



Connecting People to Policy

UPDATE TO THE OCCUPATIONAL LICENSING POLICY AND PRACTICE LEARNING CONSORTIUM NEVADA CORE TEAM

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OCCUPATIONAL AND PROFESSIONAL LICENSING LEGISLATION—2019 SESSION

During the 2019 Legislative Session, the Legislature considered over 30 bills dealing with occupational and professional licensing. These measures covered a broad spectrum of subjects from the healing arts to contractors.

- 4 bills enacted by the Legislature relate to general matters affecting all or the vast majority of Nevada’s occupational and professional regulatory boards;
- 17 bills enacted by the Legislature relate to the “healing arts,” such as Oriental medicine, physical therapy, optometry, and pharmacy; and
- 12 bills enacted by the Legislature relate to “other regulated professions,” such as contractors, environmental health specialists, cosmetologists, and teachers.

This session, regulators and legislators discussed the current landscape of licensing requirements and committed to improving their understanding of where Nevada’s laws may create unnecessary barriers to economic opportunity. In response to removing potential barriers, the Legislature passed:

- Senate Concurrent Resolution 6, which directs the Sunset Subcommittee to conduct an interim study concerning professional and occupational licensing boards;
- Assembly Bill 275, which expands opportunities for certain people to obtain an occupational or professional license. The bill prohibits certain regulatory bodies from denying a certificate, license, or permit to an applicant solely based on his or her immigration or citizenship status; and
- Assembly Bill 319, which offers a process to allow a person to petition certain regulatory bodies for a determination of whether the person’s criminal history will disqualify the person from obtaining a certificate, license, permit, qualification, or registration. Additionally, the bill authorizes a regulatory body to post on its Internet website the requirements for obtaining a license, a list of crimes that would disqualify a person, and the process for a person to request his or her criminal history records for petitioning for a determination.

The Legislature also passed several measures specific to the occupations identified for study by Nevada’s Occupational Licensing Consortium Core Team.

State Contractors’ Board

- Assembly Bill 25 changes licensing requirements related to contractors. Among other provisions, the bill authorizes members of the military to apply to the State Contractor’s Board for reinstatement of a license under certain conditions, increases from five years to eight years the limitation on the inactive status of a contractor’s license, repeals requirements to submit financial statements and other information with each license application or renewal, and makes various changes concerning disciplinary actions by the Board.

- Assembly Bill 26 increases the maximum permissible amounts that may be paid out of the State Contractors' Board Recovery Fund on specific claims against residential contractors. The bill also increases the maximum amount of money that an injured person may recover for actual damages, as well as the maximum amount that may be recovered based upon claims made against any single contractor.
- Assembly Bill 27 revises the State Contractors' Board requirement to issue a cease and desist order if a person who acts as a contractor or submits bids on a job does not have a valid contractors' license instead of not having an active license of the proper classification. The bill also sets forth the actions that the Board is required or authorized to take after issuing such an order.

Nevada Physical Therapy Board

- Senate Bill 186 initially contained provisions enacting the Physical Therapy Licensure Compact, which would allow a person licensed as a physical therapist or physical therapist assistant in a state that is a member of the Compact, to provide services in person in other states that are members of the Compact. However, in its final version, SB 186 requires the Board of Athletic Trainers and the Nevada Physical Therapy Board to adopt regulations establishing the qualifications an athletic trainer or physical therapist must obtain before he or she is authorized to perform dry needling.

State Board of Cosmetology

- Senate Bill 208 revises provisions related to the practice of cosmetology by removing electrolysis from the definition of a cosmetologist and includes eyelash extensions and eyelash perming to the practice of esthetics. The bill also reduces the number of hours of training required for admission to the examination to be licensed as a hair designer and as an esthetician. Finally, the bill simplifies provisions for issuing and activating a license for a cosmetological establishment.

Finally, the Legislature enacted measures to remove barriers from special populations (some of which are mentioned above):

- Assisting people with criminal records—AB 319;
- Assisting immigrants—AB 275; and
- Assisting active military, spouses of active military, and veterans—AB 25 and SB 100.
- Senate Bill 100 provides an expedited Nevada teaching license application for the spouse of an active duty member of the United States Armed Forces. The bill also requires school districts to consider certain experience listed on a veteran's Joint Services Transcript, or a similar document, as credit towards required training, experience, or other licensure requirements for certain positions within the district. Further, the bill allows a member or veteran of the U.S. Armed Forces or the spouse of such a member or veteran, who obtained a license through an equivalent alternative route to licensure (ARL) program in another state, to obtain a Nevada license as if they had completed the ARL program in Nevada.