

CRIMINAL HISTORY PETITIONS

8:01 SCOPE

This section is designed to provide general information on the Board process for a criminal history petition pursuant to AB 319 requiring a regulatory body to develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license from the regulatory body.

8:02 PROCESS FOR SUBMISSION AND DETERMINATION OF CRIMINAL HISTORY PETITIONS

A person with prior criminal history may submit a written petition to the Board requesting that the Board make a determination as to whether or not the person's criminal history will disqualify the person from obtaining any license, certificate, or permit issued by the Board. A person with a criminal history may petition the Board at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Board.

The Board will review all petitions at a public meeting and review the petitions for compliance with the moral character clauses contained in NRS 642 and requirements detailed within NAC 642.085. Not later than 90 days after a petition is submitted, the Board will inform the person of the determination of the regulatory body.

8:03 REMEDIES FOR DETERMINATION OF DISQUALIFICATION

The Board may provide a person with prior criminal history who has been provided a determination of disqualification instructions to remedy the disqualification. If the Board has provided such instructions, a person may resubmit a petition not earlier than 6 months after receiving said instructions if the person remedies the determination of disqualification.

8:04 RESUBMISSION OF PETITION

A person may submit a new petition to the Board not earlier than 2 years after the final determination of the initial petition submitted to the Board.

8:04 COST OF SUBMISSION

The Board will not collect fees for the initial petition. If applicant resubmits any petition, the Board shall collect the allowed \$50 fee for submission.

ATTACHED INFORMATION REGARDING GOOD MORAL CHARACTER DETERMINATIONS

NAC 642.085 Initial assessment of applicant's good moral character; consideration of aggravating or mitigating factors after initial assessment. (NRS 642.035)

1. In determining whether an applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to [chapter 451, 452](#) or [642](#) of NRS, the Board will establish an initial assessment that the person is of good moral character if the person:

(a) Has never been convicted in a court of competent jurisdiction of a category A or B felony;
(b) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a gross misdemeanor or category C, D or E felony;

(c) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, been convicted in a court of competent jurisdiction of a misdemeanor that has a reasonable relationship to the person's license, permit or certificate;

(d) Is not currently incarcerated or on parole or probation after a period of imprisonment in a local, state or federal penal institution;

(e) Has not engaged in fraud or misrepresentation in connection with an application for issuance of a license, permit or certificate issued pursuant to [chapter 451, 452](#) or [642](#) of NRS or an examination required for issuance of the license, permit or certificate;

(f) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate revoked by the Board or by the funeral services licensing authority of any other jurisdiction;

(g) Does not currently hold a suspended license, permit or certificate or has not, within the 2 years immediately preceding the date of application for the issuance of the license, permit or certificate, had a license, permit or certificate suspended by the Board or by the funeral services licensing authority of any other jurisdiction, unless the suspension is pending final adjudication;

(h) Has not, within the 7 years immediately preceding the date of application for the issuance of the license, permit or certificate, surrendered a license, permit or certificate to the Board or the funeral licensing authority of any other jurisdiction in lieu of disciplinary action; and

(i) Has not practiced funeral directing or embalming without a license in this State or any other jurisdiction that requires licensure to perform those activities.

2. After establishing an initial assessment regarding whether an applicant is of good moral character, the Board will consider any aggravating or mitigating factors to determine whether the applicant is of good moral character for the purpose of the issuance of a license, permit or certificate pursuant to [chapter 451, 452](#) or [642](#) of NRS.

(Added to NAC by Funeral and Cemetery Svcs. Bd. by R067-15, eff. 11-2-2016)