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OPINION NO. 2024-02

**BOARDS & COMMISSIONS;**  
**NURSES/NURSING/STATE BOARD**  
**OF NURSES; PERSONNEL; TERM**  
**LIMITATIONS:** All time served by a member of a Title 54 regulatory body, whether serving an unexpired term or a full term, counts toward the total term limitation contained in NRS 622.207.

Susan S. VanBeuge, DNP, APRN, FNP-BC, FAANP  
Board President  
Nevada State Board of Nursing  
5011 Meadowood Mall Way, #300  
Reno, NV 89502

Dear Ms. VanBeuge,

Pursuant to NRS 228.150, you have requested an opinion on whether the time served under your appointment to fill in another member's unexpired term would count toward your own appointment in calculating the maximum term limit of 12 years. The provisions of NRS 232A, NRS 622 and NRS 632 address how long a member can serve on the Board.

You write that you were appointed to the Nevada State Board of Nursing ("Board") on March 30, 2015, to fill another member's unexpired term. You were in this position for 19 months before you applied and were appointed to the Board in 2016. You were reappointed in 2020, and your current term expires October 31, 2024. If you were to be reappointed to the Board when your current term expires, your total service in this position at the end of that final term would exceed 12 years—if your initial appointment to fill another member's term counts toward calculating your own total service on the Board. This opinion will address that specific issue.

### **QUESTION**

Whether the time served on the Board to fill in another member's term counts toward calculating the total term time for appointment on the Board?

### **SHORT ANSWER**

Yes. NRS 622.207's total term limit of 12 years served at the time of final appointment includes any time served fulfilling an unexpired term.

### **ANALYSIS**

Answering this question requires analyzing NRS chapters 232A, 622 and 632. "The construction of a statute should give effect to the Legislature's intent." *Richardson Constr., Inc. v. Clark Cty. Sch. Dist.*, 123 Nev. 61, 64 (2007). If the statute's text is unambiguous, that ends the inquiry. *Id.* If not, the statute must be examined "in the context of the entire statutory scheme, reason, and public policy to effect a construction that reflects the Legislature's intent." *Id.*

Regardless of whether a person is appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor, the person must meet the same qualifications set by NRS 232A. Any vacancy must be filled by the Governor for the remainder of the unexpired term. NRS 232A.020(4). The statute defines a vacancy on a board, commission, or similar body as "when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months." NRS 232A.020(3). NRS 232A does not address how filling a vacancy is calculated toward total service on a board.

NRS 622.207(1), enacted in 2017, applies to all Title 54 professional licensing boards and states, "a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment." The language "has served as a member of that regulatory body" does not limit itself to partial or whole terms, but instead encompasses all time serving as a member of the body.

Regarding the Nursing Board, NRS 632.030(5) states that "[e]ach member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term."

Prior to 2021, NRS 632.030 contained a provision specifying that only service of two or more years filling an unexpired term would constitute a term. The provision also limited members to a total of two consecutive terms. However, in response to NRS 622.207's enactment in 2017, the Nevada Legislature removed this provision from NRS 632 in 2021. Minutes of the Assembly Committee on Commerce and Labor, 81st Legislative Session of Nevada at 4 (Feb. 22, 2021). NRS 632 no longer addresses how filling a vacancy is calculated toward total service on the Board.


Since NRS 632 does not specify a stricter term limitation than NRS 622, the total 12 years prior to final appointment limit of NRS 622.207 applies to your question.

In your particular case, even though your previous 19 months of service filling an unexpired term does count toward NRS 622.207's 12-year limitation, NRS 622.207 does not bar the Governor from reappointing you for another 4-year term at the expiration of your current term in October 2024. This is because, at the time of your reappointment (the relevant time under NRS 622.207), you will have served only 9 years and 7 months total (two 4-year terms plus 19 months), below NRS 622.207's 12-year limitation.

#### CONCLUSION

As discussed above, any time served by a member of a regulatory body during a partial or unexpired term counts toward the total term limitations contained in NRS 622.207.

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