

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

LCB File No. R048-15

Effective April 4, 2016

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

AUTHORITY: §§1-7, NRS 640A.110 and 640A.180.

A REGULATION relating to occupational therapy; revising provisions concerning the continuing education required to be completed by a person licensed by the Board of Occupational Therapy as an occupational therapist or occupational therapy assistant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations require a person licensed by the Board of Occupational Therapy as an occupational therapist or occupational therapy assistant to complete 10 hours of continuing education per year. (NAC 640A.050, 640A.055, 640A.070) **Sections 3 and 4** of this regulation increase that requirement to 12 hours of continuing education per year. Existing regulations require such licensees to provide to the Board “proof” of the completion of continuing education. (NAC 640A.030, 640A.050, 640A.055, 640A.070) This regulation retains the requirement of proof of the completion of continuing education for licensees applying to reinstate their licenses; however, for licensees applying to renew their licenses, this regulation requires such licensees to submit to the Board a form provided by the Board and a list of continuing education courses and activities completed, and states that the Board will conduct random audits to ensure completion. **Section 4** of this regulation prohibits the receipt of continuing education credit for fieldwork supervision in consecutive periods of license renewal. Existing regulations set forth activities other than courses for which continuing education credit may be earned. (NAC 640A.090) **Section 6** of this regulation eliminates participation in a mentorship program and writing in a professional capacity as activities for which continuing education credit may be earned.

Section 1. NAC 640A.030 is hereby amended to read as follows:

640A.030 1. In order to receive, renew, reinstate or convert the status of, as applicable, any type of license issued by the Board, an applicant must complete an application to be provided by the Board.

2. An application must be accompanied by payment of the appropriate fee or fees, which may be prorated by the Board if the initial period of the license will be shorter than usual for that license.

3. An application submitted to the Board must be notarized if so required.

4. An application must be submitted to the Board by the applicable date, if any.

5. If an applicant is required to provide an official transcript from an educational program that is accredited by an agency approved by the Board or from an educational program in another country, the applicant must ensure that:

(a) A sealed, official transcript is attached to his or her application; or

(b) A sealed, official transcript is sent directly from his or her educational program to the Board.

6. If an applicant is required to provide proof of certification as an occupational therapist registered or a certified occupational therapy assistant, the applicant must ensure that proof of certification is sent directly to the Board by the agency who certified the applicant.

7. If an applicant is required to provide proof of a license obtained in another state, territory or country, the applicant must ensure that:

(a) A copy of the license is attached to his or her application; and

(b) Additional proof of such a license is sent directly by an official governmental entity to the Board for:

(1) Any such license presently held; and

(2) Any such license held within 5 years of the submission of the application.

8. If an applicant is required to provide proof of employment and supervision by an occupational therapist in this State, the applicant must ensure that proof of such employment and

supervision is sent directly to the Board, on a form to be provided by the Board, by the applicable date, if any.

9. If an applicant is required to complete continuing education, the applicant must provide *to the Board* proof of completion of continuing education ~~to~~, *when requested by* the Board.

Sec. 2. NAC 640A.050 is hereby amended to read as follows:

640A.050 1. A license issued by the Board expires on a date to be established by the Board.

2. In addition to ~~the~~ *any other applicable* requirements of NAC 640A.030, to renew an active license, a person must provide ~~proof of the completion of any applicable continuing education requirements.~~ *to the Board the materials required by subsection 5 of NAC 640A.070.*

Sec. 3. NAC 640A.055 is hereby amended to read as follows:

640A.055 1. An active license that has expired may be reinstated within 5 years of its expiration.

2. In addition to ~~the~~ *any other applicable* requirements set forth in NAC 640A.030, to reinstate an expired active license, a person must:

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

(b) Provide proof of the completion of ~~10~~ *12* hours of continuing education within the year immediately preceding the request for reinstatement; and

(c) For the reinstatement of an expired active license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon reinstatement of the license.

Sec. 4. NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in subsection 4 and NAC 640A.101, a person with an active license shall complete, to the satisfaction of the Board, at least ~~10~~ 12 hours of continuing education per year.

2. If the licensee obtains more than ~~10~~ 12 hours of continuing education in a year, he or she may request that the Board carry over a maximum of 10 hours to apply towards completion of his or her requirement for continuing education for the following ~~year~~ *renewal period*.

3. A person may receive credit for ~~the same~~ *fieldwork supervision or the completion of a particular* continuing education ~~activity~~ *course* only once during two successive renewal periods.

4. A person who obtains an active license within 12 months of graduation from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program is not required to obtain any hours of continuing education in order to renew the license for the first time.

5. ~~Proof of the completion of~~ *A licensee shall comply with* the requirements for continuing education, including, without limitation, *submitting to the Board* a completed form to be provided by the Board ~~and~~ *and a list of any courses and activities that the licensee completed to satisfy the provisions of this section. The materials described in this subsection* must be submitted at ~~least 30 days before the expiration of an active~~ *the time, as established by the Board, the licensee is required to submit to the Board the application for the renewal of his or her* license.

6. *To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.*

Sec. 5. NAC 640A.080 is hereby amended to read as follows:

640A.080 1. The Board will consider the written request of a licensee that it approve credit for any continuing education that is not specified in NAC 640A.090 if the request is submitted to the Board by the applicable date ~~[that proof of the completion of the requirements for continuing education is due.]~~ *on which the licensee is required to submit to the Board the application for the renewal of his or her license.*

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

Sec. 6. NAC 640A.090 is hereby amended to read as follows:

640A.090 1. The subject matter for continuing education activities includes, without limitation:

- (a) Research relating to occupational therapy;
- (b) Theoretical or practical courses relating to the practice of occupational therapy;
- (c) The development, administration, supervision or teaching of the clinical practice of occupational therapy; and
- (d) Service delivery programs performed by an occupational therapist or occupational therapy assistant.

2. Activities that qualify as continuing education include, without limitation:

- (a) Attendance and participation at a live presentation:
 - (1) Which includes, without limitation, a workshop, seminar, conference or in-service educational program; and
 - (2) Which is afterwards followed by the submission of a certificate of completion or other similar document and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge

of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;

(b) Participation in a course of self-study that requires a formal assessment of learning:

(1) Which includes, without limitation, self-study through an electronic or Internet-based course, a self-paced clinical course or any other formalized self-administered course; and

(2) Which is afterwards followed by the submission of a certificate of completion or other similar document and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;

(c) Enrollment in an academic course:

(1) Which includes, without limitation, an on-site or distance learning course; and

(2) Which is afterwards followed by the submission of a copy of a transcript indicating successful completion of the course and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;

(d) ~~Participation in a mentorship agreement:~~

~~—(1) Which requires participation as a mentor or mentee, as proven by a signed, formalized agreement that outlines specific goals and activities that must relate to the development of new occupational therapy skills not required for a current employment position; and~~

~~—— (2) Which is afterwards followed by the submission of a copy of the signed agreement and a completed form to be provided by the Board, which will include, without limitation, the dates and hours of activities and a description of the results of the mentorship;~~

~~——(e)~~ Supervision of fieldwork:

(1) Which includes, without limitation, acting as a primary clinical fieldwork educator for level I fieldwork or level II fieldwork for occupational therapist or occupational therapy assistant students;

(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and a document from the sponsoring educational program indicating the names of the students supervised, the name of the sponsoring educational program and the dates of the fieldwork; and

(3) Which may result in, for the year in which the fieldwork ends:

(I) A maximum of 2 hours of continuing education for level I fieldwork supervision; or

(II) A maximum of ~~1 hour~~ **12 hours** of continuing education for ~~each week of~~ level II fieldwork supervision;

~~——(f)~~ **(e)** Writing in a professional capacity:

(1) Which results in the publication of a peer-reviewed book, chapter of a book, or article regarding occupational therapy;

(2) Which is afterwards followed by the submission of a completed form to be provided by the Board ; ~~and:~~

~~——(I) Information regarding the publication, including, without limitation, the title, author, editor and date of the publication; or~~

~~———— (II) If not yet published, a copy of a letter indicating acceptance of the writing for publication by the publisher;†~~ and

(3) Which may result in ~~†~~ *a maximum of 12 hours of continuing education* for the year the writing is published~~†~~;

~~———— (I) Ten hours of continuing education for publication of a book;~~

~~———— (II) Three hours of continuing education for publication of a chapter of a book; or~~

~~———— (III) One hour of continuing education for publication of an article;~~

~~— (g)† ;~~

(f) Teaching an educational *or academic* course ~~†~~ *that is outside the normal scope of the professional employment of the licensee and:*

(1) Which includes, without limitation, an in-person academic course, workshop, seminar, in-service course or electronic or Internet-based course; and

(2) Which is afterwards followed by the submission of a copy of the official program, schedule or syllabus of the course and a completed form to be provided by the Board, which includes, without limitation, the title, dates, hours and objectives of the course, a description of the students enrolled in the course and the signature of an appropriate official of the sponsor of the course;

~~†(h)†~~ (g) Participation in an official meeting of *the Board or* a professional organization formed to promote and enhance the practice of occupational therapy:

(1) Which includes, without limitation, an official board or committee meeting of such an organization;

(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and a signed document from the organization that indicates the name of the

organization, the purpose of the meeting and a description of the person's role in the organization and at the meeting; and

(3) Which may result in a maximum of ~~12~~ 6 hours of continuing education per ~~meeting~~ year; and

~~+~~ (h) Achievement of a type of certification, approved by the Board, from an agency approved by the Board:

(1) Which includes, without limitation, engaging in activities that are required for certification in an occupational therapy specialty by an agency approved by the Board;

(2) Which is afterwards followed by the submission of a completed form to be provided by the Board and a document from the agency showing achievement of the certification; and

(3) Which may result in a maximum of 5 hours of continuing education for the year in which the certification is achieved.

3. As used in this section:

(a) "Level I fieldwork" means fieldwork designed to enrich didactic course work through direct observation and participation in selected aspects of the occupational therapy process.

(b) "Level II fieldwork" means in-depth fieldwork in delivering occupational therapy services across a variety of settings.

Sec. 7. NAC 640A.101 is hereby amended to read as follows:

640A.101 1. The Board may waive all or part of the requirements for continuing education for a person who holds an active license if the person:

(a) Submits a written request for a waiver; and

(b) Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow the completion of the required continuing education.

2. Examples of an extenuating circumstance include, without limitation, extreme:

- (a) Illness or injury;
- (b) Financial hardship; or
- (c) Family hardship.

3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following year.

4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed.

5. A written request for a waiver must be submitted by the applicable date on which ~~proof of completion of the required continuing education is due.~~ *the licensee is required to submit to the Board the application for the renewal of his or her license.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB FILE R048-15

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 640A.

1. A clear and concise explanation of the need for the adopted regulation.

The need for the adopted regulations is to protect the public health, safety and welfare by ensuring that only qualified and competent occupational therapists and occupational therapy assistants are licensed in the state.

The purpose of the proposed regulation is to provide clarity for the public, individuals and licensees through regulations regarding the continuing education required to be completed by a person licensed by the Board of Occupational Therapy as an occupational therapist or occupational therapy assistant. The proposed regulation also clarifies language and provides for other matters properly relating thereto.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of workshop and notice of intent to act upon the regulation were sent by e-mail and U.S. mail to persons who were known to have an interest in occupational therapy as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Occupational Therapy, www.nvot.org, mailed to all county libraries in Nevada and posted at the following locations:

Board of Occupational Therapy, Administrative Office
6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523
Office of the Attorney General, 100 North Carson Street, Carson City, Nevada 89701
Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, Nevada 89511
Office of the Attorney General, Grant Sawyer State Office Building,
555 E. Washington Avenue #3900, Las Vegas, Nevada 89101
Washoe County Court House, 75 Court Street, Reno, Nevada 89520
Washoe County Clerk, 1001 E. 9th St. Bldg A, P.O. Box 30083, Reno, Nevada 89502

A Workshop was held to solicit comments on the proposed regulations on **November 7, 2015**. There were **four (4)** individuals from the public in attendance at the workshop, and **one (1) written comment** was received. Thereafter, on or about **January 4, 2016**, a Notice of Intent to Act Upon Regulations was issued. A Public Hearing was held on **February 6, 2016**; there were no additional comments received orally or in writing.

A copy of this summary of the public response to the adopted regulations may be obtain from the Board of Occupational Therapy, P.O. Box 34779, Reno, Nevada 89533-4779, 775-746-4101, or email to board@nvot.org .

3. The number of persons who:

(a) Attended each workshop:	Las Vegas, November 7, 2015	4
(b) Attended public hearing:	Las Vegas, February 6, 2016	4
(c) Testified at hearing:	February 6, 2016	0
(d) Submitted written comments:		0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

(a) Name;	Paula Berkley
(b) Telephone number;	775-323-7430
(c) Business address;	908 Nixon Ave, Reno, NV 89502
(d) Business telephone number;	775-323-7430
(e) Electronic mail address;	paulaberkley@gmail.com
(f) Name of entity or organization represented.	Board of Occupational Therapy

(a) Name;	Sandy McGinnis, OTR
(b) Telephone number;	702-767-9515
(c) Business address;	347 Red Eucalyptus Dr., Henderson NV 89015
(d) Business telephone number;	Not provided
(e) Electronic mail address;	mrssandymcginnis@gmail.com
(f) Name of entity or organization represented.	Self

(a) Name;	Kathleen Mullin, OTR
(b) Telephone number;	702-876-3090
(c) Business address;	6810 Groveview Ln., Las Vegas NV 89015
(d) Business telephone number;	Not provided
(e) Electronic mail address;	kathymullin@gmail.com
(f) Name of entity or organization represented.	Self

(a) Name;	Allison Stone, OTR
(b) Telephone number;	702-375-6658
(c) Business address;	6682 Oxendzle Ave, Las Vegas NV 89015
(d) Business telephone number;	Not provided
(e) Electronic mail address;	alliemaestone@gmail.com
(f) Name of entity or organization represented.	Self

(a) Name;	Dave Bockhorn, COTA
(b) Telephone number;	702-217-3593
(c) Business address;	9225 W. Charleston Blvd, Apt 2234 Las Vegas NV 89117
(d) Business telephone number;	Not provided

- (e) **Electronic mail address;** dave_bockhorn@yahoo.com
- (f) **Name of entity or organization represented.** Self

- (a) **Name;** Liz Straughan, OTR
- (b) **Telephone number;** 702-217-4925
- (c) **Business address;** 1600 Mt. Breeze Ct, Las Vegas NV 89128
- (d) **Business telephone number;** Not provided
- (e) **Electronic mail address;** eastraugan@earthlink.net
- (f) **Name of entity or organization represented.** Self

- (a) **Name;** Joyce Mosely, OTR
- (b) **Telephone number;** 702-612-1120
- (c) **Business address;** 7580 Dallas Ct., Las Vegas NV 89139
- (d) **Business telephone number;** Not provided
- (e) **Electronic mail address;** jmosely8540@yahoo.com
- (f) **Name of entity or organization represented.** Self

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from businesses.

A copy of this summary of the public response to the adopted regulations may be obtain from the Board of Occupational Therapy, P.O. Box 34779, Reno, Nevada 89533-4779, 775-746-4101, or email to board@nvot.org.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Board of Occupational Therapy adopted the regulation without change on **February 6, 2016**. Comments received at the public workshop where considered and incorporated in the revised proposed regulations. No additional public comments were provided or submitted at the public hearing; no changes were requested.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

- (a) Both adverse and beneficial effects

There will **be no adverse economic effect of these adopted regulations** on the businesses which it is to regulate (occupational therapists and occupational therapy assistants) or the public.

The adopted regulations will benefit the occupational therapy practitioners and the public by providing clarifications to the regulations.

(b) Both immediate and long-term effects.

Immediate effect will be improved administration through clarification of existing law and regulatory requirements. Long-term effect will be clarity and consistency in regulation and licensing of occupational therapy practitioners in Nevada.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There are no additional costs involved in the enforcement of these adopted regulations.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board of Occupational Therapy is not aware of any similar regulations of other state or government agencies that the adopted regulations overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

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

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not provide for any new or increased fees.