



Joe Lombardo  
Governor

STATE OF NEVADA  
**BOARD OF OCCUPATIONAL THERAPY**

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Heather Hartley  
Executive Director

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## Notice of Workshop to Solicit Comments on Proposed Regulation

The State of Nevada Board of Occupational Therapy is proposing the addition, amendment and/or repeal of regulations pertaining to Chapter 640A of the Nevada Administrative Code.

A Public workshop to solicit comments from interested persons has been set as follows:

**September 23, 2023 - 9:00 a.m.**

Board of Occupational Therapy  
Administrative Office  
6170 Mae Anne Ave. Suite 1  
Reno, NV 89523

ZOOM Access:

<https://us06web.zoom.us/j/86523017421?pwd=UmZGamVSeHJtOFBFTnpCWWNuRIJEZz09>

Meeting ID: **865 2301 7421**  
Passcode: **613997**

Telephone Audio Only: (253) 215-8782

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The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 640A. The proposed regulation may include the following and other matters properly relating thereto:

- New Section –General requirements regarding competence; and defines competence.
- New Section – Specialty practice requirements to include competence, documentation and written consent in certain circumstances.
- New Section - Qualifications for standard license by reciprocity.
- NAC 640A.030 – removes transcripts as a pre-requisite for licensure and adds reference to the National Board for Certification in Occupational Therapy.
- NAC 640A.041 – removes obsolete criteria for eligibility to obtain a standard license, and adds the requirement to pass the Nevada Occupational Therapy Jurisprudence examination.

- NAC 640A.062 – clarifies the expiration date of a standard license that was converted from a temporary license.
- NAC 640A.065 – removes obsolete language, clarifies the requirements for a provisional license and clarifies the expiration date of a standard license that was converted from a provisional license.
- NAC 640A.070 – removes requirement to re-take the Nevada Occupational Therapy Jurisprudence Examination; add new criteria for credit for continuing education if licensees holds current certification from the National Board for Certification in Occupational Therapy.
- NAC 640A.090 – restructures and creates new paragraph 7 on acceptable documentation for continuing education.
- NAC 640A.101 – removed restriction on date to submit request for waiver of continuing education.
- NAC 640A.130 – adds contact telephone and email address to information required to be updated with the Board.
- NAC 640A.155 – removes fee for returned payments and authorizes the Board to charge a convenience fee for credit and debit card payments.
- NAC 640A.160 – revises fees charged by the Board.
- NAC 640A.170 – revises administrative fines for practicing with an expired license and adds administrative citations and fines.
- NAC 640A.200 – removes unnecessary references to use of official titles or initials.
- NAC 640A.350 – adds failure to report and inappropriate touching to acts constituting unprofessional conduct.
- Repeals sections NAC 640A.060, NAC 640A.150 and NAC 640A.510.

A copy of the proposed regulations may be obtained by contacting the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. Copies of the proposed regulations are available for viewing or printing on the Board's website [www.nvot.org](http://www.nvot.org). Written comments will be accepted in hard copy or by email addressed to [board@nvot.org](mailto:board@nvot.org).

All licensees and interested parties are encouraged to participate in the regulatory review process.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Heather Hartley, Executive Director at (775) 746-4101 within 72 hours of meeting date and time.

NOTICE OF WORKSHOP

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This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all licensed occupational therapists and occupational therapy assistants and persons on the agency's mailing list for administrative regulations.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been posted on the Board's website [www.nvot.org](http://www.nvot.org), the Board of Occupational Therapy Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523 and at the following locations:

LCB website: [www.leg.state.nv.us](http://www.leg.state.nv.us) ; State of Nevada Public Notice Website: [www.nv.gov](http://www.nv.gov)

Dated: September 7, 2023

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

**LCB File No. XXXX-XX**

A REGULATION relating to occupational therapy; revising provisions relating to the practice of occupational therapy; and providing other matters properly relating thereto.

**Section 1.** Chapter 640A is hereby amended by adding thereto new provisions set forth as Sections 1.1 to 1.3 to read:

**Sec. 1.1**        *NAC 640A.xxx*        *General requirements. (NRS 640A.110)*

*A licensee shall:*

- 1. Maintain competence in the practice of occupational therapy and his or her personal scope of practice.*

*“Competence” defined. Competence is the application of knowledge, skills and behaviors required to function effectively, safely, ethically and legally within the scope of practice of occupational therapy.*

**Sec. 1.2**        *NAC 640A.xxx*        *Specialty Practice (NRS 640A.110).*

*A licensee shall not engage in specialty practice unless competence has been obtained in the specialty practice area. Competence is obtained through continuing education, practice experience, specialty training or specialty certification.*

*A licensee shall:*

- 1. Obtain written consent of the patient or client prior to conducting a pelvic examination, an internal evaluation or performing any internal or external therapeutic procedures requiring touching of the genitalia or breasts.*
- 2. Maintain documentation of education, practice experience, specialty training or specialty certification.*

**Sec. 1.3** *NAC 640A.XXX Qualifications for standard license by reciprocity (NRS 640A.110, 640A.170, AB 343, 2023)*

*In addition to the requirements set forth in NAC 640A.030 and NAC 640A.041, to be eligible to obtain a standard license by reciprocity, a person must provide verification of current licensure in good standing in the qualifying Occupational Therapy Compact member state.*

**Sec. 2** NAC 640A.030 is hereby amended to read as follows.

**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.

**Sec. 3** NAC 640A.041 is hereby amended to read as follows.

**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 ~~[:]~~ *the Nevada Occupational Therapy Jurisprudence Examination; and*

~~[(c) An examination provided by an agency approved by the Board; and~~

~~3. The Nevada Occupational Therapy Jurisprudence Examination;]~~

2. 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.]~~

**Sec. 4** NAC 640A.062 is hereby amended to read as follows.

**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.

*6. The expiration date of a standard license issued pursuant to paragraph 4 of this section, shall be two years from the initial date of issuance of the temporary license.*

**Sec. 5** NAC 640A.065 is hereby amended to read as follows.

**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;~~

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

(c) Who:

~~(b)~~ (1) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; ~~[or]~~ and

*(2) provides proof of eligibility to take the certification examination from the National Board for Certification in Occupational Therapy; or*

*(3) provides proof of eligibility for reinstatement of certification from the National Board for Certification in Occupational Therapy.*

~~has not yet achieved a passing score on an examination provided by an agency approved by the Board but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.]~~

2. 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.

*5. The expiration date of a standard license issued pursuant to paragraph 4 of this section, shall be two years from the initial date of issuance of the provisional license.*

**Sec. 6** NAC 640A.070 is hereby amended to read as follows.

**NAC 640A.070 Continuing education: Generally.**

1. Except as otherwise provided in subsection 5, *subsection 7* and NAC 640A.101, a person with a standard license shall complete, to the satisfaction of the Board, at least 24 hours of continuing education per biennial renewal cycle.

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

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



[4] 3. 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] 4. 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] 5. 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] 6. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.

*7. A licensee who holds current certification from the National Board for Certification in Occupational Therapy is deemed to have met the requirements for continuing education pursuant to this section, when:*

*(a) proof of current certification is provided to the Board, and*

*(b) the certification expiration date is greater than 12 months after the date the application for renewal is required to be submitted to the Board.*

Sec. 7            NAC 640A.090 is hereby amended to read as follows.

**NAC 640A.090 Continuing education: Subject matter; qualifying activities; *documentation*.**  
**(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)~~ 2.-Which may result in a maximum of 6 hours of continuing education per biennial renewal cycle; and

(h) Achievement of a type of *specialty practice* certification *directly related to the scope of practice of occupational therapy*. ~~[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)~~ 1. 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.

***4. Acceptable documentation of completion of continuing education includes but is not limited to:***

***(a) a certificate of completion, certification or other similar document indicating the person's name, subject matter, date and hours completed;***

***(b) a transcript indicating successful completion of an academic course;***

***(c) for fieldwork supervision, 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;***

***(d) a copy of a published peer-reviewed book, chapter of a book, or article regarding occupational therapy;***

***(e) an official program, schedule or syllabus of a course being taught, 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;***

***(f) a document from a professional 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.***

(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**)

**Sec. 8** NAC 640A.101 is hereby amended to read as follows.

**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.

3. 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.

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

~~{5. A written request for a waiver must be submitted by the applicable date on which the licensee is required to submit to the Board the application for the renewal of his or her license.}~~

**Sec. 9** NAC 640A.130 is hereby amended to read as follows.

**NAC 640A.130 Notification of addresses of licensee; mailing of notice to licensee.**

(NRS 640A.110)

1. Each licensee shall file his or her current residential address, *contact telephone number and email address* [~~and business address~~] with the Board.

2. A licensee shall notify the Board of any change in his or her residential address, *contact telephone number and email address* [~~or business address~~] within 30 days after the change.

3. If the Board is required by law or the provisions of this chapter to deliver any notice by mail to a licensee, the notice will be mailed to the last residential address of the licensee which was filed with the Board in accordance with this section. *Any such notice shall also be sent to the email address of the licensee.*

Sec. 10        NAC 640A.155 is hereby amended to read as follows.

**NAC 640A.155    Acceptable forms of payments to Board; fee for *use* ~~returned payment~~. (NRS 640A.110; NRS 622.233)**

1. Acceptable forms of payment to the Board are:

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

2. The Board ~~will~~ *may* charge a *convenience* fee, *for payment by credit or debit card of money owed to the Board for a fee, fine or other assessment. The convenience fee will be established in an amount not to exceed the actual costs of fees charged to the Board by the credit or debit card issuer.* ~~[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.]~~

Sec. 11 NAC 640A.160 is hereby amended to read as follows.

**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 standard license .....	<del>\$250</del> \$300
(2) Biennial renewal of a standard license	<del>250</del> 300
(3) A temporary or provisional license.....	150
(4) Renewal of a temporary or provisional license.....	<del>100</del> 150
(5) Convert a temporary or provisional license to a standard license .....	<del>100</del> 150
(6) Reinstatement of an expired license .....	<del>250</del> 300
(7) Biennial renewal of an inactive license for an occupational therapist who is not retired.....	150
(8) Biennial renewal of an inactive license for an occupational therapist who is retired .....	50
(9) Convert an inactive license for an occupational therapist who is not retired to a standard license .....	<del>100</del> 150
(10) Convert an inactive license for an occupational therapist who is retired to a standard license.....	<del>250</del> 300
For an occupational therapy assistant:	
(1) Initial standard license .....	<del>\$175</del> \$225
(2) Biennial renewal of a standard license.....	<del>175</del> \$225
(3) A temporary or provisional license.....	100
—(4) Renewal of a temporary or provisional license.....	<del>75</del> 125
(5) Convert a temporary or provisional license to a standard license .....	<del>75</del> 125
(6) Reinstatement of an expired license .....	<del>175</del> 225
(7) Biennial renewal of an inactive license for an occupational therapy assistant who is not retired .....	125

(8) Biennial renewal of an inactive license for an occupational therapy assistant who is retired	50
(9) Convert an inactive license for an occupational therapy assistant who is not retired to a standard license.....	<del>50</del> 100
(10) Convert an inactive license for an occupational therapy assistant who is retired to a standard license	<del>175</del> 225
(c) General:	
(1) Processing of an initial <i>or reinstatement</i> license application.....	<del>\$150</del> \$200
(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]~~ \$100 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)

**Sec. 102** NAC 640A.170 is hereby amended to read as follows.

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

1. Except as otherwise provided by subsection ~~[2,]~~ 3, 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.]~~ *If the license has been expired less than three months .....* \$200
- (b) *If the license has been expired from 3 months to 6 months .....* \$500
- (c) *If the license has been expired more than 6 months, not less than \$500 and not more*



than \$5,000, the amount to be determined by the Board.

~~(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. When a citation has been issued pursuant to NRS 640A.xxx, the Board will impose an administrative fine as follows:

A first or second violation of a provision listed in this subsection, as follows:

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>
(a) Contact Information..... <i>NAC 640A.130; R105-19, Sec 1</i>	\$50	\$150
(b) Supervision or employment information..... <i>NAC 640A.260; R105-19, Sec 1</i>	\$100	\$250
(c) Display of License or Name..... <i>NAC 640A.110; NAC 640A.115</i>	50	\$150
(d) Practice under name listed on license <i>NAC 640A.120; NAC 640A.195</i>	\$ 50	\$100
(e) Proof of Continuing education <i>NAC 640A.070; NAC 640A.030</i>	\$200	\$300
(f) Required Information or Documentation <i>NAC 640A.290; NAC 640A.030; R001-21 Sec 3.</i>	\$250	\$300

A third or subsequent violation of a provision listed in paragraphs (a) to (f), inclusive, of subsection 2, the Board will impose an administrative fine in an amount to be determined by the Board not to exceed \$500.

3. The Board may waive an administrative fine assessed pursuant to subsections 1 and 2:

(a) For the first offense.

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

~~(e)~~ (b) 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.

**Sec. 13 NAC 640A.200 is hereby amended to read as follows.**

**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.]~~ 2. 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.]~~ 3. 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,

**Sec. 14 NAC 640A.350 is hereby amended to read as follows.**

**NAC 640A.350 Acts constituting unprofessional conduct. ([NRS 640A.110](#), [640A.200](#))** In addition to those acts specified in subsection 4 of [NRS 640A.200](#), the following acts, among others, constitute "unprofessional conduct":

1. Engaging in the practice of occupational therapy when unable to do so with reasonable skill and safety to patients because of the licensee's use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;
2. Being guilty of negligence in the performance of occupational therapy;
3. Allowing another person to use the license issued to the licensee;
4. Failing to report or otherwise concealing information related to a violation of this chapter or [NRS 640A.200](#) which could result in harm to the public health and welfare;
5. Intentionally making or filing a false or misleading report;
6. Failing to file a report which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report;
7. Intentionally harassing, abusing or intimidating a patient, employer, employee, colleague or other person, either physically or verbally, including, without limitation, sexual harassment, abuse or intimidation;
8. Failing to notify the Board of disciplinary action imposed upon the licensee or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;
9. Divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient, unless otherwise required by law;
10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;
11. Violating a provision of the *Occupational Therapy Code of Ethics and Ethics Standards* or the *Standards of Practice for Occupational Therapy*, adopted by reference in [NAC 640A.205](#);
12. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;
13. Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;
14. Advertising in a manner that tends to deceive or mislead the public or advertising deceptive or misleading information;
15. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license;

16. Misrepresenting or falsifying credentials, including, without limitation, those relating to education, training, experience and areas of competency;

17. Practicing or offering to practice beyond the scope authorized by law; ~~[or]~~

18. Performing professional services which the occupational therapist knows he or she is not competent to perform~~[.];~~

*19. Failure to report to the Board any unlicensed, unauthorized, unqualified, unethical or unprofessional practice of occupational therapy by another person.*

*20. Touching of a patient or client for a sexual purpose or in any way not necessary for any treatment intervention.*

### NAC Sections Repealed

~~[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)}~~

~~[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)}~~

~~[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)~~

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY  
NRS 233B.0608**

**Proposed Regulation of the  
Board of Occupational Therapy**

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Comments were solicited from small businesses, specifically licensed occupational therapists who are owners, operators or provide occupational therapy services as self-employed practitioners, by notification of work session on proposed regulation content on July 16, 2022. Additionally, comments were solicited on AB 343 of the 2023 Legislative Session, prior to and during the Legislative Session, at all public Board meetings; and at a Public Hearing on Board regulations held on April 6, 2023, pursuant to Executive Order 2023-003.

The proposed regulation incorporates all recommendations received at the work sessions, workshops, public hearing and committee hearings on AB343 approved at the 2023 Legislative Session.

Copies of the proposed regulation, and notice of workshop were sent by e-mail and U.S. mail to persons who were known to have an interest in occupational therapy as well as any persons who had specifically requested such notice. These documents were also made available on the website of the Board of Occupational Therapy, [www.nvot.org](http://www.nvot.org), and posted at the following locations:

Notice of Workshop:

Board of Occupational Therapy, Administrative Office  
6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523  
<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices  
<https://notice.nv.gov/> - State of Nevada Public Notices  
<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

A copy of this summary of the public response to the proposed regulations may be obtain from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 775-746-4101, or email to [board@nvot.org](mailto:board@nvot.org).

**2. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses.

In making this determination, the Board considered the comments received during workshops, hearings and meetings of the Board resulting in a determination the occupational therapy practitioners regulated by the Board will not have their practice impacted nor will there be an impact on a small business.

**3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

- (a) Both adverse and beneficial effects; and**
- (b) Both direct and indirect effects.**

(a) Both adverse and beneficial effects

There will be **no significant adverse economic effect of these adopted regulations** on the businesses which it is to regulate (occupational therapists and occupational therapy assistants) or the public. The adopted regulations will benefit the occupational therapy practitioners and the public by providing clarification in the regulations.

(b) Both direct and indirect effects.

Immediate effect will be improved administration through clarification of existing law and regulatory requirements. Long-term effect will be clarity and consistency in regulation of occupational therapy practitioners in Nevada.

Small business may experience the indirect effect of having more knowledgeable practitioners.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the revisions; or the nominal fee increase over a two-year biennium. No other methods were utilized.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

There are no additional costs involved in the enforcement of these adopted regulations.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation revises fees for biennial licenses to practice occupational therapy in Nevada and associated fees for renewals, reinstatement and conversion of certain license types. The fee increase will generate approximately \$55,000 in additional revenue per fiscal year which will be utilized to support the regulatory functions and operations of the Board which are increasing due

to inflationary costs of personnel and operations. The Board moved from an annual license to a biennial license in 2018, with no increase in fees.

**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The Board of Occupational Therapy is not aware of any similar federal, state or local standards regulating the practice of Occupational Therapy. These adopted regulations do not duplicate nor are they more stringent than federal, state or local standards.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The Board of Occupational Therapy regulates the practice of occupational therapy and licenses qualified individuals as occupational therapists and occupational therapy assistants.

The adopted regulation does not impact small businesses as the regulation provides clarity and consistency for the public and individuals regulated pertaining to the requirements to practice occupational therapy in the State of Nevada.

**I hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared and the information contained herein is accurate.**

*Loretta Ponton* 9.7.23

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Loretta L. Ponton, Executive Director