Legislative Regulations Committee Meeting

**February 12, 2024**

**Agenda Item #7**

**For possible action; review and approve proposed NAC language relating to a temporary**

**certificate of endorsement and submit to LCB for drafting, pursuant to NRS 622.530.**

Speaker: Kevin Diamond, Legislative Regulations Committee Chair

Update: The proposed language for a Temporary Certificate by Endorsement was approved by the Legs & Regs Committee on 2-6-24. Per my conversation with Eileen O’Grady of LCB the next day, she made the following comments that will require us to rework our language:

* NRS 622.530 does not reflect a “temporary” license; it provides permanent reciprocity to individuals licensed in other states. Why does the Board need to vet the individual on a temporary basis when they were already vetted by the Board to receive a certificate by endorsement?
* NRS 622.530(3)(1) requires a passing score from a nationally recognized, national exams or other exam approved by the Board. NRS 656.170 requires a RPR or CVR to register for a certificate which qualifies the individual to register for a certificate. LCB understands our need to offer a NV based test – we will need to work on the language to include it. Taking and passing our NV exam could be 1 part of the process to obtain their certificate by endorsement.
* NRS 622.530 may negate our certification exam to out-of-state reporters since we are required to provide reciprocity. The exam may only be applied to individuals who just completed court reporting school.
* We may or may not need a definition. That will be determined by LCB once we start the drafting process.

*Note: Per NRS 622.530(1), a regulatory body shall adopt regulations providing the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person. (full language is listed below)*

***Certificate by Endorsement***

***NRS or NAC Definition: “~~Temporary~~ Certificate by Endorsement” means a certificate to practice court reporting ~~issued to a person on a temporary basis.~~***

***NAC 656.XXX “~~Temporary~~ Certificate by Endorsement” means a certificate to practice court reporting issued to a ~~person on a temporary basis~~ under the provisions of this chapter.****1. Any natural person may, with the approval of the Board, practice court reporting ~~on a temporary basis~~ as a certified court reporter. A natural person requesting the approval of the Board to practice court reporting ~~on a temporary basis~~ shall submit to the Board:
 a)  An application accompanied by a fee of $200 and all information as required under NRS*

 *656.150 and NRS 656.180
 b)  Documentation or other proof that the person has at least one continuous year of
 experience working full-time in the practice of court reporting; and
 c)  A copy of one of the following:*

*1) A certificate as a Registered Professional Reporter, Registered Merit Reporter or
Certified Realtime Reporter issued to the natural person by the National Court Reporters Association; or
2) A certificate as a Certified Verbatim Reporter issued to the natural person by the National Verbatim Reporters Association.*

*~~2. A temporary certificate by endorsement shall be renewed on or before January 2 of the
succeeding year, upon payment of the required fee, for a period not to exceed 12 months after
being issued.~~*

*2. A ~~temporary~~ certificate by endorsement shall remain in effect, upon payment of the required*

*fee, for a period not to exceed 12 months after being issued.*

*3. A natural person who is granted a ~~temporary~~ certificate by endorsement shall take a written examination until said examination is passed in accordance with NRS 656.160 and NRS 656.170.
4. If a natural person granted a ~~temporary~~ certificate by endorsement does not pass the written examination within 12 months after the certificate is issued, the court reporter will no longer be eligible for a ~~temporary~~ certificate by endorsement. (amend to include NV exam)
5. A natural person issued a ~~temporary~~ certificate by endorsement shall comply with the provisions set forth in NRS 656 and NAC 656 and all applicable laws, regulations and court procedural rules governing court reporters.
6. To the extent applicable, the Board will apply the laws, regulations and court
procedural rules governing court reporters, including, without limitation, suspension or revocation of a certificate, to a natural person holding a ~~temporary~~ certificate by endorsement as the Board applies those statutes and regulation to court reporters.
7. A natural person holding a ~~temporary~~ certificate by endorsement may administer oaths and affirmations in accordance with NRS 656.315.*

**NRS 622.530  Regulatory body to adopt regulations for license by endorsement for qualified persons; restrictions; issuance of license by endorsement; conflicts with other license by endorsement provisions. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

      1.  Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

      (a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

      (b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

      (c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

      2.  The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

      (a) 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;

      (b) 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;

      (c) 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;

      (d) 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;

      (e) 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;

      (f) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

      (g) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check; and

      (h) Submits to the regulatory body the statement required by [NRS 425.520](https://www.leg.state.nv.us/nrs/NRS-425.html#NRS425Sec520).

      3.  A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

      (a) Proof satisfactory to the regulatory body that the applicant:

             (1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

             (2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

             (3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant’s existing licensure for the period determined by the regulatory body preceding the date of the application; and

             (4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

      (b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

      (c) Any other information required by the regulatory body.

      4.  Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

      (a) Sixty days after receiving the application;

      (b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant’s background based on the submission of the applicant’s fingerprints, 15 days after the regulatory body receives the report; or

      (c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

Ê whichever occurs later.

      5.  A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

      6.  A regulatory body may deny an application for licensure by endorsement if:

      (a) An applicant willfully fails to comply with the provisions of paragraph (g) of subsection 2; or

      (b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

      7.  The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

      (Added to NRS by [2017, 3510](https://www.leg.state.nv.us/Statutes/79th2017/Stats201719.html#Stats201719page3510); A [2019, 4257](https://www.leg.state.nv.us/Statutes/80th2019/Stats201924.html#Stats201924page4257))

**NRS 622.530  Regulatory body to adopt regulations for license by endorsement for qualified persons; restrictions; issuance of license by endorsement; conflicts with other license by endorsement provisions. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

      1.  Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

      (a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

      (b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

      (c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

      2.  The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

      (a) 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;

      (b) 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;

      (c) 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;

      (d) 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;

      (e) 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;

      (f) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State; and

      (g) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check.

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      (a) Proof satisfactory to the regulatory body that the applicant:

             (1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

             (2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

             (3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant’s existing licensure for the period determined by the regulatory body preceding the date of the application; and

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      (b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

      (c) Any other information required by the regulatory body.

      4.  Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

      (a) Sixty days after receiving the application;

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      (c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

Ê whichever occurs later.

      5.  A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

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      (a) An applicant willfully fails to comply with the provisions of paragraph (g) of subsection 2; or

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      7.  The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

      (Added to NRS by [2017, 3510](https://www.leg.state.nv.us/Statutes/79th2017/Stats201719.html#Stats201719page3510), [3514](https://www.leg.state.nv.us/Statutes/79th2017/Stats201719.html#Stats201719page3514); A [2019, 4257](https://www.leg.state.nv.us/Statutes/80th2019/Stats201924.html#Stats201924page4257), effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)