

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

**LCB FILE R001-21**

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 proposed regulation clarifies the requirements relating to treating occupational therapists; sets forth certain requirements for the provision of occupational therapy services by telehealth; requires certain licensees to take certain measures to avoid actual or perceived conflicts of interest; revises provisions relating to inactive licenses; sets forth certain requirements for the verification of a license by the Board of Occupational Therapy; establishes different fees for the renewal and conversion of an inactive license depending on whether the holder of the inactive license is retired from the practice of occupational therapy; revises provisions relating to the delegation of duties to and the supervision of occupational therapy assistants and provisional licensees; and provides 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 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](http://www.nvot.org), and posted at the following locations:

Notices of Workshops:

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. 9<sup>th</sup> St. Bldg A, P.O. Box 30083, Reno, Nevada 89502  
<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices  
<https://notice.nv.gov/> - State of Nevada Public Notices

<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

Notice of Hearing and Notice of Intent to Act Upon A Regulation:

Board of Occupational Therapy, Administrative Office  
6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523  
<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices  
<https://notice.nv.gov/> - State of Nevada Public Notices  
<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

A Workshop was held to solicit comments on the proposed regulations on August 15, 2020 and November 14, 2020. Additional written public comments were received and discussed at the Board meeting of January 16, 2021 at which five (5) individuals from the public were present. Thereafter, on or about October 1, 2021 a Notice of Intent to Act Upon Regulations was issued.

A Public Hearing was held on November 6, 2021. There were no additional written or oral comments received at the Public Hearing. There were eight (8) individuals representing the public present.

A copy of this summary of the public response to the adopted regulations may be obtained from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 775-746-4101, or email to [board@nvot.org](mailto:board@nvot.org).

**3. The number of persons who:**

<b>(a) Attended each workshop:</b>	August 15, 2020	13
	November 14, 2020	8
<b>(b) Attended public hearing:</b>	November 6, 2021	8
<b>(c) Testified at hearing:</b>	November 6, 2021	0
<b>(d) Submitted written comments:</b>		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) Jeanette Belz, Belz & Case Governmental Services
- (b) Karen Picus, OTR
- (c) Joyce Mosely, OTR
- (d) Rachel Martin, OTR
- (e) Mary Dynis, OTA
- (f) Cindy Sloan, OTA
- (g) Connie Christiansen
- (h) Niki Neilon

**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.**

A survey soliciting comments on the proposed regulation was sent to 137 individual licensees holding a Nevada State Business License. Nine (9) responses were received; eight (8) indicated the proposed regulation would not have an impact on their business; one (1) respondent indicated a financial impact of \$2,000 to \$5,000 for review and revision of business policies. Revision to the proposed regulation was made to remove the proposed language to address the concern.

A copy of this summary of the public response to the adopted regulations may be obtain from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, telephone 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 6, 2021** without change.

The Board previously revised the proposed regulation as a result of public comments received in response to the Small Business Survey and input received at the Public Workshops 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 as a result of the provisions of the regulation.

**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) nor the public. The adopted regulations will benefit the occupational therapy practitioners and the public by clarifying practice requirements, and providing for reduced fees for retired practitioners.

(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. The regulation establishes reduced fees for a licensee who is retired for renewal or conversion of an inactive license.