Nevada hosted its 2019 Occupational Licensing Policy and Practice Learning Consortium In-State meeting on Sept. 6 in Las Vegas. The state’s Occupational Licensing Consortium Core Team of legislators, executive branch employees and regulatory board members convened to review this year’s progress and plan for future success. The Nevada officials were joined by representatives from The Council of State Governments, the National Conference of State Legislatures and the National Governor’s association to provide technical assistance and facilitation.

The Nevada Core Team reviewed notes from the second annual meeting of the Multi-State Learning Consortium in Clearwater, Fla. that took place in December 2018 and then reviewed relevant bills that passed in the 2019 legislative session. According to a legislative update released on June 19, 2019 by the Nevada Legislative Counsel Bureau’s Research Division, the legislature enacted 33 bills concerning occupational and professional licensing. Four bills concerned general matters affecting the majority of Nevada’s occupational and professional regulatory boards. Seventeen Bills were passed relating to the “healing arts,” including Oriental medicine, physical therapy, optometry and pharmacy. Twelve bills were enacted that relate to contractors, environmental health specialists, cosmetologists, teachers and other regulated professions.

According to the legislative update, “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.” To quickly assess the general function of the state’s licensing boards, the legislature passed Senate Concurrent Resolution directing the existing Sunset Subcommittee of the Legislative Commission to conduct an interim study concerning professional and occupational licensing boards.²

Several bills were passed that focus on disproportionately affected populations, including immigrants with work authorization, veterans and military spouses, and individuals with criminal records.

- **AB275** prohibits a regulatory body from denying licensure of applicants based solely on their immigration or citizenship status as long as they are authorized to work in the U.S. and allows an applicant for a professional or occupational license who does not have a social security number to provide an individual taxpayer identification number.³

- **AB319** authorizes a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify them from obtaining a license, requires a professional or occupational licensing board to implement a process for such a petition, and authorizes a regulatory body to post requirements for obtaining a license and a list of crimes that would disqualify a person for a license on its website. Additionally, the bill requires licensing boards to include certain information concerning the determinations of qualification or disqualification in their quarterly reports to the Legislative Counsel Bureau.⁴

- **SB100** requires expedited processing of applications for a license to teach for spouses of certain members of the military and requires school districts to consider a veteran’s Joint Services
Transcript or a similar document to satisfy qualifications for certain jobs. The bill also permits members of the military and their spouses to obtain a license to teach through the alternative route to licensure program under certain circumstances, including if they obtained a teaching license in another state through an equivalent alternative route.\(^5\)

Additional bills were passed that focus on occupations specifically targeted by Nevada’s Core Team.

**State Contractors Board**

- **AB25** changes various provisions governing contractors. The bill authorizes the State Contractors’ Board to delegate authority to hold certain hearings to a hearing officer or panel. It expands the period that a license applicant must have received certain experience before applying for a license. It repeals requirements that certain financial information must be reported to renew a residential construction contractor’s license, increases the period that a license may be inactive from five years to eight years and authorizes licensees on active duty in the military to apply to have their contractor’s license reinstated under certain circumstances.\(^6\)

- **AB26** revises provisions governing payments from the Recovery Fund by the State Contractors' Board. The bill increases the amount of money that the State Contractors' Board or its designee may pay out of the Recovery Fund to an injured person for certain claims against a residential contractor and increases the maximum amount of money that can be recovered from a claim against a single contractor. The act also revises the information that a residential contractor must include in certain written statements relating to the Recovery Fund.\(^7\)

- **AB27** revises provisions for cease and desist orders issued by the State Contractors' Board for acting as a contractor or submitting a bid on a job without a license. The act includes certain actions that the Board is required or authorized to take after issuing a cease and desist order, authorizes a person who is issued a cease and desist order to contest it within a certain period and describes the circumstances under which the order shall be deemed a final order of the Board.\(^8\)

**Nevada Physical Therapy Board**

- **SB186** requires the Nevada Physical Therapy Board and the Board of Athletic Trainers to adopt regulations establishing the qualifications a physical therapist or an athletic trainer, as applicable, must obtain before he or she is authorized to perform dry needling.\(^9\)

**State Board of Cosmetology**

- **SB208** revises the education and service requirements for hair designers and estheticians, removes the service of electrolysis from the definition of “cosmetologist” and revises the procedures for the issuing and activating a license for a cosmetological establishment. Specifically, this bill reduces the amount of training required to take the cosmetology exam from 1,200 hours to 1,000 for certain applicants and reduces the amount of service required as a hair designer’s apprentice from 2,400 hours to 2,000 hours.\(^10\)

In addition to the legislative success Nevada has enjoyed, the state’s Department of Employment, Training and Rehabilitation partnered with the Governor’s Office of Workforce Innovation on a $449,999 US Department of Labor grant. According to an Office of Workforce Innovation report,\(^11\) the grant will be used to compare licensed occupations with the most in-demand occupations in the state, reexamine the state’s occupational licensure and focus its efforts to better serve dislocated workers, transitioning service members and veterans by identifying existing policies that create unnecessary barriers to the labor market.
Executive Director Cathy Dinauer of the Nevada State Board of Nursing presented on current efforts to address the shortage of nurses in the state. The lack of certified nursing assistants, or CNAs, is exacerbated by a lack of qualified instructors, a high failure rate among students (particularly in high school programs) and the prohibitive cost of education. In response, the Office of Workforce Innovation and the Department of Employment Training and Rehabilitation awarded a grant to the Nevada System of Higher Education and the Nevada Action Coalition/Nevada Nursing and Workforce Center to create NVHOPE. NVHOPE’s purpose is to train registered nurses to become CNA instructors and to train unemployed/underemployed individuals to become CNAs at the College of Southern Nevada and Great Basin College. Three CNA trainers have graduated the program, with hopes to educate a total of 50. Until this year, there were no training programs in Nevada for licensed practical nurses, or LPNs, but the College of Southern Nevada received approval in January 2019 to open an LPN program. The Nevada Department of Education made progress in their project to start an LPN program in high schools when the State Board of Nursing approved their LPN standards in January 2019. Nevada is not currently part of the Enhanced Nursing Licensure Compact (eNLC), and a bill that proposed joining the compact failed to garner a sponsor in the 2019 legislative session.

Nancy Mathias, The Nevada Contractors Board Licensing Administrator, gave the next update. The Board eliminated the requirement for businesses to undergo a financial review for licensing because the reviews were not found to have meaningful results or add to public protection. Additionally, the costs of the financial reviews were burdensome, especially for small companies. The Board is also taking steps to recognize master’s degrees and military experience for licensing purposes. According to the Contractors Board website [13], when a veteran applies for a contractor’s license the Board will assign a specialized staff member “trained to evaluate transferrable Military training and experience from all branches of the Military that meet minimum licensure requirements, in addition to evaluating college transcripts to help verify acceptable educational credit and experience.” Dedicated staff members are also available to assist military spouses to expedite the licensing process.

In a general discussion, the Nevada Core Team expressed continuing interest in license reciprocity to help alleviate shortages of key workers, including teachers and nurses. Stakeholders discussed additional ways to improve the licensing process for military spouses to lower their unemployment rate and fill vacancies in in-demand occupations. The team will continue to help persons with a criminal background reenter the workforce to lower recidivism. The team ended the day by planning for the third annual meeting [14] of the Multi-State Learning Consortium in Park City, Utah, that took place Sept. 11-13.

As states across the country reassess professional licensing, Consortium states lead in licensing reform and legislative progress. The Nevada Core Team is committed to ongoing improvement of Nevada’s licensing environment and maintaining momentum after the Consortium grant ends.

Sources

1. Nevada Legislative Counsel Bureau Research Division. (June 19, 2019) Update to the Occupational Licensing Policy and Practice Learning Consortium Nevada Core Team

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