental professionals, vendors, or third party entities to cooperate with us in getting us needed information, inclusive of initial emails and several follow-up attempts to communicate. We suggest 60-90 days of cure time.

- **Page 4, 3.c.iii Section-**

- We believe this language is meant to mirror cost allocation assurances discussed recently (e.g. if Board A uses 70% of an asset and Board B uses 30% of an asset, then Board A pays for 70% of the asset from its budget, and Board B pays for 30% of the asset from its budget). However, the language as written is confusing since cost allocation is not defined elsewhere.
- Perhaps consider clearer language like “When two or more Boards share the costs of an asset or service, each Board shall only be responsible for the charges specifically allocated to their share of usage; the funds to pay for that share of usage shall expressly come from operational funds approved by the legislature.”
- If the NSBDE is misunderstanding the meaning of what B&I was trying to say here, than clearer language is required so intent can be readily deciphered.

- **Page 4, 4 Section-**

- The referenced statute is not clear on what this means, i.e., is this meant to address the hiring of outside counsel, or outline required use of the AG’s office, or discuss in-house counsels.
- Because of the vagueness of the language, we ask for clarity to ensure that the standards the Office would propose would not impede an individual Board’s ability to hire/vet and decide compensation for its own in-house attorneys/paralegals/legal assistants. We also want to clarify that in-house counsel can choose to do their own litigation work in lieu of referring litigation to either the AG or outside counsel. (If what B&I seeks is a reduction of reliance on outside counsel and more referrals to the AG, this is fine so long as in-house counsel retains the right of first choice).

- **Page 4. 5.a Section -**

- The NSBDE does not give its member seat numbers or title designations (except for two persons—our civilian member and our public health dentist member). Thus, can you please add “if applicable,” after designated seat to make the language uniformly followable by all boards?
- **Page 5, 5.c.v Section -**
  - Repeat of comment 7 regarding board training. To account for this, consider instead “Board Members shall observe the procedures created by the Office and their Board for participation in training ...”
- **Page 6, 6.a.12 Section-**
  - As written, this language would prohibit Boards from settling cases with a non-publication or private reprimand settlement term.
  - Have you considered the impact to Boards’ ability to settle cases through negotiation in lieu of conducting administrative hearings?
- **Page 7, 7 Section -**
  - The statute does not define these terms, and this sentence is vague without any subsections alluding to what this means. “Efficiency” standards B&I might be contemplating could conflict with the realities of our Board member’s availability. For instance, our Board members all have professional jobs and can only meet once a month at night, so we request that any B&I requirements in this regard would still give our members flexibility to meet only 1-2 times per month.
  - Also, since only our Review Panel can decide proposed penalties, and they only meet once a month, it sometimes takes several months to resolve a case where a licensee is represented by counsel. We also suggest that efficiency requirements account for up to six months of settlement negotiation processes.
  - Alternatively, consider language such as “Pursuant to NRS 232.8415(1)(g), where a Board’s governing statutes and regulations are silent regarding timelines or deadlines for operational tasks, Boards shall adopt and enforce general standards for efficiency as established by the office. While those standards will encourage expeditious handling of all disciplinary, licensing, and financial matters, each Board is responsible for meeting scheduling,

case resolution deadlines, and licensing timelines, and shall complete these operational tasks as timely as possible.”

- Regarding efficacy, since this basically equates to proper performance, and other language herein speaks to performance management, you do not need to repeat here that you are responsible for performance management.

## DEPARTMENT OF BUSINESS AND INDUSTRY

*Disclaimer: Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

### General Provisions

NAC 232.010 Definitions. (~~NRS 233B.505~~) As used in NAC 232.010 to 232.140, inclusive, {incorrect citation} unless the context otherwise requires:

1. "Chief" means the chief of a division of the Department.
2. "Department" means the Department of Business and Industry
3. "Director" means the Director of the Department.
4. *"Office" means the Office of Nevada Boards, Commissions, and Councils Standards.*
- ~~5. "Board" means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.~~
- ~~6. "Board Member" means a person appointed to serve on a specific board or who has previously served on that specific board.~~
- ~~7. "Executive Director, or equivalent officer of the boards" means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.~~
- ~~8. "License" means any permit, registration, certificate, or license issued by the a board under the Department.~~
- ~~9. "Licensee" means any person who has been issued a permit, registration, certificate, or license by the board under the Department.~~

~~10.~~

~~"Profession" means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards. [ Strike 5 thru 10 as already defined in statute]~~

NAC 232. — Department; powers and duties

~~1. Pursuant to NRS 232.8415(1)(a), Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including~~

~~a. In regards to Performance Monitoring and Date Reporting, Boards shall:~~

~~i. submit quarterly reports to the Office detailing~~

~~1b. c. 1. complaints received, resolved, pending, and processing time averages~~

~~2. licensing received, rejected and processing time averages~~

~~ii. Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.~~

~~iii. Track bills during the legislative session that affect Board operations or professions~~

~~iv. Update its administrative codes in response to newly enacted laws~~

~~v. Ensure proper reconciliation of board accounts and bank records~~

~~In regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, and procedures required by the Office. To meet these obligations, Boards shall:~~

~~i. Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,~~

~~ii. Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section~~

~~iii. Prepare and submit financial statements pursuant to Nevada Revised Statue to the Office, including~~

~~1. Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.~~

~~2. Submit a comprehensive annual financial report within 9 months of year-end close-out:~~

- ~~a. Total revenues, expenditures, and year-end cash balances~~
- ~~b. A review of the adequacy of existing fees~~
- ~~c. Any significant financial or structural concerns~~
- ~~For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:~~
  - ~~i. Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.~~
  - ~~22. 3. d. e. ii. Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;~~
  - ~~iii. Executive Directors will provide completion status of training to the Office.~~
  - ~~iv. Required Board Members complete any specific training mandated by the Office~~
  - ~~v. Include timelines for the completion of any training required by this chapter.~~
  - ~~vi. Be approved by the Office.~~

~~In regards to Board Member Support Services:~~

- ~~i. Boards shall maintain a centralized log of appointment terms and expiration dates~~

~~Access to investigative reports and documentation~~

- ~~i. Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board.:-~~

- ~~ii. Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.~~

~~Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.~~

~~Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:~~

- ~~a. In regards to fiscal accountability, Boards shall develop and monitor board budgets~~
- ~~b. In regards to data integrity and information management, Board's shall~~
  - ~~i. Ensure licensee, financial, and complaint data are accurate and verifiable~~

- ~~ii. Protect confidential and personally identifiable information~~

~~1. Respond to all statutory Audits including~~

- ~~a. Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required~~

~~34. 5. c. b. Cooperating with audit reviews conducted by the Office, the Legislative Auditor, or other authorized entities~~

~~2. Remedies for Noncompliance~~

- ~~a. The Office may issue a written notice of deficiency and require corrective action within a 30 days~~

- ~~b. Continued failure to comply may result in enhanced administrative oversight, referral to the Governor for potential removal actions under NRS 232A.030, or~~

~~withholding of administrative or fiscal support services~~ [Title 54 Board are separate legal entities that do not take orders from the Department of Business and Industry.. No statutory authority exists for Business and Industry to order present statutes, regulations or policies to be abrogated]

~~Fiscal independence and cost allocation~~

- ~~i. Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.~~

- ~~ii. iii. The Office shall not access, redirect, or utilize Boards funds~~



~~Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.~~ [No statutory authority to authorize a Title 54 Board to pay Business and Industry for anything]

*iv. All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.*

~~Pursuant to NRS 232.8415(1)(d), Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office.~~ [Attorney client relationships are governed by the State Bar of Nevada and the Nevada Supreme Court not the Department of Business and Industry]

~~Pursuant to NRS 232.8415(1)(e), Boards shall adopt and enforce those sets of structural standards created or approved by the Office, including:~~

~~a. In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.~~ [Board Members are appointees of the Executive, not the Board who may not know their qualifications]

*b. In regards to Board officer roles and elections, Boards shall*

*i. Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.*

~~e. In regards to Board Member attendance and participation;~~

~~i. Board Members shall observe the minimum attendance requirements for board meetings set by the Office~~

~~ii. Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, as defined by the Office, for meetings, or has unexcused absences for 50% of the meetings within a 12-month period.~~

~~4iii. iv.~~

~~v. Defining "unexcused absences" and procedures for documenting member absences~~

~~6. Board Members shall observe the procedures created by the Office for participation in training and active engagement in board~~ [Strike no statutory authority for Business and Industry removing appointees for the Executive] ~~responsibilities.~~

*Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including*

*a. In regards to Websites*

*i. Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:*

*1. A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)*

*2. 3. 4. The name of all current Board Members*

*The statutorily designated position each board member fills*

*The start and expiration date of each board member's current term*

*5. The name and title of the Executive Director or equivalent officer of the boards*

*6. 7. 8. 9. A general email address for contacting the Board*

*The physical and mailing address of the Board*

*The main telephone number of the Board*

*Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*

*10. Archived agendas and minutes of past meetings must follow NRS 241.035*

*11. A license verification system available on the Board's homepage or accessible within one click from the homepage that includes at a minimum:*

*a. The full name of each active licensee*

*b. The type of license or certification held*

*c. The license number*

*d. The license status*

*e. The original issuance date and expiration or renewal date, and*

*f. An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

*5b. c. 12. A disciplinary action portal or searchable system available on the Board’s homepage including, at a minimum, unless otherwise provided by statute:*

*a. All disciplinary actions taken by the Board against licensees*

*b. The licensee’s name, license number, ~~type of disciplinary action~~, and date of action [Strike for ambiguity]*

*c. d. Access to the final order or settlement agreement  
The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*

*13. Instructions and forms for filing a complaint against a licensee*

*14. The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*

*15. Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*

*16. A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board’s homepage.*

*17. All regulations that have been adopted and not codified*

*18. Each Board shall include the following additional information on its website to improve transparency and service to the public:*

*a. Mission statement*

*b. Annual reports or performance data*

*c. Instructions and forms for licensure, renewal, and reinstatement*

*d. All statutory reports and audits*

*In regards to complaint transparency and access, Boards shall*

*i. Provide clear instructions for filing complaints against licensees or the Board*

*ii. Offer online complaint portals or downloadable forms on Board websites*

*iii. Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*

*In regards to consumer education and outreach, Boards may*

*i. Publish newsletters, alerts, and bulletins to inform the public about board activities*

*ii. Provide resources on professional standards, ethical conduct, and how to report misconduct*

*iii. Promote awareness of consumer rights and board jurisdiction*

~~*67. Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements*~~

~~*created by the Office for efficacy and efficiency*~~ [Strike as there is not offered language for review or approval]

It has come to my attention that a regulation Workshop has been posted for October 17<sup>th</sup> on the Legislative site with a deadline of October 10<sup>th</sup> for written comments.

**I respectfully request that the Workshop be postponed to allow the Board the opportunity to hold a public meeting to review, comment and authorize the ED to present their decisions.**

As "Interested Parties" I respectfully request that all official and formal "Public Notices" be transmitted to the Boards at the time of posting.

**The affected "Boards" were not notified directly that this workshop is scheduled.**

Your email below states "All recommendations will be reviewed and referred back to the Attorney General's Office before we move forward with public workshops and submission to the Legislative Commission. Our goal is to hold the public workshops by the end of October."

The timeline of October 10<sup>th</sup> for written comments does not provide sufficient time for the Board to schedule, review and prepare comments.

Your email requested ED recommendations by the 10<sup>th</sup>; I cannot provide any recommendations without Board approval now that the official regulation process has begun, i.e. official Workshop posting,

My Board must be notified and formal public meeting held to review the regulation and granting authority for the Executive Director to relay/submit the "Board's" comments on the regulation.

***Loretta L. Ponton, Executive Director***

State of Nevada

Board of Environmental Health Specialists

6170 Mae Anne Ave., Suite 1

Reno, NV 89523

775-746-9423



State of Nevada  
**Board of Environmental Health Specialists**

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October 10, 2025

Office of Nevada Boards, Commissions and Council Standards  
1830 College Parkway, Suite 100  
Carson City, NV 89706

Comments on Proposed Regulation  
Workshop – October 17, 2025

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The Board has not had an opportunity to convene a public meeting to discuss or provide comments on the proposed regulation prior to the October 10<sup>th</sup> deadline for submitting written comments.

The written comments contained herein are submitted as an interested person, and subject matter expert with many years of experience in Board administration.

The major point of concern is the lack of clarity in the duties of the Office as they pertain to “centralized administration”. The following points would clarify the role and duties of the Office as the centralized administrative entity for oversight and compliance:

1. The Office shall:
  - a. provide oversight of and compliance with State administrative requirements pertinent to Board administration
  - b. serve as the primary point of contact for Board administrators
  - c. coordinate with state agencies relating to compliance with any statutory administrative provisions that apply to Boards
  - d. coordinate Board access to State systems necessary for compliance with state administrative requirements
  - e. communicate administrative directives, all- agency memorandums, and applicable law and regulatory requirements and revisions pertinent to Board administration
  - f. monitor compliance with the administrative standards established through this regulation.

Ongoing open dialogue between stakeholders and the Office will foster greater transparency and trust throughout the regulation adoption process.

Respectfully submitted,

*Loretta Ponton*

Loretta L. Ponton, Executive Director



Joe Lombardo  
Governor

# Nevada State Board of Podiatry

6170 Mae Anne Avenue, Suite 1 • Reno, Nevada 89523 • [podiatry.nv.gov](http://podiatry.nv.gov) • Phone 775-746-9424

October 10, 2025

Deputy Director Nikki Haag

Office of Nevada Boards, Commissions, and Councils Standards

1830 College Parkway, Suite 100

Carson City, NV. 89706

Re: Comments Regarding Draft Regulations

Dear Deputy Director Haag,

I am the Executive Director for the Nevada State Board of Podiatry, and as such, this letter is my response to your invitation to comment on your draft regulation. Please understand that these comments are mine as the Executive Director and do not represent any position of the Board itself since the Board has not reviewed or formally opined on the draft. The Board will not render any position regarding the regulations until such have been drafted by LCB and can rightly be considered actual, potential regulations. Therefore, this response is simply to provide some comments and guidance from my perspective as the Executive Director and somebody who has over thirty years of experience writing regulations in Nevada.

I have attached a red-lined set of your regulations. As you will note from the red-lined version, I have concerns with most of the regulation as drafted. Following are explanations regarding the reasons for the various red-lines:

(1) Throughout the regulations, you refer to standards and procedures that the Office intends to have at some point in the future but which do not presently exist. There are several problems with this approach:

(a) Such an approach violates NRS 233B.040(3) which provides:

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

An agency shall not attempt to incorporate any other material in a regulation by reference.

As you can see, you can only adopt by reference in a regulation “material published **by another authority.**” In other words, you cannot adopt by reference outside material that your office itself will create. Furthermore, and more pointedly, the last sentence could not be clearer: “An agency **shall not attempt** to incorporate **any other material** in a regulation by reference.” Therefore, all references to outside policies, procedures, or standards in your draft regulation have been red-lined to assure compliance with NRS 233B.040(3).

- (b) Another reason for the red-lines related to the outside policies, procedures, or standards, is that this violates NRS 232.8413(2). The Office is required to adopt regulations “to effectively administer the responsibilities of the Office.” We understand your draft regulations to be the Office’s attempt to fulfill the Legislature’s directive in NRS 232.8413(2), and we welcome the opportunity to assist the Office in crafting good regulations. But all such regulations must go through the processes set out in NRS ch. 233B. No agency can state propositions of general application without going through the rulemaking procedures in NRS ch. 233B. *Dunning v. Nevada State Board of Physical Therapy Examiners* (2016). It has been my experience that the best regulations are made with good faith collaboration between the proposing agency (in this case, the Office) and the stakeholders who will be affected by the regulation (in this case, the Title 54 boards), and the salutary processes set out in NRS ch. 233B foster this collaboration. Such collaboration simply will not occur if the Office can unilaterally dictate policies, procedures, and standards to the boards without their input and which can be changed or added to at any time by the Office without full compliance with NRS ch. 233B.
- (c) As a third reason for the red-lines of all language relating to outside policies, procedures, and standards, such outside documents

undermine the purpose and integrity of the present endeavor. Now is the time to create any policies, procedures, and standards, that the draft regulation is the vehicle within which this should be done. If the Office wants to set out its expectations regarding the various boards, it should state what those expectations are here and now, in this regulation, and not by reference to some as yet unwritten outside policies, procedures, or standards. Let us all work together to understand the Office's concerns and expectations and to develop, together, ways in which the boards can address those concerns and expectations.

- (2) The section regarding the boards providing confidential information to the office would violate this Board's statutes, namely NRS 635.158. NRS 635.158(1) provides that all of our investigative records are confidential while the Board is investigating a matter and remain confidential in matters where the Board determine not to take disciplinary action. NRS 635.158(3) provides that the Board can cooperate with other boards and agencies and to provide confidential information, but only under the circumstance that the other board or agency is investigating the same person. At no time and under no circumstances would the Office ever investigate one of this Board's licensees, so the Office simply is not one of the agencies with which this Board could legally share confidential information. Therefore, the call in your draft regulation that the Board share confidential information with the Office needs to be removed.
- (3) Throughout the draft regulation, there are references to the boards' need to comply with various statutory obligations. All such references will be removed by LCB when LCB drafts the regulations. The Attorney General's Administrative Rulemaking Manual in Appendix A provides: "Do not use redundant language. A regulation should contain no text covered by a statute. Portions of proposed regulations that repeat statutory provisions will be deleted by Legislative Counsel." Please know that the Boards know very well what their statutory obligations, and we each comply with those obligations already. The regulation can ask that the Board's provide evidence of compliance with various of their statutory obligations, but the regulation cannot require compliance (the Legislature already has done that). Since LCB will remove this redundant language, it is better practice that we remove it now, at the drafting stage.
- (4) The language related to remedies for noncompliance was red-lined because it simple exceeds the Office's authority. Nothing in NRS 232.8413 or NRS 232.8415 contains such authority, and, therefore, the Office cannot grant to itself such authority to the Office where it was not first given to the Office by the Legislature.



(5) All language by which the Office gives itself the authority to approve or, implicitly, disapprove policies of the Board was red-lined because it sets up a management structure that is not authorized in NRS 232.8413 or NRS 232.8415. Each board under the Office's purview is a separate, autonomous agency authorized by statute to adopt its own policies and procedures. Each board will determine how it will comply with the Office's expectations, and each board can be required to provide copies of such procedures to the Office, but the Office has no authority to approve any act taken by the boards. In other words, once the board approves a policy, it is the policy of the board, and the Office cannot approve or disapprove any such policy.

Perhaps it would help to point out the best part of the present draft, which is the section related to what should be found on each board's website. This section sets out clearly and with specificity what is expected. It is good regulation writing. It should be used as the model for the rewriting of the regulation to correct all the matters that have been red-lined in my attachment.

Finally, I must express my disappointment in your unilateral and arbitrary abandonment of the process you had earlier told all of us boards by your surprise springing on all of us a workshop on language that is clearly not ready for such consideration. There is no rush. Rather, the best regulation will take time, consideration, deliberation, meeting after meeting, much listening, and many, many drafts. Forcing the present language into a workshop where the language has so many obvious flaws is wasteful of your, your Office's, and the boards' time, energy, and effort. You had set out a good and useful process and had seemed to invite the input and collaboration from the boards that would produce and good and useful regulation. I urge that the workshop be abandoned and that we return to a more deliberate process that will encourage the give-and-take needed to produce the best possible regulation.

I will be appearing at the presently scheduled workshop on October 17. If it is canceled please let me know.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. J.', written in a cursive style.

Good morning Nikki,

I've been remiss in sending acknowledgement that I received these.

I've always understood that regulations are meant to clarify ambiguity in statute or provide detail that isn't included in statute. This draft leaves me with more questions than clarity.

My feedback would be to develop a list of what the NBCCS Office wants to hold Boards accountable to. Then clear out the items that are already required elsewhere in statute or regulation. As well as those items not clearly enumerated in the authorizing statutes. Then develop the regulations and accountability measures.

**Elisabeth Barnard**

***Executive Director***

**Nevada State Board of Massage Therapy**

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Hello everyone,

Thank you for the opportunity to provide feedback/thoughts/questions regarding these proposed regulations. I have organized our thoughts by section below. Please let me know if you have any questions.

## **NAC 232.XXX – Department: powers and duties**

- **1(a): Performance reporting is not defined**
  - What is it? What are the metrics?
- **a(i): Quarterly reports**
  - We already do quarterly reporting to LCB with this data
- **a(ii): Investigation policy**
  - I would recommend that a policy be drafted according to the most complex process so that the rest of us would more than likely fit into that. For example, I would imagine that the Medical Board or the Nursing Board have pretty complex cases and therefore their timelines will be the longest.
  - I'm not sure how this will work when dealing with the AG's office. Our pace is influenced heavily by the communication between attorneys if respondents have representation.
- **a(v): Reconciliation of accounts**
  - I work with our bookkeeper on this. How would this need to be communicated to you?
- **b: Reporting of audits**
  - There are specific references in SAM relating to Boards and what our requirements are, and what parts of the manual we need to adhere to.
  - We follow audit deadlines from LCB
- **b(iii): Submit Financial Statements**
  - I do not see authority in NRS to request this from us.
- **iii(1): Quarterly financial statements**

- I prepare quarterly financials for the Board, and they are approved at a Board meeting. I know that the state has different budget categories and it was difficult to fit our categories into those when we were asked to comply with this before. Are these customizable?
- **iii(2): Financial report**
  - The audit that is sent to LCB has all of this information
  - Any concerns are indicated by our audit firm
- **c(i): Required Board Member training**
  - All Board members take the training from the AGs office as directed by the Governor's office. How would you like this communicated to you?
  - What other training does the Office want? We all have to adhere to Open Meeting Law, but our practice acts are all different.
- **e: Investigative reports**
  - The confidentiality of our investigative records comes from statute and is reiterated in our regulations. I do not see authority in NRS to request this from us.
- **3(c)(iii): Cost Allocation**
  - For what? I do not see authority in NRS to request this.
- **5(c): Board member participation**
  - I do not see authority in NRS to request this.
  - The Governor's office may have requirements for this, and Boards may have this in their practice acts.

Sincerely,

Joelle C. McNutt, MA.Ed.

**Executive Director**

**Walk In & Phone Hours: Tuesday through Thursday 9:00am – 4:00pm**

State of Nevada Board of Examiners for Marriage Family Therapists & Clinical Professional Counselors

500 N. Rainbow Boulevard, Suite 201  
Las Vegas, Nevada 89107

**Phone:** (702) 486-7388

**Fax:** (702) 486-7258

**Board Website:** <http://marriage.nv.gov/>

STATE OF NEVADA

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Governor



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*Deputy Directors*

STEPHANIE BRYANT MCGEE  
*Executive Director*

DEPARTMENT OF BUSINESS AND INDUSTRY  
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS  
NEVADA FUNERAL & CEMETERY SERVICES BOARD

October 10, 2025

*Sent via email: [bccsinfo@business.nv.gov](mailto:bccsinfo@business.nv.gov)*

Nikki Haag, Deputy Director  
Office of Nevada Boards, Commissions, and Councils Standards  
Department of Business and Industry  
1830 E. College Parkway, Suite 100  
Carson City, NV 89706

Re: Comments Regarding Proposed Permanent Regulations

Dear Deputy Director Haag,

Thank you for your work on the regulations proposed by the Office of Nevada Boards, Commissions, and Councils Standards (Office) and for including the Nevada Funeral & Cemetery Services Board (Funeral Board) in the working group for these regulations. The draft regulations you distributed via email on September 10, 2025, included many of the changes that the working group discussed during our session on August 5, 2025, and I appreciate your considering the working group's suggestions. I am writing to provide additional comments regarding the draft distributed on September 10<sup>th</sup>.

**Access to Investigative Reports and Documentation (Section 2).** This section addresses the Office's access to investigations and disciplinary actions. The proposed regulation provides that any confidential information or investigatory records obtained by the Office from a board will remain confidential in accordance with state or federal law. Pursuant to Nevada Revised Statutes 642.524, a complaint submitted to the Funeral Board, information filed with the complaint, or other information obtained as a result of an investigation are confidential and are not public records. Nevada Revised Statute 232.8415, which creates the responsibilities of the Office, does not appear to provide the ability of the Office to receive information regarding specific investigations and to maintain the confidentiality of the information.

The Funeral Board has cooperated with the Office in the past regarding complaints and investigations and will continue to do so. My primary concern is whether a regulation is sufficient to protect the confidentiality of information as set forth in Nevada Revised Statutes 642.524, should that information be provided to the Office.

**Fiscal Independence and Cost Allocation (Section 3.c.iii.).** This section provides that boards shall retain control of their funds and be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office. This section anticipates that legislation would pass to fund the office; however, at this time, there is no statute regarding funding. Therefore, this section of the regulation may be premature. In addition, if legislation passes, this section may be redundant as legislation would likely include such requirements.

**License Verification System and Disciplinary Action Portal (Sections 6.11 and 6.12).** These sections refer to a “license verification system,” a “portal,” and a “searchable system.” As we discussed at the working group session, the Funeral Board is a smaller board with limited resources. During the meeting, I explained that, due to budgetary constraints, the Funeral Board does not currently have a formal licensing database that could provide a “portal” or “searchable system.” The Funeral Board is able to provide information in a format, typically a list, that a consumer, a licensee, and the Office could use to verify licensure status or determine if a licensee has been subject to disciplinary action. This information is currently available on the Funeral Board’s website.

When selecting the final language for the regulation, please take into consideration what constitutes a “license verification system,” a “portal” or a “searchable system” such that a small board without an integrated licensing database can comply.

**Posting All Statutory Reports and Audits (Section 6.a.18.d.).** This section provides that each board must post “all statutory reports and audits” to the board’s website.

Not all statutorily required reports are in a format that is conducive to posting on a website. For example, each quarter, the Funeral Board enters licensing and disciplinary action data into the Legislature’s Reports of Occupational Licensing Boards. The data is then displayed on the Nevada Legislature’s website at: <https://www.leg.state.nv.us/app/ol/a/>. In this instance, perhaps a link to a board’s report on the Legislature’s site would satisfy the requirement and provide more comprehensive information to the public.

In addition, there are reports that may not provide additional value to the public and/or may not include information that may be released to the public. For instance, pursuant to Nevada Revised Statute 353C.1965, each agency, including a board, is required to provide a list of licensees to the State Controller’s Office for purposes of debt collection. For individual licensees,

the list includes personally identifiable information, such as the licensees' Social Security Numbers and home addresses. This report is created in an excel file format provided by the State Controller's Office and is specifically required to be uploaded to the State Controller's Office portal. Nevada Revised Statutes 353C.1965.6 specifically provides that information shared between the State Controller and a licensing agency to carry out the provisions of this statute is not public record.

It may be worth reviewing the types or reports and information provided in each of the statutorily required reports to determine which reports may be posted and whether posting the report itself to a website provides the needed transparency in the most valuable manner.

**Additional Comments after Public Meeting.** Please understand that the Funeral Board members have not had an opportunity to discuss the proposed regulation at a public meeting. The comments provided above are provided as general commentary regarding the draft regulations and do not reflect the opinion of the Funeral Board, as a whole. The next meeting of the Board is scheduled for November 19, 2025, during which the Board will discuss the regulations. I will submit additional comments after that meeting.

I respectfully submit these comments for your consideration. Please let me know if you have any questions.

Sincerely,

Stephanie Bryant McGee

sbm/



The attached comments are provided for the proposed regulations offered by the State of Nevada Department of Business & Industry, Office of Nevada Boards, Commissions and Councils Standards (ONBCCS).

Two events must be noted in the world of Nevada regulations. These two events are Governor Lombardo's Executive Orders issued in 2023, and the Nevada Supreme Court Case in *Dunning v. Nevada State Board of Physical Therapy Examiners* released in 2016. These two events will be discussed in the comments sections below.

### **Governor Joe Lombardo's Executive Orders**

On January 12, 2023, Nevada Governor Joe Lombardo issued several Executive Orders regarding Administrative Regulations in Nevada, including Executive Order 2023-003. Section 1 of that Executive Order provided:

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

### ***Dunning v. Nevada State Board of Physical Therapy Examiners***

In 2016, the Nevada Supreme Court issued a decision in *Dunning v. Nevada State Board of Physical Therapy Examiners*, 132 Nev. 963 (May 26, 2016). This is an unpublished decision, but the analysis is noteworthy. Essentially, the Nevada Supreme Court determined that if a Board's policy was of general applicability, that is, applying to all Board licensees, then that policy effectuates requirements equal to law, and the requirements of the policy should be adopted as a regulation.

Policies are merely an agency's interpretation or understanding of the law and typically do not hold the legal force of a regulation.

Agencies may adopt reasonable regulations to aid them in carrying out the functions assigned to them by law. If adopted, regulations have the force and effect of law. A regulation is an agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure, or practice requirements of an agency.

### **General Comments**

Most of the proposed regulations contain the wording "created or approved by the Office."

Are these proposed regulations offered to provide guidance to the Boards? Or are these proposed regulations statements of general applicability (applying to all boards) and are rules, standards, or directives? More importantly, if a Board fails to comply with one of the Offices'

standards, could there be negative impacts on that Board? If so, under *Dunning* and NRS Chapter 233B, the Offices standards must be in regulation.

In an attempt to explain this process in one sentence: If Boards are required to adopt procedures and requirements that are of general applicability, then Boards will have to adopt regulations to announce the rules announced in the procedures and requirements approved by the Office (in this proposed regulation), which procedures and requirements must be in regulation as are of general applicability.

So, these regulations (1) offered by ONBCCS would require new regulations (2) by Boards to comply with these new regulations by ONBCCS and then ONBCCS will have to adopt new regulations (3) about the procedures, requirements, and standards announced in the first set of regulations under review today. Why not just use the direct voice in this first set of ONBCCS regulations and save all that trouble?

Today's proposed regulations use the language "Boards shall comply with the following procedures and requirements" or similar language in 9 separate sections, as detailed below:

Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office. Why not say: Each Board shall comply with the following Office approved procedures and requirements ...

Required Board Members complete any specific training mandated by the Office. Why not say: The Office requires the following specific training for Board Members ...

Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline. Why not say: The Office requires the following standards for investigations, licensing and discipline ...

Boards shall adopt and enforce those standards for internal financial controls approved by the Office. Why not say: The Office requires the following standards for internal financial controls ...

Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office. Why not say: The Office requires the following standards for legal representation ...

Boards shall adopt and enforce those sets of structural standards created or approved by the Office. Why not say: The Office requires the following structural standards ...

Boards shall adopt and enforce those standards for internal financial controls approved by the Office. Why not say: The Office requires the following standards for internal controls ...

Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection. Why not say: The Office requires the following standards for transparency and consumer protection ...

Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency. Why not say: The Office requires the following standards for efficacy and efficiency ...

Additional comments about certain sections include:

Section 1(a)(i)(1) and (2) require Boards to submit quarterly reports to the Office detailing information on complaints and licensing. This information is already required to be submitted to the Legislative Counsel Bureau pursuant to NRS 622.100, rendering this portion of the regulation duplicative and arguably in violation of the Governor's Executive Order

Section 1(c) requires Boards to detail training requirements for Board members.

Subsection i correctly cites NRS 622.200 as the legal basis for training obligations, so arguably, this section is unnecessary.

Subsection ii requires the Executive Director to provide notice to the Office upon completion of the training by the Board member.

Subsection iii is vague and arguably against the statute. Can the Office require additional training for Board members?

Subsection iv is also vague and arguable against the statute. Can the Office and/or an executive director create timelines for the completion of the training (NRS 622.200(1) provides "As soon as practicable after a person is first appointed to serve as a member of a regulatory board, the person must be provided with:"?

Subsection v is just vague.

Section 1(b) requires Boards to comply with the State Administrative Manual and various Nevada Revised Statutes. Arguably, this Section violates the duty imposed by Governor Lombardo in Executive Order 2023-003 which requires regulations to be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State.

Section 2 is arguably statutorily vague as the Office standards for investigations, licensing and discipline, including the separation of the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline are not provided. As written, the

proposed regulation attempts to place the obligation on Boards to create the standards. However, that might be an impermissible delegation of authority from the Office to Boards.

Section 3 requires standards for internal financial controls for Boards.

It is noteworthy that Section 3(b)(ii)(2) is titled “Remedies for Noncompliance.” This subsection provides for the sanctions that a Board might face for failure to comply with the requirements of Section 3. The possibility of sanctions reinforces the argument the Offices’ procedures, requirements, and standards should be in regulation as described above.

Section 4 is arguably statutorily vague as the Office standards for uniform standards for legal representation are not provided. As written, the proposed regulation attempts to place the obligation on Boards to create the standards. However, that might be an impermissible delegation of authority from the Office to Boards.

Section 5(c) requires the Board take actions on standards of Board members’ behavior set by the Office. However, those standards are not provided.

Section 7 is arguably statutorily vague as the Office requirements for standards for efficacy and efficiency are not provided. As written, the proposed regulation attempts to place the obligation on Boards to create the standards. However, that might be an impermissible delegation of authority from the Office to Boards.

## Specific Comments

NAC 232.010 Definitions. (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. “Office” means the Office of Nevada Boards, Commissions, and Councils Standards.
5. “Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.
6. “Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.
7. “Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.
8. “License” means any permit, registration, certificate, or license issued by the a board under the Department.
9. “Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.
10. “Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.

NAC 232.XXX – Department; powers and duties

- 1.* Pursuant to NRS 232.8415(1)(a), ~~[Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including]~~ Each Board shall comply with the following Office approved procedures and requirements, including
  - a.* In regards to Performance Monitoring and Date Reporting, Boards shall:
    - i.* submit quarterly reports to the Office detailing
      - 1.* complaints received, resolved, pending, and processing time averages
      - 2.* licensing received, rejected and processing time averages
    - ii.* Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the

- iii.* Track bills during the legislative session that affect Board operations or professions

- v. Ensure proper reconciliation of board accounts and bank records

- i. Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,

*iii.* Prepare and Submit Financial Statements pursuant to Nevada Revised Statute to the Office, including

2. Submit a comprehensive annual financial report within 9 months of year end close out:

***b.*** A review of the adequacy of existing fees

c. For Training and Professional Development, ~~[all Boards will draft a policy detailing training requirements for board members. This policy must]~~ The Office requires the following specific training for Board Members, including:

- ii.* Executive Directors will provide completion status of training to the Office.

- iii. Required Board Members complete any specific training mandated by the Office
    - iv. Include timelines for the completion of any training required by this chapter.
    - v. Be approved by the Office.
  - d. In regards to Board Member Support Services:
    - i. Boards shall maintain a centralized log of appointment terms and expiration dates
  - e. Access to investigative reports and documentation
    - i. Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board.
    - ii. Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.
- 2. Pursuant to NRS 232.8415(1)(b), ~~{Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline}~~ The Office requires the following standards for investigations, licensing and discipline, including the separation of the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline (insert standards here).
- 3. Pursuant to NRS 232.8415(1)(c), ~~{Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:}~~ The Office requires the following standards for internal financial controls, including:
  - a. In regards to fiscal accountability, Boards shall develop and monitor board budgets
  - b. In regards to data integrity and information management, Board's shall
    - i. Ensure licensee, financial, and complaint data are accurate and verifiable
    - ii. Protect confidential and personally identifiable information
      - 1. Respond to all statutory Audits including
        - a. Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required
        - b. Cooperating with audit reviews conducted by the Office, the Legislative Auditor, or other authorized entities

## 2. Remedies for Noncompliance

- a. The Office may issue a written notice of deficiency and require corrective action within a 30 days
      - b. Continued failure to comply may result in enhanced administrative oversight, referral to the Governor for potential removal actions under NRS 232A.030, or withholding of administrative or fiscal support services
    - c. Fiscal independence and cost allocation
      - i. Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.
      - ii. The Office shall not access, redirect, or utilize Boards funds
      - iii. Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.
      - iv. All other funding shall remain under the Board’s sole authority, subject only to its enabling statutes and applicable financial controls.
4. Pursuant to NRS 232.8415(1)(d), ~~[Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office.]~~ The Office requires the following standards for legal representation: (insert standards here)
5. Pursuant to NRS 232.8415(1)(e), ~~[Boards shall adopt and enforce those sets of structural standards created or approved by the Office, including]~~ The Office requires the following structural standards, including:
  - a. In regards to Board composition and statutory compliance, Boards shall maintain records of each board member’s designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.
  - b. In regards to Board officer roles and elections, Boards shall
    - i. Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.
  - c. In regards to Board Member attendance and participation,
    - i. Board Members shall observe the minimum attendance requirements for board meetings set by the Office
    - ii. Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, as defined by the Office, for meetings, or has unexcused absences for 50% of the meetings within a 12-month period defining “unexcused absences”



and procedures for documenting member absences

- iii.* Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities..

- 6. Pursuant to NRS 232.8415(1)(f), ~~{Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including}~~ The Office requires the following standards for transparency and consumer protection, including:

- a.* In regards to Websites

- i.* Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:

- 1.* A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)
      - 2.* The name of all current Board Members
      - 3.* The statutorily designated position each board member fills
      - 4.* The start and expiration date of each board member's current term
      - 5.* The name and title of the Executive Director or equivalent officer of the boards
      - 6.* A general email address for contacting the Board
      - 7.* The physical and mailing address of the Board
      - 8.* The main telephone number of the Board
      - 9.* Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available
      - 10.* Archived agendas and minutes of past meetings must follow NRS 241.035
      - 11.* A license verification system available on the Board's homepage or accessible within one click from the homepage that includes at a minimum:
        - a.* The full name of each active licensee
        - b.* The type of license or certification held
        - c.* The license number
        - d.* The license status
        - e.* The original issuance date and expiration or renewal date, and
        - f.* An indication of whether the licensee has ever been subject to discipline ("yes" or "no").



~~created by the Office for efficacy and efficiency]~~ The Office requires the following standards for efficacy and efficiency (insert requirements here)

JOE LOMBARDO  
Governor

DR. KRISTOPHER SANCHEZ  
*Director*

## STATE OF NEVADA



PERRY FAIGIN  
NIKKI HAAG  
MARCEL F. SCHAEERER  
*Deputy Directors*

CATHY DINAUER  
*Executive Director*

### DEPARTMENT OF BUSINESS AND INDUSTRY OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS

### NEVADA STATE BOARD OF NURSING

October 10, 2025

Nikki Haag  
Deputy Director  
Office of Nevada Boards, Commissions, and Councils Standards  
Department of Business and Industry

Email: [Nikki.Haag@business.nv.gov](mailto:Nikki.Haag@business.nv.gov)

Deputy Director Haag,

The attached comments are offered by the Legal Division of the Nevada State Board of Nursing. These comments relate to the legal writing and legal requirements involved in the proposed regulations. The attached comments do not express the opinion of the Nevada State Board of Nursing, because, due to the short timeline, the Nevada State Board of Nursing has not reviewed the proposed regulations.

Two events must be noted in the world of Nevada regulations. These two events are Governor Lombardo's Executive Orders issued in 2023, and the Nevada Supreme Court Case in *Dunning v. Nevada State Board of Physical Therapy Examiners* released in 2016.

#### **Governor Joe Lombardo's Executive Orders**

On January 12, 2023, Nevada Governor Joe Lombardo issued several Executive Orders regarding Administrative Regulations in Nevada, including Executive Order 2023-003. Section 1 of that Executive Order provided:

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the

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Reno: 6005 Plumas St., Suite 100, Reno, Nevada 89519 - Telephone (888) 590-6726 - Fax (775) 687-7707

Las Vegas: 4220 S. Maryland Pkwy., Building B, Suite 300, Las Vegas, Nevada 89119 - Telephone (888) 590-6726 - Fax (702) 486-5803  
[www.nevadanursingboard.org](http://www.nevadanursingboard.org)

Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

### ***Dunning v. Nevada State Board of Physical Therapy Examiners***

In 2016, the Nevada Supreme Court issued a decision in *Dunning v. Nevada State Board of Physical Therapy Examiners*, 132 Nev. 963 (May 26, 2016). This is an unpublished decision, but the analysis is noteworthy. Essentially, the Nevada Supreme Court determined that if a Board's policy was of general applicability, that is, applying to all Board licensees, then that policy effectuates requirements equal to law, and the requirements of the policy should be adopted as a regulation.

If *Dunning* applies to the adoption of the proposed regulations offered by the Office of Nevada Boards, Commissions and Councils Standards (Office), arguably, these regulations will require each Board to draft new regulations because the policies and procedures required by the Office appear to be of general applicability and therefore must be adopted as Board regulations.

The statutes provided below show the Office can draft necessary regulations and procedures to effectively administer the responsibilities of the Office. However, the Nevada State Board of Nursing lacks the statutory ability to draft regulations, in the guise of policies and procedures, to administer the responsibilities of the Office.

#### **NRS 232.8413 Creation; Deputy Director; staff; regulations and procedures.**

1. The Office of Nevada Boards, Commissions and Councils Standards is hereby created within the Department of Business and Industry.
2. The Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office.

#### **NRS 632.120 Duties; regulations; additional fees.**

1. The Board shall:
  - (a) Adopt regulations establishing reasonable standards:
    - (1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.
    - (2) Of professional conduct for the practice of nursing.
    - (3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.
    - (4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in [NRS 432B.6078](#), [432B.60816](#), [433A.162](#), [433A.240](#), [433A.335](#), [433A.390](#), [433A.430](#), [484C.300](#) and

[484C.320](#) to [484C.350](#), inclusive, the certifications described in [NRS 432B.6075](#), [432B.60814](#), [433A.170](#), [433A.195](#) and [433A.200](#) and the sworn statements or declarations described in [NRS 433A.210](#) and [433A.335](#).

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in [NRS 632.345](#), for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

### **General Comments**

The proposed regulations should be written in the active voice, not the passive voice.

Today’s proposed regulations use the language “Boards shall comply with the following procedures and requirements” or similar language in 9 separate sections, as detailed below:

Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office. Why not say: Each Board shall comply with the following Office approved procedures and requirements ...

Required Board Members complete any specific training mandated by the Office. Why not say: The Office requires the following specific training for Board Members ...

Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline. Why not say: The Office requires the following standards for investigations, licensing and discipline ...

Boards shall adopt and enforce those standards for internal financial controls approved by the Office. Why not say: The Office requires the following standards for internal financial controls ...

Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office. Why not say: The Office requires the following standards for legal representation ...

Boards shall adopt and enforce those sets of structural standards created or approved by the Office. Why not say: The Office requires the following structural standards ...

Boards shall adopt and enforce those standards for internal financial controls approved by the Office. Why not say: The Office requires the following standards for internal controls ...

Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection. Why not say: The Office requires the following standards for transparency and consumer protection ...

Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency. Why not say: The Office requires the following standards for efficacy and efficiency ...

## Specific Comments

NAC 232.010 Definitions. (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. “Office” means the Office of Nevada Boards, Commissions, and Councils Standards.
5. “Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.
6. “Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.
7. “Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.
8. “License” means any permit, registration, certificate, or license issued by the a board under the Department.
9. “Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.
10. “Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.

NAC 232.XXX – Department; powers and duties

- 1.*** Pursuant to NRS 232.8415(1)(a), ~~[Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including]~~ Each Board shall comply with the following Office approved procedures and requirements, including
  - a.*** In regards to Performance Monitoring and Date Reporting, Boards shall:
    - i.*** submit quarterly reports to the Office detailing
      - 1.*** complaints received, resolved, pending, and processing time averages
      - 2.*** licensing received, rejected and processing time averages
    - ii.*** Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the



- iii.* Track bills during the legislative session that affect Board operations or professions

- v. Ensure proper reconciliation of board accounts and bank records

- i.* Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,

*iii.* Prepare and Submit Financial Statements pursuant to Nevada Revised Statue to the Office, including

2. Submit a comprehensive annual financial report within 9 months of year end close out:

***b.*** A review of the adequacy of existing fees

c. For Training and Professional Development, ~~[all Boards will draft a policy detailing training requirements for board members. This policy must]~~ The Office requires the following specific training for Board Members, including:

- ii.** Executive Directors will provide completion status of training to the

Office.

*iii.* Required Board Members complete any specific training mandated by the Office

*iv.* Include timelines for the completion of any training required by this chapter.

*v.* Be approved by the Office.

*d.* In regards to Board Member Support Services:

*i.* Boards shall maintain a centralized log of appointment terms and expiration dates

*e.* Access to investigative reports and documentation

*i.* Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board.

*ii.* Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.

2. Pursuant to NRS 232.8415(1)(b), ~~[Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline]~~ The Office requires the following standards for investigations, licensing and discipline, including the separation of the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline (insert standards here).

3. Pursuant to NRS 232.8415(1)(c), ~~[Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:]~~ The Office requires the following standards for internal financial controls, including:

*a.* In regards to fiscal accountability, Boards shall develop and monitor board budgets

*b.* In regards to data integrity and information management, Board's shall

*i.* Ensure licensee, financial, and complaint data are accurate and verifiable

*ii.* Protect confidential and personally identifiable information

*1.* Respond to all statutory Audits including

*a.* Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required



has three consecutive unexcused absences, as defined by the Office, for meetings, or has unexcused absences for 50% of the meetings within a 12-month period defining “unexcused absences” and procedures for documenting member absences

*iii.* Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities..

6. Pursuant to NRS 232.8415(1)(f), ~~{Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including}~~ The Office requires the following standards for transparency and consumer protection, including:

*a.* In regards to Websites

*i.* Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:

- 1.* A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)
- 2.* The name of all current Board Members
- 3.* The statutorily designated position each board member fills
- 4.* The start and expiration date of each board member’s current term
- 5.* The name and title of the Executive Director or equivalent officer of the boards
- 6.* A general email address for contacting the Board
- 7.* The physical and mailing address of the Board
- 8.* The main telephone number of the Board
- 9.* Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available
- 10.* Archived agendas and minutes of past meetings must follow NRS 241.035
- 11.* A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:
  - a.* The full name of each active licensee
  - b.* The type of license or certification held
  - c.* The license number
  - d.* The license status



- c.* In regards to consumer education and outreach, Boards may
      - i.* Publish newsletters, alerts, and bulletins to inform the public about board activities
      - ii.* Provide resources on professional standards, ethical conduct, and how to report misconduct
      - iii.* Promote awareness of consumer rights and board jurisdiction
- 7.* Pursuant to NRS 232.8415(1)(g), ~~[Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency]~~ The Office requires the following standards for efficacy and efficiency (insert requirements here)

October 10, 2025

Ms. Nikki Haag  
Deputy Director  
Office of Nevada Boards, Commissions, and Council Standards  
Department of Business and Industry

Ms. Nikki Haag:

Thank you for allowing us the opportunity to review and comment on the Department of Business and Industry's proposed regulation changes, referred to as "Regulations and Administrative Standards for Nevada's Title 54 Boards-draft NH" (Draft Regulations). It is clear the Department and stakeholders have put considerable time and energy into developing the proposed regulation changes before us now.

The Nevada Board of Professional Engineers and Land Surveyors (NVBPELS) is fully committed to any and all practices that improve accountability, transparency and efficiency and it is in this light that we have taken the time to thoroughly review your draft regulations to provide you with thoughtful commentary and meaningful revisions. Our comments and revisions are enumerated below and collected in a Word Document mark-up file; attached for your review.

*Section 1(b), 1(b)(i), 1(b)(ii), there is reference to "procedures required by the Office". Those undefined procedures should be set forth in the regulations, rather than left to the Office to develop without input, to prevent unfeasible requirements and/or arbitrary rule-making;*

*Section 1(b)(iii)1, We prepare monthly financial statements (a widespread practice). These statements are presented at our regular board meetings. The additional effort and money spent producing a quarterly report feels like an unwarranted cost burden that we and the other boards will have to bear.*

*Section 1(e)(i) requires the Board to share documents/information regarding an investigation. However, NRS 625.425(1) provides that investigative records are confidential, and pursuant to NRS 625.425(3), the records can only be shared with another licensing board or agency that is investigating that person. It does not make an exception for an agency that is auditing the Board;*

*Section 2 talks about each Board adopting the “uniform standards created by the Office”. However, again, any uniform standards should be set forth in regulation, rather than developed by the Office without stakeholder input/public oversight;*

*Section 3, the same comment as above regarding “standards for financial controls approved by the Office”. Standards should be developed in regulation;*

*Section 3(b)(2)(b), what does “enhanced administrative oversight” consist of, and what “administrative or fiscal support services” are even being provided that could be withheld?*

*Section 3(c)(iii), There are no statutes enacted by the legislature to allocate funds from the boards to fund the operations of the Office. (iii) should be deleted.*

*Section 4, what “uniform set of standards for legal representation” does the Office envision. What guidance is there for the Board to know what standards would be acceptable?*

*Section 5, the same concern as set forth for Section 4, above, regarding a “uniform set of structural standards created or approved by the Office.” Such standards should be set forth in regulation, rather than developed at the whim of the Office, without input/public process;*

*Section 5(c)(i) says the Office shall set minimum attendance requirements, but then (ii) and (iii) go on to address minimum attendance requirements. (i) should be deleted;*

*(iv) under Section 5(c) is blank and should be deleted;*

*Section 5(c)(v), Individual boards should be the ones who create procedures for their board members and prospective board members. However, these procedures should be reviewed by the office.*

*Section 7, any requirements imposed upon Boards should be set forth in regulation and not developed by the Office internally. Not putting such requirements in regulation deprives the process of transparency and stakeholder/public input.*

The process feels compressed, and we are concerned that the first public workshop scheduled for next Friday might be a bit premature given the fact that it is only a week after you are to receive comments from the responding boards. I believe that this could jeopardize quality and effectiveness of regulations that we are working toward.

This schedule does not allow us the opportunity to present the proposed regulations to our board for their insight and feedback. I cannot speak for the other boards, but I believe that



many are in the same predicament that NVBPELS is in, which is the missed opportunity for boards and board members to review of the proposed regulation changes and provide their input. I would respectfully request that the first public workshop be rescheduled for later in the month to allow us the opportunity to present the proposed regulation changes to our full Board. NVBPELS could convene a special Board meeting on or around the date of Thursday, October 23<sup>rd</sup> if this would be possible.

Thank you for all your hard work and communication with the Title 54 Boards. We know this is long arduous process that requires time, hard work, and compromise. We are committed to this process and working with the Department of Business and Industry and the Office as we work together to draft regulations that best serve our great State and its citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Fakler", written in a cursive style.

Mark J Fakler, PE  
Executive Director.

## DEPARTMENT OF BUSINESS AND INDUSTRY

**Disclaimer:** *Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

### General Provisions

**NAC 232.010 Definitions.** (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. *“Office” means the Office of Nevada Boards, Commissions, and Councils Standards.*
5. *“Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *“Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *“Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *“License” means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *“Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *“Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

### NAC 232.XXX – Department; powers and duties

1. *Pursuant to NRS 232.8415(1)(a), Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including*
  - a. *In regards to Performance Monitoring and Date Reporting, Boards shall:*
    - i. *submit quarterly reports to the Office detailing*

1. complaints received, resolved, pending, and processing time averages
2. licensing received, rejected and processing time averages
- ii. Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided the deviation is clearly documented, that the reason for any deviation is clearly documented in the investigative file.
- iii. Track bills during the legislative session that affect Board operations or professions
- iv. Update its administrative codes in response to newly enacted laws
- v. Ensure proper reconciliation of board accounts and bank records
- b. **In** regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, ~~and procedures required by the Office.~~ To meet these obligations, Boards shall:
  - i. Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, ~~and procedures required by the Office~~ including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,
  - ii. Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, ~~and procedures required by the Office, including those referenced in subsection (b)(i) of this section~~
  - iii. **Prepare and Submit Financial Statements** pursuant to Nevada Revised Statute to the Office, including
    1. Submission of quarterly financial statements as required by the Office within ~~45~~30 days after the close of each quarter, ~~using the standardized format provided by the Office.~~
    2. Submit a comprehensive annual financial report within 9 months of year end close out:
      - a. Total revenues, expenditures, and year-end cash balances
      - b. A review of the adequacy of existing fees
      - c. Any significant financial or structural concerns
- c. For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:
  - i. Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.

**Commented [MF1]:** Section 1(b), 1(b)(i), 1(b)(ii), there is reference to "procedures required by the Office". Those undefined procedures should be set forth in the regulations, rather than left to the Office to develop without input, to prevent unfeasible requirements and/or arbitrary rule-making;

**Commented [MF2]:** Section 1(b)(iii)1. We prepare monthly financial statements (a widespread practice). These statements are presented at our regular board meetings. The additional effort and money spent producing a quarterly report feels like an unwarranted cost burden that we and the other boards will have to bear.

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
  - iii. *Executive Directors will provide completion status of training to the Office.*
  - iv. ~~*(intentionally left blank) Required Board Members complete any specific training mandated by the Office*~~
  - v. ~~*Include timelines for the completion of any training required by this chapter.*~~
  - vi. ~~*Be approved by the Office.*~~
  - d. *In regards to Board Member Support Services:*
    - i. *Boards shall maintain a centralized log of appointment terms and expiration dates*
  - e. *Access to investigative reports and documentation*
    - i. *Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board. :*
    - ii. *Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.*
2. ~~*(intentionally left blank) Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.*~~
3. *Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:*
- a. *In regards to fiscal accountability, Boards shall develop and monitor board budgets*
  - b. *In regards to data integrity and information management, Board's shall*
    - i. *Ensure licensee, financial, and complaint data are accurate and verifiable*
    - ii. *Protect confidential and personally identifiable information*
      - 1. *Respond to all statutory Audits including*
        - a. *Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required*

**Commented [MF3]:** Section 1(e)(i) requires the Board to share documents/information regarding an investigation. However, NRS 625.425(1) provides that investigative records are confidential, and pursuant to NRS 625.425(3), the records can only be shared with another licensing board or agency that is investigating that person. It does not make an exception for an agency that is auditing the Board;

**Commented [MF4]:** Section 2 talks about each Board adopting the "uniform standards created by the Office". However, again, any uniform standards should be set forth in regulation, rather than developed by the Office without stakeholder input/public oversight;

**Commented [MF5]:** Section 3, the same comment as above regarding "standards for financial controls approved by the Office". Standards should be developed in regulation;

- b. Cooperating with audit reviews conducted by ~~the Office,~~  
the Legislative Auditor, or other authorized entities

## 2. Remedies for Noncompliance

- a. ~~(intentionally left blank) The Office may issue a written notice of deficiency and require corrective action within a 30 days~~
- b. Continued failure to comply may result in enhanced administrative oversight or, referral to the Governor for potential removal actions under NRS 232A.030, ~~or withholding of administrative or fiscal support services~~

## c. Fiscal independence and cost allocation

- i. Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.
  - ii. The Office shall not access, redirect, or utilize Boards funds
  - iii. ~~(intentionally left blank) Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.~~
  - iv. All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.
4. Pursuant to NRS 232.8415(1)(d), Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office.
5. Pursuant to NRS 232.8415(1)(e), Boards shall adopt and enforce those sets of structural standards created or approved by the Office, including:
- a. In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.
  - b. In regards to Board officer roles and elections, Boards shall
    - i. Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.
  - c. In regards to Board Member attendance and participation,
    - i. Board Members shall observe the minimum attendance requirements for board meetings set by the Office
    - ii. Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, ~~as defined by the Office,~~ for meetings, or has unexcused absences for 50% of the meetings within a 12-month period.

**Commented [MF6]:** Section 3(c)(iii), There are no statutes enacted by the legislature to allocate funds from the boards to fund the operations of the Office. (iii) should be deleted.

**Commented [MF7]:** Section 4, what "uniform set of standards for legal representation" does the Office envision. What guidance is there for the Board to know what standards would be acceptable?

**Commented [MF8]:** Section 5, the same concern as set forth for Section 4, above, regarding a "uniform set of structural standards created or approved by the Office." Such standards should be set forth in regulation, rather than developed at the whim of the Office, without input/public process;

**Commented [MF9]:** Section 5(c)(i) says the Office shall set minimum attendance requirements, but then (ii) and (iii) go on to address minimum attendance requirements. (i) should be deleted;

iii. *Defining “unexcused absences” and procedures for documenting member absences*

iv.

v. *Board Members shall observe the procedures created by Board staff and accepted by the Office for participation in training and active engagement in board responsibilities.*

**Commented [MF10]:** (iv) under Section 5(c) is blank and should be deleted;

**Commented [MF11]:** Section 5(c)(v). Individual boards should be the ones who create procedures for their board members and prospective board members. However, these procedures should be reviewed by the office.

6. *Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including*

a. *In regards to Websites*

i. *Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:*

1. *A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)*
2. *The name of all current Board Members*
3. *The statutorily designated position each board member fills*
4. *The start and expiration date of each board member’s current term*
5. *The name and title of the Executive Director or equivalent officer of the boards*
6. *A general email address for contacting the Board*
7. *The physical and mailing address of the Board*
8. *The main telephone number of the Board*
9. *Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*
10. *Archived agendas and minutes of past meetings must follow NRS 241.035*
11. *A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
  - a. *The full name of each active licensee*
  - b. *The type of license or certification held*
  - c. *The license number*
  - d. *The license status*
  - e. *The original issuance date and expiration or renewal date, and*
  - f. *An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

- 12. *A disciplinary action portal or searchable system available on the Board's homepage including, at a minimum, unless otherwise provided by statute:*
  - a. *All disciplinary actions taken by the Board against licensees*
  - b. *The licensee's name, license number, type of disciplinary action, and date of action*
  - c. *Access to the final order or settlement agreement*
  - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
- 13. *Instructions and forms for filing a complaint against a licensee*
- 14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
- 15. *Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*
- 16. *A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board's homepage.*
- 17. *All regulations that have been adopted and not codified*
- 18. *Each Board shall include the following additional information on its website to improve transparency and service to the public:*
  - a. *Mission statement*
  - b. *Annual reports or performance data*
  - c. *Instructions and forms for licensure, renewal, and reinstatement*
  - d. *All statutory reports and audits*
- b. *In regards to complaint transparency and access, Boards shall*
  - i. *Provide clear instructions for filing complaints against licensees or the Board*
  - ii. *Offer online complaint portals or downloadable forms on Board websites*
  - iii. *Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*
- c. *In regards to consumer education and outreach, Boards may*
  - i. *Publish newsletters, alerts, and bulletins to inform the public about board activities*
  - ii. *Provide resources on professional standards, ethical conduct, and how to report misconduct*
  - iii. *Promote awareness of consumer rights and board jurisdiction*

7. (intentionally left blank) Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency

**Commented [MF12]:** Section 7, any requirements imposed upon Boards should be set forth in regulation and not developed by the Office internally. Not putting such requirements in regulation deprives the process of transparency and stakeholder/public input.

DRAFT



## DEPARTMENT OF BUSINESS AND INDUSTRY

**Disclaimer:** *Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

### General Provisions

**NAC 232.010 Definitions.** (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. *“Office” means the Office of Nevada Boards, Commissions, and Councils Standards.*
5. *“Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *“Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *“Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *“License” means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *“Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *“Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

~~Red type~~ = delete words

Green type = add words

### NAC 232.XXX – Department; powers and duties

1. Pursuant to NRS 232.8415(1)(a), Boards shall adopt ~~and enforce~~ those procedures and requirements which are created ~~or approved~~ *by regulation* by the Office for their centralized administration, including
  - a. In regards to Performance Monitoring and ~~Datea~~ Reporting, Boards shall:
    - i. submit quarterly reports to the Office detailing

1. *complaints received, resolved, pending, and processing time averages*
  2. *licensing received, rejected and processing time averages*
- ii. *Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*
- iii. *Track bills during the legislative session that affect Board operations or professions*
- iv. *Update its administrative codes in response to newly enacted laws*
- v. *Ensure proper reconciliation of board accounts and bank records*
- b. *In regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, ~~and the State Administrative Manual, and procedures required by the Office.~~ To meet these obligations, Boards shall:*
  - i. *Track and meet reporting deadlines required in statute, regulation, ~~and the State Administrative Manual, and procedures required by the Office~~ including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,*
  - ii. *Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*
  - iii. *Prepare and Submit Financial Statements pursuant to Nevada Revised Statue to the Office, including*
    1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
    2. *Submit a comprehensive annual financial report within 9 months of year end close out:*
      - a. *Total revenues, expenditures, and year-end cash balances*
      - b. *A review of the adequacy of existing fees*
      - c. *Any significant financial or structural concerns*
- c. *For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*
  - i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. ~~When approved by the Office,~~ This standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
    - iii. *Executive Directors will provide completion status of training to the Office.*
    - iv. ~~*Required Board Members complete any specific training mandated by the Office*~~
    - v. *Include timelines for the completion of any training required by this chapter.*
    - vi. ~~*Be approved by the Office.*~~
  - d. *In regards to Board Member Support Services:*
    - i. *Boards shall maintain a centralized log of appointment terms and expiration dates*
  - e. *Access to investigative reports and documentation*
    - i. *Upon request of the Office, a board communicate or cooperate with or provide any non-confidential documents or other non-confidential information to the Office regarding and investigation or disciplinary matter of the Board. :*
    - ii. *Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.*
2. *Pursuant to NRS 232.8415(1)(b), Boards shall adopt ~~and enforce~~ those uniform standards created by regulation by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.*
3. *Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls ~~approved~~ created by regulation by the Office. These standards must include:*
- a. *In regards to fiscal accountability, Boards shall develop and monitor board budgets*
  - b. *In regards to data integrity and information management, Board's shall*
    - i. *Ensure licensee, financial, and complaint data are accurate and verifiable*
    - ii. *Protect confidential and personally identifiable information*
      - 1. *Respond to all statutory Audits including*
        - a. *Addressing audit findings of authorized entities, ~~including the Office,~~ with written plans and submission follow-up*

*documentation as required*

- b. Cooperating with audit reviews conducted by ~~the Office,~~ the Legislative Auditor, or other authorized entities*

*2. Remedies for Noncompliance*

- a. The Office may issue a written notice of deficiency and ~~require~~ request corrective action within a 30 days*
- b. Continued failure to comply may result in enhanced administrative oversight, referral to the Governor for potential removal actions under NRS 232A.030, or withholding of administrative or fiscal support services*

*c. Fiscal independence and cost allocation*

- i. Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.*
- ii. The Office shall not access, redirect, or utilize Boards funds*
- iii. Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.*
- iv. All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.*

- 4. Pursuant to NRS 232.8415(1)(d), Boards shall adopt ~~and enforce~~ those uniform set of standards for legal representation that are created ~~or approved~~ by regulation by the Office.*

- 5. Pursuant to NRS 232.8415(1)(e), Boards shall adopt ~~and enforce~~ those sets of structural standards created ~~or approved~~ by regulation by the Office, including:*

- a. In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.*
- b. In regards to Board officer roles and elections, Boards shall*
  - i. Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.*
- c. In regards to Board Member attendance and participation,*
  - i. Board Members shall observe the minimum attendance requirements for board meetings set by ~~the Office~~ statute or regulation;*
  - ii. Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, as defined by the Office, for*

- meetings, or has unexcused absences for 50% of the meetings within a 12-month period.*
- iii. Defining “unexcused absences” and procedures for documenting member absences*
  - iv.*
  - v. Board Members shall observe the procedures created by ~~the Office~~ statute or regulation for participation in training and active engagement in board responsibilities.*
- 6. Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created ~~or approved~~ by regulation by the Office for transparency and consumer protection including*
- a. In regards to Websites*
    - i. Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:*
      - 1. A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)*
      - 2. The name of all current Board Members*
      - 3. The statutorily designated position each board member fills*
      - 4. The start and expiration date of each board member’s current term*
      - 5. The name and title of the Executive Director or equivalent officer of the boards*
      - 6. A general email address for contacting the Board*
      - 7. The physical and mailing address of the Board*
      - 8. The main telephone number of the Board*
      - 9. Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*
      - 10. Archived agendas and minutes of past meetings must follow NRS 241.035*
      - 11. A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
        - a. The full name of each active licensee*
        - b. The type of license or certification held*
        - c. The license number*
        - d. The license status*
        - e. The original issuance date and expiration or renewal date, and*

*f. An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

*12. A disciplinary action portal or searchable system available on the Board’s homepage including, at a minimum, unless otherwise provided by statute:*

- a. All disciplinary actions taken by the Board against licensees*
- b. The licensee’s name, license number, type of disciplinary action, and date of action*
- c. Access to the final order or settlement agreement*
- d. The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*

*13. Instructions and forms for filing a complaint against a licensee*

~~*14. The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*~~

~~*15. Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*~~

*16. A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board’s homepage.*

*17. All regulations that have been adopted and not codified*

*18. Each Board shall include the following additional information on its website to improve transparency and service to the public:*

- a. Mission statement*
- b. Annual reports or performance data*
- c. Instructions and forms for licensure, renewal, and reinstatement*
- ~~*d. All statutory reports and audits*~~

*b. In regards to complaint transparency and access, Boards shall*

~~*i. Provide clear instructions for filing complaints against licensees or the Board*~~

*ii. Offer online complaint portals or downloadable forms on Board websites*

*iii. Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*

*c. In regards to consumer education and outreach, Boards may*

*i. Publish newsletters, alerts, and bulletins to inform the public about board activities*

*ii. Provide resources on professional standards, ethical conduct, and how to report misconduct*

*iii. Promote awareness of consumer rights and board jurisdiction*

7. Pursuant to NRS 232.8415(1)(g), Boards shall adopt ~~and enforce~~ those requirements created ~~by regulation~~ by the Office for efficacy and efficiency

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## DEPARTMENT OF BUSINESS AND INDUSTRY

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7. *"Executive Director, or equivalent officer of the boards" means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
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### NAC 232.XXX – Department; powers and duties

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      2. *licensing received, rejected and processing time averages*
    - ii. *Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*
    - iii. *Track bills during the legislative session that affect Board operations or professions*
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    - ii. *Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*
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      1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
      2. *Submit a comprehensive annual financial report within 9 months of year end close out:*
        - a. *Total revenues, expenditures, and year-end cash balances*
        - b. *A review of the adequacy of existing fees*
        - c. *Any significant financial or structural concerns*
  - c. *For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*
    - i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*

**Commented [NL1]:** Are all these reports that are going to the 'Office' in-lieu of the reports to legislative council bureau or in addition? Are copies of the reports to LCB O.K. or are the reports to be written on a preferred format by B & I ?

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
  - iii. *Executive Directors will provide completion status of training to the Office.*
  - iv. *Required Board Members complete any specific training mandated by the Office*
  - v. *Include timelines for the completion of any training required by this chapter.*
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  - d. *In regards to Board Member Support Services:*
    - i. *Boards shall maintain a centralized log of appointment terms and expiration dates*
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  - b. *In regards to data integrity and information management, Board's shall*
    - i. *Ensure licensee, financial, and complaint data are accurate and verifiable*
    - ii. *Protect confidential and personally identifiable information*
      - 1. *Respond to all statutory Audits including*
        - a. *Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required*

**Commented [NL2]:** Section 2. Investigations, etc. NRS and NAC 623A has enforcement process delineated. If contrary to B & I process , how to comply?

Section 3. Boards shall adopt standard bookkeeping and or accounting practices for internal financial controls. Including Budgets, information technology management including financial data, accounts and audits. All personal data of licensees and staff are to be maintained as confidential...define.

Section 4. NRS623A.160 states the Attorney General is Designated as legal advisor. Also see NRS622A.200 &.210

Section 5. NRS623A supersedes the 'Office' structural standards for Board composition, meetings, attendance, quorum, removal and vacancy.

Section 6. Updating current website.



- iii. *Defining “unexcused absences” and procedures for documenting member absences*
  - iv.
  - v. *Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities.*
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      - 10. *Archived agendas and minutes of past meetings must follow NRS 241.035*
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        - a. *The full name of each active licensee*
        - b. *The type of license or certification held*
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        - d. *The license status*
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7. *Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency*

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Good Morning Nikki and task force,

We found a couple of typos in the document:

- General provisions references an NRS that does not exist.
- NAC232.xxx.1a references “date reporting” instead of data reporting.

General observations about NAC:

- Only proposing one NAC and under that is language covering centralized administration, the disciplinary policy, audit reporting, training and professional development, board member support services, access to investigative reports and documentation, uniform standards, and internal financial controls. We would suggest that the NAC be divided into each topic area so that like things are with like things.
  - Topic areas might include fiscal, disciplinary process, board operations ???
- Appears to be duplication in asking for reporting that already exists for licensing and auditing.
- Some of the language may be in conflict with existing Board language around meeting attendance, etc. so this will need to be tested out against each board’s language.

We will have further feedback after our board meeting to provide at the workshop.

Vikki Erickson, LCSW

Executive Director

Board of Examiners for Social Workers

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