



Joe Lombardo
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Loretta L. Ponton
Executive Director

Notice of Public Hearing to Review Regulations

NOTICE IS HEREBY GIVEN that the State of Nevada Board of Occupational Therapy will hold a Public Hearing to Review Regulations at **1:00 p.m. on Thursday, April 6, 2023**, at the following location:

VIRTUAL MEETING ACCESS

ZOOM:

<https://us06web.zoom.us/j/82768505558?pwd=NWZSdWZ0cVBUTHV0VXcTAyRHdFUT09>

Meeting ID: 827 6850 5558

Passcode: 066894

Telephone Audio Only: (253) 215-8782

As set forth in **Executive Order 2023-003**, the Board has been directed to review its regulations (NAC 640A) and identify at least ten (10) regulations for removal. The purpose of this Public Hearing is to: (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduced or otherwise improved regulations that pertain to the Nevada Administrative Code Chapter 640A. Stakeholder input received as a result of this Hearing will be reflected in the Report to the Governor

Persons wishing to comment upon the proposed recommended changes, or to propose additional regulatory changes may appear at the scheduled Public Hearing or may address their comments, data, views, or arguments in written form to the Board of Occupational Therapy. Written submissions must be received on or before **March 31, 2023**, and may be submitted by email to board@nvot.org or in hard copy addressed to the Board of Occupational Therapy, 6170 Mae Anne Ave., Reno, Nevada 89523. A copy of the Board regulations to be reviewed, **NAC 640A Compiled**, are attached hereto and are available for viewing or printing on the Board's website www.nvot.org.

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 Loretta Ponton, Executive Director at (775) 746-4101 within 72 hours of meeting date and time.

This **Notice of Hearing to Review Regulations** has been sent to all licensed occupational therapists and occupational therapy assistants and persons on the agency's mailing list for administrative regulations and has been posted on the Board's website www.nvot.org, the Board of Occupational Therapy Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523 and online at www.leg.state.nv.us; and State of Nevada Public Notice Website: www.nv.gov

Dated: March 2, 2023

**BOARD OF OCCUPATIONAL THERAPY
NAC 640A COMPILED SUMMARY**

NAC	Section Title	Priority	Comments / Notes
	GENERAL PROVISIONS		
640A.010 - 018	Definitions.		
	LICENSING		
640A.020	Applicants: Requests by Board for additional information or oral interview.		
640A.030	Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license.	4	Revise Remove paragraph 5, transcripts evaluated by NBCOT for eligibility; clarify certifying agency
640A.041	Eligibility to obtain standard license.	5	Revise Delete paragraphs 1 & 4, duplicated by NBCOT evaluation of educational program eligibility
640A.050	Expiration and renewal of standard license.		
640A.055	Reinstatement of expired standard license.		
640A.060	Licensing of person whose standard license has been expired for 5 years or more: Treatment as new applicant.	1	DELETE In its entirety – redundant, not needed
640A.062	Temporary licensing; conversion of temporary license to standard license.		
640A.065	Provisional licensing; conversion of provisional license to standard license.	6	Revise Delete paragraph 1 (b) and (d) (1); and clarify
640A.068	Inactive licensing; continuing education; renewal; conversion of inactive license to standard license.	7	Revise Add (d) payment of fee to clarify requirements
640A.070	Continuing education: Generally.	8	Revise Revise to clarify
640A.080	Continuing education: Requests for approval of credit for certain activities.		
640A.090	Continuing education: Subject matter; qualifying activities.	9	Revise Revise to expand qualifying activities, remove unnecessary wording
640A.101	Continuing education: Waiver of requirements for extenuating circumstances.	10	Revise Delete paragraph 3, removing deadline
640A.110	Display and alteration of license and license card.		
640A.115	Identification of licensees.		
640A.120	Change of name after issuance of license.		
640A.130	Notification of addresses of licensee; mailing of notice to licensee		
640A.135	Request for verification of license.		
640A.140	Annual list of licensees.		
640A.150	Inclusion of license number on or with documents submitted to Board.	2	DELETE Not Needed due to electronic system
640A.155	Acceptable forms of payments to Board; fee for returned payment.	11	Revise Delete paragraph 2, not needed
640A.160	Fees.	12	Revise Remove fee for returned payment
640A.170	Administrative fine for practicing with expired license; Board may waive fine under certain circumstances.	13	Revise Delete paragraphs 1(a) and 2(b) - not needed
	STANDARDS OF PRACTICE		
640A.195	Practice under name on license.		
640A.200	Use of professional title or initials	14	Revise Delete paragraphs 2 and 4; covered by paragraph 5
640A.205	Adoption by reference of code of ethics and standards of practice.		
640A.210	Prohibitions: Use of license; misrepresentations.		
640A.220	Professional responsibility regarding patients.		
640A.230	Scope of services with and without referral of patient by licensed provider of health care.		
640A.250	Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist.		
640A.255	Occupational therapy assistant or provisional licensee: Review of supervisory logs by primary supervisor; general supervision by treating occupational therapist.		
640A.260	Occupational therapy assistant or provisional licensee: Verification to Board of employment and supervision; notice of termination; number of primary supervisors required per employer of record.		
640A.265	Occupational therapy assistant or provisional licensee: Delegation of duties by treating occupational therapist; limitations.		

640A.267	Delegation of duties to student.			
640A.270	Delegation of duties to occupational therapy aide or technician; limitations.			
640A.275	Supervision of occupational therapy aide or technician: "Directly supervise" interpreted.			
640A.280	Termination or interruption of treatment.			
640A.290	Records of patients: Maintenance; release; falsification; review before signing.			
640A.300	Fees and billing.			
640A.310	Advertising.			
640A.320	Conduct of programs of research.			
	DISCIPLINARY ACTION			
640A.340	Complaints against licensees.			
640A.350	Acts constituting unprofessional conduct.			
640A.361	Unprofessional conduct: Imposition of conditions on use of license.			
640A.370	Recovery by Board of attorney's fees and costs.			
	PROCEEDINGS BEFORE THE BOARD			
640A.400	Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing.			
640A.410	Fees and expenses of witnesses.	3	DELETE	Not needed, Board has authority over expenses
	NEW APPROVED SECTIONS NOT CODIFIED			
R105-19	Notification of Employment			
R001-21	Treating Occupational Therapist			
R001-21	Telehealth			
R001-21	Conflict of Interest			

CHAPTER 640A - OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

GENERAL PROVISIONS

640A.010	Definitions.
640A.011	"Active license" defined. (Replaced in revision by NAC 640A.0163 .)
640A.0115	"Board" defined.
640A.012	"Certified occupational therapy assistant"
640A.0125	"Continuing education" defined.
640A.013	"Hour of continuing education" defined.
640A.0135	"Inactive license" defined.
640A.014	"Occupational therapist registered" defined.
640A.0143	"Primary supervisor" defined.
640A.0145	"Program of intervention"
640A.016	"Provisional license" defined.
640A.0163	"Standard license" defined.
640A.0165	"Supervision" defined.
640A.017	"Temporary license" defined.
640A.018	"Treating occupational therapist" defined.

LICENSING

640A.020	Applicants: Requests by Board for additional information or oral interview.
640A.030	Prerequisites to receipt, renewal, reinstatement or conversion of status of license;fee; nonacceptance of late application for renewal of standard license.
640A.041	Eligibility to obtain standard license.
640A.050	Expiration and renewal of standard license.
640A.055	Reinstatement of expired standard license.
640A.060	Licensing of person whose standard license has been expired for 5 years or more.
640A.062	Temporary licensing; conversion of temporary license to standard license.
640A.065	Provisional licensing; conversion of provisional license to standard license.
640A.068	Inactive licensing; continuing education; renewal; conversion of inactive license to standard.
640A.070	Continuing education: Generally.
640A.080	Continuing education: Requests for approval of credit for certain activities.
640A.090	Continuing education: Subject matter; qualifying activities.
640A.101	Continuing education: Waiver of requirements for extenuating circumstances.
640A.110	Display and alteration of license and license card.
640A.115	Identification of licensees.
640A.120	Change of name after issuance of license.
640A.130	Notification of addresses of licensee; mailing of notice to licensee.
640A.135	Request for verification of license.
640A.140	Annual list of licensees.
640A.150	Inclusion of license number on or with documents submitted to Board.
640A.155	Acceptable forms of payments to Board; fee for returned payment.
640A.160	Fees.
640A.170	Administrative fine for practicing with expired license; Board may waive fine under certain circumstances.

STANDARDS OF PRACTICE

640A.195	Practice under name on license.
640A.200	Use of professional title or initials.
640A.205	Adoption by reference of code of ethics and standards of practice.
640A.210	Prohibitions: Use of license; misrepresentations.
640A.220	Professional responsibility regarding patients.
640A.230	Scope of services with and without referral of patient by licensed provider of health care.

640A.250	Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist.
640A.255	Occupational therapy assistant or provisional licensee: Review and approval of supervisory logs by primary supervisor; general supervision by treating occupational therapist.
640A.260	Occupational therapy assistant or provisional licensee: Verification to Board of employment and supervision; notice of termination; number of primary supervisors required per employer of record.
640A.265	Occupational therapy assistant or provisional licensee: Delegation of duties by treating occupational therapist; limitations.
640A.267	Delegation of duties to student.
640A.270	Delegation of duties to occupational therapy aide or technician; limitations.
640A.275	Supervision of occupational therapy aide or technician: "Directly supervise" interpreted.
640A.280	Termination or interruption of treatment.
640A.290	Records of patients: Maintenance; release; falsification; review before signing.
640A.300	Fees and billing.
640A.310	Advertising.
640A.320	Conduct of programs of research.

DISCIPLINARY ACTION

640A.340	Complaints against licensees.
640A.350	Acts constituting unprofessional conduct.
640A.361	Unprofessional conduct: Imposition of conditions on use of license.
640A.370	Recovery by Board of attorney's fees and costs.

PROCEEDINGS BEFORE BOARD

640A.400	Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing.
640A.410	Fees and expenses of witnesses.

GENERAL PROVISIONS

NAC 640A.010 Definitions. ([NRS 640A.110](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 640A.0115](#) to [640A.018](#), inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Bd. of Occupational Therapy by R210-07, 9-18-2008; R067- 17, 5-16-2018)

NAC 640A.011 "Active license" defined. ([NRS 640A.110](#)) [Replaced in revision by [NAC 640A.0163](#).]

NAC 640A.0115 "Board" defined. ([NRS 640A.110](#)) "Board" means the Board of Occupational Therapy.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.012 "Certified occupational therapy assistant" defined. ([NRS 640A.110](#)) "Certified occupational therapy assistant" means a person who is certified as an occupational therapy assistant by the National Board for Certification in Occupational Therapy, Inc., or its successor organization.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.0125 "Continuing education" defined. ([NRS 640A.110](#)) "Continuing education" means structured educational experiences which are intended to provide advanced knowledge in a particular area and which:

1. Relate to roles and responsibilities in occupational therapy;
2. Serve to protect the public by enhancing the knowledge, performance skills, interpersonal

abilities, critical reasoning skills or ethical reasoning skills that are necessary to perform professional responsibilities that an occupational therapist or occupational therapy assistant develops and maintains; and

3. Do not include:

- (a) Experiences that involve entry-level knowledge, skills or academic degree work; or
- (b) Employee orientation or training activities required by an employer. (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.013 "Hour of continuing education" defined. ([NRS 640A.110](#)) "Hour of continuing education" means 60 minutes of continuing education, not including time for meals or breaks. (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.0135 "Inactive license" defined. ([NRS 640A.110](#)) "Inactive license" means a standard license that is no longer in active status pursuant to [NAC 640A.068](#). (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-16-2018)

NAC 640A.014 "Occupational therapist registered" defined. ([NRS 640A.110](#)) "Occupational therapist registered" means a person who is certified as an occupational therapist by the National Board for Certification in Occupational Therapy, Inc., or its successor organization. (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.0143 "Primary supervisor" defined. ([NRS 640A.110](#)) "Primary supervisor" means a licensed occupational therapist who is responsible for the general supervision of an occupational therapy assistant or provisional licensee during his or her term of employment. (Added to NAC by Bd. of Occupational Therapy by R067-17, eff. 5-16-2018)

NAC 640A.0145 "Program of intervention" defined. ([NRS 640A.110](#)) "Program of intervention" means activities which are documented in writing and which are determined to be appropriate by an occupational therapist to assess, teach and assist patients by application of occupational therapy methods and modalities. (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.016 "Provisional license" defined. ([NRS 640A.110](#)) "Provisional license" means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to [NAC 640A.065](#). (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.0163 "Standard license" defined. ([NRS 640A.110](#)) "Standard license" means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to [NAC 640A.041](#). (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by R067-17, 5-16-2018) - (Substituted in revision for NAC 640A.011)

NAC 640A.0165 "Supervision" defined. ([NRS 640A.110](#)) "Supervision" means a collaborative process for the responsible, periodic review and inspection of all aspects of any occupational therapy services provided. (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.017 "Temporary license" defined. ([NRS 640A.110](#)) "Temporary license" means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to [NAC 640A.062](#). (Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

NAC 640A.018 "Treating occupational therapist" defined. ([NRS 640A.110](#)) "Treating occupational therapist" means a licensed occupational therapist who is responsible for the program of treatment of a patient. (Added to NAC by Bd. of Occupational Therapy by R067-17, eff. 5-16-2018)

LICENSING

NAC 640A.020 Applicants: Requests by Board for additional information or oral interview. (NRS 640A.110, 640A.140) For any application submitted to the Board, the Board may request additional information or an oral interview, or both, as the Board designates.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R21 0-07, 9-18-2008)

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, 5-16-

2018)

NAC 640A.050 Expiration and renewal of standard license. ([NRS 640A.110](#), [640A.180](#))

1. A standard license issued by the Board, including, without limitation, a standard license that has been converted to inactive status, expires 2 years after the date on which the license was issued.

2. In addition to any other applicable requirements of [NAC 640A.030](#), to renew a standard license, a person must provide to the Board the materials required by subsection 6 of [NAC 640A.070](#).

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; RI 79-01, 9-20-2002; R210-07, 9-18-2008; R048-15, 4-4-2016; R067-17, 5-16-2018)

NAC 640A.055 Reinstatement of expired standard license. ([NRS 640A.110](#), [640A.180](#))

1. A standard license that has expired may be reinstated within 5 years of its expiration.

2. In addition to any other applicable requirements set forth in [NAC 640A.030](#), to reinstate an expired standard license, a person must:

(a) Provide proof of certification as an occupational therapist registered or certified occupational therapy assistant;

(b) Provide proof of the completion of 24 hours of continuing education within the 2-year period immediately preceding the request for reinstatement;

(c) Have achieved a passing score on the Nevada Occupational Therapy Jurisprudence Examination within the year immediately preceding the request for reinstatement; and

(d) For the reinstatement of an expired standard license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon reinstatement of the 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](#))

~~**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.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**)

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**)

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**)

NAC 640A.080 Continuing education: Requests for approval of credit for certain activities. ([NRS 640A.110](#), [640A.180](#))

1. The Board will consider the written request of a licensee that it approve credit for any continuing education that is not specified in [NAC 640A.090](#) if the request is submitted to the Board 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.

2. If a written request pursuant to subsection 1 is not granted, the Board may grant extra time for the licensee to fulfill any required continuing education that has not been completed.

(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)

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**)

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.]~~

(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**)

NAC 640A.110 Display and alteration of license and license card. ([NRS 640A.110](#))

1. A licensee shall display his or her current license card or a copy of the card in a prominent location which is accessible to the public in the principal location of his or her practice.

2. A licensee may display the original license or a copy of the license in addition to the current license card or a copy of the card.

3. A licensee shall not alter the license or license card.

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

NAC 640A.115 Identification of licensees. (NRS 640A.110)

1. For the purposes of complying with paragraph (c) of subsection 1 of [NRS 629.076](#), a licensee shall wear a name tag which states "licensed occupational therapist" or "licensed occupational therapy assistant," as applicable.

2. As used in this section, "name tag" means a temporary or permanent identification tag, label, badge or other device that is displayed on the person of a licensee for the purpose of identifying the licensee's name and professional licensure or certification. The term includes, without limitation:

- (a) A placard affixed to clothing;
- (b) A disposable name badge; and
- (c) Embroidery on a uniform.

(Added to NAC by Bd. of Occupational Therapy by RO17-14, eff. 10-24-2014)

NAC 640A.120 Change of name after issuance of license. (NRS 640A.110) If an occupational therapist or an occupational therapy assistant changes his or her name after his or her license is issued, he or she must submit, within 30 days after the change, proof satisfactory to the Board that his or her name was legally changed. Proof consists of a copy of a marriage certificate or court decree.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R210-07, 9-18-2008; R017-14, 10-24-2014)

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 and business address with the Board.

2. A licensee shall notify the Board of any change in his or her residential 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.

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

NAC 640A.135 Request for verification of license. (NRS 640A.110)

1. A person may request that a written verification of his or her license be provided to another organization or state by submitting to the Board:

- (a) A written request; and
- (b) Payment of the appropriate fee.

2. A written verification of the license of a person must include, without limitation:

- (a) The name of the licensee;
- (b) The professional title of the licensee;
- (c) The license number of the license;
- (d) Whether the licensee is in good standing; and
- (e) Whether any disciplinary action is pending or has been taken against the licensee.

3. For the purposes of this section, a licensee is in good standing if the licensee:

(a) Has substantially complied with the laws and regulations governing the practice of occupational therapy in this State, including, without limitation, NAC 640A.070, 640A.120 and 640A.260 and section 1 of LCB File No. R105-19; or

(b) Has been subject to disciplinary action and:

(1) The disciplinary action did not result in a suspension or revocation of the license of the licensee; and

(2) The licensee has successfully completed or is adhering to any terms and conditions imposed by the Board as a result of the disciplinary action.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; **R001-21, 12-22-21**)

NAC 640A.140 Annual list of licensees. (NRS 640A.110)

1. The Board will prepare and maintain a current list of persons licensed by the Board.
2. A copy of the list of licensees may be obtained from the Board upon written application accompanied by the cost of reproduction as determined by the Board.
3. The Board will provide a copy of its list of licensees to the Commissioner of Insurance without charge.

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

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	\$250
(2) Biennial renewal of a standard 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 standard license	100
(6) Reinstatement of an expired license	250
(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.....	100
(10) Convert an inactive license for an occupational therapist who is retired to a standard license.....	250

For an occupational therapy assistant:

(1) Initial standard license	\$175
(2) Biennial renewal of a standard 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 standard license	75
(6) Reinstatement of an expired license	175
(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	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
[(4) Returned payment processing	25]

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**)

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)

STANDARDS OF PRACTICE

NAC 640A.195 Practice under name on license. (NRS 640A.110) A person may only practice occupational therapy under the name under which he or she is licensed by the Board.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

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)

NAC 640A.205 Adoption by reference of code of ethics and standards of practice. (NRS 640A.110)

1. The Board hereby adopts by reference:

(a) The *Occupational Therapy Code of Ethics and Ethics Standards* approved by the representative assembly of the American Occupational Therapy Association or its successor organization; and

(b) The *Standards of Practice for Occupational Therapy* approved by the representative assembly of the American Occupational Therapy Association or its successor organization.

2. A copy of the *Occupational Therapy Code of Ethics and Ethics Standards* or the *Standards of Practice for Occupational Therapy* may be obtained, free of charge, from the Board by written request.

(Added to NAC by Bd. of Occupational Therapy by R083-99, eff. 9-27-99; A by RI 79-01, 9-20-2002; R210-07, 9-18-2008; R01 7-14, 10-24-2014)

NAC 640A.210 Prohibitions: Use of license; misrepresentations. (NRS 640A.110)

1. A licensee shall not use his or her license to:

(a) Support any claim, promise or guaranty concerning the success of the treatment he or she administers; or

(b) Imply that he or she has competence in a profession other than the practice of occupational therapy.

2. A licensee shall not misrepresent:

(a) His or her professional qualifications;

(b) His or her affiliations;

(c) His or her licenses; or

(d) The licenses or professional qualifications of:

(1) The institutions or organizations with which he or she is associated; or

(2) Any person whom he or she supervises in the course of his or her professional duties. (Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92)

NAC 640A.220 Professional responsibility regarding patients. (NRS 640A.110)

1. A licensee:

(a) Shall treat a patient with professional skill and competence.

(b) Shall not practice, condone, facilitate or collaborate in any type of discrimination toward a patient based on the patient's:

(1) Race;

(2) Color;

(3) Sex;

(4) Age;

(5) Religion;

(6) National origin;

(7) Mental or physical disability;

(8) Sexual orientation; or

(9) Gender identity or expression.

(c) Shall not misrepresent to a patient the efficacy of his or her treatment of the patient or the results to be achieved by a course of treatment of occupational therapy.

(d) Shall inform his or her patient of any risk to the patient that may be associated with the proposed treatment of occupational therapy.

(e) Shall seek the advice and counsel of colleagues and supervisors whenever such a consultation is in the best interest of the patient.

(f) Shall not engage in sexual activities with a patient. The Board will presume that there is a violation of this paragraph if the sexual relationship and activity begins during the course of treatment of the patient or within 6 months after the termination of the professional relationship with the patient.

(g) Shall not suggest to a patient who is referred to him or her by one provider of health care that the patient seek the treatment of another provider of health care. If there is no referring provider of health care or if the patient does not wish to return to the referring provider of health care, a list containing the names of providers of health care may be offered to the patient by the licensee. If possible, such a list must contain the names of at least two providers of health care.

(h) Shall use professional judgment in determining the frequency of direct contact with a patient and ensure that the frequency of such contact complies with federal and state regulations.

2. As used in this section, "gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

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

NAC 640A.230 Scope of services with and without referral of patient by licensed provider of health care. (NRS 640A.110)

1. An occupational therapist may practice occupational therapy on a patient for specific medical conditions if the patient has been referred to the occupational therapist by a provider of health care licensed to practice in this state.

2. An occupational therapist may, without referral, provide occupational therapy services, including, without limitation, evaluation, planning and implementing a program of intervention, monitoring services and consultation for a person whose ability to perform the tasks of daily living is impaired by:

- (a) Developmental deficiencies;
- (b) The aging process;
- (c) Environmental deprivation;
- (d) Sensory impairment;
- (e) Psychological or social dysfunction; or
- (f) Other conditions.

3. An occupational therapist may provide the occupational therapy services listed in subsection 2 in a nonmedical setting, including, without limitation, a residential setting, an educational setting, a vocational setting, a recreational setting, or a center that provides for the care of adults or children during the day.

4. As used in this section:

(a) "Consultation" includes working with providers of health care and other persons involved in the care of a patient to provide advice and services.

(b) "Monitoring services" includes those services which are characterized by regular contact at least once per month to:

- (1) Check or regulate adaptive and positioning equipment to ensure its proper use; or
- (2) Assess the level of skills of a patient, including, without limitation, the adaptive skills of the patient.

(c) "Specific medical conditions" includes those conditions of acute trauma, infection, disease, aging or postsurgical status where custom requires the involvement of a provider of health care.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008)

NAC 640A.250 Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist. (NRS 640A.110, 640A.230)

1. An occupational therapy assistant or a provisional licensee shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant or provisional licensee is practicing is not required of the occupational therapist. To provide satisfactory general supervision, the treating occupational therapist shall:

(a) Provide an initial program of intervention, and any subsequent changes to the initial program, for patients assigned to the occupational therapy assistant or provisional licensee.

(b) Not less than 1 hour for each 40 hours of work performed by the occupational therapy assistant or provisional licensee and, in any event, not less than 1 hour each month, engage in:

(1) Clinical observation of the occupational therapy assistant or provisional licensee; or

(2) Direct communication with the occupational therapy assistant or provisional licensee. The mode and frequency of that communication is dependent upon the setting for the practice of the occupational therapy assistant or provisional licensee. Direct communication may consist of, without limitation:

(I) Direct or joint treatment of a patient;

(II) Personal supervision of the occupational therapy assistant or provisional licensee while providing services;

(III) Conversation, in person or by telephone;

(IV) Exchange of written comments;

(V) Review of patient records; or

(VI) Conferences, or other face-to-face meetings, or

(VII) Communications using audio-video communications technology.

(c) Establish the patient workload of the occupational therapy assistant or provisional licensee based on the competency of the occupational therapy assistant or provisional licensee as determined by the occupational therapist.

(d) Review written documentation prepared by the occupational therapy assistant or provisional licensee during the course of treatment of a patient. The completion of this review by the occupational therapist may be evidenced by:

(1) Preparation of a separate progress note; or

(2) The occupational therapist signing and dating the document prepared by the occupational therapy assistant or provisional licensee.

2. The treating occupational therapist and the occupational therapy assistant or provisional licensee shall jointly:

(a) Document, in a manner other than the mere signing of service records prepared by another person, the supervision required pursuant to this section. Such documentation may include, without limitation, the preparation of:

(1) Daily or weekly treatment or intervention schedules;

(2) Logs of supervision, which include, without limitation, the time and date of supervision, the type of supervision provided and the subject matter covered during the supervision; and

(3) Patient records.

(b) Ensure that the record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed at least monthly by the occupational therapy assistant or provisional licensee and the occupational therapist. In reviewing the record, the occupational therapist and the occupational therapy assistant or provisional licensee shall verify, without limitation:

(1) The accuracy of the record; and

(2) That there is continuity in the services received by the patient pursuant to the program of intervention.

3. An occupational therapy assistant or provisional licensee may assist an occupational therapist in:

(a) Preparing and disseminating any written or oral reports, including, without limitation, the final evaluation and discharge summary of a patient;

(b) Unless the treatment is terminated by a patient or his or her provider of health care, determining when to terminate treatment; and

(c) Delegating duties to an occupational therapy aide or technician.

4. An occupational therapy assistant or provisional licensee shall document all treatment provided to a patient by the occupational therapy assistant or provisional licensee.

5. An occupational therapist shall not delegate responsibilities to an occupational therapy assistant or provisional licensee which are beyond the scope of the training of the occupational therapy assistant or provisional licensee.

6. The provisions of this section do not prohibit an occupational therapy assistant or provisional licensee from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

7. As used in this section, "sign" means to inscribe by handwriting or electronic means one's name, initials or license number.

(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; R067-17, 5-16-2018; **R001-21, 12-22-21**)

NAC 640A.255 Occupational therapy assistant or provisional licensee: Review of supervisory logs by primary supervisor; general supervision by treating occupational therapist. (NRS 640A.10)

1. A primary supervisor of an occupational therapy assistant or a provisional licensee shall review documentation maintained by both the treating occupational therapist and the occupational therapy assistant or provisional licensee pursuant to NAC 640A.250 to ensure that such documentation satisfies the requirements of that section.

2. A treating occupational therapist shall provide general supervision, as described in NAC 640A.250, to an occupational therapy assistant or provisional licensee to whom he or she delegated duties for the provision of care to a patient.

3. A treating occupational therapist is responsible for all occupational therapy services provided by an occupational therapy assistant or provisional licensee to whom he or she delegates duties for the provision of care to a patient.

(Added to NAC by Bd. of Occupational Therapy by R067-17, eff. 5-16-2018; **R001-21, 12-22-21**)

NAC 640A.260 Occupational therapy assistant or provisional licensee: Verification to Board of employment and supervision; notice of termination; number of primary supervisors required per employer of record. (NRS 640A.110)

1. An occupational therapy assistant or provisional licensee shall submit verification of his or her employment and supervision by a primary supervisor to the Board within 30 days after a change in the employment or primary supervisor. The verification must be submitted in a format approved by the Board.

2. An occupational therapist who is a primary supervisor shall notify the Board within 30 days after the termination of his or her supervision of an occupational therapy assistant or provisional licensee.

3. An occupational therapy assistant or provisional licensee must have at least one primary supervisor and may have one alternate primary supervisor for each employer of record.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R067-17, 5-16-2018)

NAC 640A.265 Occupational therapy assistant or provisional licensee: Delegation of duties by treating occupational therapist; limitations. (NRS 640A.110, 640A.230)

1. A treating occupational therapist shall provide direction to and supervise any program of intervention which is delegated to an occupational therapy assistant or provisional licensee and shall ensure that the occupational therapy assistant or provisional licensee does not function autonomously.

2. Only an occupational therapist may:

a. Interpret the record of a patient who is referred to the occupational therapist by a provider of health care;

b. Interpret the evaluation of a patient and identify any problem of the patient;

c. Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;

d. Determine the appropriate portion of the program of intervention and evaluation to be delegated to an occupational therapy assistant;

e. Delegate the treatment to be administered by the occupational therapy assistant;

f. Instruct the occupational therapy assistant regarding:

i. The specific program of intervention of a patient;

ii. Any precaution to be taken to protect a patient;

iii. Any special problem of a patient;

iv. Any procedure which should not be administered to a patient; and

v. Any other information required to treat a patient;

g. Review the program of intervention of a patient in a timely manner;

h. Record the goal of treatment of a patient; and

- i. Revise the plan of care when indicated.
3. A treating occupational therapist may delegate to an occupational therapist who holds a provisional license any of the activities identified in subsection 2.
4. An occupational therapy assistant shall not:
 - (a) Write formal evaluations of the progress of a patient to another health care professional. For the purposes of this paragraph, daily chart notes in the records of a patient do not constitute a formal evaluation of the progress of the patient.
 - (b) Participate in any meeting with a patient or a health care professional, including without limitation, a meeting in an educational setting, at which:
 - (1) The occupational therapy assistant is the sole licensee; and
 - (2) The program of intervention of a patient may be modified.
 - (c) Make clinical decisions regarding the provision of occupational therapy services to a patient that conflict with or overrule the decisions of an occupational therapist.
5. An occupational therapy assistant or provisional licensee shall notify the treating occupational therapist of record for a patient and document in the records of the patient any change in the:
 - (a) General condition of the patient; and
 - (b) Condition of a patient that is not within the planned progress or treatment goals of the patient.
6. A treating occupational therapist of record for a patient shall continuously follow the progress of the patient.
7. Except as otherwise provided in NAC 640A.267, a licensee shall not knowingly delegate to a person who is less qualified than the licensee any program of intervention which requires the skill, common knowledge and judgment of the licensee.
8. As used in this section, "health care professional" has the meaning ascribed to it in NRS 629.076, as amended by section 15 of Senate Bill No. 217, chapter 289, Statutes of Nevada 2021, at page 1595.
(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R1 79-01, 9-20-2002; R210-07, 9-18-2008; R067-17, 5-16-2018; **R001-21, 12-22-21**)

NAC 640A.267 Delegation of duties to student. ([NRS 640A.110](#)) An occupational therapist who is supervising a student participating in the supervised experience required by [NRS 640A.120](#) may delegate duties to the student if the occupational therapist determines, before delegating a duty, that the student possesses the necessary knowledge, competence, training and skills to perform the duty.

(Added to NAC by Bd. of Occupational Therapy, eff. 5-23-96; A by R1 79-01, 9-20-2002; R067-17, 5-16-2018)

NAC 640A.270 Delegation of duties to occupational therapy aide or technician; limitations. ([NRS 640A.110](#), [640A.230](#))

1. A person may assist a licensed occupational therapist or occupational therapy assistant as an occupational therapy aide or technician. Such an occupational therapy aide or technician is not required to be licensed pursuant to the provisions of [chapter 640A](#) of NRS or possess the professional or advanced training in basic anatomical, biological, psychological or social sciences which are required for the practice of occupational therapy.

2. Except as otherwise provided in subsection 3, a licensed occupational therapist or occupational therapy assistant may delegate duties to an occupational therapy aide or technician if he or she determines, before delegating a duty, that the aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties which may be delegated to an occupational therapy aide or technician include, but are not limited to, the:

- (a) Routine maintenance of a department;
- (b) Transportation of a patient;
- (c) Preparation of a work area for a therapy session with a patient;
- (d) Preparation of treatment equipment for a therapy session with a patient;
- (e) Attendance to the personal needs of a patient during treatment;
- (f) Assistance in the construction of adaptive equipment and splints;
- (g) Performance of clerical, secretarial and administrative duties; and
- (h) Monitoring a patient for safety purposes while the patient is performing an activity, including, without limitation, the practice of repetitive skills.

1. A licensed occupational therapist or occupational therapy assistant may not delegate a duty to an occupational therapy aide or technician if the duty requires the aide or technician to perform treatments or make independent evaluations, assessments or recommendations. The duties which may not be delegated to an aide or technician include, but are not limited to, the:

- (a) Interpretation of the record of a patient referred to an occupational therapist;
- (b) Interpretation of prescriptions for a patient;
- (c) Development, planning, adjustment or modification of procedures for the treatment of a patient;
- (d) Recordation of the treatment or progress of a patient;
- (e) Duties described in subsection 7 of [NAC 640A.265](#);
- (f) Performance of any duty which requires the aide or technician to act independently or without the supervision of a licensed occupational therapist or occupational therapy assistant during a therapy session with a patient; and
- (g) Performance of any treatments or procedures requiring professional training in occupational therapy.

2. An occupational therapist or occupational therapy assistant who delegates a duty to an aide or technician:

- (a) Shall directly supervise the aide or technician in accordance with the provisions of [NAC 640A.275](#);
- (b) Is professionally responsible for the duty performed by the aide or technician; and
- (c) Shall note in the record of a patient any duties performed by the aide or technician. (Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-96; R1 79-01, 9-20-2002; R210-07, 9-18-2008; R067-17, 5-16-2018; **R001-21, 12-22-21**)

NAC 640A.275 Supervision of occupational therapy aide or technician: "Directly supervise" interpreted. ([NRS 640A.110](#), [640A.230](#))

1. A licensed occupational therapist or occupational therapy assistant shall directly supervise the work of any person who assists the occupational therapist or occupational therapy assistant as an occupational therapy aide or technician. As used in this section, the term "directly supervise" means to supervise an occupational therapy aide or technician by:

- (a) Being physically present on the premises at all times when the aide or technician is assisting with patients;
- (b) Providing personal instruction to the aide or technician on a regular basis;
- (c) Personally evaluating the work of the aide or technician on a regular basis; and
- (d) Setting forth detailed statements of the duties and responsibilities of the aide or technician. (Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-96; R017-14, 10-24-2014; R067-17, 5-16-2018)- (Substituted in revision for NAC 640A.360)

NAC 640A.280 Termination or interruption of treatment. ([NRS 640A.110](#)) A licensee:

1. Shall terminate his or her treatment of a patient and his or her professional relationship with a patient when the treatment and relationship are no longer required or no longer serve the needs of the patient.

2. Shall not withdraw his or her treatment of a patient precipitously and shall minimize any related adverse effects on the patient.

3. Who anticipates the termination or interruption of treatment of a patient shall:

- (a) Notify the patient promptly of the termination or interruption of the treatment;
- (b) Seek the transfer or referral of the patient to another occupational therapist for treatment;

or

- (c) Seek the continuation of treatment in relation to the needs of the patient.

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

NAC 640A.290 Records of patients: Maintenance; release; falsification; review before signing. (NRS 640A.110)

1. A licensee shall maintain in a secure and confidential manner any record of a patient which shows a medical problem of the patient or the scope of the treatment of the patient administered by the licensee.

2. Except as otherwise provided by law, a licensee shall not release a record of a patient which is confidential, or any information contained therein, except:

- (a) With the written consent of the patient;
- (b) In response to a subpoena issued by the Board;
- (c) Pursuant to an order of a court of competent jurisdiction; or
- (d) When there exists a clear and immediate danger to the patient, another person or to society. If there exists such a danger, a disclosure may be made to an appropriate member of the patient's family, to another provider of health care or to an appropriate agent of a law enforcement agency or other agency of the Federal Government, the state or one of its political subdivisions when acting in an official capacity.

3. A licensee shall not falsify a record of health care of a patient to indicate:

- (a) The presence of the licensee at a time when he or she is not in attendance treating a patient; or
- (b) That therapeutic procedures were performed by the licensee which he or she has not performed.

4. A licensee shall not sign a record of health care of a patient unless the licensee has reviewed the record. The review of the record must include, without limitation, verification of:

- (a) The accuracy of the record; and
- (b) Continuity in the services received by the patient pursuant to the program of intervention.

5. As used in this section, "sign" means to inscribe by handwriting or electronic means one's name, initials or license number.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008)

NAC 640A.300 Fees and billing. (NRS 640A.110) A licensee shall:

1. Make arrangements for the payment of fees for the treatment at the beginning of the therapeutic relationship with a patient.

2. Charge for the treatment an amount which represents a reasonable fee for the treatment.

3. Refrain from any misleading or deceptive billing practice.

4. Make billing information available to the patient upon the request of the patient.

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

NAC 640A.310 Advertising. (NRS 640A.110) A licensee shall not advertise treatment by the use of occupational therapy or equipment used in the practice of occupational therapy in such a manner that the advertising:

1. Implies that the occupational therapist has skill which is superior to that of another occupational therapist;

2. Holds the occupational therapist out as a specialist unless the licensee is certified as a specialist by an organization recognized by the Board;

3. Makes any false claim about the efficacy or value of the treatment the licensee administers; or

4. Is false, deceptive or misleading in regard to the services to be provided, the fee which is charged or the terms of any credit for the treatment administered.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R01 7-14, 10-24-2014)

NAC 640A.320 Conduct of programs of research. (NRS 640A.110)

1. A licensee shall obtain the voluntary and informed consent of a prospective participant in a program of research before engaging in the program of research.

2. A licensee shall not penalize a person for his or her refusal to participate in a program of research.

3. A licensee engaging in a program of research shall:

- (a) Protect a participant in the program from any unwarranted occupational or mental

discomfort, distress or harm;

(b) Treat information obtained from a participant or learned about a participant through the program as confidential information; and

(c) Take credit only for the work he or she is actually doing in the program and give credit to another person for any contribution made by that person to the program of research.

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

DISCIPLINARY ACTION

NAC 640A.340 Complaints against licensees. (NRS 640A.110)

1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or [chapter 640A](#) of NRS may file a complaint with the Board on a form provided by the Board.

2. The Board may, on its own, initiate a complaint against a person licensed by the Board.

3. A complaint must, without limitation:

(a) Identify one or more grounds for disciplinary action; and

(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

4. The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.

5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.

6. For any proceedings regarding a complaint filed against an occupational therapy assistant, the Board may require that the occupational therapy assistant be accompanied by any occupational therapist who signed, dated or reviewed a record regarding a patient related to the complaint.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008; A by RO17-14, 10-24-2014)

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.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-96; R083-99, 9-27-99; R210-07, 9-18-2008; R01 7-14, 10-24-2014)

NAC 640A.361 Unprofessional conduct: Imposition of conditions on use of license. ([NRS 640A.110](#), [640A.200](#)) If the Board determines that an occupational therapist or occupational therapy assistant is guilty of unprofessional conduct pursuant to [NRS 640A.200](#) and does not suspend or revoke his or her license, the Board will impose, as it deems appropriate, one or more of the following conditions on the use of that license:

1. The acceptance of a public reprimand administered by the Board;
2. Probation for a specified period or until further order of the Board;
3. Restrictions or limitations on the scope of the licensee's practice;
4. The successful completion of a program of remedial education or treatment approved by the Board;
5. Supervision of the professional work of the licensee by a person approved by the Board;
6. The repayment to a patient of all money collected by the licensee in connection with the unprofessional conduct;
7. The successful completion of a physical or mental examination or an examination testing the competence of the licensee; or
8. Such other disciplinary action as the Board considers necessary and appropriate.

(Added to NAC by Bd. of Occupational Therapy, eff. 5-23-96; A by R083-99, 9-27-99; R067-17, 5-16-2018)

NAC 640A.370 Recovery by Board of attorney's fees and costs. ([NRS 640A.110](#)) Pursuant to [NRS 622.400](#), the Board may recover from a person reasonable attorney's fees and costs relating to any disciplinary proceedings involving the person.

(Added to NAC by Bd. of Occupational Therapy by R210-07, eff. 9-18-2008)

PROCEEDINGS BEFORE BOARD

NAC 640A.400 Action by Board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing. ([NRS 640A.110](#))

1. The Board may act on its own motion. Any other request for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board must be submitted to the Board as a petition.

2. Any interested person may submit a petition to the Board for the adoption, amendment or repeal of a regulation of the Board or for a formal hearing by the Board.

3. The petition must be in writing and addressed to the Chair of the Board.

4. An original and two legible copies of the petition must be filed with the Board. The Board may, when appropriate, direct that a copy of each petition be made available to any other person who the Board determines may be affected by the petition.

5. The petition must contain:

(a) The full name and mailing address of the petitioner;

(b) If the adoption of a new regulation is proposed, the body or substance of the proposed regulation and the supporting facts and arguments;

(c) If the amendment or repeal of an existing regulation is proposed, the NAC citation of the regulation and the supporting facts and arguments;

(d) If a formal hearing by the Board is requested, the relevant facts which support the request; and

(e) A statement that the petition is made in accordance with the applicable provisions of the

NRS.

6. The petition must be signed by the petitioner. The signature constitutes a representation by the signer that:

- (a) He or she has read the petition;
- (b) To the best of his or her knowledge, information and belief, the statements made therein are true; and
- (c) The petition is not interposed for delay.

7. Upon receipt of such a petition, the Board will, if necessary, request the petitioner to clarify the request.

(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)~~

New Section Approved Regulation R105-19, effective 2.27.20

Notification of Employment

Not later than 30 days after obtaining employment or changing his or her employment status, a licensee shall notify the Board of his or her employer and employment status, as applicable.

(Added to NAC by Bd. Of Occupational Therapy by R105-19, eff. 2-27-20)

New Sections Approved Regulation R001-21, effective 12.22.21

Treating Occupational Therapist

1. An occupational therapist who is the treating occupational therapist of record for a patient remains the treating occupational therapist of record for the patient until the responsibility for the program of treatment for the patient is reassigned to another occupational therapist. After such a reassignment, the occupational therapist to whom the responsibility for the program of treatment for the patient is reassigned shall be the treating occupational therapist of record for the patient.

2. A reassignment of the responsibility for the program of treatment for a patient from the treating occupational therapist of record to another occupational therapist must be noted in the record of the patient.

3. Temporary or intermittent services provided to a patient by an occupational therapist who is not the treating occupational therapist of record for the patient and which are consistent with the program of intervention of the patient do not constitute a reassignment of the responsibility for the treatment of the patient for the purposes of this section.

Telehealth

1. A licensee may provide occupational therapy services by telehealth in accordance with the provisions of this section.

2. A licensee who provides occupational therapy services by telehealth shall:

- (a) Be knowledgeable and competent in the technology used to provide occupational therapy services by telehealth;
- (b) Provide only such occupational therapy services by telehealth for which the provision by telehealth is appropriate;

(c) Ensure that occupational therapy services provided by telehealth observe the same standard of care as those provided in person;

(d) Document any occupational therapy services provided by telehealth in the record of the patient receiving the services;

(e) Comply with the requirements set forth in subsection 2 of NAC 640A.250;

(f) Comply with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, in the provision of occupational therapy services by telehealth; and

(g) Obtain the consent of the patient to receive occupational therapy services by telehealth before the provision of such services and document such consent.

3. A licensee may provide occupational therapy services by telehealth:

(a) Synchronously using interactive technologies which provide for communications in real time; or

(b) Asynchronously using technologies which provide for the storing and forwarding of information.

4. A person who is required to be licensed by the Board to practice occupational therapy pursuant to chapter 640A of NRS shall not provide occupational therapy services by telehealth to a patient who is physically located in this State unless the person holds the appropriate license to provide such services issued by the Board.

5. As used in this section, "telehealth" means the delivery of occupational therapy services to a patient at a different location by using equipment that transfers information electronically, telephonically or by other audio-visual communications technology.

Conflict of Interest

1. A licensee shall avoid any actual or perceived conflict of interest where the licensee:

(a) Holds a management position at a business at which he or she also provides occupational therapy services; or

(b) Is the spouse or the parent or child, by blood, marriage or adoption, of:

(1) The owner or manager of a business at which the licensee provides occupational therapy services; or

(2) The immediate supervisor of the licensee who is also a licensee.

2. A licensee described in subsection 1 shall maintain documentation demonstrating the measures that he or she has taken to avoid actual or perceived conflicts of interests, including, without limitation, measures taken to avoid actual or perceived conflicts of interest in satisfying the requirements for supervision set forth in NAC 640A.250.

3. For the purposes of paragraph (a) of subsection 1, a licensee holds a management position at a business if the licensee has control or influence over the hiring, firing or scheduling of employees of the business.