

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

LCB FILE R105-19

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 proposed 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 proposed regulation requires a licensee to notify the Board when obtaining employment and to notify the Board when there is a change in employment status. The proposed regulation updates continuing education requirements to align with the biennial renewal cycle and makes conforming changes to the continuing education requirements for reinstatement of an expired license.

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 November 23, 2019. There were seven (7) individuals from the public in attendance at the workshop, eleven (11) written comments were received. Thereafter, on or about January 7, 2020 a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on February 8, 2020. There were no additional written comments received at the Public Hearing. There were eight (8) practitioners and (18) students of Occupational Therapy in attendance. One (1) individual asked for clarification on the regulation at the Public Hearing, but did not provide testimony in support or opposition to the regulation.

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:	November 23, 2019	7
(b)	Attended public hearing:	February 8, 2020	8 Practitioners 18 Students
(c)	Testified at hearing:	February 8, 2020	0
(d)	Submitted written comments:		11

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) Linda Frasier, OTR, representing the Nevada Occupational Therapy Association
- (b) Saina Meyer, OTR, representing the Nevada Occupational Therapy Association
- (c) Alyssa Gremban, OTR, representing the Nevada Occupational Therapy Association
- (d) Susan Kopy, OTR
- (e) Dorothy Palomo, COTA
- (f) Judy Ishibashi, OTR
- (g) Shannon Martin, OTR
- (h) Stephanie Schoen, OTR
- (g) Touro University Students - attached listing

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 **February 8, 2020** without change.

The Board previously revised the proposed regulation to eliminate sections requiring further research as a result of public comments received in response to the Notice of Workshop held on November 23, 2019 and prior to the Public Hearing. No additional changes were made as a result of the Public Hearing process.

The Board determined the regulation was appropriate and necessary and that undue burden is not placed upon licensees to report employment status to the Board. In addition, the continuing education provisions were made to conform with the biennial license period and will make tracking and reporting of continuing education consistent with the two-year license period.

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 clarifying employment reporting requirements and continuing education requirements.

(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 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.

Attachment
Listing of Touro University Student who attended the Public Hearing

1. Jessica Mars
2. Annie Slater
3. Aleka Brock
4. Cecile Alvarez
5. Brittney Robers
6. Justina Selim
7. Anna Redd
8. Ell Gunderson
9. Malysa Adams
10. Melissa Salcido
11. Christy McWhorter
12. Ester Hammond
13. Christy Carmichael
14. Sara Butner
15. Chris Daulton
16. Hannah Wood
17. Veronica Aduha
18. Rachel Taylor