

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

LCB File No. R105-19

December 19, 2019

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

AUTHORITY: §§1-5, NRS 640A.110 and 640A.180.

A REGULATION relating to occupational therapy; requiring a licensee to provide notification to the Board of Occupational Therapy after obtaining employment or changing his or her employment status; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Occupational Therapy to regulate the practice of occupational therapy in this State. (NRS 640A.110) Existing law further requires the Board to adopt regulations relating to the issuance and renewal of licenses to practice occupational therapy. (NRS 640A.180)

Section 1 of this regulation requires a licensee to notify the Board not later than 30 days after obtaining employment or changing his or her employment status.

Existing regulations provide that a standard license issued by the Board expires 2 years after the date on which the license was issued. (NAC 640A.050) Existing regulations also: (1) provide that an expired standard license may be reinstated within 5 years after the expiration of the license; and (2) require a person to satisfy certain requirements before he or she is able to reinstate an expired standard license, including providing proof of the completion of 12 hours of continuing education within the year immediately preceding the request for reinstatement. (NAC 640A.055) **Section 2** of this regulation instead requires a person to provide proof of the completion of 24 hours of continuing education within the 2-year period immediately preceding the request for reinstatement.

Existing regulations generally require a person with a standard license to complete at least 12 hours of continuing education per year. If a person obtains more than 12 hours of continuing education in a year, the person is authorized to request that the Board carry over not more than 10 hours to apply towards the person’s continuing education for the following year. (NAC 640A.070) **Section 3** of this regulation instead: (1) requires a person to complete at least 24 hours of continuing education per biennial renewal cycle; and (2) authorizes a person to carry over not more than 10 hours towards the person’s continuing education for the following biennial renewal cycle without being required to make such a request to the Board.

Existing regulations exempt a person who obtains a standard license within 12 months of graduation from certain accredited educational programs that include a fieldwork program from any continuing education requirements within the first year of obtaining the license. (NAC 640A.070) **Section 3** instead requires such a person to obtain 12 hours of continuing education within the first year of obtaining the license.

Existing regulations set forth the activities that qualify as continuing education, including certain supervision of fieldwork. (NAC 640A.090) **Section 4** of this regulation revises the requirements for the amount of continuing education that can be earned depending on the level of fieldwork supervision that is completed.

Section 1. Chapter 640A of NAC is hereby amended by adding thereto a new section to read as follows:

Not later than 30 days after obtaining employment or changing his or her employment status, a licensee shall notify the Board of his or her employer and employment status, as applicable.

Sec. 2. NAC 640A.055 is hereby amended to read as follows:

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

2. In addition to any other applicable requirements set forth in NAC 640A.030, to reinstate an expired standard 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 ~~12~~ 24 hours of continuing education within the 2-year *period* immediately preceding the request for reinstatement;

(c) Have achieved a passing score on the Nevada Occupational Therapy Jurisprudence Examination within the year immediately preceding the request for reinstatement; and

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

Sec. 3. NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in ~~subsection 5 and~~ NAC 640A.101, a person with a standard license shall complete, to the satisfaction of the Board, at least ~~12~~ 24 hours of continuing education per ~~year~~ *biennial renewal cycle*.

2. If the licensee obtains more than ~~12~~ 24 hours of continuing education ~~in~~ *during* a ~~year~~ *biennial renewal cycle*, 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~~ *biennial renewal cycle*.

3. A licensee must achieve a passing score on the Nevada Occupational Therapy Jurisprudence Examination at least once every 5 years.

4. A person may receive credit for fieldwork supervision, the completion of a particular continuing education course or the achievement of a passing score on the Nevada Occupational Therapy Jurisprudence Examination only once during ~~two successive years~~ *a biennial renewal cycle*.

5. A person who obtains a standard 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~~ 12 hours of continuing education within the first year of obtaining the license.

6. 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 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 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.

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

Sec. 4. 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;
- (d) Service delivery programs performed by an occupational therapist or occupational therapy assistant; and
- (e) Statutes and regulations in this State relating to occupational therapy.

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) 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}~~ *biennial renewal cycle* in which the fieldwork ends:

(I) A maximum of ~~{2}~~ *4* hours of continuing education for level I fieldwork supervision; or

(II) A maximum of ~~{12}~~ *18* hours of continuing education for level II fieldwork supervision;

(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

(3) Which may result in a maximum of 12 hours of continuing education for the ~~{year}~~ *renewal cycle within which* the writing is published;

(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;

(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 6 hours of continuing education per ~~year~~ *biennial renewal cycle*; 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~~ *biennial renewal cycle* 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. 5. 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 a standard 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-~~ *biennial renewal cycle*.

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 the licensee is required to submit to the Board the application for the renewal of his or her license.