

CHAPTER.....

AN ACT relating to occupational therapy; authorizing the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant; authorizing the Board to issue certain citations to licensees for certain violations; revising the qualifications for a person to obtain a license as an occupational therapist or occupational therapy assistant; providing a salary for members of the Board; revising various provisions relating to licensing occupational therapists or occupational therapy assistants; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for the licensure and regulation of occupational therapists and occupational therapy assistants by the Board of Occupational Therapy. (Chapter 640A of NRS) Existing law requires a person to meet certain requirements to obtain a license as an occupational therapist or occupational therapy assistant, including the satisfaction of certain educational requirements in a program approved by the Board, the successful completion of a certain amount of fieldwork experience approved by the Board and the passage of an examination approved by the Board. (NRS 640A.120) **Section 8** of this bill revises those requirements to instead require, with certain exceptions, a person who wishes to obtain a license as an occupational therapist or occupational therapy assistant to: (1) pass an examination on the laws and regulations governing the practice of occupational therapy in this State approved by the Board pursuant to **section 10** of this bill; and (2) hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy, or its successor organization. **Section 5** of this bill revises a reference to the educational program required for licensure to reflect the changes made by **section 8**. **Section 19** of this bill repeals provisions concerning the issuance of certain licenses to conform to the changes made by **section 8**.

Existing law authorizes the issuance of a license by endorsement as an occupational therapist to an applicant who holds a valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States and who meets certain other requirements. (NRS 640A.165, 640A.166) **Section 2** of this bill authorizes the Board to issue a license by reciprocity as an occupational therapist or occupational therapy assistant to a person who holds a valid and unrestricted license as an occupational therapist or occupational therapy assistant, as applicable, in any state that is a member of the Occupational Therapy Licensure Compact and who meets certain other requirements. **Sections 2, 11 and 12** of this bill require an applicant for a licensure by endorsement or by reciprocity to meet the requirements set forth in **section 8**.

Existing law authorizes the Board to issue a temporary license to a person who meets the qualifications for licensure as an occupational therapist or occupational therapy assistant other than the passage of the examination approved by the Board. If the person to whom a temporary license does not hold a license in another State and is not certified by the National Board for Certification in Occupational Therapy, existing law authorizes the person to practice occupational therapy under



the temporary license only under the general supervision of a licensed occupational therapist. (NRS 640A.170) **Section 13** of this bill requires a temporary license to be issued only to a person who is licensed in another state and who meets the requirements set forth in **section 8. Section 3** of this bill provides for the issuance of a provisional license to a person who: (1) has passed the examination approved by the Board pursuant to **section 10**; (2) has completed certain educational requirements; and (3) is eligible to take the national examination required for certification. Under **section 3**, a person to whom a provisional license is issued is authorized to practice occupational therapy under the temporary license only under the general supervision of a licensed occupational therapist.

Existing law exempts a person enrolled in an educational program approved by the Board from the provisions of existing law governing occupational therapy under certain circumstances. (NRS 640A.070) **Section 6** of this bill revises the type of educational program in which a person must be enrolled to qualify for the exemption. **Section 9** of this bill revises certain requirements concerning an application for a license. **Section 15** of this bill authorizes the Board to establish fees for the issuance of a license by reciprocity and a provisional license.

Existing law authorizes the Board to adopt regulations imposing continuing education requirements for the renewal of a license. (NRS 640A.180) **Section 14** of this bill provides that such requirements may require a licensee to take and pass the examination approved by the Board pursuant to **section 10** at intervals set by the Board.

Existing law provides that the members of the Board serve without compensation while engaged in the business of the Board. (NRS 640A.100) **Section 7** of this bill provides that each member of the Board is entitled to a salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board.

Existing law authorizes the Board to impose certain penalties against a licensee who commits certain violations of the provisions of existing law governing occupational therapy or who engages in certain other conduct. (NRS 640A.200) **Section 4** of this bill authorizes the Board to issue a citation to a licensee who commits certain specified violations of certain regulations adopted by the Board.

**Sections 16-18** of this bill make technical changes to existing provisions which exempt persons licensed as an occupational therapist or occupational therapy assistant from certain provisions governing other professions.

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

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1. *The Board may issue a license by reciprocity as an occupational therapist or occupational therapy assistant to an applicant who meets the requirements set forth in this section. An applicant may submit an application for such a license if the applicant:***



(a) Holds a valid and unrestricted license as an occupational therapist or occupational therapy assistant, as applicable, in any state that is a member of the Occupational Therapy Licensure Compact; and

(b) Meets the requirements set forth in NRS 640A.120.

2. An applicant for a license by reciprocity pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant satisfies the requirements of subsection 1;

(b) A fee in the amount set by regulation of the Board pursuant to NRS 640A.190; and

(c) Any other information required by the Board.

**Sec. 3. 1.** The Board may issue a provisional license to a person who:

(a) Has passed the examination approved by the Board pursuant to NRS 640A.150;

(b) Has graduated from an educational program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association Inc., or its successor organization, or a comparable foreign educational program accepted by the National Board for Certification in Occupational Therapy, or its successor organization, as an equivalent requirement for certification; and

(c) Is eligible to take the national examination required for certification by the National Board for Certification in Occupational Therapy.

2. A provisional license issued pursuant to this section authorizes the person to whom the provisional license is issued to practice occupational therapy only under the general supervision of an occupational therapist licensed pursuant to this chapter.

3. A provisional license issued pursuant to this section is valid for 6 months or until the person to whom it is issued otherwise obtains a license pursuant to this chapter, whichever occurs first.

4. The Board may renew a provisional license not more than once and may revoke a provisional license for any of the grounds set forth in NRS 640A.200.

**Sec. 4. 1.** A member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated any regulation of the Board that requires a licensee to:

(a) Provide his or her current contact information to the Board;



*(b) Provide to the Board information relating to the supervision or employment of the licensee;*

*(c) Display his or her license or a copy thereof;*

*(d) Practice only under the name listed on his or her license;*

*(e) Provide proof of continuing education; or*

*(f) Provide to the Board information or documentation required to be maintained by the licensee.*

*2. A citation issued pursuant to this section may include, without limitation, an order to:*

*(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:*

*(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and*

*(2) Specifically describe the corrective action to be taken.*

*(b) Except as otherwise provided by subsection 4, pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.*

*3. Any administrative fine imposed pursuant to this section must be in the amount prescribed by regulation of the Board, which must be not more than \$500.*

*4. If a citation issued pursuant to this section contains an order to pay an administrative fine, the person to whom the citation was issued may submit a written request to the Board to waive the administrative fine. If the Board determines that good cause exists to waive the administrative fine, the Board may grant the request.*

*5. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.*

**Sec. 5.** NRS 640A.050 is hereby amended to read as follows:

640A.050 "Occupational therapy" means 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. The term includes:

1. Providing services for habilitation, rehabilitation and the promotion of health and wellness to a client;

2. Assisting a client in achieving the highest practicable physical, cognitive and psychosocial well-being to improve the



physical and mental health of the client and the quality of life of the client;

3. Teaching a client skills for daily living;
4. Assisting a client in the development of cognitive and perceptual motor skills, and in the integration of sensory functions;
5. Assisting a client in learning to play and to use his or her leisure time constructively;
6. Assisting a client in developing functional skills necessary to be considered for employment;
7. Assessing the need for, designing, constructing and training a client in the use and application of selected orthotic devices and adaptive equipment;
8. Assessing the need for prosthetic devices for the upper body and training a client in the functional use of prosthetic devices;
9. Teaching a client crafts and exercises designed to enhance his or her ability to function normally;
10. Administering to a client manual tests of his or her muscles and range of motion, and interpreting the results of those tests;
11. Incorporating into the treatment of a client the safe and appropriate use of physical agent modalities and techniques which have been acquired through an ~~appropriate~~ *educational* program ~~[of education approved by the Board pursuant to subsection 2 of]~~ *required to obtain the certification described in* NRS 640A.120, or through a program of continuing education or higher education; and
12. Adapting the environment of a client to reduce the effects of handicaps.

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

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.
2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.
3. Enrolled in an educational program ~~approved by the Board~~ *that is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc. or its successor organization, or a comparable foreign educational program accepted by the National Board for Certification in Occupational Therapy, or its successor organization*, which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.



~~[4.— Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.]~~

**Sec. 7.** NRS 640A.100 is hereby amended to read as follows:

640A.100 1. ~~[The members]~~ *Each member* of the Board ~~[serve without compensation, except that while engaged in the business of the Board, each member]~~ is entitled to ~~[the]~~ *receive:*

(a) *A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and*

(b) *A per diem allowance and travel expenses, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate* provided for state officers and employees generally.

2. The Board may employ an Executive Director and any other employees it deems necessary, establish their duties and fix their salaries.

3. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

**Sec. 8.** NRS 640A.120 is hereby amended to read as follows:

640A.120 Except as otherwise provided in ~~[NRS 640A.165 and 640A.166,]~~ *section 3 of this act*, to be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. ~~[Be a natural person of good moral character.]~~ *Have passed the examination approved by the Board pursuant to NRS 640A.150; and*

2. ~~[Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.~~

~~— 3. Except as otherwise provided in NRS 640A.130, have successfully completed:~~

~~— (a) If the application is for licensing as an occupational therapist, 24 weeks; or~~

~~— (b) If the application is for licensing as an occupational therapy assistant, 16 weeks;~~

~~↳ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the~~



~~experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.~~

~~— 4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.] **Hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy, or its successor organization.**~~

**Sec. 9.** NRS 640A.140 is hereby amended to read as follows:

640A.140 1. Except as otherwise provided in NRS 640A.165 and 640A.166, **and section 2 of this act**, a person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board ~~[on a form furnished by]~~ **in the manner prescribed by** the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to ~~[subsections 1, 2 and 3 of]~~ NRS 640A.120.

2. The application must include all information required to complete the application.

**Sec. 10.** NRS 640A.150 is hereby amended to read as follows:

640A.150 ~~[1.]~~ The Board shall:

~~[(a)] 1.~~ Approve an examination ~~[for licensing as an occupational therapist and an examination for licensing as an occupational therapy assistant; and]~~ **on the laws and regulations governing the practice of occupational therapy in this State; and**

~~[(b)] 2.~~ Establish the requirements to pass ~~[each]~~ **the** examination.

~~[2.— Each examination must be in writing and be designed to test an applicant's knowledge of:~~

~~— (a) The basic and clinical sciences relating to occupational therapy;~~

~~— (b) The techniques and methods of occupational therapy; and~~

~~— (c) Any other subjects the Board requires to determine the fitness of an applicant to practice occupational therapy.~~

~~— 3. A person who has satisfied the requirements of NRS 640A.140 may take the appropriate examination for licensing.]~~

**Sec. 11.** NRS 640A.165 is hereby amended to read as follows:

640A.165 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to



the Board an application for such a license if the applicant *satisfies the requirements set forth in NRS 640A.120 and* holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

**Sec. 12.** NRS 640A.166 is hereby amended to read as follows:

640A.166 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; ~~and~~

(b) *Meets the requirements set forth in NRS 640A.120; and*



(c) 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.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

**Sec. 13.** NRS 640A.170 is hereby amended to read as follows:

640A.170 1. The Board may issue, ~~[without examination,]~~ a temporary license to a person who has the qualifications required pursuant to ~~[subsections 1, 2 and 3 of]~~ NRS 640A.120 and who ~~is~~:



~~—(a) Is certified by the National Board for Certification in Occupational Therapy or its successor organization and] is licensed as an occupational therapist or occupational therapy assistant in good standing in another state . [; or~~

~~—(b) Has not achieved the passing score on the examination approved pursuant to NRS 640A.150. A temporary license issued pursuant to this paragraph authorizes the person to whom it is issued to practice occupational therapy only under the general supervision of an occupational therapist licensed pursuant to this chapter.]~~

2. A temporary license issued pursuant to subsection 1 is valid for 6 months or until the person to whom it is issued otherwise obtains a license pursuant to this chapter, whichever occurs first.

3. The Board may renew a temporary license not more than once and may revoke a temporary license for any of the grounds set forth in NRS 640A.200.

**Sec. 14.** NRS 640A.180 is hereby amended to read as follows:

640A.180 1. The Board shall adopt regulations prescribing the period for which a license issued pursuant to the provisions of this chapter is valid. Except as otherwise provided in NRS 640A.170, *and section 3 of this act*, the period must be not less than 1 year.

2. The Board may adopt regulations prescribing the manner in which a license issued pursuant to this chapter must be renewed, which may include requirements for continuing education. *Such requirements for continuing education may require a licensee to take and pass the examination approved by the Board pursuant to NRS 640A.150 at intervals set by the Board.*

3. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board may not renew or reinstate a license if 5 years have passed since its expiration.

4. The Board may, at the request of a person licensed pursuant to this chapter, place the license on inactive status if the person:

(a) Does not practice occupational therapy, or represent that the person is authorized to practice occupational therapy, in this State; and

(b) Satisfies any requirements for continuing education established by the Board.

**Sec. 15.** NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;



(b) The initial issuance of a license, including a license by endorsement;

(c) The issuance of a temporary license;

(d) *The issuance of a provisional license;*

(e) *The issuance of a license by reciprocity pursuant to section 2 of this act;*

(f) The renewal of a license; and

~~(e)~~ (g) The late renewal of a license.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640A.166, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

3. Except as otherwise provided in subsection 2, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

**Sec. 16.** NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to *chapter 640A of NRS ;* ~~[640A.010 to 640A.230, inclusive;]~~

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive;

9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the



practice of applied behavior analysis as defined in NRS 641D.080; or

10. Any member of the clergy,  
↳ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

**Sec. 17.** NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to *chapter 640A of NRS ; [640A.010 to 640A.230, inclusive];*

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive;

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of



social work” or “trainee in social work,” or any other title which clearly indicates the student’s training status.

**Sec. 18.** NRS 641D.110 is hereby amended to read as follows:  
641D.110 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to *chapter 640A of NRS ; [640A.010 to 640A.230, inclusive;]*
8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
9. Any member of the clergy;
10. A family member, guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or
11. An employee of a school district or charter school when providing services to a pupil in a public school in a manner consistent with the duties of his or her position,  
↳ if such a person does not commit an act described in NRS 641D.910 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

**Sec. 19.** NRS 640A.130 and 640A.160 are hereby repealed.

**Sec. 20.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and



(b) On January 1, 2024, for all other purposes.

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