

LCB File No. R210-07

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

Proposed changes to the NAC 640A follow. Proposed deletions in the regulations are noted in brackets, with a strikethrough. Proposed amendments and additions to the regulations are italicized.

NEVADA ADMINISTRATIVE CODE

CHAPTER 640A - OCCUPATIONAL THERAPISTS

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GENERAL PROVISIONS

NAC 640A.010 “Board” defined. As used in this chapter, unless the context otherwise requires, “board” means the board of occupational therapy.

(Supplied in codification)

~~[(NAC 640A.015 “Provisional licensee” defined. (NRS 640A.110) As used in NAC 640A.015 to 640A.160, inclusive, unless the context otherwise requires, “provisional licensee” means the holder of a provisional license as an occupational therapist or occupational therapy assistant issued by the board pursuant to NAC 640A.065.)]~~

LICENSING

NAC 640A.xxx “Licensing Terms”

1. “License” as used in NAC 640A.xxx to 640A.xxx, means a license issued by the board pursuant to NAC 640A.xxx to an occupational therapist or occupational therapy assistant for the practice of occupational therapy.

2. “Active License” means a license issued by the board pursuant to NAC 640A.xxx to an occupational therapist or occupational therapy assistant that is practicing or intends to practice occupational therapy in the State of Nevada.

3. “Inactive License” means a license issued by the board pursuant to NAC 640A.xxx to an occupational therapist or occupational therapy assistant that does not practice occupational therapy or represent that he is authorized to practice occupational therapy in this state.

4. *“Provisional License” means a license issued by the board pursuant to NAC 640A.xxx, to a person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant, who is a recent graduate of a school of occupational therapy or is an occupational therapist or occupational therapy assistant or has not practiced occupational therapy for 5 years or more and is not certified.*

5. *“Temporary License” means a license issued by the Board pursuant to NAC 640A.xxx to an occupational therapist or occupational therapy assistant who is licensed in another state and intends to practice occupational therapy in this state for a period of less than 12 months.*

6. *“Licensee” means the holder of an active or inactive license as an occupational therapist or occupational therapy assistant issued by the board pursuant to NAC 640A.030.*

7. *“Provisional licensee” means the holder of a provisional license as an occupational therapist or occupational therapy assistant issued by the board pursuant to NAC 640A.065.*

8. *“Temporary Licensee” means the holder of a temporary license as an occupational therapist or occupational therapy assistant issued by the board pursuant to NAC 640A.xxx.*

NAC 640A.020 Eligibility to apply for license; *education, examination required* . ~~and interview of applicants.~~ (NRS 640A.110)

1. To be eligible to apply for licensure as an occupational therapist or occupational therapy assistant, an applicant must have:

(a) graduated from an educational program that:

~~[(a)]~~ (i) Is accredited by an accrediting service approved by the board; and

~~[(b)]~~ (ii) Includes a fieldwork program.

~~[(2-)](b) Achieved a passing score on an examination provided by an agency approved by the board; and~~

(c) *Have a valid social security number.*

~~[The board will use an examination provided by an agency approved by the board in the examination of an applicant for a license as an occupational therapist or occupational therapy assistant. The applicant must achieve a passing score on the examination before he will be licensed.]~~

3. Oral interviews ~~[will]~~ *may* 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.]~~

NAC 640A.030 Application for license. (NRS 640A.110, 640A.140)

1. *Applicants for licensure as an occupational therapist or occupational therapy assistant must complete the application for license and forms provided by the board in its license application packet.*

2. *The board may prorate the license fee if a license is issued for less than 12 months.*

3. *A person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant that is not currently certified by an agency approved by the board and has not practiced occupational therapy for 5 years or more may apply for licensure as a provisional licensee pursuant to the requirements of NAC 640A.xxx.*

~~[(1-)]~~ 4. Each completed application for a license as an occupational therapist or occupational therapy assistant must:

~~[(a) Include at least three professional references;]~~

~~[(b)](a)~~ Be accompanied by the appropriate fee; and

~~[(e)] (b)~~ Be notarized.

~~[2.]~~ 5. Each applicant must request:

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

(b) Attach to the application, in a sealed envelope, his official transcript from the school of occupational therapy where the applicant received his degree ; and

(c) That an agency approved by the board to certify a person as an "occupational therapist registered" or "certified occupational therapy assistant" ~~[mail]~~ *provide* verification of certification directly to the board.

~~[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.]~~ 6. If an applicant licensed in another state or territory is applying for a license in this state, he must:

(a) Attach a copy of his current license from the other state or territory; ~~[-]~~ *and*

(b) Request that the licensing board of each state or territory where he currently holds or previously held a license during the past 5 years provide directly to the Board verification of his licensure in that 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.]~~ 7. Each applicant for licensure as an occupational therapy assistant or ~~[temporary]~~ *provisional* occupational therapist must ~~[use the form provided by the board in its licensure packet to]~~ submit *by the date established by the board*, verification of his employment and supervision by a licensed occupational therapist *when employed in this state*.

NAC 640A.040 Applicant for license who is educated, licensed or registered in another country. (NRS 640A.110)

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

(a) Take and pass an examination provided by an agency approved by the board that demonstrates that the applicant's education is equivalent to ~~[a bachelor's degree in occupational therapy]~~ *that required for a degree in occupational therapy in this country*; and

(b) Submit to the board an application with accompanying documentation that complies with NAC 640A.030.

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

NAC 640A.050 Expiration~~[-]~~ *and* renewal ~~[and reinstatement]~~ of license. (NRS 640A.110, 640A.180)

1. A license issued by the board to an occupational therapist or occupational therapy assistant expires ~~[on June 30 of each year.]~~ *annually on the date established by the board*. ~~[The board will prorate the fee for a license which is issued for less than 12 months.]~~ *An application for renewal must be received on or before the date of expiration of the license to be eligible for renewal.*

2. To renew such a license, the licensee must submit to the board:

(a) An application for renewal;

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

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

~~[(e)]~~ **(d) The applicable fee.**

3. 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]~~ **date established by the board.**~~[If the application for renewal is not received on or before the 31st day after the date upon which the license expired, the licensee must apply for reinstatement of the expired license.]~~

NAC 640A.xxx Reinstatement of License which has been expired for less than 5 years

~~[4.]~~ **1.** 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]~~ **Submit to the board an application for reinstatement;**

(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) Provide documentation that he is certified as an “occupational therapist registered” or “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 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.

~~[5.]~~ **2.** As used in this section, the term “license” does not include a provisional license or a temporary license.

NAC 640A.060 Licensing of person whose license has been expired ~~[or inactive]~~ for 5 years or more. (NRS 640A.110)

~~[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:~~

~~—(a) Reapply for a license as if he were a new applicant and retake and pass an examination provided by 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 obtains from the board a temporary license;~~

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

~~—(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 paragraph (b);~~

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

~~—(e) Reapplies for a license as if he were a new applicant.]~~

1. A person whose license as an occupational therapist or occupational therapy assistant has been expired for 5 years or more must reapply for a license as if he were a new applicant pursuant to NAC 640A.030.

NAC 640A.xxx Inactive License Status

1. A licensee in good standing with the board may request to place his license on inactive status if:

(a) at the time of the request, the license is active and not suspended, revoked, or otherwise restricted by the board; and

(b) The licensee includes in the request a statement that he does not practice occupational therapy, or represent that he is authorized to practice occupational therapy in this state.

2. An inactive license may be renewed during the same time period and in the same manner in which an active license is renewed. The holder of an inactive license must comply with the continuing competency education requirements as specified in NAC 640A.xxx.

3. To restore an inactive license to active status, a licensee must submit to the board:

(a) A written request to restore the license to active status; and

(b) The appropriate fee; and

(c) If licensed as an occupational therapy assistant, verification of current employment and supervision by a licensed occupational therapist on a form approved by the board.

NAC 640A.062 Temporary licensing. (NRS 640A.110, 640A.170)

1. A person who holds a license as an occupational therapist or occupational therapy assistant issued in another state or territory may apply to the board for a temporary license to practice in this state *for a period not to exceed 12 months.*

2. To obtain a temporary license, an applicant must, at least 30 days before his first day of work, submit to the board:

(a) An application with accompanying documentation that complies with NAC 640A.030; and

(b) The appropriate fee.

3. A temporary license expires 6 months after the date on which it is issued or ~~renewed~~ *extended.*

4. A temporary license may be ~~renewed~~ *extended* not more than once.

5. To ~~renew~~ *extend* such a license, the holder must submit to the board:

(a) A request for ~~renewal~~ *extension*; and

(b) The applicable fee.

6. The holder of a temporary license may convert the temporary license to ~~a regular~~ *an active* license if:

(a) The holder submits to the board:

(1) A *written* request for conversion; and

(2) The appropriate fee. ~~[-]; and~~
~~— (b) The board receives, directly from an agency approved by the board to certify a person as an “occupational therapist registered” or “certified occupational therapy assistant,” written verification of the certification of the holder.]~~

7. A temporary license may not be renewed or reinstated.

8. An occupational therapist or occupational therapy assistant who has previously been issued a temporary license in this state, is eligible to reapply for a temporary license as a new applicant, 6 months after the date of expiration of the temporary license.

NAC 640A.065 Provisional licensing. (NRS 640.110)

1. A person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant, ~~[but has not achieved a passing score on the examination as required by subsection 2 of NAC 640A.020,]~~ may apply to the board for a provisional license ~~[-]~~ *if the applicant:*

(a) recently graduated from of a school of occupational therapy but has not achieved a passing score on the examination as required by subsection 2 of NAC 640A.020, or

(b) has not practiced occupational therapy for 5 years or more and is not currently certified by an agency approved by the board.

2. To obtain a provisional license, an applicant must, at least 30 days before his first day of work, submit to the board:

(a) An application with accompanying documentation that complies with NAC 640A.030; and

(b) The appropriate fee ~~[-]; and~~

(c) verification of his employment and supervision by a licensed occupational therapist, on a form provided by the board.

3. An applicant who is *a recent graduate of a school of occupational therapy who is* unable to provide:

(a) a transcript as required by paragraph (a) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if an appropriate officer of the school of occupational therapy where the applicant studied submits directly to the board a statement that the applicant has completed all requirements for graduation from an educational program in occupational therapy [-];

~~[4.] (b) [An applicant who is unable to provide the]~~ verification of certification as required by paragraph (b) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if he submits to the board written verification, from an agency approved by the board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the applicant:

(a) ~~[Is scheduled]~~ *is eligible* to take the examination ~~[at a stated date and place];~~ and

(b) ~~[H]~~*has* requested the agency to transmit, directly to the board, the applicant’s scores on the examination when the scores become available.

4. An applicant who is has not practiced occupational therapy for 5 years or more and is unable to provide verification of certification as required by paragraph (c) of subsection 4 of NAC 640A.030 shall be required during the provisional license period to:

(a) Complete a minimum of 640 hours of supervised practice; and

(b) pass an examination provided by an agency approved by the board.

5. A provisional license expires 6 months after the date on which it is issued or ~~renewed~~ *extended*.
 6. A provisional license may be ~~renewed~~ *extended* not more than once.
 7. To ~~renew~~ *extend* such a license, the provisional licensee must submit to the board:
 - (a) A *written* request for ~~renewal~~ *extension*; *and*
 - (b) The appropriate fee. ~~;~~ *and*
 - ~~(c) Written verification, from an agency approved by the board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the provisional licensee:

 - (1) Is scheduled to take the examination at a stated date and place; and
 - (2) Has requested the agency to transmit, directly to the board, the provisional licensee's scores on the examination when the scores become available.]~~
8. A provisional licensee may convert his provisional license to ~~a regular~~ *an active* license if:
 - (a) The provisional licensee submits to the board:
 - (1) A request for conversion; and
 - (2) The appropriate fee; and
 - (b) The board receives, directly from an agency approved by the board to certify a person as an "occupational therapist registered" or "certified occupational therapy assistant," written verification of the certification of the provisional licensee ~~;~~ *and*
 - (c) The board receives an original transcript pursuant to subsection 4. of NAC 640A.030; and*
 - (d) the board receives directly from the supervising licensed occupational therapist, a letter attesting that the provisional licensee is competent in occupational therapy and has competed the practice required by paragraph (a) of subsection 4 of this section;when applicable.*
9. *A provisional license may not be renewed or reinstated.*

CONTINUING COMPETENCY

NAC 640A.XXX CONTINUING COMPETENCY TERMS.

1. *"Contact Hour" means a unit of measure for a continuing education activity. One contact hour equals 60 minutes in a learning activity, excluding meals and breaks.*
2. *"Continuing Competence" means a process in which an occupational therapist or an occupational therapy assistant develops and maintains the knowledge, performance skills, interpersonal abilities, critical reasoning skills, and ethical reasoning skills necessary to perform his or her professional responsibilities.*
3. *"Continuing Education" means structured educational experiences beyond entry-level academic degree work that are intended to provide advanced or enhanced knowledge in a particular area.*
4. *"Continuing Education Credit" means credit given for a formalized activity in the form of contact hours or continuing education units.*

NAC 640A.070 Continuing education: Generally. (NRS 640A.110)

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 *contact* hours ~~of~~

~~continuing education as specified in NAC 640A.080 within the year immediately preceding his request for renewal of his license] in continuing competency activities annually.~~

2. Continuing competency education must be completed within the 12 months prior to the due date of the application for license renewal.

3. Continuing competency education shall not include new employee orientation or annual training required by the employer.

4. Licensees shall not receive credit for the same continuing education more than once during a renewal period or repeated within 2 consecutive renewal periods.

5. Activities must be related to roles and responsibilities in occupational therapy and must serve to protect the public by enhancing the licensee's continuing competence.

6. Subject matter for approved activities include research; theoretical or practical content related to the practice of occupational therapy; or the development, administration, supervision, and teaching of clinical practice or service delivery programs by occupational therapists or occupational therapy assistants.

~~{2.} 7. If the licensee obtains more than 10 hours of continuing education in a year, he may request that the board 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 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~~

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

NAC 640A.080 Continuing education: Approval of credit. (NRS 640A.110)

~~[1. The board will approve credit for continuing education 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.]~~

1. The board will approve one contact hour of continuing education credit for each hour of participation in qualified continuing competency activities specified in NAC 640A.xxx.

*2. The board will consider the written request of a licensee that it approve credit for any continuing **competency** education that is not specified in ~~[subsection 1]~~ NAC 640A.xxx if the*

request is submitted to the board ~~[at least 30 days before the license of the licensee expires]~~
before the due date on which his license must be renewed.

~~[NAC 640A.090 Continuing education: Approval of credit for attending or giving presentation. (NRS 640A.110)~~

~~— 1. A licensee may request approval of credit for continuing education from the board 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 of the approval or denial of credit within 30 days after the next meeting of the board following the receipt of the request.]~~

NAC 640A.XXX QUALIFYING ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE. ACTIVITIES THAT QUALIFY FOR MAINTAINING CONTINUING COMPETENCE ARE:

1. Continuing Education:

(a) Includes attendance and participation at a live presentation such as a workshop, seminar, conference, or in-service educational program. May also include participation in other continuing education activities that require a formal assessment of learning. Examples include electronic or Web-based courses, self-paced clinical courses or other formalized self-study courses.

(b) Documentation must include a certificate of completion or similar documentation and completion of a form approved by the Board, including a narrative statement that describes how the activity broadens the licensee's knowledge of occupational therapy roles, or relates to a licensee's current or anticipated roles and responsibilities

2. Academic Coursework:

(a) Includes participation in on-site or distance learning academic courses from a university, college, or vocational technical adult education course related to the practice of occupational therapy;

(b) Documentation must include an official transcript indicating successful completion of the course, and completion of a form approved by the board, including the date, a description of the course from the school catalogue or course syllabus and a narrative statement that describes how the activity broadens the licensee's knowledge of occupational therapy roles, or relates to a licensee's current or anticipated roles and responsibilities.

3. Mentorship Agreement:

(a) Participation in a formalized mentorship agreement as a mentor or mentee as defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee. These activities must be related to the development of new occupational therapy skills outside current required job performance;

(b) Documentation must include name of mentor and mentee, copy of signed contract, dates, hours spent and focus of mentorship activities, and outcomes of mentorship agreement.

4. Fieldwork Supervision:

(a) Participation as the primary clinical fieldwork educator for Level I or Level II, OT or OTA, fieldwork students;

(b) A licensee may earn a maximum of two contact hours for Level I fieldwork educator and one contact hour for each week of Level II fieldwork supervision, up to a maximum of six contact hours;

(c) Documentation must include verification provided by the school to the fieldwork educator with the name of student, school, and dates of fieldwork and

(d) If fieldwork spans two licensure years, credit shall be given only for the year it is completed.

5. Professional Writing:

(a) Publication of a peer-reviewed book, chapter, article or contracted review of occupational therapy resource material;

(b) Documentation must consist of full reference for publication including title, author, editor, and date of publication; or copy of acceptance letter, if not yet published;

(c) Credit for submitted items will be given for one licensure period only.

(d) Continuing competency credit of 5 hours may be earned for publication of a book, 3 hours for one or more chapters, and 1 hour for articles and other review activities.

6. Presentation and Instruction:

(a) Presentation of an academic course or peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or Web-based course.

(b) Documentation shall include a copy of official program, schedule, or syllabus including presentation title, date, hours of presentation, learning objectives and type of audience or verification of such, signed by the sponsor.

7. Professional Meetings and Activities:

(a) Participation in board or committee work with agencies or organizations to promote and enhance the practice of occupational therapy for a maximum of 2 hours continuing education credit;

(b) Documentation must include name of committee or board, name of agency or organization, purpose of service, and description of licensee's role. Participation and hours must be validated by an officer or representative of the organization or committee.

8. Board Certification or Specialty Certification:

(a) The Board shall recognize completion of activities that result in board certification or specialty certification during the current licensure period; for credit of up to 5 hours.

(b) Documentation shall include certificate of completion or other documentation from the recognized certifying body that identifies satisfactory completion of requirements for obtaining board certification or specialty certification.

NAC 640A.100 Continuing education: [Information] Documentation required to obtain credit. (NRS 640A.110)

1. To obtain credit for attending a program of continuing education, a licensee must submit to the board:

~~—(a) The name of the sponsor of the program;~~

~~—(b) The name of the program;~~

~~—(c) The number of hours awarded by the sponsor of the program for completion of the program;~~

~~—(d) Biographical information regarding the instructor of the program;~~

~~—(e) The inclusive dates of attendance; and~~

~~—(f) A brief summary of the information he learned and how he will use that information in his practice.~~

- ~~— 2. 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 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 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.]~~

all documentation required for each continuing competency activity listed as completed on the application for license renewal or reinstatement at the time of submittal of the application.

NAC 640A.XXX WAIVER OF CONTINUING EDUCATION REQUIREMENTS

1. The Board may waive all or part of the continuing competence activity requirements if an occupational therapist or occupational therapy assistant submits written request for a waiver and provides evidence to the satisfaction of the Board of an illness, injury, financial hardship, family hardship, or other similar extenuating circumstance which precluded the individual's completion of the requirements. The Board shall add the unfulfilled continuing competence hours to the following year's requirements.

2. A licensee who seeks a full waiver or reduction of the number of hours of continuing education required must submit a written request before the date on which his license must be renewed.

3. An occupational therapist or occupational therapy assistant who is licensed by the board within 12 months after graduation from a school in which he completed a curriculum of occupational therapy approved by the board, is not required to complete the requirements for continuing education for the first renewal year after the initial license is issued.

Licenses - Generally

NAC 640A.110 Display, alteration and reproduction of license.

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

2. A licensee shall not ~~;~~:

~~—(a) A] alter his license; or *license cards.*~~

~~[(b) Except as otherwise provided in this subsection, make a reproduction of his license. A licensee may make a reproduction of his license to keep in his files or to provide to institutions such as educational institutions.]~~

3. A licensee may make a copy of his original license and current license card.

NAC 640A.120 Change of name after issuance of license; replacement of lost license.

1. If an occupational therapist or an occupational therapy assistant changes his name after his license is issued, he must submit, within 30 days after the change, proof satisfactory to the board that his name was legally changed. ~~[If the change of name resulted from marriage or a court decree, a]~~ A copy of the marriage certificate or court decree must be submitted to the board. *The board will issue a replacement license to reflect a name change upon payment of the appropriate fee.*

2. An occupational therapist or an occupational therapy assistant may not practice under a name other than the name under which he is licensed.

~~[2.]~~ *3.* An occupational therapist or occupational therapy assistant who has lost his license may request in writing from the board a duplicate license. The board will issue a duplicate license upon payment of the appropriate fee.

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

1. Each licensee shall file his current residential address and business address with the board.

2. A licensee shall notify the board of any change in his 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.

NAC 640A.140 Annual list of licensees.

1. The board will prepare and maintain an annual 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.

NAC 640A.150 Inclusion of license number on or with documents submitted to board. The license number assigned to the licensee by the board must accompany or be written upon every document which he submits to the board.

NAC 640A.xxx Verification of Nevada Licensure

1. A licensee may request verification of licensure as an occupational therapist or occupational therapy assistant be provided to another licensing entity by submitting to the board:

(a) A written request; or

(b) A verification of licensure form required to be completed by the licensing entity; and

(c) Payment of the appropriate fee.

NAC 640A.xxx Payment of Fees, returned checks, processing fees

1. Payment of fees are due and payable at time of application or request. Acceptable payment methods are check, money order, cashier’s check and credit card.

2. Payments returned by the bank due to insufficient funds or account closure will incur a returned item processing fee. All returned items must be replaced by cashier check, money order or credit card payment within 15 days of notice of returned item.

3. All initial applications for licensure will incur a one-time, non-refundable processing fee established by the board in addition to the application fee.

NAC 640A.160 Fees. (NRS 640A.110, 640A.190) 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.....	..... 175
(d) Late renewal of a license.....	..... [290] 300
(e) Application for a temporary or provisional license.....	..... 100
(f) Renewal of a temporary or provisional license.....	..... 100
(g) Reinstatement of an expired license.....	..... 350
(h) Inactive license.....	..... [150] 100
(i) [Reinstatement of an] Restore inactive license to active status.....	..... [100] 75
2. For an occupational therapy assistant:	
(a) Initial application for a license.....	..... \$175
(b) Processing of initial license.....	..... [100] 150
(c) Annual renewal of a license.....	..... 125
(d) Late renewal of a license.....	..... [230] 250
(e) Application for a temporary or provisional license.....	..... 75
(f) Renewal of a temporary or provisional license.....	..... 75
(g) Reinstatement of an expired license.....	..... 250
(h) Inactive license.....	..... [100] 75
(i) [Reinstatement of an] Restore inactive license to active status.....	..... [90] 50
3. General:	
(a) Change of name on a license.....	..... \$50
(b) Duplicate of lost license.....	..... 50
(c) Licensee Mailing Lists.....	..... 50
(d) Verification of Licensure.....	..... 25
(e) Returned check processing fee.....	..... 25

STANDARDS OF PRACTICE

NAC 640A.xxx Practice Terms

1. “Occupational Therapist Registered” means an occupational therapist that is certified by the National Board for Certification in Occupational Therapy.

2. “Certified Occupational Therapy Assistant” means an occupational therapy assist that is certified by the National Board for Certification in Occupational Therapy.

3. “Supervision” means a collaborative process for the responsible period review and inspection of all aspects of occupational therapy services.

4. *“General Supervision” means engaging in activities pursuant to subsection 1(b) of NAC 640A.250 for not less than 1 hour for each 40 hours of work or at least 1 hour each month.*

5. *“Direct Supervision” has the meaning ascribed to it in NAC 640A.275.*

6. *“Provider of Health Care” has the meaning ascribed to it in NRS 629.031 and includes licensed occupational therapists.*

7. *“Sign” means the hand written or electronically inscribed name, initials or license number of the occupational therapist or occupational therapy assistant.*

NAC 640A.200 Use of professional title.

~~[1. An occupational therapist shall, in all appropriate professional circumstances, refer to himself as an occupational therapist registered/licensed and may refer to himself using corresponding initials for the words.~~

~~—2. An occupational therapy assistant shall, in all appropriate professional circumstances, refer to himself as a certified occupational therapy assistant/licensed and may refer to himself using corresponding initials for the words.]~~

1. *A licensed occupational therapist may use the words “occupational therapist/licensed” or occupational therapist registered/license, or corresponding initials for the words in connection with his professional practice.*

2. *A licensed occupational therapy assistant may use the words “certified occupational therapy assistant/licensed” or “occupational therapy assistant/licensed” or corresponding initials for the words in connection with his professional practice.*

3. *An occupational therapist or occupational therapy assistant that is not currently certified by the National Board for Certification in Occupational Therapy shall not use the words “registered” or “certified” or corresponding initials for those words in their professional title.*

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* approved by the representative assembly of the American Occupational Therapy Association ~~[in 2000]~~; 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 89570-0220]~~ *upon written request submitted to the board office.*

NAC 640A.210 Prohibitions: Use of license; misrepresentations.

1. A licensee shall not use his license to:

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

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

2. A licensee shall not misrepresent:

(a) His professional qualifications;

- (b) His affiliations;
- (c) His licenses; or
- (d) The licenses or professional qualifications of:
 - (1) The institutions or organizations with which he is associated; or
 - (2) Any person whom he supervises in the course of his professional duties.

NAC 640A.220 Professional responsibility regarding patients. (NRS 640A.110) 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;
 - (g) Mental or physical disability; 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.

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 treatment, 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.

NAC 640A.250 Practice by occupational therapy assistant or provisional licensee.
(NRS 640A.110)

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 supervising occupational therapist. To provide satisfactory general supervision, the occupational therapist shall:

(a) Provide an initial plan of treatment or program of intervention, and any subsequent changes to the initial plan or 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.

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

(d) Review all 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 supervising occupational therapist and the occupational therapy assistant or provisional licensee shall jointly:

(a) Document the supervision required pursuant to this section by preparing, without limitation:

(1) Daily or weekly *treatment* schedules;

(2) Logs of supervision ~~to~~ *to include, at a minimum, the date, time, type of supervision and content areas addressed,* and

(3) Patient records.

(b) Ensure that each record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed *periodically* by the occupational therapy assistant or provisional licensee and the supervising 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 plan of treatment or program of intervention.

3. An occupational therapy assistant or provisional licensee, acting jointly with a supervising occupational therapist, may:

(a) Prepare and disseminate any written or oral reports;

(b) Write the final evaluation and discharge summary of a patient; and

(c) Unless the treatment is terminated by a patient or his provider of health care, determine when to terminate treatment.

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. A supervising 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.

NAC 640A.260 Supervision and employment of occupational therapy assistant: Verification; notice of termination.

1. An occupational therapy assistant shall submit verification of his employment and supervision by a licensed occupational therapist to the board within 30 days after a change in his employment or supervision. The verification must be submitted on a form approved by the board.

2. An occupational therapist who is licensed by the board shall notify the board within 30 days after the termination of his supervision of an occupational therapy assistant.

NAC 640A.265 Delegation of duties to occupational therapy assistants ~~and unlicensed persons~~; limitations. (NRS 640A.110)

1. An occupational therapist shall supervise any program of treatment which is delegated to an occupational therapy assistant.

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 treatment 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:

(1) The specific program of treatment of a patient;

(2) Any precaution to be taken to protect a patient;

(3) Any special problem of a patient;

(4) Any procedure which should not be administered to a patient; and

(5) Any other information required to treat a patient;

(g) Review the program of treatment 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. 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 treatment which requires the skill, common knowledge and judgment of the licensee.

NAC 640A.267 Delegation of duties to student or provisional licensee; limitations. (NRS 640A.110) An occupational therapist who is supervising a:

1. Student participating in the supervised experience required by NRS 640A.120; or

2. Provisional licensee,

may delegate duties to the student or provisional licensee if the occupational therapist determines, before he delegates a duty, that the student or provisional licensee possesses the necessary knowledge, competence, training and skills to perform the duty.

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 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 may delegate duties to an occupational therapy aide or technician if he determines, before he

delegates 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; ~~and~~
- (g) Performance of clerical, secretarial and administrative duties~~[-];~~ *and*
- (h) Supervision of patient for safety purposes while performing an activity.*

3. A licensed occupational therapist may not delegate a duty to an occupational therapy aide or technician if the duty requires the aide or technician to 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 3 of NAC 640A.265; and
- (f) Performance of any duty which requires the aide or technician to act independently or without the supervision of a licensed occupational therapist during a therapy session with a patient.

4. An occupational therapist 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; and
- (b) Is professionally responsible for the duty performed by the aide or technician.

NAC 640A.275 Supervision of occupational therapy aide or technician: “Directly supervise” interpreted. As used in NRS 640A.230, the board interprets the term “directly supervise” to mean supervision of an occupational therapy aide or technician by a licensed occupational therapist who:

- 1. Is physically present on the premises at all times when the aide or technician is working with patients;
- 2. Provides personal instruction to the aide or technician on a regular basis;
- 3. Personally evaluates the work of the aide or technician on a regular basis; and
- 4. Sets forth detailed statements of the duties and responsibilities of the aide or technician.

NAC 640A.280 Termination or interruption of treatment. A licensee:

- 1. Shall terminate his treatment of a patient and his 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 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.

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 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.

NAC 640A.300 Fees and billing. 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 his 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.

NAC 640A.310 Advertising. 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. Contains a testimonial or endorsement by another person;

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

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

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

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

NAC 640A.320 Conduct of programs of research.

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 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 is actually doing in the program and give credit to another person for any contribution made by that person to the program of research.

DISCIPLINARY ACTION

~~[NAC 640A.350 Procedure for institution of disciplinary action; grounds; presence of supervising occupational therapist required at proceedings. (NRS 640A.110)~~

~~—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.]~~

NAC 640A.xxx Complaint, Filing, contents; procedure for review

1. A complaint against any person licensed as an occupational therapist or occupational therapy assistant may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any person who believes there has been a violation of these regulations or NRS 640A.

2. The complaint must identify one or more grounds for disciplinary action pursuant to NRS 640A.200 or NAC 740A.xxx and must contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

3. The complaint must be filed with the board office on a form approved by the board and must be signed by the complainant.

4. The executive director of the board shall review each complaint. An investigation may be initiated to substantiate the allegation.

5. The executive director shall file with the board, any complaint found to have potential merit or constituting grounds for disciplinary action pursuant NAC 640A.xxx or NRS 640A.200.

6. If a complaint is filed with the board 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 be required to appear at any proceedings before the board concerning the complaint, when directed by the board.

NRS 640A.xxx Grounds for disciplinary actions; “unprofessional conduct”.

~~[2.]~~ **1.** In addition to those acts specified in subsection 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~~ ~~[d]~~ 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 *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.]~~

NAC 640A.361 Unprofessional conduct: Imposition of conditions on use of license. (NRS 640A.110) 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 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;
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.

NAC 640A.xxx Recovery of Attorney's Fees and Costs (NRS 640A.210; NRS 622; NRS 622A)

1. The board may assess an amount sufficient to recover attorney's fees and costs incurred by the board as part of its investigative, administrative and disciplinary proceedings against a person if :

(a) a final order finds the person violated any provision of NRS 640A; these regulations or order of the board; or

(b) enters into a consent or settlement agreement in which the board finds or the person admits or does not contest the allegation of a complaint or finding of the board.

2. In addition to those costs specified in subsection 2 of NRS 622.400, costs include fees and expenses of witnesses pursuant to NAC 640A.410.

PROCEEDINGS BEFORE BOARD

NAC 640A.400 Action by board on its own motion; petition for adoption, amendment or repeal of regulation or for hearing.

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 chairman 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 has read the petition;

(b) To the best of his 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.

NAC 640A.410 Fees and expenses of witnesses. 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.