

**PROPOSED REGULATION OF THE  
BOARD OF OCCUPATIONAL THERAPY**

**LCB File No. R210-07**

April 15, 2008

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

**AUTHORITY:** §§1-13, 15-23, 26, 28-33, 35-39, 41-43, NRS 640A.110; §§14 and 25, NRS 640A.110 and 640A.180; §24, NRS 640A.110 and 640A.140; §27, NRS 640A.110 and 640A.170; §34, NRS 640A.110 and 640A.190; §40, NRS 640A.110 and NRS 640A.230.

A REGULATION relating to occupational therapy; providing and revising definitions relating to occupational therapy; providing requirements for an active license for occupational therapy; providing for the reinstatement of an active license; providing for the conversion between an active license and an inactive license; providing for the waiver of the requirements for continuing education; providing for the name under which a person may practice occupational therapy; providing for verification of a license; providing for forms of payment to the Board of Occupational Therapy; providing for disciplinary action; providing for the recovery of attorney's fees and costs by the Board; revising requirements that relate to an application for a license; revising the date of expiration for a license; providing requirements for a person whose active license has expired; revising the requirements for a temporary license and a provisional license; revising the requirements for a written request relating to continuing education; revising provisions relating to the subject matter of continuing education; revising the requirements relating to displays of licensure; revising requirements relating to the changing of a name on a license; revising various fees; revising requirements relating to the title of a person who holds a license; revising provisions relating to ethics and standards of practice; revising requirements relating to the practice and supervision of the practice of occupational therapy; revising provisions relating to the delegation of duties; revising provisions relating to unprofessional conduct; repealing certain provisions; and providing other matters properly relating thereto.

**Section 1.** Chapter 640A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

**Sec. 2.** *“Active license” means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to section 13 of this regulation.*

**Sec. 3.** *“Board” means the Board of Occupational Therapy.*

**Sec. 4.** *“Certified occupational therapy assistant” means a person who is certified as an occupational therapy assistant by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.*

**Sec. 5.** *“Continuing education” means structured educational experiences that are intended to provide advanced knowledge in a particular area and which:*

*1. Relate to roles and responsibilities in occupational therapy;*

*2. Serve to protect the public by enhancing the knowledge, performance skills, interpersonal abilities, critical reasoning skills or ethical reasoning skills that are necessary to perform professional responsibilities that an occupational therapist or occupational therapy assistant develops and maintains; and*

*3. Do not include:*

*(a) Experiences that involve entry-level knowledge, skills or academic degree work; or*

*(b) Employee orientation or training activities required by an employer.*

**Sec. 6.** *“Hour of continuing education” means 60 minutes of continuing education, not including time for meals or breaks.*

**Sec. 7.** *“Inactive license” means a once active license that is no longer active pursuant to section 15 of this regulation.*

**Sec. 8.** *“Occupational therapist registered” means a person who is certified as an occupational therapist by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.*

**Sec. 9.** *“Program of intervention” means activities that are documented in writing and that are determined to be appropriate by an occupational therapist to assess, teach and assist patients by application of occupational therapy methods and modalities.*

**Sec. 10.** *“Provisional license” means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to NAC 640A.065.*

**Sec. 11.** *“Supervision” means a collaborative process for the responsible, periodic review and inspection of all aspects of any occupational therapy services provided.*

**Sec. 12.** *“Temporary license” means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to NAC 640A.062.*

**Sec. 13.** *In addition to the requirements set forth in NAC 640A.030, to be eligible to obtain an active license, a person must:*

*1. Have graduated from:*

*(a) An educational program that is accredited by an agency approved by the Board and that includes a fieldwork program; or*

*(b) An educational program in another country; and*

*2. Have achieved a passing score on an examination provided by an agency approved by the Board.*

**Sec. 14.** *1. An active license that has expired may be reinstated within 5 years of its expiration.*

*2. In addition to the requirements set forth in NAC 640A.030, to reinstate an expired active license, a person shall:*

*(a) Provide proof of certification as an occupational therapist registered or certified occupational therapy assistant;*

*(b) Provide proof of the completion of 10 hours of continuing education within the year immediately preceding the request for reinstatement; and*

*(c) For the reinstatement of an expired active license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon reinstatement of the license.*

**Sec. 15. 1.** *In addition to the requirements set forth in NAC 640A.030, to convert an active license to an inactive license:*

*(a) The license must be active and not be suspended, revoked or otherwise restricted at the time of the request; and*

*(b) The person must complete a form to be provided by the Board indicating that he no longer practices or represents to others that he is authorized to practice occupational therapy in this State.*

*2. A person with an inactive license must comply with the same requirements for continuing education as a person who holds an active license.*

*3. To renew an inactive license, a person must meet the requirements of NAC 640A.030.*

*4. The holder of an inactive license may request that the license be converted to an active license.*

*5. In addition to the requirements set forth in NAC 640A.030, to convert an inactive license to an active license, a person must:*

*(a) Make a written request to the Board; and*

*(b) For an inactive license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon conversion of the license.*

*Sec. 16. 1. The Board may waive all or part of the requirements for continuing education for a person who holds an active license if the person:*

*(a) Submits a written request for a waiver; and*

*(b) Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow the completion of the required continuing education.*

*2. Examples of an extenuating circumstance include, without limitation, extreme:*

*(a) Illness or injury;*

*(b) Financial hardship; or*

*(c) Family hardship.*

*3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following year.*

*4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed.*

*5. A written request for a waiver must be submitted by the applicable date on which proof of completion of the required continuing education is due.*

**Sec. 17.** *A person may only practice occupational therapy under the name under which he is licensed by the Board.*

**Sec. 18.** *A person may request that verification of his license be provided to another organization or state by submitting to the Board:*

- 1. A written request; and*
- 2. Payment of the appropriate fee.*

**Sec. 19.** *1. Acceptable forms of payment to the Board are:*

- (a) Personal check;*
- (b) Money order;*
- (c) Cashier's check; and*
- (d) Credit card.*

*2. The Board will charge a fee for each check returned to the Board because the person had insufficient money with the drawee to pay the check or because the person stopped payment on the check. The amount of the original check and the returned check fee must be paid within 15 days after the notice of the invalid check by one of the other forms of payment accepted by the Board.*

**Sec. 20.** *1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or chapter 640A of NRS may file a complaint with the Board on a form provided by the Board.*

- 2. The Board may, on its own, initiate a complaint against a person licensed by the Board.*
- 3. A complaint must, without limitation:*
  - (a) Identify one or more grounds for disciplinary action;*

*(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations; and*

*(c) Be signed by the person making the complaint.*

*4. The Executive Director of the Board, in consultation with legal counsel, will review each complaint and decide if the complaint merits an investigation.*

*5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.*

*6. For any proceedings regarding a complaint filed against an occupational therapy assistant, the Board may require that the occupational therapy assistant be accompanied by any occupational therapist who signed, dated or reviewed a record regarding a patient related to the complaint.*

**Sec. 21.** *Pursuant to NRS 622.400, the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.*

**Sec. 22.** NAC 640A.010 is hereby amended to read as follows:

640A.010 As used in this chapter, unless the context otherwise requires, ~~["Board" means the Board of Occupational Therapy.]~~ *the words and terms defined in sections 2 to 12, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 23.** NAC 640A.020 is hereby amended to read as follows:

640A.020 ~~[1.—To be eligible to apply for licensure as an occupational therapist or occupational therapy assistant, an applicant must have graduated from an educational program that:~~

~~—(a) Is accredited by an accrediting service approved by the Board; and~~

~~—(b) Includes a fieldwork program.~~

~~—2.— The Board will use an examination provided by an agency approved by the Board in the examination of an applicant for a license as an occupational therapist or occupational therapy assistant. The applicant must achieve a passing score on the examination before he will be licensed.~~

~~—3.— Oral interviews will may be held at such times and places]~~ *For any application submitted to the Board, the Board may request additional information or an oral interview, or both, as the Board designates .* ~~[, taking into consideration the number of applicants and the location of the applicants.~~

~~—4.— To be eligible for an interview, an applicant must file a completed application with the Executive Secretary of the Board at least 30 days before the date of the examination.]~~

**Sec. 24.** NAC 640A.030 is hereby amended to read as follows:

640A.030 1. ~~[Each completed application for a license as an occupational therapist or occupational therapy assistant must:~~

~~—(a) Include at least three professional references;~~

~~—(b) Be accompanied by the appropriate fee; and~~

~~—(c) Be notarized.~~

~~—2.— Each applicant must request:~~

~~—(a) That the school of occupational therapy where the applicant received his degree mail the applicant's transcript directly to the Board; and~~

~~—(b) That an agency approved by the Board to certify a person as an “occupational therapist registered” or “certified occupational therapy assistant” mail verification of certification directly to the board.~~

~~→ The applicant must use the forms provided by the Board in its licensure packet to request that his transcript and verification of certification be mailed directly to the Board.~~

~~—3. If an applicant licensed in another state or territory is applying for a license in this state, he must attach a copy of his current license from the other state or territory.~~

~~—4. If an applicant’s name has been changed since attending school, the applicant must submit proof of name change to the Board.~~

~~—5. Each applicant for licensure as an occupational therapy assistant or temporary occupational therapist must use the form provided by the Board in its licensure packet to submit verification of his employment and supervision by a licensed occupational therapist.]~~ *In order to receive, renew, reinstate or convert the status of, as applicable, any type of license issued by the Board, an applicant must complete an application to be provided by the Board.*

*2. An application must be accompanied by payment of the appropriate fee or fees, which may be prorated by the Board if the initial period of the license will be shorter than usual for that license.*

*3. An application submitted to the Board must be notarized if so required.*

*4. An application must be submitted to the Board by the applicable date, if any.*

*5. If an applicant is required to provide an official transcript from an educational program that is accredited by an agency approved by the Board or from an educational program in another country, the applicant must ensure that:*

*(a) A sealed, official transcript is attached to his application; or*

*(b) A sealed, official transcript is sent directly from his educational program to the Board.*

*6. If an applicant is required to provide proof of certification as an occupational therapist registered or a certified occupational therapy assistant, the applicant must ensure that proof of certification is sent directly to the Board by the agency who certified the applicant.*

*7. If an applicant is required to provide proof of a license obtained in another state, territory or country, the applicant must ensure that:*

*(a) A copy of the license is attached to his application; and*

*(b) Additional proof of such a license is sent directly by an official governmental entity to the Board for:*

*(1) Any such license presently held; and*

*(2) Any such license held within 5 years of the submission of the application.*

*8. If an applicant is required to provide proof of employment and supervision by an occupational therapist in this State, the applicant must ensure that proof of such employment and supervision is sent directly to the Board, on a form to be provided by the Board, and by the applicable date, if any.*

**Sec. 25.** NAC 640A.050 is hereby amended to read as follows:

640A.050 ~~[1.] A license issued by the Board [to an occupational therapist or occupational therapy assistant expires on June 30 of each year. The Board will prorate the fee for a license which is issued for less than 12 months.~~

~~—2.— To renew such a license, the licensee must submit to the Board:~~

~~—(a)— An application for renewal;~~

~~—(b) Except as otherwise provided in subsection 3 of NAC 640A.070, proof of his completion of the continuing education required by the Board pursuant to NAC 640A.070; and~~

~~—(c) The applicable fee.~~

~~—3. The Board will deem any application for renewal as late if it is not received by the board on or before the date upon which the license expires. If the application for renewal is not received on or before the 31st day after the date upon which the license expired, the licensee must apply for reinstatement of the expired license.~~

~~—4. To reinstate a license which has been expired or inactive for more than 90 days but less than 5 years, the applicant must:~~

~~—(a) Make current the information on his original application by showing his employment since the date of his original application and revising the other information in the original application to make it current;~~

~~—(b) If he is licensed as an occupational therapy assistant, submit verification of his current employment and supervision by a licensed occupational therapist on a form approved by the Board;~~

~~—(c) Provide documentation that he is certified as an “occupational therapist registered” or “certified occupational therapy assistant” by an agency approved by the Board;~~

~~—(d) Submit to the Board proof of the completion of at least 10 hours of continuing education as specified in NAC 640A.080 within the 12 months immediately preceding his application for reinstatement;~~

~~—(e) Submit any additional information requested by the Board;~~

~~—(f) Pay the appropriate fee; and~~

~~—(g) Meet with the Board if it so requests.~~

~~—5.—As used in this section, the term “license” does not include a provisional license or a temporary license.] expires on a date to be established by the Board.~~

**Sec. 26.** NAC 640A.060 is hereby amended to read as follows:

640A.060 ~~[1.—Except as otherwise provided in subsection 2, if]~~ ***If*** a person whose ***active*** license as an occupational therapist or occupational therapy assistant has been expired ~~[or inactive]~~ for 5 years or more ~~[wishes to reinstate his license, he must:~~

~~—(a) Reapply for a license as if he were a new applicant and retake and pass an examination provided by an agency approved by the Board; or~~

~~—(b) Provide documentation that he is certified pursuant to subsection 1 of NRS 640A.160.~~

~~—2.—A person whose license as an occupational therapist or occupational therapy assistant has been expired or inactive for 5 years and who has not met the requirements of subsection 1, may reinstate his license if he:~~

~~—(a) Applies for and obtains from the Board a temporary license;~~

~~—(b) Practices under the general supervision of a licensed occupational therapist for at least 640 hours within no more than 10 continuous months;~~

~~—(c) Submits to the Board a letter from the supervising licensed occupational therapist attesting that the applicant is competent in occupational therapy and has completed the practice required by paragraph (b);~~

~~—(d) Submits to the Board proof of the completion of at least 10 hours of continuing education as specified in NAC 640A.080 within the 12 months immediately preceding his application for a license; and~~

~~—(e) Reapplies],~~ *he must apply* for a license as if he were a new applicant.

Sec. 27. NAC 640A.062 is hereby amended to read as follows:

640A.062 1. A person who holds a license *that is active and in good standing* as an occupational therapist or occupational therapy assistant issued in another state or territory *of the United States* may apply to the Board for a temporary license to practice in this ~~[state.]~~ *State by meeting the requirements set forth in NAC 640A.030.*

~~2. [To obtain a temporary license, an applicant must, at least 30 days before his first day of work, submit to the Board:~~

~~—(a) An application with accompanying documentation that complies with NAC 640A.030; and~~

~~—(b) The appropriate fee.~~

~~—3.] A temporary license expires 6 months after the date on which it is issued . [or renewed.~~

~~—4.] 3. A temporary license may be renewed not more than once.~~

~~[5.— To renew such a license, the holder must submit to the Board:~~

~~—(a) A request for renewal; and~~

~~—(b) The applicable fee.~~

~~—6.— The holder of a temporary license may convert the temporary license to a regular license if:~~

~~—(a) The holder submits to the Board:~~

~~—(1) A request for conversion; and~~

~~—(2) The appropriate fee; and~~

~~—(b) The Board receives, directly from an agency approved by the Board to certify a person as an “occupational therapist registered” or “certified occupational therapy assistant,” written verification of the certification of the holder.]~~

*4. A temporary license may be converted to an active license if the person:*

*(a) Meets the requirements set forth in NAC 640A.030; and*

*(b) For a temporary license as an occupational therapy assistant, submits proof of employment and supervision by a licensed occupational therapist upon conversion of the license.*

*5. A person who has previously been issued a temporary license may not apply for another temporary license until 6 months after the expiration of his last original or renewed temporary license, as applicable.*

**Sec. 28.** NAC 640A.065 is hereby amended to read as follows:

640A.065 1. A ~~[person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant, but has not achieved a passing score on the examination as required by subsection 2 of NAC 640A.020, may apply to the Board for a provisional license.]~~ *provisional license may be granted to a person who:*

*(a) Meets the requirements set forth in NAC 640A.030;*

*(b) Has graduated from an educational program that is accredited by an agency approved by the Board and that includes a fieldwork program;*

*(c) Submits proof of employment and supervision by a licensed occupational therapist upon receiving the license;*

*(d) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; and*

*(e) Has not yet achieved a passing score on an examination provided by an agency approved by the Board, but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.*

~~2. [To obtain a provisional license, an applicant must, at least 30 days before his first day of work, submit to the Board:~~

~~—(a) An application with accompanying documentation that complies with NAC 640A.030; and~~

~~—(b) The appropriate fee.~~

~~3.—An applicant who is unable to provide a transcript as required by paragraph (a) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if an appropriate officer of the school of occupational therapy where the applicant studied submits directly to the Board a statement that the applicant has completed all requirements for graduation from an educational program in occupational therapy.~~

~~—4.—An applicant who is unable to provide the verification of certification as required by paragraph (b) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if he submits to the board written verification, from an agency approved by the Board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the applicant:~~

~~—(a) Is scheduled to take the examination at a stated date and place; and~~

~~—(b) Has requested the agency to transmit, directly to the Board, the applicant's scores on the examination when the scores become available.~~

~~—5.]~~ *If a person receives a provisional license and the person has not practiced occupational therapy within 5 years before receipt of the license, the person shall, while holding the license:*

*(a) Complete a minimum of 640 hours of supervised practice under a licensed occupational therapist; and*

*(b) Achieve a passing score on an examination provided by an agency approved by the Board.*

3. A provisional license expires 6 months after the date on which it is issued or renewed.

~~[6.]~~ 4. A provisional license may be renewed not more than once.

~~[7.—To renew such a license, the provisional licensee must submit to the Board:~~

~~—(a) A request for renewal;~~

~~—(b) The appropriate fee; and~~

~~—(c) Written verification, from an agency approved by the Board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the provisional licensee:~~

~~—(1) Is scheduled to take the examination at a stated date and place; and~~

~~—(2) Has requested the agency to transmit, directly to the Board, the provisional licensee's scores on the examination when the scores become available.~~

~~—8.]~~ 5. A provisional licensee may convert his provisional license to ~~[a-regular]~~ *an active* license if ~~[:]~~, *in addition to the requirements set forth in NAC 640A.030:*

(a) ~~The provisional licensee submits to the Board:~~

~~—(1) A request for conversion; and~~

~~—(2) The appropriate fee; and~~

~~—(b)] The Board receives [directly from an agency approved by the Board to certify a person as an “occupational therapist registered” or “certified occupational therapy assistant,” written verification] proof of the certification of the provisional licensee [as an occupational therapist registered or a certified occupational therapy assistant;~~

*(b) The licensee provides an official transcript from an educational program that is accredited by an agency approved by the Board; and*

*(c) If applicable, the licensee has completed 640 hours of supervised practice under a licensed occupational therapist.*

**Sec. 29.** NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in ~~subsection 3, an occupational therapist or occupational therapy assistant] subsection 4 and section 16 of this regulation, a person with an active license shall complete, to the satisfaction of the Board, at least 10 hours of continuing education [as specified in NAC 640A.080 within the year immediately preceding his request for renewal of his license.] per year.~~

2. If the licensee obtains more than 10 hours of continuing education in a year, he may request that the Board carry over a maximum of 10 hours to apply towards completion of his requirement for continuing education for the following year. ~~Proof of the completion of the requirement for continuing education must be submitted with an application for renewal of a license in the year in which the credit is earned.~~

~~—3.— Upon request, the Board will, if deemed appropriate by the Board:~~

~~—(a) Reduce the number of hours of continuing education required for the renewal of a license of an applicant who obtains his initial license and renews that license in a period of less than 12 months;~~

~~—(b) Extend the period in which a licensee must obtain the continuing education required for renewal; or~~

~~—(c) Waive the requirement for continuing education for a particular licensee.~~

~~—4.— A licensee who seeks a reduction of the number of hours of continuing education required, an extension of time to obtain continuing education or a waiver pursuant to subsection 3, must petition the board to grant his request at least 30 days before the date on which his license must be renewed. The licensee must submit with the petition proof, satisfactory to the board, that he was unable to obtain the continuing education because of circumstances which were beyond his control.]~~

*3. A person may receive credit for the same continuing education activity only once during two successive renewal periods.*

*4. A person who obtains an active license within 12 months of graduation from an educational program that is accredited by an agency approved by the Board and that includes a fieldwork program is not required to obtain any hours of continuing education in order to renew his license for the first time.*

*5. Proof of the completion of the requirements for continuing education, including, without limitation, a completed form to be provided by the Board, must be submitted at least 30 days before the expiration of an active license.*

**Sec. 30.** NAC 640A.080 is hereby amended to read as follows:

640A.080 1. ~~[The Board will approve credit for continuing education as follows:~~

~~—(a) One hour of credit will be approved for each hour spent attending a workshop, course, conference or seminar;~~

~~—(b) One hour of credit will be approved for each hour spent giving a presentation at a workshop, course, conference or seminar; and~~

~~—(c) The amount of credit for authoring a publication will be determined upon receipt and evaluation by the Board of the information required to be submitted to it pursuant to NAC 640A.100.~~

~~—2.]~~ The Board will consider the written request of a licensee that it approve credit for any continuing education that is not specified in ~~[subsection 1]~~ *NAC 640A.090* if the request is submitted to the Board ~~[at least 30 days before the license of the licensee expires.]~~ *by the applicable date that proof of the completion of the requirements for continuing education is due.*

*2. If a written request pursuant to subsection 1 is not granted, the Board may grant extra time for the licensee to fulfill any required continuing education that has not been completed.*

**Sec. 31.** NAC 640A.090 is hereby amended to read as follows:

640A.090 1. ~~[A licensee may request approval of credit for continuing education from the Board before attending or giving a presentation at a program of continuing education. The request must be accompanied by the applicable information and documentation listed in NAC 640A.100.~~

~~—2.—The Board will inform a licensee of the approval or denial of credit within 30 days after the next meeting of the Board following the receipt of the request.]~~ *The subject matter for continuing education activities includes, without limitation:*

*(a) Research relating to occupational therapy;*

*(b) Theoretical or practical courses relating to the practice of occupational therapy;*

*(c) The development, administration, supervision or teaching of the clinical practice of occupational therapy; and*

*(d) Service delivery programs performed by an occupational therapist or occupational therapy assistant.*

*2. Activities that qualify as continuing education include, without limitation:*

*(a) Attendance and participation at a live presentation:*

*(1) Which includes, without limitation, a workshop, seminar, conference or in-service educational program; and*

*(2) Which is afterwards followed by the submission of a certificate of completion or other similar document and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;*

*(b) Participation in a course of self-study that requires a formal assessment of learning:*

*(1) Which includes, without limitation, self-study through an electronic or Internet-based course, a self-paced clinical course or any other formalized self-administered course; and*

*(2) Which is afterwards followed by the submission of a certificate of completion or other similar document and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;*

*(c) Enrollment in an academic course:*

*(1) Which includes, without limitation, an on-site or distance learning course; and*

*(2) Which is afterwards followed by the submission of a copy of a transcript indicating successful completion of the course and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;*

*(d) Participation in a mentorship agreement:*

*(1) That requires participation as a mentor or mentee, as proven by a signed, formalized agreement that outlines specific goals and activities which must relate to the development of new occupational therapy skills not required for a current employment position; and*

*(2) Which is afterwards followed by the submission of a copy of the signed agreement and a completed form to be provided by the Board, which will include, without limitation, the dates and hours of activities and a description of the results of the mentorship;*

*(e) Supervision of fieldwork:*

*(1) Which includes, without limitation, acting as a primary clinical fieldwork educator for level I fieldwork or level II fieldwork for occupational therapist or occupational therapy assistant students;*

*(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and a document from the sponsoring educational program indicating the names of the students supervised, the name of the sponsoring educational program and the dates of the fieldwork; and*

*(3) Which may result in, for the year in which the fieldwork ends:*

*(I) A maximum of 2 hours of continuing education for level I fieldwork supervision;*

*or*

*(II) A maximum of 1 hour of continuing education for each week of level II fieldwork supervision;*

*(f) Writing in a professional capacity:*

*(1) Which results in the publication of a peer-reviewed book, chapter of a book, or article regarding occupational therapy;*

*(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and:*

*(I) Which references information regarding the publication, including, without limitation, the title, author, editor and date of the publication; or*

*(II) If not yet published, a copy of a letter indicating acceptance of the writing for publication by the publisher; and*

*(3) Which may result in, for the year the writing is published:*

*(I) 10 hours of continuing education for publication of a book;*

*(II) 3 hours of continuing education for publication of a chapter of a book; or*

*(III) 1 hour of continuing education for publication of an article;*

*(g) Teaching an educational course:*

*(1) Which includes, without limitation, an in-person academic course, workshop, seminar, in-service course or electronic or Internet-based course; and*

*(2) Which is afterwards followed by the submission of a copy of the official program, schedule or syllabus of the course and a completed form to be provided by the Board, which includes, without limitation, the title, dates, hours and objectives of the course, a description of the students enrolled in the course and the signature of an appropriate official of the sponsor of the course;*

*(h) Participation in an official meeting of a professional organization formed to promote and enhance the practice of occupational therapy:*

*(1) Which includes, without limitation, an official board or committee meeting of such an organization;*

*(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and a signed document from the organization which indicates the name of the organization, the purpose of the meeting and a description of the person's role in the organization and at the meeting; and*

*(3) Which may result in a maximum of 2 hours of continuing education per meeting; and*

*(i) Achievement of a type of certification, approved by the Board, from an agency approved by the Board;*

*(1) Which includes, without limitation, engaging in activities which are required for certification in an occupational therapy specialty by an agency approved by the Board;*

*(2) Which is afterwards followed by the submission of a completed form to be provided by the Board, and a document from the agency showing achievement of the certification; and*

*(3) Which may result in a maximum of 5 hours of continuing education for the year in which the certification is achieved.*

*3. As used in this section:*

*(a) “Level I fieldwork” means fieldwork designed to enrich didactic coursework through direct observation and participation in selected aspects of the occupational therapy process; and*

*(b) “Level II fieldwork” means in-depth fieldwork in delivering occupational therapy services across a variety of settings.*

**Sec. 32.** NAC 640A.110 is hereby amended to read as follows:

640A.110 1. A licensee shall display his current license *card or a copy of the card* in a prominent location which is accessible to the public in the principal location of his practice.

2. *A licensee may display his original license or a copy of his license in addition to his current license card or a copy of the card.*

3. A licensee shall not ~~f~~:

~~—(a) Alter] alter~~ his license ~~f; or~~

~~—(b) Except as otherwise provided in this subsection, make a reproduction of his license.~~

~~→ A licensee may make a reproduction of his license to keep in his files or to provide to institutions such as educational institutions.] or license card.~~

**Sec. 33.** NAC 640A.120 is hereby amended to read as follows:

640A.120 1. If an occupational therapist or an occupational therapy assistant changes his name after his license is issued, he must submit, within 30 days after the change, proof satisfactory to the Board that his name was legally changed. ~~[If the change of name resulted from marriage or a court decree.]~~ **Proof consists of** a copy of ~~[the]~~ **a** marriage certificate or court decree. ~~[must be submitted to the Board.]~~

2. **The Board will issue a new license in the case of a name change upon payment of the appropriate fee.**

3. An occupational therapist or occupational therapy assistant who has lost his license may request in writing from the Board a duplicate license. The board will issue a duplicate license upon payment of the appropriate fee.

**Sec. 34.** NAC 640A.160 is hereby amended to read as follows:

640A.160 The following fees are established:

1. For an occupational therapist:
  - (a) Initial ~~[application for a]~~ **active** license ..... \$250
  - (b) ~~[Processing of initial license.....]~~ **150**
  - ~~—(c) Annual renewal]~~ **Renewal** of ~~[a]~~ **an active** license ..... 175
  - ~~[(d) Late renewal of a license.....]~~ **290**
  - ~~—(e) Application for a temporary]~~
  - (c) **A temporary** or provisional license ..... ~~[100]~~ **150**

<del>[(f)]</del> (d) Renewal of a temporary or provisional license.....	100
<del>[(g)]</del> (e) <i>Convert a temporary or provisional license to an active license</i> .....	100
(f) Reinstatement of an expired license.....	<del>[350]</del> 200
<del>[(h) Inactive]</del>	
(g) <i>Renewal of an inactive</i> license .....	<del>[150]</del> 100
<del>[(i) Reinstatement of]</del>	
(h) <i>Convert</i> an inactive license <i>to an active license</i> .....	<del>[100]</del> 75
2. For an occupational therapy assistant:	
(a) Initial <del>[application for a]</del> <i>active</i> license .....	\$175
(b) <del>[Processing of initial license]</del> .....	100
<del>[(c) Annual renewal]</del> <i>Renewal</i> of <del>[a]</del> <i>an active</i> license.....	125
<del>[(d) Late renewal of a license]</del> .....	230
<del>[(e) Application for a temporary]</del>	
(c) <i>A temporary</i> or provisional license .....	<del>[75]</del> 100
<del>[(f)]</del> (d) Renewal of a temporary or provisional license.....	75
<del>[(g)]</del> (e) <i>Convert a temporary or provisional license to an active license</i> .....	75
(f) Reinstatement of an expired license.....	<del>[250]</del> 125
<del>[(h) Inactive]</del>	
(g) <i>Renewal of an inactive</i> license .....	<del>[100]</del> 75
<del>[(i) Reinstatement of]</del>	
(h) <i>Convert</i> an inactive license <i>to an active license</i> .....	<del>[90]</del> 50
3. General:	

(a) Change of name on a license .....	\$50
(b) Duplicate of <i>a</i> lost license <i>or license card</i> .....	50
(c) <i>Processing of an initial license</i> .....	150
(d) <i>Late fee for renewal of a license</i> .....	125
(e) <i>Verification of a license</i> .....	25
(f) <i>Returned check processing</i> .....	25

Sec. 35. NAC 640A.200 is hereby amended to read as follows:

640A.200 1. ~~[An occupational therapist shall, in all appropriate professional circumstances, refer to himself as an occupational therapist registered/licensed and may refer to himself using corresponding initials for the words.~~

~~—2.—An occupational therapy assistant shall, in all appropriate professional circumstances, refer to himself as a certified occupational therapy assistant/licensed and may refer to himself using corresponding initials for the words.]~~ *An occupational therapist may refer to himself professionally as an “occupational therapist” or a “licensed occupational therapist.”*

*2. If presently certified by an agency approved by the Board, an occupational therapist may refer to himself professionally by his applicable certification title or by the title’s initials, including, without limitation, “occupational therapist registered” or “OTR.”*

*3. An occupational therapy assistant may refer to himself professionally as an “occupational therapy assistant” or a “licensed occupational therapy assistant.”*

*4. If presently certified by an agency approved by the Board, an occupational therapy assistant may refer to himself by his applicable certification title or by the title’s initials, including, without limitation, “certified occupational therapy assistant” or “COTA.”*

*5. An occupational therapist or occupational therapy assistant shall not use a title or initials for a title that are misleadingly similar to a title or certification, or initials for a title or certification, that he has not earned.*

**Sec. 36.** NAC 640A.205 is hereby amended to read as follows:

640A.205 1. The Board hereby adopts by reference:

(a) The *Occupational Therapy Code of Ethics* approved by the representative assembly of the American Occupational Therapy Association ~~[in 2000;]~~ *or its successor organization;* and

(b) The *Standards of Practice for Occupational Therapy* approved by the representative assembly of the American Occupational Therapy Association ~~[in 1998.]~~ *or its successor organization.*

2. A copy of the *Occupational Therapy Code of Ethics* or the *Standards of Practice for Occupational Therapy* may be obtained, free of charge, from ~~[the Executive Director of]~~ the Board ~~[, P.O. Box 70220, Reno, Nevada 89570-0220.]~~ *by written request.*

**Sec. 37.** NAC 640A.230 is hereby amended to read as follows:

640A.230 1. An occupational therapist may practice occupational therapy on a patient for specific medical conditions if the patient has been referred to the occupational therapist by a provider of health care licensed to practice in this state.

2. An occupational therapist may, without referral, provide occupational therapy services, including, without limitation, evaluation, planning and implementing a program of ~~[treatment,]~~ *intervention*, monitoring services and consultation for a person whose ability to perform the tasks of daily living is impaired by:

(a) Developmental deficiencies;

- (b) The aging process;
- (c) Environmental deprivation;
- (d) Sensory impairment;
- (e) Psychological or social dysfunction; or
- (f) Other conditions.

3. An occupational therapist may provide the occupational therapy services listed in subsection 2 in a nonmedical setting, including, without limitation, a residential setting, an educational setting, a vocational setting, a recreational setting, or a center that provides for the care of adults or children during the day.

4. As used in this section:

(a) “Consultation” includes working with providers of health care and other persons involved in the care of a patient to provide advice and services.

(b) “Monitoring services” includes those services which are characterized by regular contact at least once per month to:

- (1) Check or regulate adaptive and positioning equipment to ensure its proper use; or
- (2) Assess the level of skills of a patient, including, without limitation, the adaptive skills of the patient.

(c) “Specific medical conditions” includes those conditions of acute trauma, infection, disease, aging or postsurgical status where custom requires the involvement of a provider of health care.

**Sec. 38.** NAC 640A.250 is hereby amended to read as follows:

640A.250 1. An occupational therapy assistant or a provisional licensee shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant or provisional licensee is practicing is not required of the supervising occupational therapist. To provide satisfactory general supervision, the occupational therapist shall:

(a) Provide an initial ~~[plan of treatment or]~~ program of intervention, and any subsequent changes to the initial ~~[plan or]~~ program, for patients assigned to the occupational therapy assistant or provisional licensee.

(b) Not less than 1 hour for each 40 hours of work performed by the occupational therapy assistant or provisional licensee and, in any event, not less than 1 hour each month, engage in:

- (1) Clinical observation of the occupational therapy assistant or provisional licensee; or
- (2) Direct communication with the occupational therapy assistant or provisional licensee.

The mode and frequency of that communication is dependent upon the setting for the practice of the occupational therapy assistant or provisional licensee. Direct communication may consist of, without limitation:

- (I) Direct or joint treatment of a patient;
- (II) Personal supervision of the occupational therapy assistant or provisional licensee while providing services;
- (III) Conversation, in person or by telephone;
- (IV) Exchange of written comments;
- (V) Review of patient records; or
- (VI) Conferences, or other face-to-face meetings.

(c) Establish the caseload of the occupational therapy assistant or provisional licensee based on the competency of the occupational therapy assistant or provisional licensee as determined by the supervising occupational therapist.

(d) Review ~~the~~ written documentation prepared by the occupational therapy assistant or provisional licensee during the course of treatment of a patient. The completion of this review by the occupational therapist may be evidenced by:

(1) Preparation of a separate progress note; or

(2) The occupational therapist signing and dating the document prepared by the occupational therapy assistant or provisional licensee.

2. The supervising occupational therapist and the occupational therapy assistant or provisional licensee shall jointly:

(a) Document , *in a manner other than the mere signing of service records prepared by another person*, the supervision required pursuant to this section by preparing, without limitation:

(1) Daily or weekly *treatment or intervention* schedules;

(2) Logs of supervision ~~the~~, *which must include, without limitation, the time and date of supervision, the type of supervision provided, and the subject matter covered during the supervision;* and

(3) Patient records.

(b) Ensure that each record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed *at least monthly* by the occupational therapy assistant or provisional licensee and the supervising occupational therapist. In reviewing

the record, the occupational therapist and the occupational therapy assistant or provisional licensee shall verify, without limitation:

(1) The accuracy of the record; and

(2) That there is continuity in the services received by the patient pursuant to the ~~plan of treatment or~~ program of intervention.

3. An occupational therapy assistant or provisional licensee ~~acting jointly with a supervising occupational therapist, may~~ *may assist a supervising occupational therapist to:*

(a) Prepare and disseminate any written or oral reports ~~;~~  
~~(b) Write~~ , *including, without limitation*, the final evaluation and discharge summary of a patient; and

~~(e)~~ *(b)* Unless the treatment is terminated by a patient or his provider of health care, determine when to terminate treatment.

4. An occupational therapy assistant or provisional licensee shall document all treatment provided to a patient by the occupational therapy assistant or provisional licensee.

5. A supervising occupational therapist shall not delegate responsibilities to an occupational therapy assistant or provisional licensee which are beyond the scope of the training of the occupational therapy assistant or provisional licensee.

6. The provisions of this section do not prohibit an occupational therapy assistant or provisional licensee from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

*7. As used in this section, "sign" means to inscribe by handwriting or electronic means one's name, initials or license number.*

**Sec. 39.** NAC 640A.265 is hereby amended to read as follows:

- 640A.265 1. An occupational therapist shall supervise any program of ~~treatment~~ *intervention* which is delegated to an occupational therapy assistant.
2. Only an occupational therapist may:
- (a) Interpret the record of a patient who is referred to the occupational therapist by a provider of health care;
  - (b) Interpret the evaluation of a patient and identify any problem of the patient;
  - (c) Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;
  - (d) Determine the appropriate portion of the program of ~~treatment~~ *intervention* and evaluation to be delegated to an occupational therapy assistant;
  - (e) Delegate the treatment to be administered by the occupational therapy assistant;
  - (f) Instruct the occupational therapy assistant regarding:
    - (1) The specific program of ~~treatment~~ *intervention* of a patient;
    - (2) Any precaution to be taken to protect a patient;
    - (3) Any special problem of a patient;
    - (4) Any procedure which should not be administered to a patient; and
    - (5) Any other information required to treat a patient;
  - (g) Review the program of ~~treatment~~ *intervention* of a patient in a timely manner;
  - (h) Record the goal of treatment of a patient; and
  - (i) Revise the plan of care when indicated.

3. Except as otherwise provided in NAC 640A.267, a licensee shall not knowingly delegate to a person who is less qualified than the licensee any program of ~~[treatment]~~ *intervention* which requires the skill, common knowledge and judgment of the licensee.

**Sec. 40.** NAC 640A.270 is hereby amended to read as follows:

640A.270 1. A person may assist a licensed occupational therapist as an occupational therapy aide or technician. Such an occupational therapy aide or technician is not required to be licensed pursuant to the provisions of chapter 640A of NRS or possess the professional or advanced training in basic anatomical, biological, psychological or social sciences which are required for the practice of occupational therapy.

2. Except as otherwise provided in subsection 3, a licensed occupational therapist may delegate duties to an occupational therapy aide or technician if he determines, before he delegates a duty, that the aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties which may be delegated to an occupational therapy aide or technician include, but are not limited to, the:

- (a) Routine maintenance of a department;
- (b) Transportation of a patient;
- (c) Preparation of a work area for a therapy session with a patient;
- (d) Preparation of treatment equipment for a therapy session with a patient;
- (e) Attendance to the personal needs of a patient during treatment;
- (f) Assistance in the construction of adaptive equipment and splints; ~~[and]~~
- (g) Performance of clerical, secretarial and administrative duties ~~[and]~~; *and*

*(h) Monitoring a patient for safety purposes while the patient is performing an activity, including, without limitation, the practice of repetitive skills.*

3. A licensed occupational therapist may not delegate a duty to an occupational therapy aide or technician if the duty requires the aide or technician to make independent evaluations, assessments or recommendations. The duties which may not be delegated to an aide or technician include, but are not limited to, the:

- (a) Interpretation of the record of a patient referred to an occupational therapist;
- (b) Interpretation of prescriptions for a patient;
- (c) Development, planning, adjustment or modification of procedures for the treatment of a patient;
- (d) Recordation of the treatment or progress of a patient;
- (e) Duties described in subsection 3 of NAC 640A.265; and
- (f) Performance of any duty which requires the aide or technician to act independently or without the supervision of a licensed occupational therapist during a therapy session with a patient.

4. An occupational therapist who delegates a duty to an aide or technician:

- (a) Shall directly supervise the aide or technician in accordance with the provisions of NAC 640A.275; ~~and~~
- (b) Is professionally responsible for the duty performed by the aide or technician ~~and~~; *and*
- (c) Shall note in the record of a patient any duties performed by the aide or technician.*

**Sec. 41.** NAC 640A.290 is hereby amended to read as follows:

640A.290 1. A licensee shall maintain in a secure and confidential manner any record of a patient which shows a medical problem of the patient or the scope of the treatment of the patient administered by the licensee.

2. Except as otherwise provided by law, a licensee shall not release a record of a patient which is confidential, or any information contained therein, except:

- (a) With the written consent of the patient;
- (b) In response to a subpoena issued by the Board;
- (c) Pursuant to an order of a court of competent jurisdiction; or

(d) When there exists a clear and immediate danger to the patient, another person or to society. If there exists such a danger, a disclosure may be made to an appropriate member of the patient's family, to another provider of health care or to an appropriate agent of a law enforcement agency or other agency of the Federal Government, the state or one of its political subdivisions when acting in his official capacity.

3. A licensee shall not falsify a record of health care of a patient to indicate:

- (a) The presence of the licensee at a time when he is not in attendance treating a patient; or
- (b) That therapeutic procedures were performed by the licensee which he has not performed.

4. A licensee shall not sign a record of health care of a patient unless the licensee has reviewed the record. The review of the record must include, without limitation, verification of:

- (a) The accuracy of the record; and
- (b) Continuity in the services received by the patient pursuant to the ~~plan of treatment or~~

program of intervention.

*5. As used in this section, “sign” means to inscribe by handwriting or electronic means one’s name, initials or license number.*

**Sec. 42.** NAC 640A.350 is hereby amended to read as follows:

640A.350 ~~{1.—To institute disciplinary action against an occupational therapist or occupational therapy assistant, a written complaint, specifying the charges, must be filed with the Board on its own motion, or by a member of the Board or another person who is aware of an act or circumstance constituting a ground for disciplinary action pursuant to this section or NRS 640A.200. The complaint must be signed by the person filing it.~~

~~—2.}~~ In addition to those acts specified in subsection 3 of NRS 640A.200, the following acts, among others, constitute “unprofessional conduct”:

- ~~{a)}~~ 1. Engaging in the practice of occupational therapy when unable to do so with reasonable skill and safety to patients because of the licensee’s use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;
- ~~{b)}~~ 2. Being guilty of negligence in the performance of occupational therapy;
- ~~{c)}~~ 3. Allowing another person to use the license issued to the licensee;
- ~~{d)}~~ 4. Failing to report or otherwise concealing information related to a violation of NRS 640A.200 or this chapter which could result in harm to the public health and welfare;
- ~~{e)}~~ 5. Intentionally making or filing a false or misleading report;
- ~~{f)}~~ 6. Failing to file a report which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report;

~~(g)~~ 7. Intentionally harassing, abusing or intimidating a patient, employer, employee, colleague or other person, either physically or verbally, including, but not limited to, sexual harassment, abuse or intimidation;

~~(h)~~ 8. Failing to notify the Board of disciplinary action imposed upon the licensee or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;

~~(i) Intentionally divulging,]~~

9. *Divulging*, without the consent of the patient, information gained within the context of the professional relationship with the patient ~~;~~

~~(j)~~ , *unless otherwise required by law;*

10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;

~~(k)~~ 11. Violating a provision of the *Occupational Therapy Code of Ethics* or the *Standards of Practice for Occupational Therapy* ~~;~~

~~(l)~~ , *adopted by reference in NAC 640A.205;*

12. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;

~~(m)~~ 13. Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;

~~(n)~~ 14. Advertising in a manner that tends to deceive or mislead the public;

~~(o)~~ 15. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license; ~~(p)~~

~~(p)~~ 16. Misrepresenting or falsifying credentials, including, but not limited to, those relating to education, training, experience and areas of competency ~~[-~~

~~3.—If a complaint is filed against an occupational therapy assistant, any supervising occupational therapist who signed, dated or reviewed a record regarding a patient treated by the occupational therapy assistant shall accompany the occupational therapy assistant to any proceedings before the Board concerning the complaint.];~~

*17. Practicing or offering to practice beyond the scope permitted by law; or*

*18. Performing professional services which the occupational therapist knows he is not competent to perform.*

Sec. 43. NAC 640A.015, 640A.040 and 640A.100 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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**640A.015 “Provisional licensee” defined.** As used in NAC 640A.015 to 640A.160, inclusive, unless the context otherwise requires, “provisional licensee” means the holder of a provisional license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to NAC 640A.065.

**640A.040 Applicant for license who is educated, licensed or registered in another country.**

1. An applicant for licensure who has graduated from a school in another country must:

(a) Take and pass an examination provided by an agency approved by the Board that demonstrates that the applicant's education is equivalent to a bachelor's degree in occupational therapy; and

(b) Submit to the Board an application with accompanying documentation that complies with NAC 640A.030.

2. An applicant for licensure who is licensed or registered in another country must submit documentation, satisfactory to the Board, which verifies his licensure or registration.

**640A.100 Continuing education: Information required to obtain credit.**

1. To obtain credit for attending a program of continuing education, a licensee must submit to the Board:

(a) The name of the sponsor of the program;

(b) The name of the program;

(c) The number of hours awarded by the sponsor of the program for completion of the program;

(d) Biographical information regarding the instructor of the program;

(e) The inclusive dates of attendance; and

(f) A brief summary of the information he learned and how he will use that information in his practice.

2. To obtain credit for giving a presentation at a program of continuing education, a licensee must submit to the Board:

- (a) The title of the presentation;
- (b) The name of the sponsor of the presentation;
- (c) The location of the presentation;
- (d) The number of hours of the presentation;
- (e) The source for the information conveyed in the presentation;
- (f) The inclusive dates of the presentation;
- (g) A list of all the persons who attended the presentation; and
- (h) A brief summary of the presentation and the information that a person who attended the presentation was expected to learn.

3. To obtain credit for authoring a publication, the licensee must submit to the Board:

- (a) A copy of the published material; and
- (b) The title, publisher and date of publication of the published material.

4. If the credit is for a course of study, training or performing an educational activity which is not specified in NAC 640A.080:

- (a) A description of the subject matter studied, the training received or the educational activity performed;
- (b) A schedule of the time spent studying, training or performing; and
- (c) A brief summary of the manner in which the course or activity relates to occupational therapy.