

# PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

AUTHORITY: NRS 652.125, 622.510 & Senate Bill 69 of the 2017 Legislative Session

**Section 1** 1. An initial applicant for laboratory personnel certification or laboratory director licensure who holds a corresponding valid and unrestricted license or certificate for the credential type for which they are applying, in any state or territory of the United States, and has passed a national examination for certification for the credential type for which he or she is applying, may be issued a license or certificate by endorsement if the applicant attests, under penalty of perjury, that he or she:

- (1) Is a citizen of the United States or has the legal right to work in the United States;
- (2) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;
- (3) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;
- (4) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;
- (5) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;  
and
- (6) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States.

## **Sec. 2**

1. If an applicant holds an active license or certificate in the District of Columbia or any state or territory of the United States for the credential type for which he or she is applying, and the applicant was required to be background checked in order to obtain the license or certificate, the active license or certificate shall serve as proof that the applicant has passed a comparable background check in accordance with subsection 2 (h) of Section 3 of Senate Bill 69 of the Legislative Session.

2. If an applicant does not meet the background check requirement in subsection 1 of Section 2, then an applicant who applies for laboratory personnel certification or laboratory director licensure pursuant to Section 1, must submit a complete set of his or her fingerprints to the Division and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal

History for submission to the Federal Bureau of Investigation for its report, pursuant to subsection 2 (h) of Section 3 of Senate Bill 69 of the Legislative Session.

3. The Division, upon determining that an applicant applying for laboratory personnel certification or laboratory director licensure pursuant to Section 1, has been convicted of crimes set forth in paragraph (a) of subsection 1 of NRS 449.174:

(a) May revoke, suspend or refuse to renew the license or certificate or may deny the application; or

(b) If the applicant has notified the Division pursuant to subsection 5 that the licensee or certificate holder or applicant is challenging the accuracy of information provided by the Division, the Division may suspend the license or certificate or deny the application pending the resolution of the challenge.

4. If the Division determines that a background investigation of an applicant pursuant to Section 1, cannot be completed because pertinent information is missing, the Division shall send a notice to the licensee or certificate holder or applicant which specifies the missing information and provides that the licensee or certificate holder or applicant must:

(a) Submit the missing information to the Division within 30 days after receipt of the notice; or

(b) Submit satisfactory evidence to the Division that the missing information cannot be obtained.

2. If a background investigation cannot be completed because the license or certificate holder or applicant has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct, and there has been no disposition of the matter, the licensee or certificate holder or applicant shall:

(a) Notify the Division immediately upon the scheduling of any judicial proceeding concerning the matter; and

(b) Notify the Division immediately upon the disposition of the matter and forward to the Division evidence of the disposition of the matter as soon as it is available.

3. As used in this section, "disposition" has the meaning ascribed to it in NRS 179A.050.

5. If an applicant feels the accuracy of the information provided as a result of the background check conducted pursuant to subsection 2 Section 2, is not correct, he or she may challenge the accuracy of the information by notifying the Division within 10 working days after being notified of the results of the background investigation that the licensee or applicant is challenging the accuracy of the information. Except as otherwise provided in subsection 3 (b) of Section 2, the Division shall give the licensee or certificate holder or applicant not less than 30 days after the Division receives notice

of the challenge to provide satisfactory evidence to the Division that the information is incorrect before suspending the license or certificate or denying the application.

**Sec. 3** An applicant who applies for laboratory personnel certification or laboratory director licensure pursuant to Section 1 must provide the name of the state or territory of the United States, including the District of Columbia, in which the applicant holds a valid certificate or license for the credential type for which he or she is applying and the certificate or license number.

**Sec. 4** The Division may deny an application or suspend or revoke a license or certificate if it is discovered an applicant willingly provided false information during the licensure or certification application process.

**Sec. 5** The Division may request any supporting documents required to ensure the provisions of Sections 1 to 4 are met.