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Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Heather Hartley
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of LCB

No. R094-25
Of the
Board of Occupational Therapy

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

March 21, 2026 – 9:30 a.m.
Board of Occupational Therapy Administrative
Office
6170 Mae Anne Ave., Suite 1
Reno, NV 89523

ZOOM Access:

<https://us06web.zoom.us/j/83806009648?pwd=9Kzz9wZB1LRLdD3neUEuVr8vsaxYr.1>

Meeting ID: 838 0600 9648
Passcode: 351264
Telephone Audio Only: **(253) 215-8782**

The purpose of the hearing is to receive final comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R094-25, Chapter 640A of the Nevada Administrative Code.

A REGULATION relating to occupational therapy; requiring a licensee to provide notification to the Board of Occupational Therapy after certain actions are taken or filed against the licensee; eliminating certain requirements relating to temporary licensing; providing that failing to notify the Board of certain information constitutes unprofessional conduct; and providing other matters properly relating thereto.

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

1. Need and purpose of the proposed regulations or amendments

The need for the proposed regulations is to address a timeline for licensees to notify the Board after certain actions are taken or filed which in return will amend unprofessional conduct to include failing to report to the Board any judgment, settlement or final disposition. The proposed regulations will remove the need for a licensee who previously held a temporary license to wait to apply for another temporary license. These changes will streamline regulations and protect the public health, safety and welfare by ensuring that only qualified and competent occupational therapists and occupational therapy assistants are licensed in the state.

LCB File No. R094-25

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

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

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

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

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. Additionally, comments were solicited at all public Board meetings and at a Public Workshop held on January 24, 2026.

The Board used reasonable judgement to determine there will be no impact on small businesses as no public comments were received.

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

a. Adverse and beneficial effects

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

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R094-25 are to improve clarity and communication of practice requirements for licensed occupational therapists and occupational therapy assistants in Nevada.

5. Cost for enforcement of the regulations

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

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

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

7. Regulation required by federal law

Not applicable

8. More stringent than federal regulations

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

9. New or increases in existing fees

The regulation does not contain an increase in existing fees or new fees.

Persons wishing to comment on the proposed action of the Board of Occupational Therapy may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. The Board of Occupational Therapy must receive all written submissions on or before **March 20, 2026**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Occupational Therapy may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, R094-25, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulations to be adopted, R094-25, will be available from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, for inspection and copying by members of the public during business hours and will be available on the Board of Occupational Therapy website <http://www.nvot.org>. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

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

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

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

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

Dated: **February 12, 2026**

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

LCB File No. R094-25

December 18, 2025

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

AUTHORITY: §1, NRS 640A.110; §2, NRS 640A.110 and 640A.170; §3, NRS 640A.110 and 640A.200.

A REGULATION relating to occupational therapy; requiring a licensee to provide notification to the Board of Occupational Therapy after certain actions are taken or filed against the licensee; eliminating certain requirements relating to temporary licensing; providing that failing to notify the Board of certain information constitutes unprofessional conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Occupational Therapy to regulate the practice of occupational therapy in this State. (NRS 640A.110) Existing law authorizes the Board, after notice and a hearing, to suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or impose conditions upon the use of that license, if the Board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. Under existing law, “unprofessional conduct” includes the conviction of: (1) a felony or gross misdemeanor relating to the practice of occupational therapy; or (2) any crime involving moral turpitude. (NRS 640A.200) Existing regulations set forth certain other acts that constitute unprofessional conduct by occupational therapists and occupational therapy assistants, including failing to report or otherwise concealing certain information which could result in harm to the public health and welfare. (NAC 640A.350)

Section 1 of this regulation requires a licensee to notify the Board in writing not later than 30 days after: (1) an action is taken against any license, certification, registration or other credential held by the licensee relating to the practice of occupational therapy that was issued in any state or territory of the United States; (2) a criminal charge is filed against the licensee, excluding misdemeanor traffic violations which do not involve alcohol or controlled substances; (3) a civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of occupational therapy; or (4) a judgment, settlement, or final disposition is issued regarding any such action or charge. **Section 3** of this regulation provides that failure to comply with the reposting requirements in **section 1** constitutes unprofessional conduct.

Existing law and regulations prohibit the Board from renewing a temporary or provisional license more than once. (NRS 640A.170; NAC 640A.062, 640A.065) Existing regulations prohibit a person who has previously been issued a temporary license from applying for the renewal of the temporary license until 6 months after the expiration of the last original or renewed temporary license. (NAC 640A.062) **Section 2** of this regulation eliminates this prohibition.

Section 1. Chapter 640A of NAC is hereby amended by adding thereto a new section to read as follows:

A licensee shall notify the Board in writing not later than 30 days after:

- 1. An action is taken against any license, certification, registration or other credential held by the licensee relating to the practice of occupational therapy that was issued in any state or territory of the United States;*
- 2. A criminal charge is filed against the licensee, excluding misdemeanor traffic violations which do not involve alcohol or controlled substances;*
- 3. A civil action, including, without limitation, an action for malpractice, is filed against the licensee for any act relating to the practice of occupational therapy; or*
- 4. A judgment, settlement or final disposition is issued regarding any action or charge filed pursuant to this section.*

Sec. 2. NAC 640A.062 is hereby amended to read as follows:

640A.062 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.]~~

Sec. 3. NAC 640A.350 is hereby amended to read as follows:

640A.350 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; ~~for~~
18. Performing professional services which the occupational therapist knows he or she is not competent to perform ~~for~~; or

19. Failing to report timely to the Board any judgment, settlement or final disposition required to be reported pursuant to section 1 of this regulation.