



Steve Sisolak  
Governor

STATE OF NEVADA  
**BOARD OF OCCUPATIONAL THERAPY**

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Loretta L. Ponton  
Executive Director

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**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of**

**LCB No. R076-21**  
Of the  
**Board of Occupational Therapy**

The Board of Occupational Therapy will hold a Public Hearing as follows:

**March 19, 2022 – 2:30 p.m.**  
Board of Occupational Therapy  
Administrative Office  
6170 Mae Anne Ave. Suite 1  
Reno, NV 89523

ZOOM Access:

<https://us06web.zoom.us/j/88680943513?pwd=Zk4rbUJia2Vvc2ErWmduTFRDaitPdZ09>

Meeting ID: **886 8094 3513**  
Passcode: **466198**  
Telephone Audio Only: **(253) 215-8782**

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R076-21, Chapter 640A of the Nevada Administrative Code.

A REGULATION relating to occupational therapy; revising provisions relating to the renewal of a license to practice occupational therapy; revising provisions relating to the supervision of provisional licensees; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto

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

**LCB File No. R076-21**

1. Need and purpose of the proposed regulations or amendments

The need for the proposed regulations is to protect the public health, safety and welfare by ensuring that only qualified and competent occupational therapists and occupational therapy assistants are

licensed in the state. The purpose of the adopted regulation is to provide clarity for the public, individuals and licensees through regulations.

**Section 1** of this regulation allows the Board to accept an application for renewal of any type of license up to 30 days after the expiration date of the license.

**Section 2** of this regulation eliminates the requirement to complete 640 hours of supervised practice if an applicant for a provisional license was previously certified but has not practiced occupational therapy for 5 years before application.

**Sections 3 and 4** of this regulation eliminate the requirements for submission of a form provided by the Board to comply with continuing education requirements.

2. How to obtain the approved or revised text of regulations prepared by LCB

Individuals may obtain a copy of the proposed regulations by writing to the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; or by calling the Board office at 775-746-4101. The proposed regulations are also available for review and download on the Board website [www.nvot.org](http://www.nvot.org).

3. Methods used in determining the impact on a small business

The Board solicited comments from all registrants and stakeholders; no comments were received. The Board used reasonable judgement to determine there will be no impact on small businesses due to the nature of the regulatory changes.

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The adoption of these regulations should have no adverse economic effect on business, the public or practitioners of occupational therapy. The benefits of these regulations are that the public and the practitioners, (clients, employers, occupational therapists and occupational therapy assistants), will be provided clarity in NAC 640A.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R076-21 are improved clarity and communication of practice requirements for licensed occupational therapists and occupational therapy assistants in Nevada.

5. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

6. Overlap or duplication of other state or local governmental agencies

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

7. Regulation required by federal law

Not applicable

8. More stringent than federal regulations

The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

The proposed regulation does not contain any new fees or increases in existing fees.

Persons wishing to comment on the proposed action of the Board of Occupational Therapy may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. The Board of Occupational Therapy must receive all written submissions on or before **March 18, 2022**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Occupational Therapy may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, R076-21, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulations to be adopted, R076-21, will be available from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, for inspection and copying by members of the public during business hours and will be available on the Board of Occupational Therapy website <http://www.nvot.org>. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulations, the agency, 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 reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing** has been posted on the Board's website [www.nvot.org](http://www.nvot.org); and may also be accessed at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices

<https://notice.nv.gov/> - State of Nevada Public Notices

<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

Dated: **February 14, 2022**

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

**LCB File No. R076-21**

January 5, 2022

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

AUTHORITY: §§ 1-4, NRS 640A.110 and 640A.180.

A REGULATION relating to occupational therapy; revising provisions relating to the renewal of a license to practice occupational therapy; revising provisions relating to the supervision of provisional licensees; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Board of Occupational Therapy to regulate the practice of occupational therapy in this State. (NRS 640A.110) Existing law further authorizes the Board to adopt regulations relating to the issuance and renewal of licenses to practice occupational therapy. (NRS 640A.180)

Existing regulations permit a person who holds a standard, provisional or temporary license to practice occupational therapy to renew such a license under certain circumstances. (NAC 640A.030, 640A.062, 640A.065) Existing regulations also prohibit the Board from accepting an application for the renewal of a standard license if the application is submitted more than 30 days after the date on which the license expired. (NAC 640A.030) **Section 1** of this regulation expands that prohibition to include an application for the renewal of any type of license issued by the Board if the application is submitted more than 30 days after the date on which the license expired.

Existing regulations require a person who holds a provisional license who was previously certified as an occupational therapist and who has not practiced occupational therapy within 5 years before receipt of the provisional license to, while holding the provisional license, complete a minimum of 640 hours of supervised practice under a licensed occupational therapist. Existing regulations also require such a person who holds a provisional license to complete those 640 hours of supervised practice under a licensed occupational therapist in order to convert his or her provisional license to a standard license. (NAC 640A.065) **Section 2** of this regulation eliminates these requirements.

Existing regulations require a person who holds a standard license to complete, to the satisfaction of the Board, at least 24 hours of continuing education per biennial renewal cycle. Existing regulations also require such a person to submit to the Board a completed form, to be provided by the Board, in order to comply with the requirements for continuing education. (NAC

640A.070, 640A.090) **Sections 3 and 4** of this regulation eliminate the requirements for the submission of such forms.

**Section 1.** NAC 640A.030 is hereby amended to read as follows:

640A.030 1. 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.

3. An application submitted to the Board must include a statement signed by the applicant certifying that the information provided in the application is accurate.

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 or her application; or

(b) A sealed, official transcript is sent directly from his or her 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 issued by the certifying agency is submitted to the Board.

7. If an applicant is required to provide proof of a license obtained in another state, territory or country, the applicant must ensure that proof of such a license issued by an official governmental entity is submitted to the Board for:

(a) Any such license presently held; and

(b) 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 submitted to the Board, in a format approved by the Board, by the applicable date, if any.

9. If an applicant is required to complete continuing education, the applicant must provide to the Board proof of completion of continuing education, when requested by the Board.

10. The Board will not accept an application for the renewal of a ~~standard~~ license if the application is submitted more than 30 days after the date on which the license expired.

**Sec. 2.** NAC 640A.065 is hereby amended to read as follows:

640A.065 1. A provisional license may be granted to a person:

(a) Who meets the requirements set forth in NAC 640A.030;

(b) Who has graduated from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program;

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

(d) Who:

(1) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; or

(2) 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. [If a person who was previously certified receives a provisional license and the person has not practiced occupational therapy within 5 years before receipt of the license, the person must, while holding the license, complete a minimum of 640 hours of supervised practice under a licensed occupational therapist.]~~

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

~~[4.]~~ 3. A provisional license may be renewed not more than once.

~~[5.]~~ 4. A provisional licensee may convert his or her provisional license to a standard license if, in addition to the requirements set forth in NAC 640A.030 and 640A.041 ~~]:~~

~~—(a) The], the~~ Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant . ~~]; and~~

~~—(b) If applicable, the licensee has completed 640 hours of supervised practice under a licensed occupational therapist.]~~

**Sec. 3.** NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in subsection 5 and NAC 640A.101, a person with a standard license shall complete, to the satisfaction of the Board, at least 24 hours of continuing education per biennial renewal cycle.

2. If the licensee obtains more than 24 hours of continuing education during a biennial renewal cycle, he or she may carry over a maximum of 10 hours towards completion of his or her requirement for continuing education for the following biennial renewal cycle.

3. A licensee must achieve a passing score on the Nevada Occupational Therapy Jurisprudence Examination at least once every 5 years.

4. A person may receive credit for fieldwork supervision, the completion of a particular continuing education course or the achievement of a passing score on the Nevada Occupational Therapy Jurisprudence Examination only once during a biennial renewal cycle.

5. A person who obtains a standard license within 12 months of graduation from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program is required to obtain 12 hours of continuing education in order to renew the license for the first time.

6. A licensee shall comply with the requirements for continuing education, including, without limitation, submitting to the Board ~~[a completed form to be provided by the Board and]~~ a list of any courses and activities that the licensee completed to satisfy the provisions of this section. The materials described in this subsection must be submitted at the time, as established by the Board, the licensee is required to submit to the Board the application for the renewal of his or her license.

7. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.

**Sec. 4.** NAC 640A.090 is hereby amended to read as follows:

640A.090 1. 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;



(d) Service delivery programs performed by an occupational therapist or occupational therapy assistant; and

(e) Statutes and regulations in this State relating to occupational therapy.

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) 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 biennial renewal cycle in which the fieldwork ends:

(I) A maximum of 4 hours of continuing education for level I fieldwork supervision; or

(II) A maximum of 18 hours of continuing education for level II fieldwork supervision;

(e) 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; *and*

(2) ~~[Which is afterwards followed by the submission of a completed form to be provided by the Board; and~~

~~—(3)]~~ Which may result in a maximum of 12 hours of continuing education for the renewal cycle within which the writing is published;

(f) Teaching an educational or academic course that is outside the normal scope of the professional employment of the licensee and:

(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;

(g) Participation in an official meeting of the Board or 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 that 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 6 hours of continuing education per biennial renewal cycle; and

(h) 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 that 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 biennial renewal cycle in which the certification is achieved.

3. As used in this section:

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

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