

**ADOPTED REGULATION OF THE BOARD
OF OCCUPATIONAL THERAPY**

LCB File No. R083-99

Effective September 27, 1999

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

AUTHORITY: §§1-18, NRS 640A.110.

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

1. The board hereby adopts by reference:

(a) The “Occupational Therapy Code of Ethics” approved by the representative assembly of the American Occupational Therapy Association in July of 1994; and

(b) The “Standards of Practice for Occupational Therapy” approved by the representative assembly of the American Occupational Therapy Association in 1998.

2. A copy of the “Occupational Therapy Code of Ethics” or the “Standards of Practice for Occupational Therapy” may be obtained, free of charge, from the executive director of the board, P.O. Box 70220, Reno, Nevada, 89570.

Sec. 2. NAC 640A.020 is hereby amended to read as follows:

640A.020 1. To be eligible to apply for licensure as an occupational therapist or ~~[as an]~~ occupational therapy assistant, an applicant must have graduated from an educational program that:

(a) Is accredited by an accrediting service approved by the board; and

(b) Includes a fieldwork program.

2. The board will use ~~the written~~ *an* examination provided by ~~the American Occupational Therapy Certification Board~~ *an agency approved by the board* in the examination of an applicant for a license as an occupational therapist or ~~an~~ occupational therapy assistant. The applicant must achieve a passing score on the examination before he will be licensed.

3. Oral interviews will be held at such times and places as the board designates, taking into consideration the number of applicants and the location of the applicants.

4. To be eligible for an interview, an applicant must file a completed application with the executive secretary of the board at least 30 days before the date of the examination.

Sec. 3. NAC 640A.030 is hereby amended to read as follows:

640A.030 1. Each completed application for a license as an occupational therapist or ~~an~~ occupational therapy assistant must:

- (a) Include at least three professional references;
- (b) Be accompanied by the appropriate fee; and
- (c) Be notarized.

2. Each applicant must request:

(a) That the school of occupational therapy where the applicant received his degree mail the applicant's transcript directly to the board; *and*

(b) That ~~the American Occupational Therapy Certification Board~~ *an agency approved by the board to certify a person as an "occupational therapist registered" or "certified occupational therapy assistant"* mail verification of certification directly to the board.

FLUSH The applicant must use the forms provided by the board in its licensure packet to request that his transcript and verification of certification be mailed directly to the board.

3. Each applicant licensed in another state or territory applying for a license in this state must attach a copy of his current license from the other state or territory.

4. If an applicant's name has been changed since attending school, the applicant must submit proof of name change to the board.

5. Each applicant for licensure as an occupational therapy assistant or temporary occupational therapist must use the form provided by the board in its licensure packet to submit verification of his employment and supervision by a licensed occupational therapist.

Sec. 4. NAC 640A.040 is hereby amended to read as follows:

640A.040 1. An applicant for licensure who has graduated from a school in another country must:

(a) Take and pass ~~the written~~ *an* examination provided by ~~the American Occupational Therapy Certification Board or any other service~~ *an agency* approved by the board that demonstrates that the applicant's education is equivalent to a bachelor's degree in occupational therapy; and

(b) Submit to the board an application with accompanying documentation that complies with ~~subsections 1 to 5, inclusive, of~~ NAC 640A.030.

2. An applicant for licensure who is licensed or registered in another country ~~shall~~ *must* submit documentation, satisfactory to the board, which verifies his licensure or registration.

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

640A.050 1. A license issued by the board to an occupational therapist or ~~an~~ occupational therapy assistant expires ~~at the end of each calendar year.~~ *on June 30 of each year.* The board will prorate the fee for a license which is issued for less than ~~a full calendar year.~~ *12 months.*

2. To renew such a license , the licensee ~~[shall]~~ **must** submit to the board:

(a) **An application for renewal;**

(b) Except as otherwise provided in subsection 3 of NAC 640A.070, proof of his completion of the continuing education required by the board pursuant to NAC 640A.070; and

~~[(b)]~~ (c) The applicable fee.

3. ~~[Each licensee must request the American Occupational Therapy Certification Board to mail, before the date upon which the license expires, directly to the board verification that the certification of the licensee which he received from the American Occupational Therapy Certification Board is current for the period of renewal.~~

~~—4.]~~ The board will deem any application for renewal as late if it is not received by the board on or before the date upon which the license expires. If the application for renewal is not received on or before the ~~[90th]~~ **31st** day after the date upon which the license expired, the licensee must apply for reinstatement of the expired license.

~~[5.]~~ **4.** To reinstate a license which has been expired or inactive for more than 90 days but less than 5 years, the applicant must:

(a) Make current the information on his original application by showing his employment since the date of his original application and revising the other information in the original application to make it current;

(b) If he is licensed as an occupational therapy assistant, submit verification of his current employment and supervision by a licensed occupational therapist on a form approved by the board;

(c) ~~[Request the American Occupational Therapy Certification Board to mail, before the date upon which reinstatement is sought, directly to the board verification that the certification of the~~

~~licensee which he received from the American Occupational Therapy Certification Board is current for the period for which reinstatement is sought;]~~ *Provide documentation that he is certified as an “occupational therapist registered” or as an “certified occupational therapy assistant” by an agency approved by the board;*

(d) Submit to the board proof of the completion of at least 10 hours of continuing education as ~~[listed]~~ *specified* in NAC 640A.080 within the 12 months immediately preceding his application for reinstatement;

(e) Submit any additional information requested by the board;

(f) Pay the appropriate fee; and

(g) Meet with the board if it so requests.

Sec. 6. NAC 640A.060 is hereby amended to read as follows:

640A.060 ~~[If a person's]~~ *1. Except as otherwise provided in subsection 2, if a person whose license as an occupational therapist or occupational therapy assistant has been expired or inactive for 5 years or more [;] wishes to reinstate his license, he must [reapply]:*

(a) Reapply for a license as if he were a new applicant ~~[for licensure]~~ and retake and pass ~~[the written]~~ *an* examination provided by ~~[the American Occupational Therapy Certification Board]~~ *or:*

~~—1. Apply]~~ *an agency approved by the board; or*

(b) Provide documentation that he is certified pursuant to subsection 1 of NRS 640A.160.

2. A person whose license as an occupational therapist or occupational therapy assistant has been expired or inactive for 5 years and who has not met the requirements of subsection 1, may reinstate his license if he:

(a) Applies for and ~~[obtain]~~ *obtains* from the board a temporary license;

~~{2. Practice}~~

(b) *Practices* under the general supervision of a licensed occupational therapist for at least 640 hours within no more than 10 continuous months;

~~{3. Submit}~~

(c) *Submits* to the board a letter from the supervising licensed occupational therapist attesting that the applicant is competent in occupational therapy and has completed the practice required by ~~{subsection 2;~~

~~—4. Submit}~~ *paragraph (b);*

(d) *Submits* to the board proof of the completion of at least 10 hours of continuing education as ~~{listed}~~ *specified* in NAC 640A.080 within the 12 months immediately preceding his application for a license; and

~~{5. Reapply}~~

(e) *Reapplies* for a license as if he were a new applicant . ~~{for licensure.}~~

Sec. 7. NAC 640A.062 is hereby amended to read as follows:

640A.062 To obtain a temporary license as an occupational therapist or ~~{as an}~~ occupational therapy assistant, an applicant must, at least 30 days before his first day of work:

1. Submit to the board an application with accompanying documentation that complies with subsections 1, ~~{2, 4, 5 and 6}~~ *3, 4 and 5* of NAC 640A.030;

2. ~~{Complete and submit the form that was provided by the board in the licensure packet that verifies the applicant's employment and supervision by a licensed occupational therapist;~~

~~—3.}~~ Provide the board with written verification of the date and place of his scheduled

~~{American Occupational Therapy Certification Board Examination; and~~

~~—4.}~~ *examination provided by an agency approved by the board; and*

3. Request that the ~~[American Occupational Therapy Certification Board]~~ agency mail directly to the board his examination scores when available.

Sec. 8. NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in subsection 3, an occupational therapist or occupational therapy assistant shall complete, to the satisfaction of the board, at least 10 hours of continuing education as ~~[listed]~~ *specified* in NAC 640A.080 within the year immediately preceding his request for renewal of his license.

2. If the licensee obtains more than 10 hours of continuing education in a year, he may request that the board ~~[credit the excess hours to]~~ *carry over a maximum of 10 hours to apply towards completion of* his requirement for continuing education for the following year. Proof of the completion of the requirement for continuing education must be submitted with ~~[the annual fee]~~ *an application* for renewal of a license in the year in which the credit is earned.

3. Upon request, the board will, if deemed appropriate by the board:

(a) *Reduce the number of hours of continuing education required for the renewal of a license of an applicant who obtains his initial license and renews that license in a period of less than 12 months;*

(b) Extend the period in which a licensee must obtain the continuing education required for renewal; or

~~[(b)]~~ (c) Waive the requirement for continuing education for a particular licensee.

4. A licensee who seeks *a reduction of the number of hours of continuing education required*, an extension of time to obtain continuing education or a waiver ~~[shall,]~~ *pursuant to subsection 3, must petition the board to grant his request at least 30 days* before the date on which his license must be renewed. ~~[, petition the board to grant the extension or waive the~~

~~requirement.]~~ The licensee must submit with the petition proof, satisfactory to the board, that he ~~[is] was~~ unable to obtain the continuing education because of circumstances which were beyond his control.

Sec. 9. NAC 640A.080 is hereby amended to read as follows:

640A.080 1. The board will ~~[award credit for a course of study or training for]~~ *approve credit for* continuing education ~~[in the manner and amounts set forth in the following chart:~~

~~STUDY, TRAINING AND
MATERIAL CLASSIFICATIONS~~

~~CONTINUING EDUCATION
HOURS EARNED~~

~~PROFESSIONAL PROGRAMS~~

~~Workshop 1 hour per hour of instruction~~

~~Course 1 hour per hour of instruction~~

~~Conference 1 hour per hour of instruction~~

~~Seminar 1 hour per hour of instruction~~

~~IN-SERVICE PRESENTATIONS~~

~~Workshop 1 hour per hour of presentation~~

~~Course 1 hour per hour of presentation~~

~~PUBLICATIONS~~

~~Books and parts thereof 2 hours per chapter authored~~

~~Articles in professional journal 1 hour per chapter authored~~

~~Monographs which have been published or
accepted for publication during the year
preceding the request for renewal 1 hour per chapter authored~~

~~Abstracts or book reviews which are
published or accepted for publication 1 hour per document authored]~~

as follows:

(a) One hour of credit will be approved for each hour spent attending a workshop, course, conference or seminar;

(b) One hour of credit will be approved for each hour spent giving a presentation at a workshop, course, conference or seminar; and

(c) The amount of credit for authoring a publication will be determined upon receipt and evaluation by the board of the information required to be submitted to it pursuant to NAC 640A.100.

2. The board will consider ~~[a licensee's]~~ *the written* request *of a licensee* that it ~~[award]~~ *approve* credit for ~~[a course of study or training which]~~ *any continuing education that* is not ~~[listed on the chart.]~~ *specified in subsection 1 if the request is submitted to the board at least 30 days before the license of the licensee expires.*

Sec. 10. NAC 640A.090 is hereby amended to read as follows:

640A.090 1. A licensee may request approval ~~[of a course of study or training]~~ *of credit for continuing education* from the board ~~[at any time.]~~ *before attending or giving a presentation at a program of continuing education.* The request must be accompanied by the applicable information and documentation listed in NAC 640A.100.

2. The board will inform a licensee ~~[whether a course has been approved]~~ *of the approval or denial of credit* within 30 days after the next meeting of the board following the receipt of the request.

Sec. 11. NAC 640A.100 is hereby amended to read as follows:

640A.100 1. To obtain credit for *attending a program of* continuing education , a licensee ~~[shall submit:~~

~~—1.— If the credit is for attending a professional program or presenting an in-service presentation listed in NAC 640A.080:]~~ *must submit to the board:*

- (a) The name of the ~~[program sponsor;]~~ *sponsor of the program;*
- (b) The name of the ~~[course;]~~ *program;*

(c) The number of hours awarded by the ~~[program]~~ sponsor *of the program* for completion of the ~~[course;]~~ *program;*

(d) Biographical information regarding the instructor of the ~~[course;]~~ *program;*

(e) The inclusive dates of attendance ~~[or presentation;]~~; and

(f) A brief summary of ~~[the manner in which the course material relates to occupational therapy;]~~ *the information he learned and how he will use that information in his practice.*

2. ~~[If the credit is for authoring a publication listed in NAC 640A.080;]~~ *To obtain credit for giving a presentation at a program of continuing education, a licensee must submit to the board:*

(a) *The title of the presentation;*

(b) *The name of the sponsor of the presentation;*

(c) *The location of the presentation;*

(d) *The number of hours of the presentation;*

(e) *The source for the information conveyed in the presentation;*

(f) *The inclusive dates of the presentation;*

(g) *A list of all the persons who attended the presentation; and*

(h) *A brief summary of the presentation and the information that a person who attended the presentation was expected to learn.*

3. *To obtain credit for authoring a publication, the licensee must submit to the board:*

(a) A copy of the ~~[publication;~~

~~—(b) The name of the publication;~~

~~—(c) The length of the publication; and~~

~~—(d) A typewritten summary of the manner in which the material presented in the publication relates to occupational therapy.~~

~~—3.] published material; and~~

(b) The title, publisher and date of publication of the published material.

4. If the credit is for a course of study, training or performing an educational activity which is not ~~[listed]~~ *specified* in NAC 640A.080:

(a) A description of the subject matter studied, the training received or the educational activity performed;

(b) A schedule of the time spent studying, training or performing; and

(c) A brief summary of the manner in which the course or activity relates to occupational therapy.

Sec. 12. NAC 640A.160 is hereby amended to read as follows:

640A.160 The following fees are established:

1. For an occupational therapist:

(a) Initial application for a license	\$250
(b) Processing of initial license	150
(c) Annual renewal of a license	[200] 175
(d) Late renewal of a license	290
(e) Application for a temporary license	100
(f) Reinstatement of an expired license.....	350
(g) Inactive license	150
(h) Reinstatement of an inactive license	100

2. For an occupational therapy assistant:

(a) Initial application for a license	\$175
(b) Processing of initial license	100
(c) Annual renewal of a license.....	150 125
(d) Late renewal of a license	230
(e) Application for a temporary license	75
(f) Reinstatement of an expired license.....	250
(g) Inactive license	100
(h) Reinstatement of an inactive license	90
3. General:	
(a) Change of name on a license	\$50
(b) Duplicate of lost license	50

Sec. 13. NAC 640A.220 is hereby amended to read as follows:

640A.220 A licensee:

1. Shall treat a patient with professional skill and competence.
2. Shall not practice, condone, facilitate or collaborate in any type of discrimination toward

a patient based on the patient's:

- (a) Race;
- (b) Color;
- (c) Sex;
- (d) Age;
- (e) Religion;
- (f) National origin; ~~or~~
- (g) Mental or physical disability ~~or~~; *or*

(h) Sexual orientation.

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

4. Shall inform his patient of any risk to the patient that may be associated with the proposed treatment of occupational therapy.

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

6. Shall not engage in sexual activities with a patient. The board will presume that there is a violation of this subsection 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.

7. Shall not suggest to a patient who is referred to him by one provider of health care that he 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.

Sec. 14. NAC 640A.230 is hereby amended to read as follows:

640A.230 1. ~~{Except as otherwise provided in subsection 2, an}~~ **An** occupational therapist ~~{shall not}~~ **may** practice occupational therapy on a patient for specific medical conditions ~~{unless}~~ **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 ~~{monitoring services, evaluative services}~~ **occupational therapy services, including, without limitation, evaluation, planning**

and implementing a program of treatment, monitoring services and consultation ~~[regarding]~~ *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) ~~[Such other conditions where prudence and custom ordinarily do not require the~~

~~involvement of a provider of health care.]~~ *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" ~~[means]~~ includes* those services which are characterized by regular contact at least once per month to ~~[check]~~ :

(1) *Check* or regulate adaptive and positioning equipment to ensure its proper use ~~[-~~
~~—(b)]~~; or

(2) *Assess the level of skills of a patient, including, without limitation, the adaptive skills of the patient.*

(c) "Specific medical conditions" ~~means~~ *includes* those conditions of acute trauma, infection, disease, *aging* or post-surgical status where ~~prudence and custom ordinarily require~~ *custom requires* the involvement of a provider of health care.

Sec. 15. NAC 640A.250 is hereby amended to read as follows:

640A.250 1. An occupational therapy assistant 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 is practicing is not required of the supervising occupational therapist. To provide satisfactory general supervision, the occupational therapist shall:

(a) Give written approval for any initial plan of treatment or program of intervention if the direct care of the patient is being provided principally by the occupational therapy assistant.

(b) Give written approval for any subsequent changes to a plan of treatment or program of intervention if the direct care of the patient is being provided principally by the occupational therapy assistant.

(c) Provide a minimum of 4 hours per month of direct:

(1) Clinical observation and supervision; and

(2) Communication between the occupational therapy assistant and the supervising occupational therapist. The mode and frequency of that communication must be dependent upon the setting for the occupational therapy assistant's practice, the caseload of the occupational therapy assistant and the competency of the occupational therapy assistant as determined by the supervising occupational therapist.

(d) Maintain written records of the direct supervision required by paragraph (c).

2. The supervising occupational therapist and the occupational therapy assistant shall jointly ensure that each record regarding a patient treated by the occupational therapy assistant is signed ~~and~~, dated *and reviewed* by both the occupational therapy assistant and the supervising occupational therapist. *In reviewing the record, the occupational therapist and the occupational therapy assistant shall verify, without limitation:*

(a) *The accuracy of the record; and*

(b) *That there is continuity in the services received by the patient pursuant to the plan of treatment or program of intervention.*

3. A supervising occupational therapist shall not delegate responsibilities to an occupational therapy assistant which are beyond the scope of his training.

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

Sec. 16. NAC 640A.290 is hereby amended to read as follows:

640A.290 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 ~~may~~ *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 his 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 is not in attendance treating a patient; or
- (b) That therapeutic procedures were performed by the licensee which he 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 plan of treatment or program of intervention.*

Sec. 17. NAC 640A.350 is hereby amended to read as follows:

640A.350 1. To institute disciplinary action against an occupational therapist or occupational therapy assistant, a written complaint, specifying the charges, must be filed with the board on its own motion, or by a member of the board or another person who is aware of an act or circumstance constituting a ground for disciplinary action pursuant to this section or NRS 640A.200. The complaint must be signed by the person filing it.

2. In addition to those acts specified in subsection ~~2~~ 3 of NRS 640A.200, the following acts, among others, constitute "unprofessional conduct":

(a) 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;

(b) Being guilty of negligence in the performance of occupational therapy;

(c) Allowing another person to use the license issued to the licensee;

(d) Failing to report or otherwise concealing information related to a violation of NRS 640A.200 or this chapter which could result in harm to the public health and welfare;

(e) Intentionally making or filing a false or misleading report;

(f) 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;

(g) Intentionally harassing, abusing ~~§~~ or intimidating a patient, employer, employee, colleague ~~§~~ or other person, either physically or verbally, including, but not limited to, sexual harassment, abuse or intimidation;

(h) 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;

(i) Intentionally divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient;

(j) Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;

(k) Violating a provision of the ~~code of ethics or standards of practice established by the American Occupational Therapy Association, copies of which may be obtained from the~~

~~executive secretary of the board free of charge.}]~~ *“Occupational Therapy Code of Ethics” or the “Standards of Practice for Occupational Therapy;”*

- (l) Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;
- (m) Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;
- (n) Advertising in a manner that tends to deceive or mislead the public;
- (o) Making false statements, providing false information ~~[,]~~ or omitting pertinent information in connection with an application for licensure or renewal of a license; or
- (p) Misrepresenting or falsifying credentials, including, but not limited to, those relating to education, training, experience ~~[,]~~ and areas of competency.

3. If a complaint is filed against an occupational therapy assistant, any supervising occupational therapist who signed, dated or reviewed a record regarding a patient treated by the occupational therapy assistant shall accompany the occupational therapy assistant to any proceedings before the board concerning the complaint.

Sec. 18. NAC 640A.361 is hereby amended to read as follows:

640A.361 If the board determines that ~~[a licensed]~~ *an* occupational therapist or occupational therapy assistant is guilty of unprofessional conduct pursuant to NRS 640A.200 and does not suspend or revoke his 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 or private 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; ~~or~~
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.