

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Government Affairs

This measure may be considered for action during today's work session.

SENATE BILL 78

Revises provisions relating to boards, commissions, councils and similar bodies. (BDR 18-301)

Sponsored By: Senate Committee on Revenue and Economic Development (On Behalf of the Department of Business and Industry)

Date Heard: April 7, 2025

Fiscal Notes: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

Senate Bill 78 revises in skeleton form the powers and duties of the Office of Nevada Boards, Commissions and Councils Standards of the Department of Business and Industry and makes changes to the composition and operation of various boards, commissions, councils, and similar bodies, along with consolidating and terminating various boards, commissions, councils, and similar bodies.

Amendments:

The Department of Business and Industry (BI) proposed the attached amendment, which:

1. Removes provisions regarding new advisory bodies;
2. Removes provisions requiring scheduled reviews and automatic termination;
3. Revises provisions concerning consolidating advisory bodies;
4. Revises provisions concerning occupational licensing boards;
5. Authorizes BI to incorporate certain staff from independent boards and commissions;
6. Authorizes BI to coordinate with the Division of State Purchasing on the administration of all contracts;
7. Removes provisions concerning the commission on Postsecondary Education; and
8. Transfers funds to merged board accounts.

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR

3/14/2025

SB 78 Amendments:

1. Removal of Prior Bill Language regarding New Advisory Bodies within the Executive Branch Departments, Reversion to Original Statutes, Elimination of Consolidated Advisory Bodies, and Affected Provisions in Blue Text:

- Strike all sections introducing new advisory bodies within the Executive Branch of the State Government,
- Remove any sections proposing the modification of existing advisory bodies are reverted to the original statutory language
- Remove all new provisions introduced in the bill that are denoted in blue text and refer to the creation, modification, or consolidation of advisory bodies
- Remove provisions consolidating existing advisory councils into new entities unless otherwise stated:
- Ensure all references to new advisory councils, committees, or boards throughout the bill are removed or amended to revert to pre-existing structures or statutory conditions unless otherwise stated:
 - Section 1
 - Section 17-22
 - Section 24 (3) (a-yyy)
 - Section 26
 - Section 27
 - Section 28
 - Section 29
 - Section 30-78
 - Section 85
 - Section 90
 - Section 95-96

2. Schedule Reviews and Automatic Termination Provisions:

- Remove Section 29

3. Consolidate Advisory Bodies:

- Keep provisions consolidating existing advisory councils into new entities:
 - Section 25: Commission on Minority Affairs, 1 FT- Management Analyst II who

supports the Commission to the Department of Health and Human Services Office of Minority Health and Equity.

4. **Revision to Title 54 Occupational Licensing Board Memberships:** Existing requirements for board members will remain unchanged in the updated language unless otherwise stated in this amendment.
 - **Section 80:**
 - Remove the **Nevada Board of Professional Design and Environmental Specialist**
 - **Section 82:**
 - **The Commission on Construction Education**
 - Members would be appointed by the Director of the Department of Business and Industry based off of recommendations from the board.
 - 7 member board
 - 1 member who is a member of the Board
 - 4 members who are representatives of the construction industry evenly distributed throughout the state
 - 2 members who have knowledge of construction education programs.
 - **Section 86:**
 - **The Nevada Medical Board** name will change back to **The Board of Medical Examiners**
 - 11 members to 13 members
 - New Board Make-up
 - 4 licensed medical doctors
 - 2 licensed osteopathic doctors
 - 1 licenses physician assistant
 - 1 licensed respiratory care practitioner
 - 2 chiropractic Physicians
 - 1 podiatrists
 - 1 general public member
 - 1 member representing Indigent or Uninsured Healthcare Interests: This member must be a resident of Nevada for at least 5 years and represent the interests of persons or agencies that regularly provide healthcare to indigent, uninsured, or low-income patients. They must not be licensed under the provisions of either chapter (Medical or Osteopathic).
 - **Section 89:**
 - **The Nevada Board of Healing and Rehabilitative Practice** changed to **The Nevada Board of Rehabilitative Practice and Therapy**
 - 13 members
 - New Board make-up:
 - 2 Licensed Physical Therapist,
 - 1 Licensed Physical Therapist Assistant
 - 2 Licensed Occupational Therapist,
 - 1 Licensed Occupational Therapist Assistant
 - 2 Licensed Athletic Trainers
 - 2 Licensed Speech-Language Pathologist
 - 1 Licensed Audiologist
 - 1 Hearing Aid Specialist

1 General Public Member

- **Section 91:**
- **The Nevada Board of Vision, Speech and Mobility Professions changed to The Nevada Optometry and Dispensing Opticians Board.**
 - 11 members to 7 members
 - New Board make-up
 - 3 licensed Optometrist
 - 1 General Public Members
 - 2 Licensed Ophthalmic Dispenser (Optician)
 - 1 Member representing Indigent or Uninsured Healthcare Interests, This member must be a resident of Nevada for at least 5 years and represent the interests of persons or agencies that regularly provide healthcare to indigent, uninsured, or low-income patients. They must not be licensed under the provisions of either chapter.

Add New Board

- **Name of Board: The Nevada Board of Engineering, Surveying, and Environmental Health**
- Merged boards are The State Board of Professional Engineers and Land Surveyors and The Board of Environmental Health Specialists.
- 9 members
- New Board Make-Up
 - 4 professional engineers
 - 1 land surveyor
 - 2 environmental health specialists
 - 1 general public member
 - Chief Medical Officer
- **Name of Board: The Nevada Board of Architecture, Design, and Landscapes**
- Merged board are: The State Board of Architecture, Interior Design and Residential Design and the Nevada State Board of Landscape Architecture
- 9 members
- New Board Make-up
 - 3 registered architects
 - 2 landscape architectures
 - 1 registered residential designer
 - 1 interior designer
 - 1 general public member
 - 1 specialized public member (Industry Expert in construction, engineering, environmental planning, or real estate development. Member may not represent a covered industry of the board, but are highly relevant to the board's work)
- This bill in current form eliminates the **Nevada Board of Homeopathic Medical Examiners** (Sec. 85 (a)) and transfers the **Nevada State Board of Oriental Medicine** (Sec. 89) into The Nevada Board of Healing and Rehabilitative Practice. Instead, the

Office of Nevada Boards, Commissions, and Councils Standards will be responsible for **Licensing and Regulation**

- The Office of Nevada Boards, Commissions, and Councils Standards will oversee the licensure, renewal, and regulation of practitioners previously regulated by both boards.
- Licensing Requirements:
 - Oriental Medicine Practitioners must meet all qualifications established under Chapter 634A of NRS.
 - Homeopathic Physicians must obtain initial licensure through the Office and maintain an active license as a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) to remain in practice.
- All administrative functions, disciplinary actions, and enforcement responsibilities will be managed by the Office to ensure consistent oversight and regulatory compliance.

Establishment of the Oriental and Homeopathic Medicine Advisory Committee

- A five-member advisory committee will be created within the Office of Nevada Boards, Commissions, and Councils Standards to provide expertise on modern practices, licensing standards, and regulatory updates for both Oriental Medicine and Homeopathic Medicine.
- The committee will:
- Advise the Office on professional and regulatory matters related to Oriental and Homeopathic Medicine.
- Assist in the development and grading of licensing examinations for practitioners.
- Review and provide recommendations on disciplinary matters and professional standards.

Committee Composition: The Committee will be appointed by the Director of Business and Industry

- **The Oriental and Homeopathic Medicine Advisory Committee** will consist of:
- One (1) member licensed to practice allopathic (M.D.) or osteopathic medicine (D.O.), with experience in integrative or complementary medicine.
- Two (2) members licensed as an Oriental Medicine practitioner.
- Two (2) members who are advanced practitioners of homeopathy and hold a valid certification granted by the Office.

Oversight and Reporting

- The Advisory Committee will report directly to the Office of Nevada Boards, Commissions, and Councils Standards, ensuring continued expertise in these specialized fields while maintaining efficiency and regulatory consistency.

Boards that have dominance and require restructure:

- **Name of Board: Nevada State Board of Accountancy**
- New Board Makeup

- 4 licensed certified public accountants
- 1 tax attorney or compliance expert (e.g., expert attorney specializing in tax law, financial regulations, or corporate fraud prevention)
- 2 general public members
- **Name of Board: State Barbers' Health and Sanitation Board**
- New Board Makeup
 - 2 licensed barbers, one from Clark County and one from Washoe County
 - 2 general public members
 - The Chief Medical Officer
- **Name of Board: Certified Court Reporters Board**
- New Board Makeup
 - 2 certified court reporters
 - 1 attorney (State Bar of Nevada)
 - 1 general public member
 - 1 consumer representative or business professional (e.g., retired judge, law enforcement, or neutral stakeholder who works with court reporters)
- **Name of Board: Nevada State Contractors Board**
- New Board Makeup
 - 4 licensed contractors, 2 who reside in Clark County, 1 who resides in Washoe County, and 1 who resides from any Rural County in the State
 - 3 general public members, 1 who resides in Clark County, 1 who resides in Washoe County, and 1 who resides from any Rural County in the State
 - 1 legal/consumer protection expert (e.g., business leader, construction law attorney, or compliance expert)
 - 1 financial/business expert (e.g., accountant, real estate developer, or construction finance expert)
- **Name of Board: Nevada State Board of Cosmetology**
- New Board Makeup
 - 3 licensed cosmetologists, 1 must reside in a Rural County
 - 1 licensed nail technologist
 - 1 licensed esthetician
 - 1 general public member
 - 1 health and safety representative (e.g., sanitation and infection control expert, medical professional, or public health professional)
- **Name of Board: Nevada State Board of Dental Examiners**
- New Board Makeup
 - 4 licensed dentists, 1 must reside in a rural county in this State
 - 2 licensed dental hygienists or therapists
 - 3 general public members
 - 1 health and safety representative (e.g., public health expert, compliance officer, or infection control specialist)
 - 1 representative for indigent/uninsured healthcare

- **Name of Board: The Nevada State Board of Massage Therapy**
- New Board Makeup
 - 4 licensed Massage Therapists, 2 members must be residents of Clark County, 1 member must be a resident of Washoe County, and 1 member must reside in a Rural County in this State.
 - 1 licensed reflexologist
 - 1 licensed structural integration practitioner
 - 2 general public members
 - 1 human trafficking prevention advocate (e.g., victims' rights advocate, anti-trafficking nonprofit leader, or legal expert in trafficking crimes)
 - 1 Advisory (Non-Voting) law enforcement member (same requirements as NRS 640C.160)
- **Name of Board: Nevada State Board of Pharmacy**
- New Board Makeup
 - 4 registered pharmacists
 - 1 healthcare professional (e.g., physician, nurse, or hospital administrator with experience in medication safety and drug policy)
 - 2 general public members
- **Name of Board: Private Investigators Licensing Board**
- New Board Makeup
 - 2 licensed private investigators
 - 1 licensed security professional or licensed repossession agent
 - 2 general public members
- **Name of Board: Nevada State Board of Veterinary Medical Examiners**
- New Board Makeup
 - 4 licensed veterinarians
 - 1 licensed veterinary technician
 - 2 general public members

5. Staffing and Administration

To authorize the Department of Business and Industry (Department) in coordination with DHRM to transition existing classified staff from independent boards and commissions to the Department. Additionally authorized the Department to coordinate with State Purchasing on the administration of all contracts.

1. Notwithstanding any other provision of law, as the Title 54 Occupational and Licensing boards and commissions are merged into the Department pursuant to this chapter or other applicable provisions of law:
 - (a) Qualified existing staff of the affected boards may be transferred to the Department to continue performing their respective duties under the oversight and direction of the Department, with classification alignment for classified and employees to ensure roles and responsibilities are accurately reflected.
 - (b) The Department shall ensure that such staff:
 - (1) The Department of Business and Industry to determine their qualifications and whether they meet the needs of the Department. Employees may or may not be hired by the Department,

depending on their qualifications and the Department's operational requirements. Employees currently working out of class will transfer to the Department in positions that align with their qualifications if selected by the Department. All hiring and positions assignments shall adhere to NRS/NAC 248 o remain consistent with standard state processes for hiring new positions.

(2) Retain benefits that meet the needs and benefits of the position in accordance with state personnel laws and regulations;

(3) Are provided with training and resources necessary to integrate into the Department's administrative structure; and

2. The Department may adopt regulations necessary to facilitate the orderly transition of staff from independent boards to the Department.

3. The Department in coordination with State Purchasing and the Attorney General shall evaluate and determine contractual compliance with but not limited to NRS 333, 334, and 338 and their related regulations. In addition to any contract not in compliance with NRS 333.810 being void and the responsibility of the signatory and head of the contracting entity (such as contracts without required approvals, no competition, or missing required contract language), the Department shall terminate any contract determined not to be in the States best interest. Where a contract is validly entered into and does not have appropriate termination without cause language for use by the Department, this language shall operate as a non-appropriation for the existing contract.

4. The Department of Business and Industry is authorized to recruit, hire, and onboard new staff as needed to support its expanded responsibilities under this Act. This authority includes creating and filling new positions necessary to meet operational demands, ensure the effective integration of transferred boards and commissions, and maintain the delivery of services to the public. The Department shall ensure that all hiring complies with applicable state personnel laws and regulations. The Department may, within the limits of available funds, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of Nevada Boards, Commissions, and Councils Standards. Such staff and employees include, without limitation:

- a. Executive Staff
- b. Administrative and clerical staff
- c. Research and analytical staff,
- d. And other persons the Deputy Director with approval of the Director determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of Nevada Boards, Commissions, and Councils Standards.

5. Except as otherwise provided by specific statute, the Deputy Director with approval of the Director shall:

- a. Determine the salaries and benefits of the persons employed pursuant to subsection 4, within limits of money available for the purpose; and
- b. Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employees pursuant to subsection 4.

6. The Commission on Postsecondary Education:

- o **Section 50:** Leave the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training, and Rehabilitation.
- o **Section 73:** Leave the Administrator responsible for the administration, through the

7. Transfer of Funds to Merged Board Accounts

1. Notwithstanding any other provision of law, all monies currently held by independent occupational and licensing boards that are subject to merger under Senate Bill 78 shall be transferred to the accounts of the newly established merged boards as designated by this legislation.
2. The transfer of funds shall include, but not be limited to, all fees, fines, assessments, grants, and other revenues, along with any reserve funds and assets held in trust or designated for board operations.
3. The Department of Business and Industry, in collaboration with the State Treasurer's Office, shall oversee the transfer process to ensure the accurate and complete reallocation of funds to the appropriate accounts of the merged boards.
4. Any contractual obligations or liabilities tied to the funds of the independent boards shall transfer to the merged boards along with the associated funds, maintaining continuity of financial responsibilities.
5. The Department of Business and Industry shall promulgate any necessary regulations to facilitate the smooth and efficient transfer of funds and address any issues arising during the implementation of this provision.