



**STATE OF NEVADA**  
**BOARD OF OCCUPATIONAL THERAPY**

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**NOTICE OF PUBLIC MEETING**

**March 24, 2023 – Educational Session Only**

**Board Meeting**

**March 25, 2023 – 10:00 a.m.**  
Board of Occupational Therapy  
Administrative Office  
6170 Mae Anne Ave. Suite 1  
Reno, NV 89523

Zoom Access:

<https://us06web.zoom.us/j/85044889532?pwd=MFRaZlhmWFF6bzdTNFZWREZ0WEtqQT09>

Meeting ID: 850 4488 9532

Passcode: 525421

Telephone Audio Only: **(253) 215-8782**

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**AGENDA**

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The State of Nevada Board of Occupational Therapy may: (a) address agenda items out of sequence, (b) combine agenda items, and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030) Action by the Board on an item may be to approve, deny, amend, or table.

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**Educational Session**

March 24, 2023 – Day at the Legislature

Legislative Tour / Observation of Committees and Floor Sessions (informational)

**Board Meeting Agenda**

March 25, 2023

1. Call to Order, Confirmation of Quorum
2. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. Approval of the Minutes (for possible action)
  - February 18, 2023
4. Review and Approval of Governor’s Executive Order 2023-004 Report (for possible action)
5. Legislative Activities (for possible action)
  - Belz & Case Government Affairs - Legislative Report
  - Recap - Nevada Occupational Therapy Association Day at the Legislature
6. Consideration of Revisions to Personnel Benefits (for possible action)
  - Personal Time Off; Retirement Options; Medical Insurance
7. Executive Director’s Report (for possible action)
8. Report from Deputy Attorney General (informational)
9. Board Activities & Reports from Members (for possible action)
  - 2023 Meeting and Activities Schedule
10. 

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
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11. Adjournment (for possible action)

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Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. Public comment will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the Chairperson, additional public comment may be heard when that item is reached. The Chairperson may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)

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Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. (NRS 233B.126)

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**Notice:** Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 746-4101; or fax (775) 746-4105 no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.

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This meeting has been posted at the Board of Occupational Therapy Administrative Office, 6170 Mae Anne Ave., Reno, NV 89523, on the Board of Occupational Therapy website [www.nvot.org](http://www.nvot.org); and may also be accessed at the following websites: <https://notice.nv.gov/> - State of Nevada Public Notices

This agenda has been sent to all members of the State of Nevada Board of Occupational Therapy and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

Supporting materials relating to this public meeting of the Board of Occupational Therapy are available on the Board website <a href="http://www.nvot.org">www.nvot.org</a> or by contacting the Board office at (775) 746-4101 or email <a href="mailto:board@nvot.org">board@nvot.org</a>
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<b>AGENDA ITEM 3: APPROVAL OF MINUTES</b>
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The minutes of the meeting of February 18, 2023 of the State Board of Occupational Therapy are presented for approval.

*Minutes have not been approved and are subject to revision at the next meeting.*



**STATE OF NEVADA  
BOARD OF OCCUPATIONAL THERAPY**

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**SUMMARY MINUTES  
PUBLIC BOARD MEETING**

**February 18, 2023**

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Members Present: Allison Stone, Melanie Minarik, Jose Pablo Castillo, Phil Seitz, Jocelyn Pereira

Staff Present: Loretta L. Ponton, Executive Director  
Stacey Whittaker, Licensing Coordinator  
Henna Rasul, Sr. Deputy Attorney General

Public Present: Jeanette Belz, Marco Flores, Matt Olivier, Angela Terencio

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**Call to Order, Confirmation of Quorum**

Chair Stone, called the Board meeting to order at 9:01 a.m. A roll call confirmed a quorum was present.

**Public Comments**

Chair Stone opened public comments.

Loretta Ponton read a letter submitted anonymously to the board regarding concerns with the new Doctorate OT programs.

**Approval of Minutes**

Chair Stone called for approval of minutes.

Vice Chair Minarik made the motion, seconded by Jose Pablo Castillo to approve the minutes of the meeting of November 5, 2022. Allison Stone and Jocelyn Pereira abstained. The motion passed.

**Legislative Report**

Jeanette Belz of Belz and Case Government Affairs provided an update on the Board's bill and sponsor; legislative activities, and potential bills that may affect the occupational therapy profession and/or Board administration. To date, over 300 bills have been introduced this session and they are tracking approximately 13 that are not directly related to occupational licensing boards. The OT Board Bill, (BDR 737) sponsored by Assemblyman CH Miller has not yet been introduced, the deadline is March 20<sup>th</sup>.

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March 24, 2023 is Nevada Occupational Therapy Association Day at the Legislature. NOTA will be in attendance and Jeanette will be facilitating a Board Member Legislative Tour and possible floor session.

**Disciplinary Matters – Citation for Unauthorized Practice; Administrative Fine pursuant to NRS 640A.230 2(c) Kristine Booth, OTA, License No. OTA-2107**

Chair Stone called on Ms. Ponton to review the citation and administrative fine process.

Ms. Booth contacted the Board office on November 17, 2022 regarding late renewal of her license which expired September 18, 2022. An application for reinstatement was received the same day with appropriate CE documentation, NBCOT verification of current certification and explanation of her unauthorized practice. Ms. Booth's license OTA-2107 was reinstated as of November 17, 2022 as all the requirements for reinstatement were met. Pursuant to NRS 640A.230 2(c), a Citation for Unlicensed Practice was issued with notice to appear before the Board for a determination as to whether to assess an administrative fine of \$200-\$5,000 pursuant to NRS 640A.230 and NAC 640A.170.

Vice Chair Minarik is concerned that the licensee is not in attendance and would like to know if her employer was notified of the billing submitted during the two months of unlicensed practice. Stacey Whittaker reads for the record a letter from Ms. Booth explaining the circumstances behind the lapsed license.

Chair Stone called for a motion.

Jose Pablo Castillo made the motion, seconded by Vice Chair Minarik to assess an administrative fine of \$200 for unlicensed practice. The motion passed.

**Disciplinary Matters – Recommendation for Dismissal**

Case No. C23-05 alleged falsification of license application; non-disclosure of criminal history and disciplinary action by another State. After review of all documentation received regarding the above referenced complaint, it has been determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 640A of the Nevada Revised Statutes or the Nevada Administrative Code.

Chair Stone called for a motion.

Phil Seitz made the motion, seconded by Vice Chair Minarik to dismiss Complaint Case C23-05.

The motion passed.

**Consideration of Application for Licensure – Prior Criminal History**

Ms. Ponton reported that Marco Flores submitted an application for licensure as an Occupational Therapist on January 26, 2023. The application comes before the Board for consideration due to prior criminal history disclosed with the Application. Mr. Flores initially contacted the Board in 2020, at which time he was a OT Student, regarding a criminal gross misdemeanor conviction stemming from an incident in 2018 and was placed on probation. Mr. Flores completed all terms and was released from probation. Mr. Flores requested a pre-determination from NBCOT on eligibility to take the certification exam. NBCOT, after review of all documentation, issued a pre-determination that he would not be eligible for examination for 2 years, with conditions for reconsideration after the 2-year period. Mr. Flores has since completed all the requirements established by NBCOT, graduated from his OT educational institution in 2022 and received approval and

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authorization to take the certification examination from NBCOT. Mr. Flores was certified on January 26, 2023 and is requesting a Nevada Occupational Therapy License.

After board discussion, Vice Chair Minarik made the motion, seconded by Jose Pablo Castillo to approve the application for licensure for Marco Flores. The motion passed.

### **Governor's Executive Orders / Timelines and Activities**

Ms. Ponton provided the board with an overview of the 2023 Governor's Executive Orders.

*Executive Order 2023-03* Freezing Regulations and ordering a Review of Existing Regulations requires the Board to prepare and submit a Report to the Governor's Office by May 1, 2023. A Public Hearing is required to be held to solicit public input into how to streamline, clarify, reduce, or otherwise improve regulations. The report to the Governor's Office must include stakeholder input and must identify a minimum of 10 regulations recommended for removal. The Public Hearing is proposed for Thursday April 6th, at 1:00 p.m. via ZOOM. No new regulations may be proposed, approved or acted upon until the Executive Order is rescinded.

The board discussed whether or not there are ten regulations that can be removed and whether the boards history of regulation review will be included in the report.

Phil Seitz made the motion, seconded by Jose Pablo Castillo to move forward with the Public Hearing on April 6, 2023. The motion passed.

Chair Stone asked if the final report will have to go before the board for approval or if the board can delegate authority to the Executive Director.

Vice Chair Minarik made the motion, seconded by Jose Pablo Castillo to delegate authority to Loretta Ponton to prepare and submit the report to the Governor's Office. The motion passed.

*Executive Order 2023-04* Order Directing Professional and Occupational Licensing Boards to Suspend the Issuance of Any New Regulations, Show Cause for all Occupational Licensing Requirements and to Provide a Recommended Pathway for Facilitating Licensure Reciprocity. The Report, due April 1, 2023, must be submitted to both the Governor's Office and the Director of the Legislative Counsel Bureau.

Executive Director Ponton states that she is currently drafting this report and will present to the board for review at its March 25, 2023 board meeting.

### **Language Access Plan**

Ms. Ponton explained that Senate Bill 318 of the 2021 Legislative Session, codified as NRS 232.0081, requires an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government to develop a Language Access Plan to address the barriers persons with limited English proficiency face in accessing governmental programs and services. The Office of New Americans (ONA) has been the designated contact agency for questions and implementation of the requirements. The draft Language Access Plan follows the guidelines and template provided by the ONA. The Language Access Plan is provided for public input / comments and Board approval.

Jose Pablo Castillo made the motion, seconded by Phil Seitz to approve the Language Access Plan as written. The motion passed.

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### **Board Policy Revisions**

Ms. Ponton presented two proposed updates to Board Policy Manual updating Section 06:034 Co-Locating/Cost Sharing Regulatory Boards and add Section 06:04 Language Access Plan.

After review of the board policy revisions, there were no questions or comments.

Jose Pablo Castillo made the motion, seconded by Phil Seitz to approve the two proposed Board Policy Manual updates as written. The motion passed.

### **2023 / 2024 Strategic Direction**

The Board Self-Assessments have been compiled and were presented by Ms. Ponton for review and consideration. The outcomes of the Strategic Planning Session on August 12 – 13, 2022 including Board Fiduciary Objectives and Action Plans have been summarized and were presented for review, potential revision and/or approval. Ms. Ponton addressed objectives such as Protecting the Public, Board Oversight, Personnel Oversight and Transition Planning.

The board consensus was that there were no additional actions needed at this time to augment the 2023/2024 Strategic Direction.

### **Review and Approval of Job Classification and Compensation Plan Revisions to include but not limited to Job Specifications, Compensation and Benefits**

Staff was directed to review and make recommendations for revisions to the Board Classification and Compensation Plan; specifically the realignment of duties and responsibilities of the Executive Director and Licensing Coordinator positions. Updated and revised Job Specifications have been developed and were presented for Board consideration.

Board Personnel Policy ties Salary/Wage rates and Retirement Benefits (employer contributions to deferred compensation) to the State of Nevada personnel rates and PERS employer contribution rate. Effective July 1, 2023, the employer PERS contribution rate will increase by 2% to 17.5% and the State Legislature will be adjusting salary/wage rates for state employees by up to 10%.

An analysis of retirement benefits, medical insurance and leave benefits were presented to the board for review.

Jose Pablo Castillo made the motion, seconded by Vice Chair Minarik to approve the Job Specifications as presented. The motion passed.

The Benefits Analysis and Leave Benefits Analysis were tabled until the next board meeting.

### **Executive Director Performance Review**

Chair Stone stated she received the written evaluation forms from the board members with a total score of 60/60, the maximum, for the record. Ms. Ponton was described as an outstanding leader, meticulous with details, transparent and runs the board to perfection.

The last Executive Director performance review was completed by the Board at the meeting of November 6, 2021. At the November 2021 Board meeting, the salary of the Executive Director was increased to the top of the range effective July 1, 2022 in recognition of outstanding performance and years of service to

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the Board. Effective July 1, 2022, the State's salary ranges were adjusted by 1% approved by the 2021 Legislature, the Board salary ranges are based upon the State compensation schedules.

Vice Chair Minarik made the motion, seconded by Phil Seitz to approve a 1% increase in base salary, \$1,315.44 annually, to top of the range, retroactive to July 1, 2022. The motion passed.

### **Consideration of Employee Performance Bonuses**

Ms. Ponton explained that pursuant to the personnel policies, the Board may award individual bonus payments. Ms. Ponton stated that for outstanding service and in recognition of willingness to take on additional responsibilities while continuing exceptional support to the Board, a 10% performance bonus is recommended for Stacey Whittaker based on her outstanding performance review. The \$3,472.56 bonus would be effective today and is a one-time payment.

Phil Seitz made the motion, seconded by Jose Pablo Castillo to approve the one-time performance bonus of \$3,472.56 for Stacey Whittaker. The motion passed.

Chair Stone directed the board to determine Ms. Ponton's eligibility for a bonus payment.

After discussion regarding the board's budget, Phil Seitz made the motion, seconded by Vice Chair Minarik to award Ms. Ponton a one-time 10% bonus effective today. The motion passed.

### **Executive Director's Report**

Ms. Ponton reported on licensure statistics, office operations, the Nevada Jurisprudence Exam, Administrative Collaborative, and board complaint status. The FY 23 Financial Statements and FY budget revisions were presented for review. Revisions to the budget include costs associated with personnel actions and in-state travel for board members to attend the Legislative Tour in March, 2023.

Phil Seitz made the motion, seconded by Jose Pablo Castillo to approve the budget changes as presented. The motion passed.

**Report from Deputy Attorney General** – Henna Rasul stated she had nothing to report.

### **Board Activities & Reports from Members**

Chair Stone called for nominations for Board Chair and Vice Chair appointments. After discussion of the positions and responsibilities, Phil Seitz stated that he would be open to the Board Chair position.

Melanie Minarik made the motion, seconded by Jose Pablo Castillo to appoint Phil Seitz as Board Chair.

The motion passed.

Jose Pablo Castillo stated that he would be open to the Vice Chair position. Melanie Minarik made the motion, seconded by Phil Seitz to appoint Jose Pablo Castillo as Vice Chair. The motion passed.

Ms. Ponton stated that the board must appoint new authorized signatories for brokerage and bank accounts as both Sol Magpantay and Elizabeth Straughan are no longer on the board. Melanie Minarik and Jose Pablo Castillo were appointed as authorized signatories for board brokerage and bank accounts. Ms. Ponton will follow up with Wells Fargo to make the appropriate changes.



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The 2023 proposed meeting and activities schedule was discussed with potential conflicts with the July 29<sup>th</sup> meeting date. Ms. Ponton will confirm the change in date with board members at a later date.

**Public Comment** – Chair Stone opened the floor for public comments. Angela Terencio, UNLV Student thanked the board for their work. She provided positive feedback on the Jurisprudence Exam and noted that there is an interest from NOTA in learning the regulatory process from both sides.

**Adjournment** – Chair Stone adjourned the meeting at 12:01 p.m.

**State of Nevada**  
**Board of Occupational Therapy**

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<b>AGENDA ITEM 4: EO 2023-003 Report</b>
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A draft Cover Letter and EO 2023-003 Report to be submitted to the Governor's Office and the Director, Legislative Counsel Bureau is provided for review and approval.

The report is required to be submitted by April 1, 2023.

Attachment

EO 2023-003 Report



STATE OF NEVADA  
**BOARD OF OCCUPATIONAL THERAPY**

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March 29, 2023

Office of the Governor  
State Capitol Building  
101 N. Carson Street  
Carson City, NV 89701

Re: Governor's Executive Order 2023-004 Report

Honorable Governor Lombardo:

The Board of Occupational Therapy respectfully transmits the attached report on licensing requirements for the profession of Occupational Therapy.

Occupational therapists treat patients who have injuries, illnesses, or disabilities through the therapeutic use of everyday activities. About half of occupational therapists work in medical offices or in hospitals. Others work in schools, nursing homes, and home health services. Occupational therapists provide services for habilitation, rehabilitation and the promotions of health and wellness; occupational therapists assist clients in developing functional skills necessary to be considered for employment.

NRS 640A.050 defines "occupational therapy" as the use of evaluations, teachings and interventions to facilitate the activities of daily living of a client in groups or on an individual basis to enable the client to participate in and perform activities of daily living in various settings, including, without limitation, at home, at school, in the workplace and in the community.

Occupational Therapy practitioners are highly skilled providers of health care and are licensed in all 50 states and the District of Columbia.

The Board of Occupational Therapy has established a licensing process which is non-duplicative of national requirements for certification; recognizes the qualifications required for national certification; while ensuring practitioners are and remain qualified to practice professionally in this state.

Nevada is recognized as having one of the most efficient and timely licensing process in the nation for occupational therapy practitioners; Nevada addresses the challenges faced by military personnel, veterans and their respective spouses with expedited licensure and reduced fees<sup>1</sup>; and Nevada provides occupational therapy practitioners with the highest wages for their profession in the nation<sup>2</sup>.

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<sup>1</sup> NRS 640A.166; 640A.190; NAC 640A.160

<sup>2</sup> US Bureau of Labor Statistics, Occupational Outlook Handbook

The Board of Occupational Therapy diligently oversees the practice of Occupational Therapy, NRS 640A and establishes through regulation, NAC 640A, the minimal requirements to ensure the safety and well-being of Nevada's residents. There are no regulations under Chapter 640A of Nevada Administrative Code that restrict entry into the profession of occupational therapy.

The Board of Occupational Therapy is committed to attracting and retaining qualified Occupational Therapists and Occupational Therapy Assistants; ensuring Nevada has the healthcare workforce necessary to serve its residents.

The Nevada Board of Occupational Therapy works alongside the Nevada Occupational Therapy Association, in providing outreach and information to practitioners of occupational therapy seeking employment and for the expansion of occupational therapy services in Nevada; and the American Occupational Therapy Association and the National Board of Certification in Occupational Therapy to ensure practitioners are educated, qualified and competent to practice in Nevada.

Thank you for providing this opportunity to provide information on Occupational Therapy practice in Nevada.

Respectfully submitted,

Loretta L. Ponton  
Executive Director

Attch: EO 2022-004 Report



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**Executive Order 2023-004 Report  
Occupational and Professional Licensing Boards**

**Board Overview of Regulatory History**

**NRS 640A – History of Regulations**

The Board of Occupational Therapy was created in 1992, for the licensure of Occupational Therapists and Occupational Therapy Assistants. The first implementing regulations were approved, effective in 1995.

The state's administrative procedures require a complete review every 10 years and interim reviews every 3 years to ensure regulations are current.

- 9/18/08 – adopted regulations reflect the first full 10-year review conducted during 2006-2007; New sections were added and existing sections were revised and updated, including the fee structure.
  - 9/27/99; 9/20/02; 10/24/14; and 2/19/16 - additional revisions and clarifying regulations were adopted.
- 3/24/18 – adopted regulations reflect the second full 10-year review conducted by the Board. These regulations extended the term of a license to two (2) years with no increase in fees; added passage of the Nevada jurisprudence exam as a requirement for licensure; and established a reduced fee for initial licensure for veterans, active members of the military and spouses of veterans and active members of the military.
  - 12/30/19; 02/08/20; 11/06/21 – regulations revised renewal fees but did not increase initial licensure fees for biennial licensure as adopted in 2018; addressed telehealth services; and clarified other regulation sections.

The Board will be conducting its next full 10-year review of regulations after the 2025 Legislative Session with regulation revisions addressing potential legislative initiatives, including but not limited to the Occupational Therapy Compact, considering adoption by 2028.

**Attachment 1 – Statutory / Regulatory History of the Board of Occupational Therapy**

**Section 1 – Regulations restricting entry into the profession of occupational therapy.**

*The Board of Occupational Therapy is committed to attracting and retaining qualified Occupational Therapists and Occupational Therapy Assistants; ensuring Nevada has the healthcare workforce necessary to serve its residents.*

***There are no regulations under Chapter 640A of Nevada Administrative Code that restrict entry into the profession of occupational therapy.***

The Board of Occupational Therapy last conducted a full review of all regulations in 2018 with interim regulation updates at a minimum every 3 years. (See Attachment 1).

The Board has approved pending proposed regulation clarifications ready for public workshop in 2023; the proposed regulation does not contain any additional requirements that would restrict entry into the profession of occupational therapy.

The Board has a BDR (#737) waiting to be introduced before the 2023 Legislature which will update NRS 640A to align with national eligibility criteria which will necessitate an update to NAC 640A. Attachment 2 highlights in red the proposed language revisions to be eliminated pertinent to initial licensure.

*a. Pertinent Regulations – Initial Licensure;*

**Attachment 2 – NAC 640A Initial Licensure Regulations**

**NAC 640A.030** Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license.

**NAC 640A.041** Eligibility to obtain Standard License

**NAC 640A.062** Temporary licensing; conversion of temporary license to standard license.

**NAC 640A.065** Provisional licensing; conversion of provisional license to standard license.

*b. Fees and Costs – NAC 640A.160*

Fees are established at a rate necessary to support the operations of the Board and are reviewed annually. Fees were lowered in 2018 by extending the term of a license from 1 year to 2 years with no increase in license fees; a slight increase in renewal fees was approved, effective for 2020 renewals, with no increase in initial license fees.

New applicant fees include a processing fee of \$150.00 and license fee.

Initial Fees: Occupational Therapist \$ 400; Occupational Therapy Assistant \$325.00	(2 year)
Temporary: Occupational Therapist \$ 300; Occupational Therapy Assistant \$250.00	(6 month)
Provisional: Occupational Therapist \$ 300; Occupational Therapy Assistant \$250.00	(6 month)

Military, Veterans and their spouses pay reduced initial registration fees of 50%.

*c. Examinations – NAC 640A.030*

The Board requires certification by the National Board for Certification in Occupational Therapy (NBCOT) which is the national examination organization for the practice of Occupational Therapy. Individuals must pass the certification examination in order to obtain their national certification.

Examination fees are paid directly to NBCOT when scheduling their examination.

A provisional license is available to new graduates who have been determined eligible to take the national certification examination. Provisional licensees must practice under the supervision of a license Occupational Therapist.

d. Other Requirements – Nevada Jurisprudence Examination

All applicants are required to complete the Nevada jurisprudence examination prior to licensure and every 5 years thereafter. The jurisprudence examination is on-line through the Board website and is open book with a 100% score required.

**Section 2 – Justification of Regulations and Analysis of States.**

a. Justification of current regulations

Regulations have undergone regular reviews at a minimum every 2 years. The Board of Occupational Therapy has aligned its licensing qualifications and requirements with national criteria and has expedited the licensing process through electronic on-line capabilities for all licensing processes.

The proposed modifications to initial license regulations related to 2023 Bill (noted in Section 1 above) will eliminate criteria that is the responsibility of the national certifying agency in determining eligibility for certification and examination.

b. Analysis of States who license the profession of occupational therapy.

Occupational Therapists and Occupational Therapy Assistants are licensed in all fifty (50) States in the United States and the District of Columbia.

**Section 3 – Recommendations for revisions to current regulatory construct to expedite licensure.**

There are no recommendations to the current regulatory construct to expedite licensure.

The Board of Occupational Therapy has an on-line application and data system which expedites license processing. The applicant can upload all required documents at time of application and pay the licensure fee during the application process.

Licenses are issued within 3 working days of receipt of a complete application; in most cases licenses are issued immediately.

Expedited licensing is available for military affiliated applicants where Board staff will assist with the verification of certification, current licenses held in another state and documentation uploads. Expedited processing ensure licenses are issued same day or as soon as possible.

**Section 4 – State Compacts and Reciprocity**

a. State Compacts - The Occupational Therapy Compact was ratified in 2022 with the initial 10 states joining the OT Compact. Currently there are 23 states who have passed legislation as members of the OT Compact. The first organizational meeting of the Compact Commission was held in August 2022; the organizational structure, staffing, database, rules, fees and reporting requirements remain to be completed. The first “compact privilege to practice” through the OT Compact is slated for 2024, after the structure and rules have been finalized. The OT Compact member states are: Alabama, Arizona, Arkansas, Colorado, Delaware,

Georgia, Iowa, Kentucky, Maine, Maryland, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

The Board of Occupational Therapy, through BDR 737 of the 2023 Legislative Session, is implementing a tiered approach toward a determination on whether Nevada should join the Occupational Therapy Compact. The legislation will allow licensure reciprocity for individuals residing in a Compact state. The utilization of reciprocity will provide baseline data for determining the impact of “compact privilege” to practice on the availability of services, number of individuals entering Nevada from Compact states who potentially would be eligible for “compact privilege” and potential fiscal impact to the Board resulting from loss of revenue from full licensing fees and increased expenses due to fees charged the Board for Compact participation, data system updates and implementation of initial background checks.

Currently licensure by endorsement remains available for out-of-state applicants and expedited licensure with reduced fees for military, veterans, and spouses is available through current NRS 640A provisions.

*b. States with Reciprocity* – There are no states that recognize full reciprocity. At a minimum, applicants must provide NBCOT certification status, and verification of licenses held in another state. Additional state level requirements may include, but are not limited to, criminal background checks, continuing education, jurisprudence examinations, and transcripts.

Nevada requires: NBCOT certification or NBCOT eligibility determination, verification of licensure in another state, if any, and completion of the Nevada jurisprudence examination.

*c. Justification for not participating in Reciprocity* – There is no need for reciprocity in Nevada; no other state has 100% reciprocity. The Nevada licensure requirements align with national standards and include expedited staff assisted processing in certain circumstances.

*d. Action Plan for Reciprocity* – None.



## **ATTACHMENT 1**

### **Statutory / Regulatory History of the Board of Occupational Therapy**

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# Board of Occupational Therapy

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## *Legislation - Nevada Revised Statutes (NRS) 640A Laws*

**June 18, 1991**

**Board of Occupational Therapy was Created**

- 1991 SB246: Created the Board of Occupational Therapy and established the initial role and responsibilities of the Board to license and regulate the practice of occupational therapy.
- 1995 SB 3: Removed the requirement that the OT Association must refer individuals to the Governor for appointment to the Board and established a process for the Governor to fill positions when a member resigns prior to the end of their term.
- 2003 SB 27: Added Athletic Trainers to professions exempt from licensure by the Board.
- 2005 SB 163: Added prohibition for renewal of a license if the person does not comply with child support orders; requires an applicant to provide their social security number on the application for licensure.
- 2007 SB 412: Clerical revisions to reference “Chapter” replacing reference to “Section”.
- 2009 SB 362: Requires complaints to be retained 10 years and added to unprofessional conduct subject to disciplinary action, the operation of a facility while that facilities license has been suspended or revoked.
- 2013** **SB 153:** The Board’s bill making major revisions and updates to NRS 640A. Added Occupational Therapists as a “provider of health care” in NRS 622 Healing Arts; and updated the Scope of Practice among other areas. Every section of the law was updated and/or revised to reflect current practices.
- SB 246: Added authority for inspection of premises, citations for unlicensed practice, filing of anonymous complaints, and referrals of complaints to appropriate Board or entity.
- 2015 AB 89: Provides authority for but does not require license by endorsement and expedited licensing for veterans, members of the military and families and establishes processing timelines for such applications.
- SB 68: Similar to AB 89 authorizing license by endorsement for other than military related individuals.
- 2017 SB 69: Requires Boards not otherwise authorized, to issue a license by endorsement, establishes timelines for issuance of a license by endorsement, and adds additional reporting requirements related to licensing activities; limits the term of a Board member to 12 years unless there are 250 or less licensees regulated; and revised provisions relating to payment of fees for legal services on a contingent basis.

- AB 19: Revises veteran-related information reporting requirements on licensees who have applied, been issued and renewed a license; report to be submitted annually.
- AB 328: Increased the revenue cap from \$75,000 to \$200,000, before an audit of the financial records are required. Under \$200,000 in revenue, a Board may provide an annual balance sheet; prohibits a person from being “employed” as an Executive Director for more than one Board; and prohibits an attorney employed by a Board from also prosecuting a case before the Board.
- SB 137: Adds additional questions that must be answered by a veteran applying for licensure.
- 2019 AB 275: Prohibits certain regulatory bodies from denying licensure of an applicant based upon his or her immigration or citizenship status; allows an applicant to provide a personal identification number if a social security number has not been issued when submitting an application.
- AB 319: Allows a person to petition a board for a determination of whether a criminal history will disqualify the person from obtaining a license. The bill also requires a regulatory body to submit information to the Sunset Subcommittee on how many petitions were received and the determination of the Board on those petitions.
- SB 219: Authorizes the acceptance of credit cards for all regulatory boards and charge a convenience fee; requires a board to establish written internal controls for all monetary withdraws and a review of expenditures and supporting documentation on a regular basis.
- SB 323 Requires an itemized statement of any legal fees and costs assessed to an individual as a result of a disciplinary action.
- SCR 6 Directs the Legislative Commission to conduct an interim study concerning professional and occupational licensing boards.
- 2021 AB253 Revises the requirements for conduct of public meetings to include meetings conducted by remote technology and revises posting requirements for public meetings and hearings.
- SB 196 Prohibits in certain circumstances, the conduct of a pelvic examination by a provider of health care.
- SB 217 Establishes the Board of Applied Behavior Analysis as an independent regulatory Board and adds Applied Behavior Analysts as providers of health care.
- SB 379 Directs the establishment of a health care provider databank for collection of specific demographic information; requires specific medical professions to collect the information upon renewal; and makes it optional for other health care regulatory boards to collect and submit the data.

## **Nevada Administrative Code (NAC) 640A Regulations**

The first regulations of the Board were adopted effective 12/23/92; additional implementing provisions were added effective 5/23/95.

The formal administrative process for adoption of regulations was implemented after 1995. The state's administrative procedures require a complete review every 10 years and interim reviews every 3 years to ensure regulations are current.

- R083-99 Adopted 9/27/99: Adopted AOTA Code of Ethics and Standards of Practice, moved expiration date of license to June 30<sup>th</sup>, clarified continuing education activities, established OT can be provided in non-medical setting.
- R179-01 Adopted 9/20/02: Created a provisional license and established the requirements for obtaining that license, term of license, fee, and supervision of COTA and provisional licensee.
- R210-07 Adopted 9/18/08: This was the first major revision to the regulations after the Board conducted a complete review of its regulations codified in NAC 640A. New sections were added and existing sections were revised and updated, including the fee structure.
- R017-14 Adopted 10/24/14: Added requirements passed at the 2013 Legislative Session to require name tags, and to assess an administrative fine for practice with an expired license; establish the late renewal period at 30 days after expiration, allow a COTA to delegate duties to a technician or aid and removed fees for a name change and duplicate license.
- R048-15 Adopted 2/19/16: Updated continuing education requirements increasing the number of hours required to 12 hours annually. Twelve (12) hours of CE was required for license renewals beginning in 2017.
- R067-17 Adopted 3/24/18: Changed the term "Active" license to "Standard" license and extended the term of a Standard license to two (2) years with no increase in fees. Added passage of the Nevada jurisprudence exam as a requirement for licensure and mandated the jurisprudence exam to be completed at least once every five (5) years. Established a reduced fee for initial licensure for veterans, active members of the military and spouses of veterans and active members of the military. Revises the supervisory requirements for COTA and Provisional licensees to require a primary supervisor for each employer and the responsibilities of a treating occupational therapist and primary supervisor in the supervision of a licensee.
- R062-19 Adopted 12/30/19: Increased fees for biennial renewal of a license, and corresponding related fees for reinstatement and conversion of a license.
- R105-19 Adopted 02/08/20: Requires notification to the Board of employment or change in employment status; revises provisions relating to continuing education requirements to concur with a biennial renewal cycle;
- R001-21 Adopted 11/06/21: Establishes requirements for practice by telehealth; clarifies "treating occupational therapists" responsibilities; requires licensee to take certain measures to avoid actual or perceived conflicts of interest; sets forth requirements for the content of a verification of licensure; establishes different fees for a retired licensee to renew or convert an inactive license, revises provisions relating to delegation of duties to and supervision of occupational therapy assistants and provisional licensees.

## Board of Occupational Therapy

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The Board was created by Legislative action, effective June 18, 1991. The first Board members were appointed to staggered terms beginning with three members appointed effective January 1, 1992. Two additional members were appointed in 1994 and served through 2000, one year past their term end date. This created a situation of four positions being open at the same time. After thorough research by the Governor's office at the request of the Board, staggered terms were reinstated with appointments to modified terms beginning in 2014. The Board member positions are now back to staggered terms with no more than 2 positions open for appointment in any one year.

The licensing activities of the Board began in 1993 when the first 111 individuals obtained their state OT licenses. The Board's first Administrator was hired on a contract basis to handle the Board's administration. The Board did not have sufficient funding to open an office; all activities were conducted remotely.

In 2008, the Board licensing process was automated with the addition of a licensing and regulatory software system. The system includes automated on-line license renewal and compliance modules for auditing continuing education and supervision requirements. During 2020, the Board implemented on-line license applications to supplement the existing on-line license renewals, becoming 100% electronic, expediting the issuance and renewal of licenses.

By 2011, the number of licensees increased to 770 and the Board finances had strengthened. The Board approved a move to a physical office and the Board's Administrative Office opened to the public on August 1, 2011.

The current office includes a conference room for Board meetings, video or teleconferencing and other activities, and sufficient space to accommodate co-locations within the facility.

In 2018, the Board, acknowledging their strong financial position, set a goal of reducing cash reserves by extending the standard license term to 2-years without an increase in fees. This change resulted in cash savings to licensees resulting in a projected reduction of over \$250,000 in the Board's cash reserves. In 2020, the license renewal fees were slightly increased but new applicant fees remained at the previous levels.

Due to the impact of the COVID-19 state of emergency, the Board licensee numbers decreased in FY 2021 for the first time since 1992, impacting the Board's revenue. Reserve funds were utilized to support the Board's operations during the COVID-19 state of emergency.

The licensee base has again begun to increase which will stabilize revenue and normal operations have been restored.

## COVID-19 Declaration of Emergency

The Board implemented two (2) emergency provisions to address the health care emergency in the State of Nevada due to COVID-19 state of emergency.

### Emergency Temporary License

The Board approved emergency provisions for issuance of a temporary license by endorsement to include the waiver of the license fee and jurisprudence exam; and extended NBCOT certification to allow “inactive status” for new applicants who hold a current license in good standing in another state.

### Option to Defer Renewal Fee

The Board approved the option to defer renewal fees for licensees whose current license expired during the state of emergency.

## Historical Licensing History

FY 2010 – FY 2022

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<b>Fiscal Year</b>	<b>Total Licensees</b>
2010	716
2011	770
2012	849
2013	871
2014	956
2015	1017
2016	1111
2017	1201
2018	1321
2019	1421
2020	1635
2021	1587
2022	1670
December 31, 2023	1711

## ATTACHMENT 2

### NAC 640A Initial Licensure Regulations

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(Proposed Revisions are the responsibilities of National Board for Certification in Occupational Therapy.  
Language in **Red, strikethrough** to be eliminated; language in **blue** to be added.)

**NAC 640A.030 Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license.** (NRS 640A.110, 640A.140)

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 *National Board for Certification in Occupational Therapy* [~~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 license if the application is submitted more than 30 days after the date on which the license expired.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-95; R083-99, 9-27-99; R1 79-01, 9-20-2002; R210-07, 9-18-2008; R01 7-14, 10-24-2014; R048-15, 4-4-2016; R067-17, 5-16-2018; **R076-21, 4-11-21**)

**NAC 640A.041 Eligibility to obtain standard license.** (NRS 640A.110, 640A.120) In addition to the requirements set forth in NAC 640A.030, to be eligible to obtain a standard license, a person must:

1. ~~—[Have graduated from:~~
  - ~~(a) An educational program which is accredited by an agency approved by the Board and which includes a fieldwork program; or~~
  - ~~(b) An educational program in another country;]~~
2. Have achieved a passing score on:
  - ~~(a) [An examination provided by an agency approved by the Board; and]~~
  - (b) The Nevada Occupational Therapy Jurisprudence Examination; *and*
3. Have current certification as an occupational therapist registered or certified occupational therapy assistant; *and*
4. ~~—[Be a citizen of the United States or otherwise have the legal right to work in the United States.]~~

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-

**NAC 640A.062 Temporary licensing; conversion of temporary license to standard license.**  
([NRS 640A.110](#), [640A.170](#))

1. A person who is currently certified as an occupational therapist registered or certified occupational therapy assistant and 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 by meeting the requirements set forth in [NAC 640A.030](#).

2. A temporary license expires 6 months after the date on which it is issued.

3. A temporary license may be renewed not more than once.

4. A temporary license may be converted to a standard license if the person:

(a) Meets the requirements set forth in [NAC 640A.030](#) and [640A.041](#); 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 or her last original or renewed temporary license, as applicable.

(Added to NAC by Bd. of Occupational Therapy, eff. 5-23-95; A by R083-99, 9-27-99; RI 79-01, 9-20-2002; R210-07, 9-18-2008; R067-17, 5-16-2018)

**NAC 640A.065 Provisional licensing; conversion of provisional license to standard license.**  
([NRS 640A.110](#), [640A.120](#))

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]~~ *the national examination for certification in occupational therapy*, but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.

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

3. A provisional license may be renewed not more than once.

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](#), the Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant.

(Added to NAC by Bd. of Occupational Therapy by RI 79-01, eff. 9-20-2002; A by R210-07, 9-18-2008; R067-17, 5-16-2018; R076-21, 4-11-21)



**State of Nevada**  
**Board of Occupational Therapy**

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<b>AGENDA ITEM 5: Legislative Activities</b>
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**Legislative Report**

Jeanette Belz and Lea Case of Belz and Case Government Affairs will provide an update on the Board's bill and sponsor; legislative activities, and potential bills that may affect the occupational therapy profession and/or Board administration.

**Nevada Occupational Therapy Association Day at the Legislature**

Members will discuss their experiences at the Legislature for the Legislative Tour.

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**AGENDA ITEM 6: Personnel Benefits**

Board Personnel Policy ties Retirement Benefits (employer contributions to deferred compensation) to the State of Nevada personnel rates and PERS employer contribution rate.

Effective July 1, 2023, the employer PERS contribution rate will increase by 2% to 17.5%.

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**Benefits Should be Comparable to State Personnel**

The Board is a public entity under the governance and oversight of the Executive Department of the State. The majority of regulatory Boards offer PERS retirement and medical insurance benefits. Once a Board makes the move to join PERS, that decision is final and cannot be changed in the future. Once a participating member agency, always a participating member.

There are smaller Boards with limited resources who offer alternatives to PERS. Three other Boards, like the OT Board, offer retirement through employer contributions to the Nevada Deferred Compensation Program, one Board offers a SEP/IRA contribution. Several small Boards do not offer any benefits.

**Retirement Benefits** – The attached chart provides an analysis of current retirement benefits (deferred compensation) and state PERS retirement. Current retirement (DC) is comparable to employee/employer PERS. The employee is 100% vested in the DC plan immediately. With PERS, there is a 5-year vesting period for eligibility for benefits. A state employee may withdraw their own contributions prior to vesting or after, if on the employee/employer plan; however, they would not receive any retirement credits toward social security for their period of employment with the State.

**No change is recommended.**

**Medical Benefits** - Medical Insurance is not offered as a benefit currently. The cost analysis to participate in the state PEBS medical insurance program is provided.

Any regulatory Board may participate in the State’s Medical Insurance Program. It is not a requirement that the Board also become a member of PERS. The Board would be obligated to pay the employer monthly premium which is set by PERS annually based upon their contracts and offered benefits. Currently the monthly premium is \$755 plus 2.15% of total salaries - approximately \$10,000 per year for planning purposes.

A medical insurance stipend at ½ the PEBS monthly premium is currently paid as negotiated with the Executive Director under the existing employment contract.

With a stipend, the Board could set a flat rate or tie the amount to PEBS employer premiums which change annually.

**Recommendation**

**Add optional Medical Benefits for full-time staff hired after 7/1/23.**

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**Person Time Off (PTO)** - The PEBP conducted a wage and benefits survey of State employees which indicated that PTO is seen as the greatest benefit. The Board leave allowance is less than offered by the State. The Board's PTO can be used for any purpose.

Existing leave benefits (PTO) begin at 4 weeks annually increasing to 5 weeks at 5 years and 7 weeks at 10 years.

State Benefits (separate sick and leave) start at 6 weeks annually increasing to 7.20 weeks total at 15 years. Sick leave is capped at 120 hours; annual leave increases at benchmarks.

**Recommendation**

A revised PTO benefits schedule is recommended to increase PTO time off to begin at 6.0 weeks for years 1-5; 7.0 weeks for years 6-10; with a cap of 8 weeks with 10+ years of service. Annual carry-over hours would increase to 6.5 weeks (260 hours) and termination pay-out would be capped at 260 hours for service less than 10 years and 320 hours for service 10+ years.

Attachments

Benefits Analysis  
Leave Benefits Analysis

**Salary  
Benefit Options & Costs**

Retirement Options		DEFERRED COMP	Rate / %	Board Share	Employee Share
<i>Employer Paid Deferred Compensation</i>	Retirement		9.30%	9.30%	
<i>Social Security</i>	Social Security		12.40%	6.20%	6.20%
	Medicare		2.90%	1.45%	1.45%
<b>Total Board Liability per Employee / % of Salary</b>				<b>16.95%</b>	
<b>PERS</b>					
<i>PERS - Public Employees Retirement System</i>	Employee/Employer Paid		15.50%	15.50%	15.50%
	Employer Paid		29.75%	29.75%	0.00%
	Social Security - Employee/Employer Paid		2.90%	1.45%	1.45%
<b>Total Board Liability per Employee / % of Salary</b>			<b>EEP</b>	<b>16.95%</b>	
			<b>Employer Paid</b>	<b>31.20%</b>	
<b>Medical Insurance Option</b>					
PEBP - Public Employees Benefit Program	Group Insurance		Per Empl Month	Board Share	Employee Share
			Annually	\$ 755.00	PEBS Cost Sch
	Retired Group Ins.		Gross Salary	\$ 9,060.00	
				2.17%	
<b>Total Board Liability per Employee / % of Salary</b>			<b>Annually</b>	<b>\$ 9,060.00</b>	
			<b>Plus % of Gross Salary</b>	<b>2.17%</b>	

**LEAVE BENEFIT ANALYSIS**

**BOARD OF OCCUPATIONAL THERAPY - CURRENT**

(Pro-Rate for Less Than 40 Hr Wk)

	<b>Vac / Sick / Personal</b>	<b>Hours</b>	<b>Annual Weeks</b>	<b>Hours Month</b>	<b>Bi-weekly</b>
1-5 years	PTO	160	<b>4.00</b>	13.33	6.15
6-10 years	PTO	200	<b>5.00</b>	16.67	7.69
Over 10 years	PTO	280	<b>7.00</b>	23.33	10.77
<b>Annual Carry Over Limit</b>		160	<b>4.00</b>		

<b>Termination Pay</b>					
Maximum	No Service Limits	160	<b>4.00</b>		

**\* STATE OF NEVADA BENEFITS**

	<b>Leave</b>	<b>Hours Vac / Sick</b>	<b>Annual Weeks</b>	<b>Hours Monthly</b>	<b>Hours Bi-weekly</b>
1-9 years	Annual 120 Hr + Sick 120 Hr	240	6.00	20	9.23
10-14 years	Annual 144 Hr + Sick 120 Hr	264	6.60	22	10.15
15+	Annual 168 Hr + Sick 120 Hr	288	7.20	24	11.08
Carry Over Limit	Annual Sick	240 Unlimited	6.00		

<b>Termination Pay</b>					
Pay-Out Maximum	Annual Leave	408	7.85		
Sick Payout	Service < 10 Yrs	0	0.00		
Sick Payout	Service > 10 Yrs	Excess of 30 days	Cost Capped	\$ 2,500 - \$8,000	

**BOARD OF OCCUPATIONAL THERAPY - PROPOSED**

(Pro-Rate for Less Than 40 Hr Wk)

	<b>Vac / Sick / Personal</b>	<b>Hours</b>	<b>Annual Weeks</b>	<b>Hours Month</b>	<b>Bi-weekly</b>
1-5 years	PTO	240	<b>6.00</b>	20	9.23
6-10 years	PTO	280	<b>7.00</b>	23.3	10.77
Over 10 years	PTO	320	<b>8.00</b>	26.67	12.31
<b>Annual Carry Over Limit</b>		260	<b>6.50</b>		

<b>Termination Pay</b>					
Maximum	Pay-Out < 10 Yrs	260	6.50		
Maximum	Pay-Out > 10 Yrs	320	8.00		

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<b>AGENDA ITEM 7: Executive Director's Report</b>
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Attachments

Initial Draft EO 2023-003 Report - Informational

<b>AGENDA ITEM 8: Report from Legal Counsel</b>
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Henna Rasul, Sr. Deputy Attorney General will report on legal matters.

## Executive Order 2023-03 – Template

Name of department, agency, board, or commission: **Board of Occupational Therapy**  
 Address: 6170 Mae Anne Ave., Suite 1  
 City: Reno, Nevada Zip: 89523 Telephone: (775) 746-4101  
 Name of Director: Loretta L. Ponton, Executive Director  
 Director Email: board@nvot.org

**Section 1 - Comprehensive Review of Regulations / Section 3 – Mandatory Meeting and Report**

The above-named department, agency, board, or commission conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

<b>Regulation/ Information as required on page 1</b>	<b>Page number</b>
1. NAC 640A.030 Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license	
2. NAC 640A.041 Eligibility to obtain standard license.	
3. NAC 640A.065 Provisional licensing; conversion of provisional license to standard license	
4. NAC 640A.068 Inactive licensing; continuing education; renewal; conversion of inactive license to standard license.	
5. NAC 640A.070 Continuing education: Generally.	
6. NAC 640A.090 Continuing education: Subject matter; qualifying activities.	
7. NAC 640A.101 Continuing education: Waiver of requirements for extenuating circumstances.	
8. NAC 640A.155 Acceptable forms of payments to Board; fee for returned payment.	
9. NAC 640A.160 Fees	
10. NAC 640A.170 Administrative fine for practicing with expired license; Board may waive fine under certain circumstances.	
11. NAC 640A.200 Use of professional title or initials.	
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**Section 2 – Regulation for Removal / Section 3 – Mandatory Meeting and Report**

The above-named department, agency, board or commission conducted a comprehensive review of the regulations subject to its enforcement and identified the following ten (10) or more regulations recommended for removal. The regulations identified for Section 2 of Executive Order 2023-03, ranked in descending order of priority, are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

<b>Regulation/Information as required on page 1</b>	<b>Page number</b>
1. NAC 640A.060 Licensing of person whose standard license has been expired for 5 years or more. Treatment as new applicant.	
2. NAC 640A.150 Inclusion of license number on or with documents submitted to Board.	
3. NAC 640A.410 Fees and expenses of witnesses	
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**State of Nevada**  
**Board of Occupational Therapy**

**Governor's Executive Order 2023-03 - Report**

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**Introduction**

The Board of Occupational Therapy was created in 1992, with implementing regulations in 1995. Full regulatory reviews and modifications of NAC 640A were completed in 2008 and 2018, with additional interim modifications and updates. It is the policy of the Board to submit proposed modifications, in accordance with the Nevada Administrative Procedures Act, at a minimum every two years, and during the Legislative Interim in order to address and incorporate any regulatory requirements imposed by the State Legislature during the previous session. The most recent revision was completed in 2021; additional proposed regulations are pending.

A Public Hearing for the Review of Regulations was held April 6, 2023 wherein each section of the Board of Occupational Therapy regulations, Nevada Code, Chapter 640A, were reviewed, public input was solicited, and recommendations for modification or elimination were identified.

*Attachment A* identifies by NAC Section, Board recommendations to streamline, clarify, reduce or otherwise improve regulations for the general welfare of the State without unnecessarily inhibiting economic growth; and for elimination of regulations, taking into consideration input received from stakeholders at the Public Hearing for the Review of Regulations.

*Attachment B* identifies all individuals who attended the Public Hearing, submitted verbal or written comments, and summarizes public input received as a result of the Public Hearing for the Review of Regulations.

*Attachment C* provides the estimated impact on any business, person, or agency if the regulation modifications occur, which includes the adverse and beneficial effects; the positive or negative economic impact; and estimated cost savings to the Board of Occupational Therapy.

**Summary of Findings and Recommendations**

## Attachment A

### Section 1 - Comprehensive Review of Regulations with Recommendations

*Regulations reviewed with recommendation to streamline, clarify, reduce or otherwise improve to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.*

#### **NAC 640A.030 Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license.**

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 *National Board for Certification in Occupational Therapy* ~~[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 license if the application is submitted more than 30 days after the date on which the license expired.  
(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-95; R083-99, 9-27- 99; R079-01, 9-20-2002; R210-07, 9-18-2008; R01 7-14, 10-24-2014; R048-15, 4-4-2016; R067-17, 5-16-2018; **R076-21, 4-11-21**)

Rationale – All initial applicants are required to hold national certification. Paragraph 5 criteria is no longer the responsibility of the Board as the national certifying agency determines educational eligibility for certification; paragraph 6 identifies the national certifying agency.

**NAC 640A.041 Eligibility to obtain standard license.** ([NRS 640A.110](#), [640A.120](#)) In addition to the requirements set forth in [NAC 640A.030](#), to be eligible to obtain a standard license, a person must:

1. ~~[Have graduated from:~~
  - ~~(a) An educational program which is accredited by an agency approved by the Board and which includes a fieldwork program; or~~
  - ~~(b) An educational program in another country;]~~
2. Have achieved a passing score on:
  - ~~(a) [An examination provided by an agency approved by the Board; and]~~
  - (b) The Nevada Occupational Therapy Jurisprudence Examination; *and*

3. Have current certification as an occupational therapist registered or certified occupational therapy assistant; ~~and~~
4. ~~[Be a citizen of the United States or otherwise have the legal right to work in the United States.]~~  
(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-16-2018)

Rationale – All initial applicants are required to hold national certification. Paragraph 1 criteria is no longer the responsibility of the Board as the national certifying agency determines examination eligibility criteria for certification; paragraph 4 removes requirements verified by the national certifying agency.

**NAC 640A.065 Provisional licensing; conversion of provisional license to standard license. (NRS 640A.110, 640A.120)**

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]~~ *the national examination for certification in occupational therapy*, but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.
2. A provisional license expires 6 months after the date on which it is issued or renewed.
3. A provisional license may be renewed not more than once.
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](#), the Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant.  
(Added to NAC by Bd. of Occupational Therapy by RI 79-01, eff. 9-20-2002; A by R210-07, 9-18-2008; R067-17, 5-16-2018; **R076-21, 4-11-21**)

Rationale –The national certifying agency determines educational eligibility criteria for examination; provisional status allows new graduates to begin employment immediately upon a determination of eligibility to take the national examination.

**NAC 640A.068 Inactive licensing; continuing education; renewal; conversion of inactive license to standard license. (NRS 640A.110, 640A.180)**

1. In addition to the requirements set forth in [NAC 640A.030](#), to convert a standard license to an inactive license:
  - (a) The license must 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:
    - (1) That he or she no longer practices or represents to others that he or she is authorized to practice occupational therapy in this State, and
    - (2) Whether the person is retired from the practice of occupational therapy.
2. To renew an inactive license, a person must meet the requirements of [NAC 640A.030](#).
3. The holder of an inactive license may request that the license be converted to a standard license.
4. In addition to the requirements set forth in [NAC 640A.030](#), to convert an inactive license to a standard license, a person must:
  - (a) Make a written request to the Board;
  - (b) For an occupational therapy assistant, submit proof of employment and supervision by a primary supervisor upon conversion of the license; and
  - (c) Provide proof of completion of 24 hours of continuing education within the 2-year period immediately prior to the request for conversion of the license, *and*
  - (d) *Pay the appropriate fee.*
 (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-16-2018; **R001-21, 12-22-21**)

**Rationale** – Clarify that a fee is required to be paid at time of request for conversion of a license to active status.

**NAC 640A.070 Continuing education: Generally.** ([NRS 640A.110](#), [640A.180](#))

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 to apply 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 *accredited* educational program *in occupational therapy*, [~~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 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.  
(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008; R048-15, 4-4-2016; R067-17, 5-16-2018; **R105-19, 2-27-20; R076-21, 4-11-21**)

**Rationale** –The national certifying agency reviews accreditation of educational institutions and determines whether they meet eligibility criteria. Removes references to Board approval.

**NAC 640A.090 Continuing education: Subject matter; qualifying activities.** ([NRS 640A.110](#), [640A.180](#))

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, *electronic, internet based or recorded* 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;
  - (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;
  - (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;
  - (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 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
  - (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 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, 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 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 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.
- (Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008; R048-15, 4-4-2016; R067-17, 5-16-2018; **R105-19, 2-27-20; R076-21, 4-11-21**)

Rationale –Expands and clarifies CE activities allowable to include electronic, internet and recorded presentations and removes reference to Board approval for specialty certifications.

**NAC 640A.101 Continuing education: Waiver of requirements for extenuating circumstances.**  
 (NRS 640A.110, 640A.180)

- 1. The Board may waive all or part of the requirements for continuing education for a person who holds a standard 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.
- 1. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following biennial renewal cycle.

2. 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.

3.—~~[A written request for a waiver must be submitted by the applicable date on which the licensee is required to submit to the Board the application for the renewal of his or her license.]~~

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R048-15, 4-4-2016; R067-17, 5-16-2018; **R105-19, 2-27-20**)

**Rationale** – Allows requests for CE waivers to be submitted at any time.

**NAC 640A.155 Acceptable forms of payments to Board; fee for returned payment.**

**(NRS 640A.110)**

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 or other method of payment returned to the Board or otherwise dishonored upon presentation for payment because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment, or the person stopped payment on the check or other method of payment without good cause. The amount of the original payment and the returned payment processing fee must be paid within 15 days after the notice of the invalid payment by one of the other forms of payment accepted by the Board.]~~

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-16-2018)

**Rationale** – Majority of fees are received electronically.

**NAC 640A.160 Fees.** ([NRS 640A.110](#), [640A.166](#), [640A.190](#))

1. Except as otherwise provided in subsection 2, the Board will charge and collect the following fees:

a) For an occupational therapist:

(1) Initial <i>standard</i> license.....	\$250
(2) <i>Biennial</i> renewal of a <i>standard</i> license.....	250
(3) A temporary or provisional license.....	150
(4) Renewal of a temporary or provisional license.....	100
(5) Convert a temporary or provisional license to a <i>standard</i> license.....	100
(6) Reinstatement of an expired license.....	250
(7) <i>Biennial</i> renewal of an inactive license for an occupational therapist who is not	150

retired

(8) <i>Biennial</i> renewal of an inactive license for an occupational therapist who is	
<i>retired</i> .....	50

(9) Convert an inactive license for an occupational therapist who is not retired to a	
<i>standard</i> license.....	100

(10) Convert an inactive license for an occupational therapist who is retired to a	
<i>standard</i> license.....	250

For an occupational therapy assistant:

(1) Initial <i>standard</i> license.....	\$175
(2) <i>Biennial</i> renewal of a <i>standard</i> license.....	175
(3) A temporary or provisional license.....	100
—(4) Renewal of a temporary or provisional license.....	75
(5) Convert a temporary or provisional license to a <i>standard</i> license.....	75
(6) Reinstatement of an expired license.....	175
(7) <i>Biennial</i> renewal of an inactive license for an occupational therapy assistant who	

is not retired.....	125
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(8) <i>Biennial</i> renewal of an inactive license for an occupational therapy assistant who	
<i>is retired</i> .....	50



(9) Convert an inactive license for an occupational therapy assistant who is not retired to a <i>standard</i> license .....	50
(10) Convert an inactive license for an occupational therapy assistant who is retired to a standard license .....	175
(c) General:	
(1) Processing of an initial license application .....	\$150
(2) Late fee for renewal of a license .....	125
(3) Verification of a license .....	25
<del>[(4) Returned payment processing .....</del>	<del>25]</del>

2. If an applicant for an initial license as an occupational therapist or occupational therapy assistant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge a fee of \$75 for the processing of an initial license application and one-half of the fee set forth in subsection 1 for an initial license of any type.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-95; R083-99, 9-27- 99; R179-01, 9-20-2002; R210-07, 9-18-2008; R017-14, 10-24-2014; R067-17, 5-16-2018; **R062-19, 12-30-19; R001-21, 12-22-21**)

**Rationale** – Conforming revision to remove fee pursuant to proposed modification to NAC 640A.155.

**NAC 640A.170 Administrative fine for practicing with expired license; Board may waive fine under certain circumstances. (NRS 640A.110, 640A.230)**

1. Except as otherwise provided by subsection 2, the Board will assess against a person practicing occupational therapy whose license has expired an administrative fine of:

(a) ~~[Not less than \$50 if the period of expiration of the license is 30 days or less.]~~

(b) Not less than \$200 and not more than \$5,000 if the period of expiration of the license is more than 30 days.

2. The Board may waive an administrative fine assessed pursuant to subsection 1:

(a) For the first offense.

(b) ~~[If the period of expiration of the license is 30 days or less.]~~

(c) Upon a finding of good cause by the Board. A person seeking waiver of an administrative fine on the grounds prescribed by this paragraph shall submit a written request to the Board which must include proof satisfactory to the Board that good cause exists for the Board to waive the administrative fine. As used in this paragraph, "good cause" includes, without limitation, circumstances under which a person suffers from an illness or disability, suffers an injury or experiences a family hardship.

(Added to NAC by Bd. of Occupational Therapy by R017-14, eff. 10-24-2014)

**Rationale** – License renewal late period is 30 days from expiration; late fees apply; fines not applicable.

**NAC 640A.200 Use of professional title or initials. (NRS 640A.110)**

1. An occupational therapist shall, in all appropriate professional circumstances, refer to himself or herself professionally as an "occupational therapist," a "licensed occupational therapist," an "occupational therapist licensed" or by the title's initials, including, without limitation, "OT/L."

~~2. [If presently certified by an agency approved by the Board, an occupational therapist may refer to himself or herself professionally by his or her applicable certification title or by the title's initials, including, without limitation, "occupational therapist registered," "occupational therapist registered licensed," "OTR" or "OTR/L."]~~

3. An occupational therapy assistant shall, in all appropriate professional circumstances, refer to himself or herself professionally as an "occupational therapy assistant," a "licensed occupational therapy assistant," an "occupational therapy assistant licensed" or by the title's initials, including, without limitation, "OTA/L."

~~4. [If presently certified by an agency approved by the Board, an occupational therapy assistant may refer to himself or herself by his or her applicable certification title or by the title's initials, including, without limitation, "certified occupational therapy assistant," "certified occupational therapy assistant licensed," "COTA" or "COTA/L."]~~

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 or she has not earned.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R210-07, 9-18-2008)

Rationale – Use of professional titles including educational and certifications have expanded; eliminating specific identifiers expands the use of earned titles. Paragraph 5 references all titles or certifications, or initials for such.

## Section 2 – Regulations for Removal

*List of regulations recommended for removal, ranking them in descending order of priority.*

The Governor's Executive Order requires ten (10) regulations be recommended for removal. The Board has identified three (3) regulations that could be rescinded in full as obsolete, restrictive, or not necessary; the remaining sections of NAC 640A are necessary to ensure the health, safety and welfare of the public, and to perform the legislative authorized functions of the Board. The Board has completed regular reviews of its regulations resulting in up-to-date, functional and clearly stated requirements for the practice of Occupational Therapy in Nevada.

~~**[NAC 640A.060 – Licensing of person whose standard license has been expired for 5 years or more: Treatment as new applicant. (NRS 640A.110, 640A.180) If a person's standard license as an occupational therapist or occupational therapy assistant has been expired for 5 years or more, he or she must apply for a license as if he or she were a new applicant.**~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008; R067-17, 5-16-2018)}~~

Rationale – Redundant, not necessary. Licenses may be reinstated up to 5 years from date of expiration.

~~**[NAC 640A.150 – Inclusion of license number on or with documents submitted to Board. (NRS 640A.110) The license number assigned to the licensee by the Board must accompany or be written upon every document which he or she submits to the Board.**~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92)}~~

Rationale – The Board has electronic records which identify licensees; not necessary for licensees to provide license numbers issued by the Board.

~~**[NAC 640A.410 – Fees and expenses of witnesses. (NRS 640A.110, 640A.210) A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this state.**~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92)}~~

Rationale – Board has authority in NRS to expend funds to support the functions of the Board. The manner and amount of authorized expenditures is determined through Board policy.



*Attachment B*

**Section 3 - Mandatory Meeting and Report**

*Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.*

Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order No. 2023-003.

a. Date of Public Hearing: **April 6, 2023**

b. Persons Attending:

NAME	REPRESENTING	CONTACT PHONE	E-MAIL ADDRESS

c. Summary of Public Oral or Written Comments or Testimony:

## *Attachment C*

### **Estimated Impact on Business, Person or the Board of Occupational Therapy**

#### *a. Adverse and Beneficial Effects:*

There would be no adverse effects to business, persons or the Board of Occupational Therapy if the proposed revisions would occur. Beneficial effects would be clarity in regulation and elimination of unnecessary regulations.

Proposed revisions are clerical and administrative in nature and would not effect the ability of practitioners to provide services.

#### *b. Positive or Negative Economic Impact:*

There would be no positive or negative economic impact to business, persons or the Board of Occupational Therapy if the proposed revisions would occur due to the nature of the proposed revisions.

#### *c. Cost Savings to the Board:*

There would be no fiscal impact or cost savings to the Board or the State of Nevada if the proposed revisions would occur.

Proposed fees to be eliminated have not been assessed by the Board for over 10 years; the Board receives fees through credit card payment. Less than twelve (12) checks are received annually.

The remaining proposed revisions are administrative in nature.

**State of Nevada**  
**Board of Occupational Therapy**

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523  
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**AGENDA ITEM 9: Board Activities & Reports From Members**

**2023 Meeting and Activities Schedule**

Activity	Calendar Year 2023	Topics/Comments
<b>Hearing</b>	<b>April 6, 2023</b>	<b>Hearing to Review Regulations</b>
<b>Board Meeting</b>	<b>May 13 - ZOOM</b>	<b>Legislative Session</b>
Board Meeting	<b>July 29 or Aug 5</b>	<b>Legislative Review</b> FY 2024 Budget Approval
Employment Committee Staff / Board Chair	August 7 – 28 Aug 29 – Sept 8 September 12	Job Announcement Review Applications Select Applicants for Interview
<b>Board Meeting</b>	<b>September 23</b>	<b>Interviews for Executive Director</b>
On-Boarding	October	Start Date - Executive Director
Mentor/Training	October - November	New Executive Director
<b>Board Meeting</b>	<b>November 4</b>	<b>First Meeting New ED</b> <b>Set 2024 Meeting Schedule</b>
Off-Boarding	Nov 6 – Dec 31	Mentoring/PTO

**Reports and Comments from Board Members**