

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB FILE NO. R094-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/10/2022**

PROPOSED REGULATIONS OF THE STATE BOARD OF HEALTH
AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 640D
MUSIC THERAPISTS

Authority: Assembly Bill 330 of the 81st (2021) Legislative Session and NRS 640D.090.

~~[Red italic bracketed language]~~ is language being proposed to be omitted from Nevada Administrative Code Chapter 640D.

Blue, bold italic language is new language being proposed to be added to Nevada Administrative Code Chapter 640D.

Section 1. Nevada Administrative Code Chapter 640D is hereby amended by adding thereto the provision set forth as section 2, inclusive, of this regulation.

Sec. 2. *A person who wishes to receive equivalent credit pursuant to section 1 of Assembly Bill No. 330, chapter 360, Statutes of Nevada 2021, at page 2156 (NRS 622.087), towards the satisfaction of requirements for the issuance of a license pursuant to this chapter or chapter 640D of NRS for a training program for occupational, vocational, career, trade or technical education approved by the State Board of Education must submit, as part of the application for the license:*

1. Transcripts or other documents substantiating the courses completed as part of the training program; and

2. A copy of the certificate issued for the completion of the training program.

Sec. 3.

NAC 640D.200 is hereby amended to read as follows:

1. Upon receipt of a complaint that a person is engaging in the practice of music therapy without a license, the Executive Officer shall ~~[send a certified letter to the person about whom the complaint was made which]~~ *investigate such a complaint.*

2. A person being investigated pursuant to subsection 1, shall cooperate fully with the Executive Officer in its investigation, including but not limited to, participating in any requested interviews, allowing onsite inspection of any locations in which the alleged unlicensed practice is occurring, providing any requested documentation, including but not limited to, documentation providing satisfactory evidence that the person is not engaged in the practice of music therapy, if applicable.

3. If the Executive Officer determines the person is engaging in the practice of music therapy without a license, the Executive Officer shall:

(a) Direct~~[s]~~ the person immediately to cease and desist from the practice of music therapy; and

(b) Require~~[s]~~ the person to submit to the Executive Officer within 10 days an application for a license to engage in the practice of music therapy. ~~[or satisfactory evidence that the person is not engaged in the practice of music therapy.]~~

4. If the person fails to submit the application ~~[or evidence required]~~ pursuant to subsection ~~1~~ 3 (b) ~~[timely]~~ *within two weeks of the Executive Officer determining the person is engaging in the practice of music therapy without a license pursuant to subsection 3 or fails to cooperate with the unlicensed investigation pursuant to subsection 2*, the matter must be referred to the Office of the Attorney General and the district attorney of the county in which the alleged violation occurred for investigation and possible prosecution.

5. Except as otherwise provided in NRS 640D.080, a person who submits an application pursuant to subsection 3 (b) shall not engage in music therapy services, as defined in NRS 640D.070, until the person becomes a licensee, as defined in NRS 640D.050.

6. A person whose application, submitted pursuant to subsection 3 (b), is denied shall not be allowed to apply for licensure as a music therapist, pursuant to NRS and NAC Chapter 640D, for 2 years from the date of the denial of the application.

Sec. 4.

NAC 640D.210 is hereby amended to read as follows:

1. The Executive Officer shall receive a complaint against a licensee or an applicant for a license to practice music therapy from any person.

2. *Except as otherwise provided in NRS 640D.160, [F]the Executive Officer shall forward each complaint to the Certification Board for Music Therapists or its successor organization for investigation of the complaint. If the Certification Board for Music Therapists or its successor organization refuses to investigate the complaint, the Executive Officer may conduct an investigation of a complaint received pursuant to subsection 1. If the complaint is substantiated, the Executive Officer may forward the complaint, information collected as part of the investigation, and the investigative result to the Certification Board for Music Therapists or its successor organization.*

3. If, after reviewing the findings of an investigation conducted pursuant to subsection 2, the Executive Officer finds grounds for taking disciplinary action, the Executive Officer shall, after notice and hearing, issue a decision in the matter in the manner provided in NAC 640D.220.

4. The failure of a licensee to cooperate with an investigation conducted pursuant to subsection 2 constitutes grounds for disciplinary action against the licensee.