

**PROPOSED REGULATION OF THE  
AGING AND DISABILITY SERVICES DIVISION OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB FILE NO. R045-19I**

**(See T001-19)**

**The following document is the initial draft regulation proposed  
by the agency submitted on 07/24/2019**

LCB File No.  
T001-19P.

(NAC Chapter  
437)

**Applied Behavior**

**Analysis Fees. (NRS 437.105, 437.130, 437.140)**

1. The Division will charge and collect the following fees:

For an application for licensure for behavior analysts and assistant behavior analysts.....	\$100
For the state examination for licensure administered by the Division pursuant to NRS 437.130.....	Actual costs to the Div. plus \$100
For the issuance of an initial license for behavior analysts and assistant behavior analysts.....	25
For the biennial renewal or reinstatement of a license as a licensed behavior analyst.....	400
For the biennial renewal or reinstatement of a license as a licensed assistant behavior analyst.....	275
For the biennial renewal of a registration of a certified registered behavioral technician.....	\$70
For the placement of a license on inactive status.....	100
For the biennial renewal of a license on inactive status.....	100
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	300
For the restoration to active status of a license as a licensed behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed.....	100
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the first year of the biennium in which the license was issued or renewed.....	175
For the restoration to active status of a license as a licensed assistant behavior analyst on inactive status if the restoration occurs during the second year of the biennium in which the license was issued or renewed	40
For reproduction and mailing of material for an application.....	25
For a dishonored check.....	35
For a change of name on a license.....	25
For a duplicate license.....	25

For copies of the provisions of NRS relating to the practice of applied behavior analysis  
and the rules and regulations adopted by the Division

25

.....  
For a letter of good standing.....

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**State examination of applicants for licensure as licensed behavior analyst or licensed assistant behavior analyst: Content; reexamination; fee; prohibited acts. (NRS 437.130)**

1. The Division will administer a state **jurisprudence** examination to each applicant for a license as a licensed behavior analyst or a licensed assistant behavior analyst.

~~2. The state **jurisprudence** examination will consist of questions addressing the **laws and regulations practice of applied behavior analysis, including, without limitation, federal and state laws, ethical principles and codes of professional conduct relevant to governing** the practice of applied behavior analysis in **this the State of Nevada. At least 30 days before the state examination is administered, the Division will furnish a description of the content to be covered in the examination to each applicant.**~~

3. A description of content will be available to applicants for licensure on the Division website.

4. The fee for the state **jurisprudence** examination must be paid prior to administration. Examination fees are required each time an applicant takes the state examination.

5. An applicant shall not:

- a) Remove any notes taken during the state examination;
- b) Record the state examination by electronic or other means; or
- c) Engage in any other conduct that results in the disclosure of the contents of the state **jurisprudence** examination

6. An applicant who fails the state **jurisprudence** examination:

(a) Once or twice may retake the state examination.

(b) ~~Three times~~ **Twice** may not retake the state examination unless the applicant requests permission and obtains approval from the Division to retake the state **jurisprudence** examination. ~~for a fourth time. In order to obtain approval the applicant must submit to the Board: The applicant must submit to the Division~~

i. A written request to retake the state examination; and

ii. A written plan explaining the steps the applicant will take to pass the state examination.

iii. The **Division Board** will approve the request to retake the state examination if the **Division Board** determines that the written plan submitted by the applicant is likely to result in the applicant passing the state examination.

~~(c) Four or more times may not retake the state examination except as otherwise provided in this paragraph. A person whose application is deemed denied pursuant to this paragraph may, not earlier than 18 months after the date on which he or she is notified by the Division, that he or she failed that state examination for the immediately preceding time, request permission in writing from the Division to reapply for licensure and retake the state examination. The Division will, if good cause is shown, approve the request.~~

~~7. The fee for the state examination must be paid before the examination is administered. A fee must be paid each time the applicant takes the state examination.~~

~~8. An applicant shall not:~~

- ~~(a) Remove any notes taken during the state examination;~~
- ~~(b) Record the state examination by electronic or other means; or~~
- ~~(c) Engage in any other conduct that results in the disclosure of the contents of the state~~

~~examination.~~

### **Renewal of license (NRS 437.225)**

1. To renew his or her license, a licensed behavior analyst or a licensed assistant behavior analyst must have their current certification at the appropriate level verified by the Board with the Behavior Analyst Certification Board, and submit to the Division an application for renewal, the required fees, and attestation of continuing education units as prescribed by the Behavior Analyst Certification Board. The licensee must provide evidence of completion of the continuing education upon request.

- ~~• submit to the Division an application for renewal, the required fees and the form for the biennial report of continuing education. The licensee shall retain evidence of the completion of the continuing education required by NRS 437.225, for at least 5 years after the completion of that continuing education. Evidence of completion of continuing education includes, without limitation, a letter signed by the instructor of the course or program or the agent of the sponsoring agency or organization, and a certificate of completion approved by the Division. Upon the request of the Division, the licensee must provide evidence of completion of the continuing education.~~

2. The Division will send to each licensee, before the expiration of his or her license, a form reminding the applicant of the expiration of their license. Each applicant for renewal must sign the form certifying that:

(a) He or she has completed the continuing education. ;and

~~(b) The evidence of completion of continuing education required pursuant to subsection 1 is true and accurate.~~

3. If a licensee misrepresents the completion of continuing education, he or she will be subject to disciplinary action, including, without limitation, suspension, revocation or nonrenewal of his or her license. A licensee whose license has been suspended or not renewed must complete the continuing education required by NRS 437.225, as applicable, before the Division will consider whether to reinstate his or her license.

4. If a licensee does not satisfy the continuing education requirement, his or her license will not be renewed and he or she will be subject to disciplinary action. The Division may grant a licensee a 60-day extension if the licensee submits to the Division, on or before December 1 immediately preceding the expiration of his or her license, a written request for an extension which includes a compelling explanation for his or her inability to complete the continuing education requirement during the immediately preceding 2 years.

### **Placement of license on inactive status; renewal or restoration to active status. (NRS 437.130)**

1. Upon written request to the Division and payment of the fee prescribed by the Division, a licensed behavior analyst or licensed assistant behavior analyst may have his or her license placed on inactive status when not wanting to practice applied behavior analysis in the state of Nevada for a specified period of time.

2. A person whose license is placed on inactive status shall not engage in the practice of applied behavior analysis, during the period in which the license is on inactivestatus.

3. A person who wishes to renew a license that is placed on inactive status for less than three years must submit to the Division:

(a) A reinstatement application for the renewal of the license; and

(b) The prorated fee for the biennial renewal of a license on inactive status.

4. A person who wishes to renew a license that is placed on inactive status for more than three years must submit to the Division:

(a) A full application for the renewal of the license (including renewal of background check and references); and

(b) The prorated fee for the biennial renewal of a license on inactive status.

5. A person whose license is placed on inactive status may apply to the Division to have the license restored to active status. The ~~Division Board~~ will restore the license to active status upon:

(a) The submission of an application for the restoration of the license;

(b) The payment of the appropriate fee for the restoration to active status of a license on inactive status;

~~(c) The submission of proof of completion of the requirements for continuing education for the 2 years immediately preceding the date of the application;~~ Verification by the board with the Behavior Analyst Certification Boards that the applicant is currently certified and in good standing at the appropriate level;

(d) If the applicant has engaged in the practice of applied behavior analysis, as applicable, in another jurisdiction during the period his or her license was on inactive status, the submission of proof that he or she is in good standing and that there are no disciplinary proceedings pending against him or her in that jurisdiction ~~or with the Behavior Analyst Certification Board~~;

(e) Submission of any other proof the ~~Division Board~~ may require to determine whether the applicant is qualified and competent to engage in the practice of applied behavior analysis, and

(f) Successful background check in accordance with NRS \_\_\_\_\_, with supporting documentation to moral character, professional competence, and current fitness to practice if applicable.

~~(g) If the Division considers it necessary, the successful completion of the national examination or the state examination administered by the Division.~~

#### **Issuance of license to behavior analyst; provisional licenses. (NRS 437.130)**

1. The Division will issue a license as a licensed behavior analyst to an applicant who:

(a) ~~Has been~~ Is currently certified as a ~~behavior analyst~~ Board Certified Behavior Analyst or Board Certified Behavior Analyst-Doctoral by the Behavior Analyst Certification Board, Inc., or its successor organization ~~as verified directly by the Board~~;

(b) Has not been convicted of a felony;

(c) Has not been subject to disciplinary action as a behavior analyst in another jurisdiction ~~or by the Behavior Analyst Certification Board~~;

(d) Does not have any outstanding complaints or charges pending against him or her as a behavior analyst in another jurisdiction ~~or with the Behavior Analyst Certification Board~~;

(e) Has not previously been denied licensure by the Division for reasons other than administrative;

(f) Has passed the state ~~jurisprudence~~ examination administered by the Division;

(g) Submits to the Division the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and

(i) Complies by submitting:

(1) A complete set of the applicant's fingerprints to the Division with written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or

(2) Verification to the Division that the applicant's fingerprints were forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.

2. The Division may require an applicant to appear before the Board to demonstrate the applicant's:

(a) Moral character;

- (b) Current fitness to practice as a licensed behavior analyst; and
- (c) Intent to practice as a licensed behavior analyst in a manner consistent with the applicant's education, training and experience.

3. The Division may issue a provisional license to an applicant who has completed all the requirements for licensure other than successful completion of the written examination. A provisional license is valid for not more than 1 year and may not be renewed.

4. The Division will, in addition to issuing a license to an applicant who meets the requirements of this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.

**Issuance of license to assistant behavior analyst; provisional licenses. (NRS 437.130)**

1. The Division will issue a license as a licensed assistant behavior analyst to an applicant who:
  - (a) ~~Is currently Has been~~ certified as ~~an assistant behavior analyst~~ Board Certified Assistant Behavior Analyst by the Behavior Analyst Certification Board, Inc., or its successor organization as verified directly by the Board;
  - (b) Has not been convicted of a felony;
  - (c) Has not been subject to disciplinary action as an assistant behavior analyst in another jurisdiction or by the Behavior Analyst Certification Board;
  - (d) Does not have any outstanding complaints or charges pending against him or her as an assistant behavior analyst in another jurisdiction or with the Behavior Analyst Certification Board;
  - (e) Has not previously been denied licensure by the Division for reasons other than administrative;
  - (f) Has passed the state jurisprudence examination administered by the Division;
  - (g) Submits to the Division the appropriate application and fees and three letters of professional reference that attest without reservation to the professional competence, moral character and current fitness to practice of the applicant; and
  - ~~(i) Complies by submitting:~~
  - ~~(ii) Evidence satisfactory to the Board that the applicant is supervised by a licensed behavior analyst who is qualified as a supervisor by the Behavior Analyst Certification Board and in accordance with the Behavior Analyst Certification Board's current requirements for supervision of Board Certified Assistant Behavior Analysts;~~
  - (iii) A complete set of the applicant's fingerprints to the Division with written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or
    - (1) Verification to the Division that the applicant's fingerprints were forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints.
2. The Division may require an applicant to appear before the Board to demonstrate the applicant's:
  - (a) Moral character;
  - (b) Current fitness to practice as a licensed assistant behavior analyst; and
  - (c) Intent to practice as a licensed assistant behavior analyst in a manner consistent with the applicant's education, training and experience.
3. The Division may issue a provisional license to an applicant who has completed all the requirements for licensure other than successful completion of the written state jurisprudence examination and submits evidence satisfactory to the Board that the applicant's work is supervised by a licensed behavior analyst who is qualified as a supervisor of Board Certified Assistant Behavior Analysts by the Behavior Analyst Certification Board. A provisional license is valid for not more than 1 year and may not be renewed.
4. The Division will, in addition to issuing a license to an applicant who meets the requirements of

this section, issue to the applicant a copy of the license in the form of a card which is of a size to be carried in a wallet.

### **Registration of a Registered Behavior Technician (NRS 437.130)**

1. The Division will register a registered behavior technician to an applicant who:
  - (a) ~~Is currently Has passed the RBT competency assessment and is~~ credentialed as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization ~~as verified directly by the Board;~~
  - (b) Has not been convicted of a felony;
  - (c) Has not been subject to disciplinary action as a Registered Behavior Technician in another jurisdiction ~~or by the Behavior Analyst Certification Board;~~
  - (d) Does not have any outstanding complaints or charges pending against him or her as a Registered Behavior Technician in another jurisdiction ~~or with the Behavior Analyst Certification Board;~~
  - (e) Has not previously been denied registration by the Division and;
    - ~~(i) Complies by submitting: Submits to the Division:~~
      - (1) A complete set of the applicant's fingerprints to the Division with written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation; or
      - (2) Verification to the Division that the applicant's fingerprints were forwarded to the Central Repository by the law enforcement agency or other authorized entity taking the fingerprints; and
      - (3) Evidence satisfactory to the Board that the applicant's work is supervised by a licensed behavior analyst or other licensed professional who is qualified as a supervisor or Registered Behavior Technicians by the Behavior Analyst Certification Board and in accordance with the Behavior Analyst Certification Board's current requirements for the supervision of Registered Behavior Technicians.
2. The Division may require an applicant to appear before the Board to demonstrate the applicant's:
  - (a) Moral character;
  - (b) Current fitness to practice as a registered behavior technician; and
  - (c) Intent to practice as a registered behavior technician in a manner consistent with the applicant's education, training and experience.
3. The Division will, in addition to registering an applicant who meets the requirements of this section, issue to the applicant a copy of the registration in the form of a card which is of a size to be carried in a wallet.

### **~~Educational requirements for behavior analysts and assistant behavior analysts: Submission of proof that unaccredited program is equivalent to accredited program. (NRS 437.130)~~**

- ~~1. An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program that is not a verified course sequence as approved by the Association for Behavior Analysis International or the Behavior Analyst Certification Board, must establish to the satisfaction of the Board that the program is equivalent to a program verified course sequence by the Association for Behavior Analysis International, the Behavior Analyst Certification Board, or its successor organization.~~
- ~~2. The applicant must present to the Division transcripts, a description of the training program, letters from the directors of the departments of the institution where the program is conducted or other documents deemed suitable by the Board showing that the program substantially complies with the~~



~~standards of the Association for Behavior Analysis International, the Behavior Analyst Certification Board or its successor organization, including, without limitation, proof that the program requires at least as many hours covering specific subjects as required for accreditation by the Association for Behavior Analysis International, the Behavior Analyst Certification Board, or its successor organization.~~

**Supervision of licensed assistant behavior analysts and registered behavior technicians. (NRS 437.130)**

~~1. A licensed assistant behavior analyst must be supervised in accordance with the current standards set forth by the Behavior Analyst Certification Board. Documentation of supervision must be kept for at least seven years by the licensed assistant behavior analyst and the supervising licensed behavior analyst and produced upon board request.~~

~~2. A registered behavior technician must be supervised in accordance with the current standards set forth by the Behavior Analyst Certification Board. Documentation of supervision must be kept for at least seven years by the supervising licensed behavior analyst and produced upon board request.~~

~~3. by a psychologist or a licensed behavior analyst as determined by standards set forth by the Behavior Analyst Certification Board.~~

~~4. A psychologist, a licensed behavior analyst or a licensed assistant behavior analyst who supervises a registered behavior technician must supervise the registered behavior technician as determined by standards set forth by the Behavior Analyst Certification Board.~~

~~5. The supervision required by subsections 1 and 2 must include, without limitation:~~

~~(a) At least 1 contact each month of one-on-one supervision; and~~

~~(b) Additional supervision that aligns with standards set forth by the Behavior Analyst Certification Board which may include, without limitation:~~

~~(1) Videoconferencing, except that this must not constitute more than one-half of the time supervised each month; and~~

~~(2) Group meetings of not more than 10 persons, including each licensed assistant behavior analyst or autism registered behavior technician who is being supervised by the supervisor.~~

**Continuing education: Requirements for renewal of license as a licensed behavior analyst or licensed assistant behavior analyst; courses and programs. (NRS 437.225)**

1. To renew his or her license, a licensed behavior analyst or licensed assistant behavior analyst must certify to the Division that during the 2 years immediately preceding the date he or she submits an application for renewal, the applicant has completed ~~30 hours of~~ continuing education that meets the continuing education requirements set forth by the Behavior Analyst Certification Board. Of these requirements at least two units must include instruction in evidence-based suicide prevention and awareness. ~~Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in evidence-based suicide prevention and awareness, they must submit information concerning the course to the Division for approval of the course, unless the Division has previously approved the course. The Division will make available, at its office location and website, a list of courses and programs that are currently approved by the Division.~~

~~1. that is approved by the Board. At least 6 hours must include instruction in scientific and professional ethics and standards, and common areas of professional misconduct. At least 2 hours must include instruction in evidence-based suicide prevention and awareness. Not more than 15 hours may be obtained from an approved distance education course.~~

~~2. A licensed behavior analyst or licensed assistant behavior analyst may not receive continuing education credit for a workshop, seminar, class or course in which he or she is the instructor.~~

~~3. Except as otherwise provided in subsection 4, the continuing education required pursuant to~~

~~this section may include, without limitation:~~

~~(a) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which maintains an attendance roster, and which is:~~

~~(1) Conducted under the auspices of an accredited college or university offering undergraduate or graduate level instruction; or~~

~~(2) Certified or recognized by a state, regional, national or international accrediting agency, including, without limitation:~~

~~(I) The American Association for Marriage and Family Therapy;~~

~~(II) The American Counseling Association;~~

~~(III) The American Medical Association;~~

~~(IV) The American Psychiatric Association;~~

~~(V) The American Psychological Association;~~

~~(VI) The Association for Behavior Analysis International;~~

~~(VII) The Behavior Analyst Certification Board, Inc.;~~

~~(VIII) The International Congress of Psychology; and~~

~~(IX) The National Association of Social Workers; or~~

~~(b) A workshop, seminar, class or distance education course in psychology, applied behavior analysis or a closely related discipline which is approved by the Division.~~

~~4.—Before a licensed behavior analyst or a licensed assistant behavior analyst may receive credit for continuing education for a course in scientific and professional ethics and standards, and common areas of professional misconduct or a course in evidence-based suicide prevention and awareness, he or she must submit information concerning the course to the Division for approval of the course, unless the Division has previously approved the course. The Division will make available at its office a list of courses and programs that are currently approved by the Division.~~

### **Continuing education: Request for approval of course or program. (NRS 437.225)**

~~1.—The Division will evaluate a written request for the approval of a continuing education course or program which is submitted by the sponsoring organization or agency on a form provided by the Division at least 30 days before the first day of the course or program. If the Division does not approve a course or program, the sponsoring organization or agency may, within 30 days after it receives notice of the Division's disapproval, submit to the Division a written request for reconsideration. A request for reconsideration will be considered by the Division within 30 calendar days.~~

~~2.—A written request for approval must include, without limitation:~~

~~(a) The name, address and telephone number of the person submitting the application;~~

~~(b) The name of the sponsoring organization or agency;~~

~~(c) The title of the continuing education course or program;~~

~~(d) The date, time and location of the course or program;~~

~~(e) The number and type of persons expected to attend the course or program and the maximum enrollment, if any;~~

~~(f) The number of hours of instruction, excluding breaks;~~

~~(g) The subjects that the course or program will cover;~~

~~(h) For each instructor:~~

~~(1) His or her name, address and daytime telephone number; and~~

~~(2) His or her professional affiliations, educational background and work history which is relevant to the course or program;~~

~~(i) A description of:~~

~~(1) The goal or purpose of the course or program;~~

~~(2) The content of the course or program;~~

~~(3) The objectives of the course or program;~~

~~(4) The amount of time which will be allotted for each objective of the course or program;~~

~~(5) The instructor who will teach each objective of the course or program;~~

~~(6) The method of teaching each objective of the course or program; and~~

~~(7) The evaluation process which will be used to determine whether the participants achieved the objectives of the course or program;~~

~~(j) A copy of the refund form for the course or program which includes a statement of the refund policy;~~

~~(k) A copy of the certificate of completion for the course or program which must include space for:~~

~~(1) The name of the sponsoring organization;~~

~~(2) The name and signature of each instructor;~~

~~(3) The name of the person who completed the course or program and his or her license number;~~

- ~~(4) The title of the course or program;~~
- ~~(5) The number of hours of the course or program;~~
- ~~(6) The date and location of the course or program; and~~
- ~~(7) The signature of a person who represents the sponsoring organization; and~~
- ~~(f) A copy of the brochure or advertising material, if any, for the course or program.~~

**NRS 437.400    Grounds for denial, suspension or revocation of license or registration of a behavior analyst or assistant behavior analyst, or as a registered behavior technician.**

- 1) The Division may deny, suspend, or revoke a person’s license or registration, or place the person on probation, or require remediation for the person, or take any other action specified by these regulations if the Division finds by a preponderance of the evidence that:
  - a) The applicant or licensee has been convicted of:
    - (1) Murder, voluntary manslaughter or mayhem;
    - (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
    - (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
    - (4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor;
    - (5) A crime involving “domestic violence,” as defined by Nevada law, that is punished as a felony;
    - (6) A crime involving domestic violence that is punished as a misdemeanor;
    - (7) Abuse or neglect of a child or contributory delinquency;
    - (8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;
    - (9) Abuse, neglect, exploitation, isolation or abandonment of children, older persons, or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.5099<sub>5</sub>, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
    - (10) A violation of any provision of NRS 422.450 to 422.590, inclusive;
    - (11) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property;
    - (12) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or
    - (13) An attempt or conspiracy to commit any of the offenses listed in this paragraph;
  - b) The licensee has, in violation of NAC 437.400 , continued to employ a person who has been convicted of a crime listed in paragraph (a); or
  - c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, agency, or program provides residential services to children; or
  - d) The applicant or licensee has been convicted of a crime or felony relating to the practice of applied behavioral analysis
    - (1) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

- (2) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.
  - (3) Except as otherwise provided in **NRS 437.060** and **437.070**, aided or abetted practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by a person who is not licensed, certified or registered, as applicable, by the Division.
  - (4) Made any fraudulent or untrue statement to the Division.
  - (5) Violated a regulation adopted by the Board.
  - (6) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.
  - (7) Failed to report to the Division within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.
  - (8) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.
  - (9) Performed or attempted to perform any professional service while impaired by alcohol or drugs or by a mental or physical illness, disorder or disease.
  - (10) Engaged in sexual activity with a patient or client.
  - (11) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.
  - (12) Been convicted of submitting a false claim for payment to the insurer of a patient or client.
  - (13) Operated a medical facility, as defined in **NRS 449.0151**, at any time during which:
    - (a) The license of the facility was suspended or revoked; or
    - (b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to **NRS 449.160**.
- 2) As used in this section:
- a) "preponderance of the evidence" has the meaning ascribed to it in **NRS 233B.0375**.
  - b) "Facility, agency, or program" has the meaning ascribed to it in **NRS 449.119**.

**NRS 437.410** Authorized disciplinary action; private reprimands prohibited; orders imposing discipline and certain supporting documentation deemed public records. [Effective January 1, 2019.]

1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division may:

- (a) Administer a public reprimand.
- (b) Limit the person's practice.
- (c) Suspend the person's license, certificate or registration for a period of not more than 1 year.
- (d) Revoke the person's license, certificate or registration.
- (e) Impose a fine of not more than \$5,000.
- (f) Revoke or suspend the person's license, certificate or registration and impose a monetary penalty.
- (g) Suspend the enforcement of any penalty by placing the person on probation. The Division may revoke the probation if the person does not follow any conditions imposed.
- (h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Division. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Division shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

(Added to NRS by 2017, 4231, effective January 1, 2019)

**NRS 437.415** Suspension of license, certificate or registration for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license, certificate or registration. [Effective January 1, 2019, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Division receives a copy of a court order issued pursuant to **NRS 425.540** that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, certificate or registration issued pursuant to this chapter, the Division shall deem the license, certificate or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license, certificate or registration by the district attorney or other public agency pursuant to **NRS 425.550** stating that the holder of the license, certificate or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to **NRS 425.560**.

2. The Division shall reinstate a license, certificate or registration issued pursuant to this chapter that has been suspended by a district court pursuant to **NRS 425.540** if the Division receives a letter issued by the district attorney or other public agency pursuant to **NRS 425.550** to the person whose license, certificate or registration was suspended stating that the person whose license, certificate or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to **NRS 425.560**.

(Added to NRS by 2017, 4232, effective January 1, 2019)