



**DEPARTMENT OF BUSINESS AND INDUSTRY  
OFFICE OF THE DIRECTOR**

**June 9, 2026**

**Consideration of Public Comment, Response to Changes  
LCB File No. R074-25**

The Office of Nevada Boards, Commissions, and Councils Standards (the Office) received written and oral public comment regarding the proposed regulation, LCB File No. R074-25RP3 (RP3). All comments received through the public hearing process were reviewed and considered in accordance with NRS 233B. This document constitutes the Office's written consideration of public comment. The comments have been summarized and addressed below by section of the proposed regulation.

The Office is required pursuant to NRS 232.8413 and NRS 232.8415 to establish uniform standards for boards within its purview. Furthermore, the Office is obligated to adopt regulations that fulfill its statutory responsibilities, which are administrative in nature and intended to promote consistency, transparency, and accountability across all boards. NRS 232.8413. The proposed regulation was developed in accordance with this statutory directive and stakeholder input was considered throughout the process.

**General Comment – Opposition to Adoption**

**Requested Change:** Do not adopt the regulation as written and delay action until additional amendments and testimony from the public hearing are considered.

**Office Response:** The Office declines to delay adoption.

**Office Reason:** The Office provided opportunities for both written and oral public comment in accordance with NRS 233B. All comments received through the close of the public hearing were reviewed and considered prior to finalizing the regulation.

**Section 10 – “Purview”**

**1<sup>st</sup> Requested Change and 2<sup>nd</sup> Requested Change:** Remove or revise the definition of “purview” due to concerns regarding scope and clarity; Revise the definition of “purview” to further clarify the scope of administrative oversight and specify that oversight includes monitoring, reviewing, guiding, and evaluating board compliance and performance.

**Office Response:** Not accepted.

**Office Reason:** The Office conferred with the Legislative Counsel Bureau (“LCB”) regarding this definition and through this consult the Office determined that it was consistent with the authority granted under NRS 232.8413 and NRS 232.8415 and is sufficient within the context of the regulation. The Office further determined that expanding the definition to include specific operational functions or examples is unnecessary and could unintentionally narrow or alter the ordinary administrative meaning of the term. Additionally, “Administrative oversight” is terminology utilized in multiple instances throughout the Nevada Revised Statutes (NRS) to define the authority for oversight of a public agency.

**Additional Requested Change:** Requests to define terms such as “centralized administration,” “consumer protection,” “efficacy,” and “efficiency,” and to further define evaluation standards used by the Office.

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of the concerns expressed regarding the definition of certain statutory terms and evaluation criteria.

The terms referenced are established in NRS 232.8413 and NRS 232.8415 and are not redefined in the regulation, as they are interpreted within the context of their statutory meaning. The regulation provides specific administrative requirements and reporting standards through Sections 11–21, which collectively establish the framework for evaluating administrative performance.

Evaluation criteria are based on objective measures derived from statutory requirements and the reporting elements set forth in the regulation, including compliance with reporting obligations, internal controls, transparency, and responsiveness to the public.

The Office determined that additional definitions are not necessary at this time, as the regulation provides sufficient structure to implement the statutory framework while maintaining flexibility for administrative oversight.

## Substantive Sections

### Section 13 – Internal Controls

**Requested Change:** Revise the language of this section out of concerns that it imposes requirements on the boards that are unduly burdensome and/or are duplicative of existing statutory auditing, and that some boards may not have the necessary staffing, funding, technology, or administrative resources for compliance. Commenters further expressed concerns regarding requirements relating to budgeting, records maintenance, audit responses, reporting obligations, and protection of confidential information.

**Office Response:** Accepted in part.

**Office Reason:** The Office took into consideration the concerns that were expressed regarding administrative burden, duplication of existing requirements, and varying staffing and financial resources among boards.

The requirements contained in Section 13 establish uniform administrative standards for internal controls pursuant to NRS 232.8415 and is understood to be consistent with existing statutory, financial, auditing, confidentiality, and operational obligations already applicable to boards under Title 54 of NRS and other applicable provisions of law.

Several provisions within Section 13 reflect basic administrative practices and existing statutory responsibilities already routinely performed by boards, including, without limitation:

- Developing and monitoring a board budget.
- Maintaining records relating to licensees, finances, and complaints.
- Protecting confidential and personally identifiable information maintained by the board.
- Complying with existing statutory audit and reporting requirements already required pursuant to statutes such as NRS 218G.400 and NRS 622.100.
- Responding to audits conducted by entities already authorized by statute to conduct audits of boards.

The Office further determined that Section 13 does not require boards to create new audit programs, establish independent compliance divisions, retain outside consultants, or implement operational systems beyond those already necessary for the ordinary administration and operation of a public occupational or professional licensing board.

The Office recognizes that boards vary in size, staffing, funding, and operational structure. Accordingly, clarifications were incorporated during the progression of the regulation, including during the reprint (“RP”) stage, to clarify the administrative intent of the section, align the language with existing statutory obligations, and reduce unnecessary duplication where practicable. These clarifications were retained in RP3.

### Section 14 – Internet Website Requirements

**1<sup>st</sup> Requested Change:** Remove or revise requirements relating to searchable disciplinary systems, website posting requirements, and the publication of financial reports, audits, and reporting information due to

concerns regarding administrative burden, implementation costs, website functionality, staffing limitations, and varying technological resources among boards. Commenters further requested removal of requirements that disciplinary systems be searchable and accessible from the homepage of a board's website.

**Office Response:** Not accepted.

**Office Reason:** The Office took into consideration the concerns regarding the proposed administrative burden, implementation costs, website functionality, and varying technological resources among boards.

The requirements contained in Section 14 are intended to promote transparency, public access to information, consumer protection, and consistency in administrative practices across boards pursuant to NRS 232.8413 and NRS 232.8415. Many of the requirements reflect information already maintained, published, or otherwise required to be publicly available pursuant to existing statutes governing public meetings, disciplinary actions, public records, licensure verification, audits, and reporting obligations.

Commenters noted that certain financial reports, audits, and related documents are already submitted to or maintained by other state entities. The Office recognizes that some of these reports may already be publicly available through other state agencies. However, members of the public seeking information regarding a specific board are most likely to access the board's website directly and may not know which other state agencies maintain a particular audit, balance sheet, or financial report. Requiring this information to be available on the board's website improves public accessibility and allows the public to more efficiently locate information relating to the operations and finances of a board.

With respect to searchable disciplinary systems and website accessibility requirements, boards may utilize existing website platforms, licensing systems, publicly accessible databases, or other existing website tools where practicable to satisfy the requirements of the regulation. The Office further notes that some boards currently maintain disciplinary or licensing information through searchable tables, lists, or spreadsheet-based formats published on their websites, demonstrating that compliance may be achieved through a variety of existing administrative and technological approaches without requiring a uniform software system or platform.

The Office further determined that public access to searchable licensure and disciplinary information is consistent with the principles of transparency and consumer protection set forth in NRS 232.8415. Members of the public should have the ability to reasonably verify the licensure status and disciplinary history of professionals regulated by boards under the Office's purview.

The Office recognizes that boards vary in size, staffing, funding, and technological capabilities and intends to work collaboratively with boards regarding implementation consistency and administrative guidance where appropriate, including utilization of existing state technology resources where available.

Clarifications regarding the administrative intent and implementation of Section 14 were incorporated during the progression of the regulation, including during the RP2 stage, and retained in RP3.

## **2<sup>nd</sup> Requested Change:**

- Condition ADA accessibility requirements on the State providing necessary technology.
- Revise definition of "disciplinary action" to ensure it reflects adjudicated actions and protects presumption of innocence.
- Remove subsection (k) as redundant to Section 17.

**Office Response:** Accepted in part.

**Office Reason:** The Office is cognizant of the purported concerns regarding implementation of accessibility requirements. However, accessibility requirements are administrative standards intended to promote public access to information and are consistent with broader legal obligations applicable to public entities. The regulation does not impose requirements beyond those that are already required by law.

With respect to "disciplinary action," the Office agrees that the term should be clearly defined to ensure consistency and protect due process principles. This has been addressed through the addition of a definition in Section 5 of the regulation, which defines "disciplinary action" as "any final action taken by a board against a licensee, including, without limitation, a public reprimand, probation, a fine, the suspension or revocation of a license or the voluntary surrender of a license in lieu of discipline." This revision clarifies

that only final, adjudicated actions are subject to reporting and public disclosure requirements, ensuring alignment with due process principles while maintaining transparency for the public. This clarification was incorporated during the RP2 stage of the regulation and retained in RP3.

Regarding subsection (k), the Office acknowledges the concern regarding potential overlap with Section 17. The provisions serve related but distinct purposes—Section 14 addresses public transparency through website posting, while Section 17 addresses complaint and investigation processes. The Office determined that both provisions are appropriate to maintain transparency and administrative consistency. This provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

## Section 15 – Legislative Tracking and Reporting

**1<sup>st</sup> Requested Change:** Remove the requirement to track all legislation or limit reporting to legislation directly relevant to the board or to legislation that becomes law. Commenters also raised concerns regarding potential inconsistency with [Attorney General Opinion No. 2026-03](#).

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of concerns regarding the scope of the requirement and the associated administrative burden, including comments referencing Attorney General Opinion No. 2026-03.

The Office determined that the boards must monitor legislative activity, that may impact board operations or their licensees, and further that the Office must be made aware of such legislative activity to ensure that the boards are timely implementing statutory changes as part of its oversight for administrative consistency across the boards.

The provision is administrative in nature and is limited to tracking and reporting legislative activity for the purpose of implementation and operational awareness. It does not require boards to engage in legislative advocacy, take positions on legislation, or conduct analysis beyond what is necessary to implement enacted laws.

The requirement does not alter the statutory authority or duties of boards and is consistent not only with the Office’s responsibilities under NRS 232.8413 and NRS 232.8415, but also with the boards’ existing responsibility to implement and administer the statutory provisions governing their professions and operations. The Office further determined that the regulation is not designed to create a significant financial burden on boards as boards inherently must be aware of, and administer, its governing statutes whether those statutory mandates are pre-existing or newly created. The regulation does not require boards to retain lobbyists, outside consultants, or dedicated legislative staff to comply with the provision. Furthermore, the Office intends to provide administrative guidance and reporting templates where appropriate to promote consistency and reduce administrative burden. The Office determined that this approach is consistent with applicable legal limitations while ensuring boards are able to implement statutory changes in a timely and consistent manner. This provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

**2<sup>nd</sup> Requested Change:** Revise requirement to track legislation impacting “operations of or licensees” and instead focus only on “licensing requirements of licensees.”

**Office Response:** Not accepted.

**Office Reason:** The Office determined that limiting tracking only to licensing requirements would be overly restrictive. Boards are responsible for implementing statutory changes that may affect not only licensure, but also administrative processes, reporting obligations, and operational functions.

The requirement to track legislation that may impact board operations or licensees ensures that the boards maintain awareness of enacted legislation and are able to implement statutory changes in a timely and consistent manner. This provision is administrative in nature and does not expand the statutory authority or duties of boards.

**3<sup>rd</sup> Requested Change:** Remove or revise language in Section 15(3)(b) requiring boards to ensure that “bank accounts and records” are consistent with enacted legislation, citing concerns that the provision is unclear and unrelated to legislative tracking responsibilities.

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of concerns that have been expressed regarding the wording of Section 15(3)(b). The provision is intended to ensure that boards implement enacted legislation in a manner consistent with applicable statutory and administrative requirements.

Section 15(3)(b) is intended to apply only when enacted legislation creates or changes statutory requirements relating to a board's financial accounts, records, reporting obligations, or financial administration. The provision does not require boards to take action on pending legislation, anticipate statutory changes before enactment, or modify financial practices unless required by enacted law.

The Office reviewed comments regarding the scope and wording of this subsection during the public workshop and revision process and determined that the provision is administrative and compliance-oriented in nature and does not expand the Office's statutory authority or require boards to take action beyond implementing enacted statutory requirements. The provision was reviewed during the RP2 and RP3 stages of the regulation and retained.

## Section 17 – Complaints and Investigations

**1<sup>st</sup> Requested Change:** Remove subsection (k) in Section 14 as redundant to Section 17.

**Office Response:** Not accepted.

**Office Reason:** As noted above, the Office determined that the provisions in Sections 14 and 17 serve different functions. Section 14 relates to public-facing transparency requirements, while Section 17 governs internal complaint and investigation processes.

Maintaining both provisions ensures clarity in both public access to information and internal administrative procedures and does not create unnecessary duplication.

**2<sup>nd</sup> Requested Change:** Revise the phrase “reasonable doubt” in Section 17 to “reasonable cause” or similar terminology consistent with disciplinary and investigative processes utilized by professional licensing boards.

**Office Response:** Accepted in part.

**Office Reason:** The Office acknowledges concerns regarding the terminology used in Section 17 relating to investigative determinations. The Office agrees that “reasonable doubt” may not accurately reflect the administrative or disciplinary standards utilized by professional licensing boards in evaluating complaints and determining whether to proceed with disciplinary action.

The Office further notes that concerns regarding investigative terminology in Section 17 were previously raised during the initial public workshop process. Earlier drafts of the regulation utilized terminology referencing “probable cause,” which commenters noted reflected a criminal-law standard not typically applied within administrative licensing investigations. In response to those comments, and based on recommendations from the LCB, the Office revised the terminology in subsequent drafts from “probable cause” to “reasonable doubt” to better align with concerns raised during the workshop process and to distinguish the provision from traditional criminal-law terminology.

Following additional comments received during the public hearing process requesting the terminology be revised to “cause” or “reasonable cause,” the Office considered the requested change but determined to retain the “reasonable doubt” language as reflected in RP3 to maintain consistency with the revisions and stakeholder feedback incorporated during the earlier stages of the rulemaking process.

This clarification was incorporated during the progression of the regulation, including revisions made during RP2 and retained in RP3.

**3<sup>rd</sup> Requested Change:** Commenters expressed concerns regarding confidentiality protections and the disclosure of investigative files, documents, and complaint materials to the Officer pursuant to Section 17(6), including concerns regarding consistency with board-specific confidentiality statutes and protections applicable to investigative records.

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of the concerns that have been expressed regarding the confidentiality of investigative files and the disclosure of information to the Office pursuant to Section 17(6).

Section 17(6) expressly limits any disclosure to information provided “to the extent permitted by law.” The provision is not intended to override, waive, or alter any statutory confidentiality protections applicable to investigative records, complaint files, privileged information, or disciplinary materials maintained by a board pursuant to Title 54 of NRS or any other applicable statute or regulation.

The provision is administrative in nature and is intended to allow the Office to obtain information necessary to fulfill its statutory oversight responsibilities under NRS 232.8413 and NRS 232.8415 where disclosure is otherwise authorized by law. The Office determined that additional revisions were not necessary because the regulation already limits disclosure to information permitted by existing law and does not expand the Office’s authority beyond those statutory limitations.

## Section 18 – Quarterly Reporting Requirements

**1st Requested Change:** Remove or revise the requirement to provide “any other information requested” due to concerns regarding scope and timing.

**Office Response:** Accepted in part.

**Office Reason:** The requirement is intended to ensure the Office can obtain information reasonably related to its administrative oversight and to fulfill its statutory responsibilities under NRS 232.8413 and 232.8415.

The Office clarifies that this provision is not intended to create open-ended or duplicative reporting obligations. The Office will rely on information already submitted by boards pursuant to existing statutory requirements wherever practicable.

Any additional requests for information will be:

- Reasonably related to administrative, fiscal, or investigative oversight.
- Limited in scope and proportional to the need identified.
- Not intended to require boards to recreate, substantially reformat, or duplicate existing reports or materials already submitted pursuant to statutory reporting requirements where the information can reasonably be provided in its existing format.

This clarification reflects the intended implementation of the provision and ensures the Office can fulfill its statutory responsibilities while remaining mindful of administrative burden. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

**2<sup>nd</sup> Request Change:** Clarify terms such as “resolved,” “pending,” and “stage of the process” relating to complaint reporting requirements to ensure consistent interpretation among boards with differing disciplinary processes.

**Office Response:** Accepted in part.

**Office Reason:** The Office is cognizant of concerns that were expressed regarding consistency in reporting terminology across boards with differing statutory and disciplinary structures.

The reporting required by this section is intended to provide administrative visibility into complaint processing and investigative workflow activity as part of the Office’s responsibilities under NRS 232.8413 and NRS 232.8415 to establish uniform standards relating to investigations, licensing, and discipline. The Office recognizes, however, that complaint resolution processes, terminology, and procedural stages currently vary among boards based on their governing statutes, regulations, and disciplinary procedures.

The Office determined that establishing highly prescriptive universal definitions for terms such as “resolved,” “pending,” or “stage of the process” within the regulation may unintentionally conflict with existing statutory and regulatory frameworks applicable to individual boards. These terms are already utilized throughout board-specific statutes, regulations, disciplinary procedures, and administrative processes under Title 54 and related provisions of NRS and NAC, often with meanings that depend upon the governing statutory structure and procedural posture of the matter before the board. A single universal definition may therefore create unintended inconsistencies or conflicts across boards with differing statutory disciplinary frameworks.

Accordingly, the regulation maintains flexibility in reporting terminology while allowing the Office to

provide administrative guidance or policy clarification regarding reporting expectations and implementation consistency where appropriate.

## Section 19 – Financial Reporting Requirements

**1<sup>st</sup> Requested Change:** Clarify quarterly reporting requirements and address concerns regarding duplication with existing financial reporting obligations.

**Office Response:** Accepted in part.

**Office Reason:** The reporting requirements are unambiguous and intended to promote transparency and clear visibility into the financial condition of each board for oversight and public accountability. The provisions support consistency and accountability in financial reporting and align with existing statutory reporting requirements. The requirements are administrative in nature and are consistent with the Office’s responsibilities under NRS 232.8413 and NRS 232.8415.

**2<sup>nd</sup> Requested Change:** Remove or revise requirements requiring submission in a “format prescribed by the Office,” citing duplication and administrative burden.

**Office Response:** Accepted in part.

**Office Reason:** The Office agrees that duplicative reporting and reformatting of existing reports may create unnecessary administrative burden.

The intent of Section 19 is not to require boards to recreate or duplicate existing reports submitted pursuant to NRS 218G.400, but rather to ensure consistent visibility and comparability of financial information across boards as part of the Office’s statutory responsibilities.

The reporting requirements set forth in statute were established prior to the creation of the Office. In order for the Office to fulfill its duties under NRS 232.8413 and NRS 232.8415, it is necessary for the Office to receive and review this information.

Section 19(2)(a) expressly permits boards to submit a “copy” of the balance sheet or audit report already required pursuant to NRS 218G.400. The provision is intended to rely upon existing statutory financial reporting documents rather than require boards to create new audits, recreate financial statements, or duplicate existing statutory reporting processes.

To address these concerns:

- Submission of existing reports will satisfy the requirement where practicable.
- Any standardized format will be limited to summary-level information necessary for consistency and will not require duplication of full reports.
- Any prescribed format will align with existing statutory reporting to minimize additional workload.
- The Office will provide fillable forms available on its website, with the ability for electronic submission, to streamline the process and reduce administrative burden on boards.

These concerns were raised during the public workshop process and revisions were made in response to stakeholder feedback to clarify the administrative intent of the section and reduce unnecessary duplication and reporting burden. These revisions were incorporated in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

## Section 20 – Performance Evaluations and Section 21 – Recommendations and Referrals

**1<sup>st</sup> Requested Change:** Enumerate specific evaluation benchmarks, limit arbitrary determinations of “issues,” address concerns regarding resubmission of data, and clarify process, including next steps and outcomes.

**Office Response:** Accepted in part.

**Office Reason:** The Office is aware of the concerns that were expressed regarding transparency, predictability, and clarity in the performance evaluation process. Revisions were made in the Second Revised Proposed Regulation (R074-25RP2) to address these concerns and were retained in the Third Revised Proposed Regulation (R074-25RP3).

To further address these concerns, the Office will clarify here that:

- The Office will utilize criteria derived from statutory requirements and the reporting elements set forth in the regulation.
- Performance evaluations will be based on information already submitted pursuant to Sections 18 and 19 wherever practicable.
- The Office will provide written notice identifying the basis for any findings or identified issues.
- The 60-day response period ensures boards have an opportunity to provide context, clarification, or corrections.
- The Office maintains the discretion to modify findings based on responses and responses will be considered as part of the final evaluation record.

Additionally:

- The regulation explicitly states that the Office does not direct operations or require corrective action beyond statute.
- This section provides that the Office's role is limited to recommendations and statutory referral pathways, not enforcement.

These clarifications were incorporated during the RP2 stage of the regulation and retained in RP3.

**2<sup>nd</sup> Requested Change:** Clarify outcomes of evaluations, appeals, and next steps.

**Office Response:** Accepted in part.

**Office Reason:** The Office agrees that clarity regarding process improves transparency and consistency. As reflected in revisions incorporated during the RP2 stage of the regulation and retained in RP3:

- Performance evaluations result in written findings and, where applicable, recommendations.
- Boards may provide written responses that become part of the record.
- Recommendations are advisory in nature.
- Any further action is limited to existing statutory mechanisms, including referral to the Governor where appropriate.

The Office further determined that a formal appeals process is not necessary, as the regulation does not impose disciplinary action. The Office further determined that the evaluation process is administrative and advisory in nature and does not result in disciplinary action against a board.

**3<sup>rd</sup> Requested Change:** Revise Sections 20 and 21 to:

- Limit the Office's role to administrative compliance reporting.
- Clarify that the Office cannot direct board operations or impose corrective action.
- Emphasize board authority over professional competence standards.
- Modify evaluation and recommendation language.

**Office Response:** Accepted in part.

**Office Reason:** The Office is aware of concerns that have been expressed regarding the scope of its authority and board autonomy in determining professional standards. Revisions addressing these concerns were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

As part of those revisions, Sections 20 and 21 were modified to replace an enforcement-based framework with a recommendation-based oversight model. The regulation was further revised to require written notice of findings and provide boards with a 60-day response period prior to finalizing any evaluation.

Additionally, the regulation was clarified to explicitly provide that:

- The Office does not direct the financial or operational activities of a board.
- The Office does not impose corrective action beyond what is required by statute.

- The Office’s role is limited to administrative oversight and recommendations, with referral authority to the Governor pursuant to statute.

The Office determined that these revisions appropriately address stakeholder concerns while maintaining its statutory responsibilities under NRS 232.8413 and NRS 232.8415.

**4<sup>th</sup> Requested Change:** Clarify the standards, benchmarks, and criteria utilized by the Office in conducting performance evaluations and determining “issues” identified during evaluations.

**Office Response:** Accepted in part.

**Office Reason:** The Office is aware of concerns that have been expressed regarding transparency and consistency in the evaluation process. Performance evaluations are intended to assess administrative compliance with statutory reporting requirements, internal controls, transparency obligations, and administrative practices established under the regulation.

As reflected in revisions incorporated during the RP2 stage of the regulation and retained in RP3, the Office clarified that evaluations will be based on objective criteria derived from statutory requirements and reporting elements contained within the regulation.

The Office determined that additional prescriptive evaluation criteria within the regulation are not necessary and that maintaining administrative flexibility is appropriate to account for differences in board structure and operations while preserving consistency in oversight practices.

**5<sup>th</sup> Requested Change:** Relocate the definition of “performance data” to the general definitions section of the regulation for organizational clarity and consistency.

**Office Response:** Not accepted.

**Office Reason:** The Office determined that retaining the definition within the performance evaluation provisions of Sections 20 and 21 provides contextual clarity regarding the use and application of the term within the evaluation framework.

**6<sup>th</sup> Requested Change:** Extend the 60-day response period applicable to board responses to performance evaluations and recommendations to account for quarterly meeting schedules and compliance with Nevada Open Meeting Law requirements.

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of the expressed concerns regarding board meeting schedules and the practical considerations associated with compliance with Nevada Open Meeting Law requirements.

The Office determined that the 60-day response period provides boards with a reasonable opportunity to review evaluation findings, place matters on a public meeting agenda where necessary, and provide written responses, clarification, or supporting information prior to finalization of the evaluation record.

The Office further recognizes that boards operate under varying meeting schedules and administrative structures. The regulation establishes a uniform 60-day response period to promote administrative consistency and timely completion of the evaluation process while still providing boards with an opportunity to place matters on a public meeting agenda where necessary and provide written responses, clarification, or supporting information within existing operational and Open Meeting Law requirements. The Office determined that maintaining a consistent response timeframe across boards is necessary to support timely administrative oversight and accountability.

## New Provision Requested

### Waiver or Variance Process

**Requested Changes:** Add a provision allowing boards to request waivers or variances from specific requirements due to undue hardship or extenuating circumstances.

**Office Response:** Not accepted.

**Office Reason:** The Office acknowledges concerns regarding differences in board size, staffing, and administrative capacity, including requests for flexibility in cases of hardship. However, the Office determined that a waiver or variance provision is not appropriate within this regulation.

The regulation establishes uniform administrative standards applicable to all boards pursuant to NRS 232.8413 and NRS 232.8415. The statutes do not provide for a discretionary waiver or exemption process, and the inclusion of such a provision could result in inconsistent application of statewide standards and reduced administrative uniformity.

The Office further determined that concerns related to administrative burden are more appropriately addressed through implementation practices, including the use of existing reports, limiting duplicative requirements, and providing administrative guidance, rather than through regulatory exemptions.

These provisions maintain consistency while allowing practical implementation aligned with the Office's statutory responsibilities.

This concern is addressed in Sections 13, 18, and 19 of LCB File No. R074-25, as revised.

## General Comment

### Virtual Hearing Request

**Requested Change:** Provide virtual or online access for the public hearing.

**Office Response:** Not accepted.

**Office Reason:** The public hearing was conducted in accordance with NRS 233B and applicable Open Meeting Law requirements, which do not require virtual participation. The Office provided reasonable opportunity for both written and in-person public comment. Written comment was accepted through the deadline, ensuring public participation regardless of physical attendance.

### Office Did Not Consider Prior Feedback

**Requested Change:** Concerns that stakeholder feedback was not adequately considered.

**Office Response:** Not accepted.

**Office Reason:** The Office reviewed and considered all written and oral public comment received throughout the regulatory process. Revisions were made across multiple draft iterations (Initial Draft, Proposed Draft, RP1, RP2, and RP3) to address stakeholder feedback, improve clarity, and ensure alignment with statutory authority. Not all requested changes were incorporated where they were determined to be inconsistent with statutory requirements or the Office's mandates as enumerated in NRS 232.8415(1).

### Failure to Incorporate Feedback

**Requested Change:** Commenters expressed concerns that stakeholder feedback was not meaningfully incorporated into subsequent drafts of the regulation and that the regulatory process lacked sufficient collaboration, dialogue, or explanation regarding why certain recommendations were not adopted.

**Office Response:** Partially accepted.

**Office Reason:** The Office is aware of concerns that were expressed regarding stakeholder perception of the collaborative process and recognizes that not all requested revisions were incorporated into the final regulation.

The Office conducted two public workshops and a public hearing, accepted written and oral public comment, and revised the regulation through multiple draft iterations, including an Initial Draft, a Proposed Draft, RP1, RP2, and RP3. Substantive revisions were made in response to stakeholder feedback, including revisions relating to administrative burden, reporting requirements, evaluation procedures, disciplinary terminology, transparency provisions, and clarification of the Office's oversight role.

The Office provided opportunities for public participation in accordance with NRS Chapter 233B and reviewed and considered all comments received through the close of the public hearing prior to finalizing the regulation. While workshops and hearings provide opportunities for public input, NRS Chapter 233B does not require the Office to engage in negotiated rulemaking, iterative dialogue, or consensus-based drafting during the workshop process.

Pursuant to NRS 233B.066(1)(f), where the Office determines that portions of the proposed regulation should be adopted without change, the Office is required to provide a summary of the reasons supporting

that determination. Accordingly, the Office evaluated all comments received and determined that certain requested revisions could not be incorporated where they were inconsistent with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415, would conflict with existing statutory frameworks applicable to boards, or would undermine the establishment of uniform administrative standards across boards under the Office's purview.

The Office determined that the final regulation appropriately balances stakeholder input with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415.

**Additional Requested Change:** Commenters stated that many boards already operate effectively and questioned whether additional administrative standards or oversight requirements are necessary.

**Office Response:** Not accepted.

**Office Reason:** The Office is aware of the comments that certain boards currently maintain effective administrative operations and existing internal practices.

However, NRS 232.8413 and NRS 232.8415 require the Office to establish uniform administrative standards applicable to boards within its purview. The statutory directive is not limited to boards experiencing operational deficiencies and does not provide for individualized standards based upon the current performance or operational structure of a particular board.

The Office determined that establishing consistent statewide administrative standards relating to transparency, reporting, investigations, internal controls, and oversight is necessary to fulfill its statutory responsibilities and promote uniformity, accountability, and consistency across all boards subject to the Office's authority.

### Scope of Applicability and Supportive Provisions

**Requested Change:** Commenter expressed support for limiting the definition of "Board" to professional and occupational licensing bodies and for maintaining language clarifying that the Office does not direct the financial or operational activities of boards. The commenter also requested confirmation that the regulation is not intended to apply to entities outside the Office's statutory purview and should be interpreted consistently with the scope of NRS 232.8413 and NRS 232.8415.

**Office Response:** Accepted in part.

**Office Reason:** The Office acknowledges the commenter's support for provisions limiting the scope of the regulation and preserving the distinction between administrative oversight and operational control.

The definition of "Board" in Section 3 is consistent with the statutory scope set forth in NRS 232.8413 and NRS 232.8415 and is intended to apply to professional and occupational licensing boards within the Office's purview. The Office confirms that the regulation is not intended to expand the universe of entities subject to the Office's authority beyond those established by statute.

Additionally, Section 20 expressly clarifies that the Office does not direct the financial or operational activities of boards and does not impose corrective action beyond what is required by statute. This provision was incorporated during the RP2 stage of the regulation and retained in RP3.

The Office determined that these provisions appropriately reflect the statutory framework and ensure the regulation is implemented consistent with the scope and limitations set forth in NRS 232.8413 and NRS 232.8415.

### Administrative Burden and Resource Constraints

**Requested Change:** Revise the regulation to account for differences in board size, staffing, funding, operational capacity, and available resources.

**Office Response:** Accepted in part.

**Office Reason:** The Office acknowledges concerns regarding administrative burden and recognizes that boards vary in size, staffing, funding, operational capacity, and available resources, particularly among smaller boards.

The regulation establishes uniform administrative standards, as required under NRS 232.8413 and NRS 232.8415, to promote consistency, transparency, and accountability across all boards within the Office's purview. The Office does not direct or control the financial or operational activities of boards. The statutory framework requires uniform standards and does not provide for individualized regulatory

requirements based on the size, staffing, or operational structure of a particular board. However, in response to stakeholder feedback, the regulation was revised and clarified to reduce unnecessary administrative burden where practicable while maintaining consistency across boards. These revisions included:

- The Office revised and clarified reporting requirements to reduce unnecessary duplication and administrative burden where practicable.
- Clarified that existing statutory reports may be used to satisfy requirements where appropriate.
- Limited discretionary requests for additional information to matters reasonably related to the Office's statutory oversight responsibilities.

The Office determined that these revisions appropriately address concerns regarding administrative burden while preserving the uniform administrative standards required under NRS 232.8413 and NRS 232.8415 and maintaining consistency and accountability across all boards.

### **Administrative Burden / Fiscal Impact**

**Requested Change:** Concerns raised that increased reporting requirements may require additional staffing and could result in increased fees to licensees.

**Office Response:** Accepted in part. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3), to reduce administrative burden while maintaining consistency across boards.

**Office Reason:** The Office is aware of concerns that were expressed regarding administrative burden and potential fiscal impact.

In response to stakeholder feedback, the regulation was revised to:

- Align reporting requirements with existing statutory obligations where practicable.
- Revise and clarify reporting requirements to reduce unnecessary duplication and administrative burden where practicable.
- Clarify that existing statutory reports and materials may be used to satisfy reporting requirements where appropriate.
- Limit additional information requests to matters reasonably related to administrative oversight and the Office's statutory responsibilities.

The Office determined that the final regulation reflects a balance between transparency, accountability, and administrative practicality. The requirements are administrative in nature and consistent with the Office's statutory responsibilities under NRS 232.8413 and NRS 232.8415. These revisions reflect changes made during the RP2 stage of the regulation to reduce duplication, align reporting requirements with existing statutory obligations, and improve administrative practicality, and were retained in RP3.

**Additional Requested Change:** Concerns that implementation timelines for website requirements, reporting obligations, and historical document posting requirements are unclear and may create compliance difficulties for boards with limited staffing and resources.

**Office Response:** Accepted in part.

**Office Reason:** The Office acknowledges concerns regarding implementation timelines and the administrative effort associated with compliance, particularly for smaller boards with limited staffing and technological resources.

The Office recognizes that boards vary in size, staffing, funding, and technological capabilities. The regulation establishes uniform administrative standards under NRS 232.8413 and NRS 232.8415, and the Office intends to work collaboratively with boards during implementation to promote consistency, administrative practicality, and compliance with the requirements of the regulation while maintaining accountability and transparency across boards.

### **Funding and Implementation Costs**

**Requested Change:** Concerns that the regulation will require additional staffing, technology upgrades,

and ongoing operational costs for boards. Requests that the Office identify and secure funding to support implementation and avoid increased fees to licensees.

**Office Response:** Accepted in part.

**Office Reason:** The Office is aware of concerns that were expressed regarding administrative burden, implementation costs, and potential fiscal impact on boards. In response to stakeholder feedback, the regulation was revised to reduce duplication, align reporting requirements with existing statutory obligations, and limit additional administrative workload where practicable. These revisions were made in the Second Revised Proposed Regulation (R074-25RP2) and retained in the Third Revised Proposed Regulation (R074-25RP3).

The Office does not direct or control the financial operations of boards and does not have statutory authority to appropriate or allocate funding. Boards retain responsibility for managing their financial resources in accordance with applicable statutes.

The regulation establishes uniform administrative standards pursuant to NRS 232.8413 and NRS 232.8415 and is administrative in nature. The Office will continue to implement these requirements in a manner that is practical and mindful of board resources while maintaining consistency, transparency, and accountability across all boards.

### Small Business Impact Study

**Requested Change:** Commenters asserted that the Small Business Impact Statement was insufficient and stated that the analysis should have been conducted by a knowledgeable employee or through the use of a consultant or independent contractor, and in consultation with small businesses likely to be affected.

**Office Response:** Not accepted.

**Office Reason:** The Office acknowledges concerns regarding the Small Business Impact Statement prepared in connection with the regulation.

As stated in the Notice of Intent to Act Upon a Regulation, the Office determined that the proposed regulation presents no reasonably foreseeable or anticipated adverse economic effects to small businesses because the regulation is administrative in nature and applies to the internal governance, reporting, and operational standards of public occupational and licensing boards under the Office's statutory purview.

The Office further determined, in consultation with legal counsel, that the proposed regulation does not require the retention of a consultant, independent contractor, or outside expert in preparing a Small Business Impact Statement. The Office reviewed the anticipated administrative and operational impacts associated with implementation of the regulation through internal administrative review and consultation with legal counsel, including staffing, reporting, technology, and compliance considerations raised during the public comment process.

The Office additionally determined that the regulation does not directly regulate private small businesses, impose new occupational licensing requirements on small businesses, establish new fees applicable to small businesses, or regulate the day-to-day operations of private businesses or licensees. The regulation applies to the administrative governance, reporting, transparency, and operational standards of public occupational and professional licensing boards under the Office's statutory purview.

To the extent commenters asserted that indirect administrative impacts to boards could ultimately affect licensees or businesses regulated by those boards, the Office determined that any such potential impact would be indirect, speculative, and too attenuated from the actual requirements of the regulation to constitute a reasonably foreseeable adverse economic effect on small businesses under NRS 233B. The Small Business Impact Statement prepared by the Office was therefore determined to satisfy the applicable requirements of NRS 233B and appropriately reflect the nature and scope of the proposed regulation.

### Scope of Regulation and Office Authority

**Requested Change:** Concerns that the regulation does not adequately define the structure, powers, and responsibilities of the Office and instead focuses primarily on the duties of boards. Requests revisions to further delineate the role of the Office and define key statutory terms.

**Office Response:** Not accepted.

**Office Reason:** The Office acknowledges concerns regarding the scope of the regulation and the level of detail provided regarding the structure and authority of the Office.

NRS 232.8413 and NRS 232.8415 establish the Office and define its duties relating to the regulation of occupations and professions and professional and occupational licensing boards under the purview of the Office. The statutes do not require the Office to define its own structure, powers, or internal organization by regulation. Rather, the statutes direct the Office to adopt regulations and procedures necessary to administer its responsibilities.

Pursuant to NRS 232.8415, those responsibilities include centralized administration and the establishment of uniform standards for investigations, licensing and discipline, internal controls, legal representation, structural requirements, transparency, consumer protection, and administrative efficiency for boards within the Office's purview.

Accordingly, the regulation is properly focused on implementing those statutory duties by establishing uniform administrative standards applicable to boards. The regulation is not intended to restate or expand upon statutory provisions governing the structure or authority of the Office itself.

The Office determined that the scope and structure of the regulation are consistent with the statutory directive and appropriately implement the responsibilities assigned to the Office under NRS 232.8413 and NRS 232.8415. The Office is required to establish standards for boards pursuant to statute and is not required to define the structure or internal operations of the Office beyond what is set forth in statute.

## **Closing**

The Office is required under NRS 232.8413 and 232.8415 to establish uniform administrative standards applicable to all boards within its purview. While the Office recognizes that boards vary in size, staffing, and resources, the statute does not provide for individualized standards based on those differences.

Throughout the regulatory process, the Office provided multiple opportunities for written and oral public comment and made substantive revisions to address concerns where appropriate. However, it is not feasible to accommodate all requested changes, particularly where doing so would conflict with the Office's statutory responsibilities or undermine the goal of uniformity.

The final regulation reflects a balance between stakeholder input and the Office's obligation to implement consistent, statewide standards. The Office remains committed to working with boards in the implementation of these requirements in a manner that is practical and supportive, while fulfilling its statutory duties.