

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

LCB FILE R062-19

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 adopted regulation is to provide clarity for the public, individuals and licensees through regulations.

The adopted regulation revises the fees to be charged for a biennial license renewal, reinstatement of a biennial license, and conversion of a license to another license type or status.

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
6170 Mae Anne Ave., Suite 1, 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 September 16, 2019. There were no individuals from the public in attendance at the workshop, two written comments were received. Thereafter, on or about October 4, 2019 a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on November 23, 2019. There were three (3) written comments received, including those received at the public workshop. There were eight (8) interested parties in attendance; no individuals commented on the regulation at the Public Hearing.

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:	September 16, 2019	0
(b)	Attended public hearing:	November 23, 2019	8
(c)	Testified at hearing:	November 23, 2019	0
(d)	Submitted written comments:		3

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) Paula Cook, OTR, representing the Nevada Occupational Therapy Association
- (b) Saina Meyer, OTR, representing the Nevada Occupational Therapy Association
- (c) Aesa Jackson, OTR
- (d) Evyonne Randall, OTR
- (e) Amy Butler, OTR
- (f) Jodi Stafford, OTR
- (g) Joyce Mosely, OTR

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 on **November 23, 2019** without change. After consideration of public comments, the Board determined the revised fees were appropriate and necessary to maintain the Board operations, and that undue financial burden is not placed upon licensees as the fees are less than what was charged for two annual licenses prior to the change to a biennial license in 2017. The fee revisions conform with fees established for new applicants for a biennial license.

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 significant 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 ensuring sufficient resources are available for the Board to perform the regulatory oversight necessary to protect the public; and provide consistency in fees for all licensees.

(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 fees 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 fees. The regulation increases specific fees due to the implementation of a 2-year license term. The biennial license was adopted in regulation R067-17 with no increase in the licensing fees. This regulation increases specific fees to maintain consistency with the fees established for a new license with a two-year term. There is no increase in fees for new applicants.

The increase in specific fees will generate approximately \$55,000 annually to be used to support the functions and offices of the Board.