

**DEPARTMENT OF ADMINISTRATION
HEARINGS DIVISION**

**NOTICE OF INTENT TO ACT
ON PROPOSED REGULATIONS
And
HEARING AGENDA**

**Notice of Hearing for the Amendment/Repeal of Regulations
by the Hearings Division, Department of Administration
April 7, 2023, at 9:00 a.m.**

You are hereby given notice that the Hearings Division of the Department of Administration ("Division") will conduct a public hearing on April 7, 2023, at 9:00 a.m., at 2200 S. Rancho Dr. Suite 220, Las Vegas, Nevada 89102 concerning proposed amendments and deletions to the permanent regulations in Chapter 616C of the Nevada Administrative Code (NAC). The purpose of the hearing is to receive comments from all interested persons regarding the amendment and repeal of regulations that pertain to Chapter 616C of the NAC.

Members of the public may attend and participate in this meeting in the following ways:

- 1. Physical attendance at the Hearings Division office: 2200 S. Rancho Dr. Suite 220, Las Vegas, Nevada 89102; or**
- 2. Physical attendance at the Hearings Division office: 1050 E. William St. Suite 450, Carson City, Nevada 89701; or**
- 3. Telephonic attendance by dialing +1 775-321-6111 and entering Phone Conference ID: 479 902 871#.**

The following information is provided pursuant to the requirements of NRS 233B.0603:

The need for and purpose of the proposed regulation or amendment: *Proposed amendments and/or repeals of these regulations are made pursuant to Executive Order 2023-003 where the Governor has mandated each branch department, agency, board and commission to take a comprehensive review of regulations subject to its enforcement and provide a report detailing how such regulation can be streamlined, clarified, reduced, removed, or otherwise improved to ensure these regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.*

Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved: *These suggested amendments and/or repeals are to address duplicative, obsolete, or needed additional language in current regulations required for effective and efficient procedures in handling workers' compensation cases.*

The estimated economic effect of the regulation on (a) regulated businesses and (b) the public, including stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

Adverse and beneficial effects: *The Division anticipates no adverse or beneficial effects on any regulated businesses as a result of the proposed alterations and repeals.*

Immediate and long-term effects: *The Division anticipates no immediate or long-term effects on any regulated businesses as a result of the proposed alterations and repeals.*

(b) The public

Adverse and beneficial effects: *The Division anticipates beneficial effects to the public in the form of greater agency efficiency and speedier resolution of contested claims. The Division anticipates no adverse effects on members of the public.*

Immediate and long-term effects: *The Division anticipates no immediate effects to the public. The Division anticipates long-term beneficial effects in the form of greater agency efficiency and speedier resolution of contested claims.*

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost to implement these proposed amendments.*

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: *The proposed amendments do not overlap or duplicate any regulations of other state or local government agencies or federal regulations.*

If the regulation is required pursuant to federal law, a citation to and description of the federal law: *Federal law does not require the proposed amendments.*

If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: *No federal regulation regulates the same activity.*

Whether the proposed regulation establishes a new fee or increases an existing fee: *The proposed amendments do not establish a new fee or increase an existing fee.*

Persons wishing to comment upon the proposed action of the Hearings Division of the Department of Administration may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Hearings Division of the Department of Administration, 2200 S. Rancho Dr. Ste 220 Las Vegas, NV 89102. Written submissions must be received by the Hearings Division of the Department of Administration at

least five (5) working days prior to the scheduled hearing date. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Hearings Division of the Department of Administration may proceed immediately to act upon written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing must notify the Division in writing at least three (3) working days prior to the scheduled hearing date.

A copy of this notice and the regulations to be amended and repealed will be available at the Hearings Division's webpage <https://hearings.nv.gov/>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon written request at least three (3) working days prior to the scheduled hearing date. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Division, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reason for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted on Nevada's notice website: <http://leg.state.nv.us/App/Notice/A/>; State of Nevada notice website: <https://notice.nv.gov/>; and the Hearings Division's website: <https://hearings.nv.gov/> as set forth in NRS 241.020(4)(b) and (4)(c). A copy of the Notice and the proposed permanent regulation to be adopted and/or amended is on file and has also been posted at the following locations: Hearings Division of the Department of Administration, 2200 S. Rancho Dr. Suite 220, Las Vegas, Nevada 89102; and 1050 E. William St. Suite 450, Carson City, Nevada 89701.

**HEARING AGENDA
DEPARTMENT OF ADMINISTRATION
HEARINGS DIVISION
April 7, 2023, 9:00 a.m.**

Notice: (1) Items on the Agenda may be taken out of order; (2) the Division may combine two or more Agenda items for consideration; and (3) the Division may remove an item on the Agenda at any time; (4) Comments by individuals will be limited to five minutes and comments by spokespersons for a group will be limited to ten minutes.

- I. Call to Order.**
- II. Public Comment.** The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.
- III. Discussion of Proposed Permanent Regulations** –amendment/repeals of regulations that pertain to Chapters 616C of the Nevada Administrative Code.
- IV. Public Comment.** The opportunity for public comment is reserved for any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.
- V. Adjournment.**

REVIEW OF NEVADA ADMINISTRATIVE CODE (NAC) PROVISIONS REGULATED BY THE HEARINGS DIVISION, DEPARTMENT OF ADMINISTRATION

Nevada Administrative Code:		Remove:	Revise:	No Change:
Contested Claims of Injured Employees				
616C.260	Definitions.			X
616C.265	Hearing officer: Qualifications regarding education and experience.			X
616C.267	Hearing officer: Additional qualifications.			X
616C.269	Hearing officer: Training requirements.			X
616C.2691	Hearing or appeals officer: Professional conduct.			X
616C.2692	Hearing or appeals officer: Prohibited acts.			X
616C.2693	Limitation on communications between hearing or appeals officer and party or representative; disclosure.			X
616C.2694	“Conflict of interest” and “personal interest” interpreted.		X	
616C.26941	Complaint of violation; investigation.			X
616C.26942	Appeals officer: Training requirements.			X
616C.2695	Special appeals officer: Qualifications; determination of assignment.			X
616C.270	Appeal to hearing officer.	X		
616C.274	Form for requesting hearing before hearing officer or for notice of appeal; information required to be provided by insurer or third-party administrator.			X
616C.2745	Hearing on decision concerning accident benefits made by organization for managed care.			X
616C.275	Procedure for submission of contested claim directly to appeals officer.			X
616C.2753	Hearing or adjudication conducted by Hearings Division at request of another agency.			X
616C.2755	Assistance in interpreting English language during proceedings.			X
616C.277	Scheduling of prehearing conference by appeals officer.		X	
616C.278	Additional conferences called by appeals officer; request for assignment of matter for mediation.			X
616C.279	Failure of party to appear.		X	
616C.282	Failure to comply with regulations.		X	
616C.2823	Failure to respond to request for determination.			X
616C.2825	Information required for appeal of a final determination.			X
616C.2827	Consolidation with pending case; request for consolidation; service; approval.		X	
616C.284	Request for issuance of subpoena; approval or denial of request.		X	
616C.285	Failure to comply with order or subpoena.			X
616C.291	Filing and service of documents.			X
616C.294	Proof of service.	X		
616C.297	Requirements for filing and service of information.		X	
616C.300	Service of copies of documents by insurer; submission of documents to Hearings Division; provision of documents to insurer.			X
616C.303	Papers and documents.	X		

REVIEW OF NEVADA ADMINISTRATIVE CODE (NAC) PROVISIONS REGULATED BY THE HEARINGS DIVISION, DEPARTMENT OF ADMINISTRATION

Nevada Administrative Code:		Remove:	Revise:	No Change:
616C.305	Request or application to permit discovery by deposition, interrogatories or production of documents.		X	
616C.306	Proposed findings of fact and conclusions of law; motion to amend.		X	
616C.307	Evidence recorded on videotape, digitally or in any other electronic medium.			X
616C.309	Testimony by telephone.		X	
616C.312	General requirements for motions.			X
616C.313	Motion for change of venue.			X
616C.315	Stay of decision of hearing officer.			X
616C.318	Continuances.		X	
616C.320	Conduct of parties.			X
616C.321	Counsel of record.			X
616C.324	Counsel to be licensed to practice law.			X
616C.327	Rehearings.		X	
616C.328	Judicial review.			X
616C.330	Records of hearings.			X
616C.334	Interpretation of certain terms used in NRS 616D.065; payment of certain costs by attorney or licensed representative.			X
616C.335	Petitions concerning regulations.			X
616C.336	Clarification of regulations and relief from strict application.			X
Licensing of Representatives for Contested Claims				
616C.350	Definitions.			X
616C.353	Application for license; necessary documentation; persons required to comply.			X
616C.356	Information concerning prior licensing of applicant.			X
616C.359	Examination required; exception; payment of fee for licensure.			X
616C.362	Verification of information provided by applicant; misstatement as ground for denial of license or disciplinary action.			X
616C.365	Maintenance of place of business; notification of address and telephone number; submission of agreement for compensation.			X
616C.368	Grounds for revocation, limitation, suspension or refusal to renew license.			X
616C.372	Notice to licensee of revocation, limitation, suspension or refusal to renew license; rehearing.			X
616C.374	Relicensing after revocation of license.			X
616C.377	Surrender of license upon revocation or suspension.			X

**REVISED PROPOSED REGULATION OF THE HEARINGS DIVISION OF THE
DEPARTMENT OF ADMINISTRATION
April 7, 2023**

EXPLANATION – Matter in brackets ~~[omitted material]~~ is material to be omitted and matter in *blue italics* is new language.

AUTHORITY: NRS 616C.295; NRS 616C.310; and NRS 616C.325

Contested Claims of Injured Employees

NAC 616C.2694 “Conflict of interest” and “personal interest” interpreted. (NRS 616C.295) As used in NRS 616C.300 and 616C.340, the Chief of the Hearings Division interprets the terms “conflict of interest” and “personal interest” to include, without limitation:

1. A bias or prejudice concerning a party, an attorney or other representative of a party, or any other participant in the proceeding.

2. Knowledge obtained from sources outside of the proceeding of evidentiary facts that are disputed in the proceeding.

3. Service as an attorney in the matter in controversy.

~~[4.—Service of an attorney with whom the officer previously has been associated, during the period of association with the officer, as an attorney in the matter in controversy.]~~

~~[5]~~ 4. Being a material witness in the matter in controversy.

~~[6]~~ 5. Having, as an individual or as a personal representative, trustee, conservator or guardian, a financial interest in the matter in controversy or any other interest that could be affected substantially by the outcome of the proceeding.

~~[7]~~ 6. Being, as an individual or as a personal representative, trustee, conservator or guardian, a party to the proceeding.

~~[8]~~ 7. If the spouse, a parent or a child of the hearing or appeals officer, regardless of residence, or any other person residing in the household of the officer:

(a) Has a financial interest in the matter in controversy or any other interest that could be affected substantially by the outcome of the proceeding;

(b) Is a party in the proceeding;

(c) Is an officer, director, partner or trustee of a party in the proceeding;

(d) Is acting as an attorney in the proceeding; or

(e) To the knowledge of the hearing or appeals officer, is likely to be a material witness in the proceeding.

NAC 616C.270 Appeal to hearing officer. (NRS 616C.310) ~~[Any claimant who is aggrieved by any final determination of the insurer or the insurer’s staff may appeal from the decision to a hearing officer.]~~

NAC 616C.277 ~~[Scheduling of p]~~Prehearing conferences by appeals officer. (NRS 616C.310)

1. An appeals officer may schedule a prehearing conference in any appeal filed to discuss ~~and issue orders concerning [settlement, discovery, scheduling, or other matters pertinent to the appeal, including, without limitation]:~~

- (a) Expedition of the pending case.
- (b) Hearing motions.
- (c) Submission of documentary evidence.
- (d) Narrowing the issues.
- (e) Setting a ~~[convenient]~~ date for the primary hearing.

2. ~~[An appeals officer may enter any order relating to the matters described in subsection 1.]~~

3. *As used in this section, "counsel of record" means any attorney who has made an appearance on behalf of any party to the proceeding and the members of that attorney's law firm.*

4. *As used in this section, "prehearing conference" means any conference held prior to the primary hearing including but not limited to status checks.*

NAC 616C.279 Failure of party to appear. (NRS 616C.310)

1. If a party *or his or her counsel of record* who appeals fails to appear *at a hearing scheduled per NRS 616C.315* after due notice has been given and good cause is not shown for the failure to appear, the hearing officer may dismiss the case with prejudice.

2. An appeals officer may dismiss with prejudice an appeal by a party who received notice of a hearing before a hearing officer, failed to appear at or participate in the hearing before the hearing officer and failed to show cause for his or her failure to appear at the hearing.

3. *If a party or his or her counsel of record fails to appear at a hearing scheduled per NRS 616C.345 after due notice has been given and good cause is not shown for the failure to appear, the appeals officer may:*

(a) If the failure to appear is by the appealing party or his or her counsel of record, the appeals officer may dismiss the case with prejudice.

(b) If the failure to appear is by any other party or his or her counsel of record, the appeals officer may enforce remedies per NAC 616C.282.

4. *If a party or his or her counsel of record fails to appear or respond as required at a prehearing conference scheduled per NAC 616C.277, the appeals officer may enforce remedies per NAC 616C.282.*

NAC 616C.282 Failure to comply with regulations. (NRS 616C.310) If a party or his or her counsel *of record* or licensed representative fails or refuses to comply with NAC 616C.274 to 616C.336, inclusive, the hearing or appeals officer may make such orders as are necessary to *enforce and* direct the course of the hearing, including, but not limited to, the following:

1. Continue the hearing until the party or counsel *of record* or licensed representative complies with the requirements.

2. Restrict or prohibit the introduction of evidence.

3. Dismiss the matter.

4. *Issue an order certifying disobedience or refusal to comply with regulations with the appropriate district court at his or her discretion with a suggested fine of, at minimum, \$500 per violation to be paid to the Division for the Fund for Workers' Compensation and Safety.*

5. *If there has been no activity by the parties during the course of the appeal for 12 months, the appeals officer may dismiss the appeal without prejudice for want of prosecution.*

[4] 6. If the failure or refusal to comply is by a licensed representative, refer the matter to the senior appeals officer for appropriate action pursuant to NAC 616C.350 to 616C.377, inclusive.

[5] 7. If the failure or refusal to comply is by an insurer or a third-party administrator, refer the matter to the Commissioner of Insurance for appropriate action.

[6] 8. If the failure or refusal to comply is by an attorney licensed in this State, refer the matter to the State Bar of Nevada for appropriate action.

NAC 616C.2827 Consolidation with pending case; ~~request for~~ consolidation; *deconsolidation*; service; approval. (NRS 616C.310)

1. An appeal of a hearing officer's decision may be consolidated with *any* cases pending ~~before~~ in the appeals office~~[f]~~:

(a) *At the discretion of the appeals officer;*

(b) At the request of a party to the appeal of a hearing officer's decision; and

(c) When:

(1) ~~Both~~ *The* cases involve the same claim and the same parties;

(2) ~~Both~~ *The* cases involve similar questions of fact or law; or

(3) Consolidation would reduce duplication and judicial effort.

2. *Any consolidated appeals of hearing officer decisions may be deconsolidated:*

(a) *At the discretion of the appeals officer; or,*

(b) *At the request of a party to the appeals.*

3. A request for consolidation *or deconsolidation* must be in writing and must contain:

(a) The name of the appeals officer who is hearing the pending case with which the appealed case would be consolidated *or deconsolidated*; and

(b) The appeal numbers of the ~~pending~~ *related* cases.

3. A request for consolidation *or deconsolidation* must be served pursuant to NAC 616C.291 and 616C.294 on all parties who appeared before the hearing officer in the case being appealed.

4. The appeals officer assigned to the case with which consolidation *or deconsolidation* is sought shall approve or deny the request ~~for consolidation~~ not later than 5 days after receiving the request.

NAC 616C.284 Request for issuance of subpoena; approval or denial of request. (NRS 616C.310)

1. A party who wishes a hearing or appeals officer to issue a subpoena requiring the attendance of a witness or the production of a book, account, paper, record, or other document must submit a request for a subpoena to the hearing or appeals officer:

- (a) At any prehearing conference held in the matter;
- (b) At least ~~[40]~~ 30 days before the hearing; or
- (c) As otherwise allowed by the hearing or appeals officer.

2. A request for a subpoena must:

- (a) Set forth the reason why the subpoena is necessary; and
- (b) Be accompanied by a completed form for the subpoena.

3. The hearing or appeals officer shall:

(a) Approve the request if it appears that the witness or document requested is relevant to the issues in the matter and the party requesting the subpoena is otherwise unable to compel the attendance of the witness or the production of the document.

(b) Approve or deny the request for a subpoena within ~~[5]~~ 10 days after the receipt of the request.

4. Any subpoena for the production of a book, account, paper, record, or other document must include a notice of how the requested document can be provided without requiring the appearance of a person at the hearing.

NAC 616C.294 Proof of service. (NRS 616C.310) ~~[Proof of service may be made by certificate of the counsel for a party or of the counsel's employee, or by written admission, affidavit, or other proof satisfactory to the appeals officer. Failure to make proof of service does not affect the validity of service.]~~

NAC 616C.297 Requirements for filing and service of information. (NRS 616C.310)

1. Within the times prescribed in subsection 2, all parties shall file with the appeals officer and serve upon all other parties:

- (a) All documents to be introduced as evidence at the hearing;
- (b) A statement of the issues to be raised;
- (c) A list of witnesses, a brief summary of proposed testimony, and a statement whether any of the testimony is to be taken by use of the telephone; and
- (d) An estimate of the length of time required to present the case, including rebuttal testimony and argument.

2. Except as otherwise provided in NAC 616C.305 or as otherwise ordered by an appeals officer after any prehearing conference conducted by the appeals officer, the materials required under subsection 1 must:

- (a) Be filed by the appellant at least 14 days before the scheduled hearing;
- (b) Be filed by a respondent at least 7 days before the scheduled hearing;
- (c) Include a comprehensive index; and
- (d) Include pages that are separately numbered.

3. Failure to comply with subsections 1 and 2 may result in prohibition of evidence or other remedies per NAC 616C.282.

4. Papers and documents submitted to an appeals officer must:

- (a) Have any personal identifying information redacted; and*
- (b) If personal identifying information has been redacted, include an affirmation that the submitted papers and documents do not contain the personal identifying information of any person,*
↪ unless the identity of the person is at issue.

5. Papers and documents submitted without the affirmation required pursuant to paragraph (b) of subsection 4 must not be accepted into evidence in any proceeding before an appeals officer.

6. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 616C.310.

NAC 616C.303 Papers and documents. (NRS 616C.310)

~~1. Papers and documents filed pursuant to NAC 616C.282 to 616C.336, inclusive, need not conform to any particular format.~~

~~2. All papers and documents and copies thereof must be legible.~~

~~3. A party shall furnish to the counsel for any other party, or to the party if he or she is not represented by counsel, copies of all papers and documents served upon any party or filed with the appeals officer.~~

~~4. Papers and documents offered as evidence, except for good cause shown, must not be marked with highlighting, underlining, any annotation, or other device that serves to draw attention to one part of the document over another part or one document over another document or to comment on the contents of the document.~~

~~5. Papers and documents submitted to an appeals officer must:~~

~~(a) Have any personal identifying information redacted; and~~

~~(b) If personal identifying information has been redacted, include an affirmation that the submitted papers and documents do not contain the personal identifying information of any person,~~

~~unless the identity of the person is at issue.~~

~~6. Papers and documents submitted without the affirmation required pursuant to paragraph (b) of subsection 5 must not be accepted into evidence in any proceeding before an appeals officer.~~

~~7. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 616C.310.]~~

NAC 616C.305 [Request or application] Motion to permit discovery by deposition, interrogatories or production of documents. (NRS 616C.310)

1. A party who wishes *to conduct* ~~[an appeals officer to permit]~~ discovery by deposition, interrogatories or production of documents must *file a written motion requesting* ~~[request]~~ such discovery at any prehearing conference held in the matter or submit a written ~~[application]~~ *motion* to that officer at least 30 days before the hearing. The ~~[application]~~ *motion* must:

(a) Set forth the reason why the discovery is necessary; ~~[and]~~

(b) Attach copies of any proposed written discovery;

~~[(b)]~~ *(c) Comport with NAC 616C.312; and*

(d) Be accompanied by the appropriate orders for discovery.

2. The appeals officer shall ~~[approve]~~ *grant* or deny the ~~[application]~~ *motion* within ~~[5]~~ *10* days after the receipt of ~~[the application]~~ *any opposition or 10 days after the date upon which such opposition was due.*

3. *All discovery must be completed within 90 days of the order granting said discovery unless a party requests in writing establishing good cause for an enlargement of time.*

NAC 616C.306 Proposed findings of fact and conclusions of law; motion to amend. (NRS 616C.310)

1. An appeals officer may order a party to prepare proposed findings of fact and conclusions of law.

2. If an appeals officer orders a party to prepare proposed findings of fact and conclusions of law, the party shall, within ~~[40]~~ *30* days after the appeals officer issues the order or as otherwise specified by the appeals officer:

(a) Submit the proposed findings of fact and conclusions of law to the appeals officer; and

(b) Serve upon the opposing party or, if the opposing party is represented, upon the counsel or licensed representative of the opposing party, a copy of the proposed findings of fact and conclusions of law.

3. If a party who has been served proposed findings of fact and conclusions of law pursuant to paragraph (b) of subsection 2 desires to oppose one or more of the findings or conclusions, that party shall, within 5 days after receiving the proposed findings of fact and conclusions of law:

(a) File with the appeals officer a motion to amend the proposed findings of fact and conclusions of law; and

(b) Serve upon the party who prepared the proposed findings of fact and conclusions of law or, if that party is represented, upon the counsel or licensed representative of that party, a copy of the motion to amend the proposed findings of fact and conclusions of law.

NAC 616C.309 Testimony by telephone. (NRS 616C.310)

1. Testimony may be taken by a hearing or appeals officer by use of the telephone. The hearing or appeals officer shall determine any issues relating to the credibility of such testimony in the same manner as the credibility of any other testimony is determined.

~~[2.—A person providing testimony by a long distance telephone call shall pay the costs of the telephone call and provide billing information or otherwise accept the charges for the call when presenting testimony at the hearing.]~~

~~[3]~~ 2. *If a party requests to present testimony by telephone and is not available to do so when the hearing or appeals officer places the call, the party may be deemed to have failed to appear subject to NAC 616C.279.*

NAC 616C.318 Continuances. (NRS 616C.310) ~~Continuance of a 1.~~ Any matter set for hearing before a hearing officer ~~or an appeals officer~~ may be ~~granted by the hearing officer or appeals officer~~ *continued only upon:*

~~1.—His or her own motion, for good cause;~~

a. By the hearing officer at his or her discretion with reasonable notice to the parties;

~~—2. b By W~~ritten stipulation of the parties ~~and written approval of the hearing officer or appeals officer~~ obtained not less than 5 days before the scheduled hearing, ~~but stipulations are not necessarily good cause;~~
or

~~3. c By A~~ffidavit showing good cause filed by a party not less than 5 days before the scheduled hearing.

2. *Any matter set for hearing before an appeals officer may be continued:*

a. By the appeals officer at his or her discretion with reasonable notice to the parties;

b. For the initial hearing before an appeals officer set in accordance with NRS 616C.345, only upon written approval by the appeals officer after receiving:

i. written stipulation of the parties obtained not less than 5 days before the scheduled hearing; or

ii. affidavit showing good cause filed by a party not less than 5 days before the scheduled hearing.

c. For one additional continuance subsequent to a continuance made per subsection (2)(b), only:

i. By written stipulation of the parties establishing good cause and obtained not less than 5 days before the scheduled hearing; or

ii. By motion of the requesting party showing good cause for the continuance. Any motion made pursuant to this section must be made not less than 15 days before the scheduled hearing. All other parties will have 5 days to oppose the motion in writing. No replies will be considered without direction from the appeals officer.

d. Any additional continuances will only be considered upon compelling circumstances provided in writing by the requesting party to the appeals officer. No continuances will be given to a date beyond two years after the initial filing of the appeal absent compelling circumstances.

e. If a hearing has not been conducted within three years after the initial filing of the appeal, the appeals officer may dismiss the appeal without prejudice or impose any other sanctions for failure to comply with regulations per NAC 616C.282.

f. If the initial hearing set per NRS 616C.345 is continued for any reason, the appeals officer may set a date for the primary hearing.

NAC 616C.327 ~~[Rehearings]~~ *Reconsideration*. (NRS 616C.310)

1. A written ~~[petition]~~ *motion* for ~~[a-rehearing]~~ *reconsideration* based on good cause or newly discovered evidence may be filed with the appeals officer within ~~[45]~~ *10* days after the service of a notice of the final decision. A copy of the ~~[petition]~~ *motion* must be served upon the other parties within the same time.

2. Any party may file an opposition within 5 days after the filing of a motion for reconsideration.

~~[2]~~ *3.* The appeals officer shall grant or deny the ~~[petition]~~ *motion* for ~~[rehearing]~~ *reconsideration* within 15 days after the receipt of the ~~[petition]~~ *motion*. If the ~~[petition]~~ *motion* is granted, the rehearing or new decision must be held within 30 days after the ~~[petition]~~ *motion* is granted.