

NEVADA DEPARTMENT OF EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

LCB File No. R123-22

Amendments to NAC 391– School Occupational Therapists, Physical Therapists,
Occupational Therapist Assistants and Physical Therapist Assistants

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

1. A clear and concise explanation of the need for the adopted regulation.

The Commission of Professional Standards determined this regulation was needed to remove an exam barrier for Occupational and Physical Therapists. Additionally, this regulation establishes an Occupational and Physical Therapy Assistant License. The removal of this exam barrier and the creation of the assistant license allows for greater retention of current occupational and physical therapists and allows additional applicants in the profession to fill current vacancies. This change will expand occupational and physical health professionals in Nevada’s schools.

2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards were advised of their right to appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to assistant to the Commission on Professional Standards, Nevada Department of Education 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Commission on Professional Standards must have received written submissions **on or before September 20, 2022**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards heard and documented the public comment.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The public response can be summarized as supportive of the changes in the proposed regulations. A copy of the summary and/or minutes of the public workshop and/or hearing are available upon request.

3. The Number of Persons Who:

- a) Attended Workshop: 7; Hearing: 4
- b) Testified at Workshop: 1; Hearing: 0
- c) Submitted Written Statements: Workshop: 2; Hearing: 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) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

Kristen Neville, State Affairs American Occupational Therapy Association
Dr. Heather Gaylord, Clark County School District

5. A description of how comment was solicited from affected business, a summary of their response and an explanation of how other interested person may obtain a copy of the summary.

Comments were solicited through the public hearing notice of **September 21, 2022**. At the workshop persons wishing to comment upon the proposed action of the Commission on Professional Standards were advised of their right appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the assistant to the Commission on Professional Standards, Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Commission on Professional Standards must have received written submissions **on or before September 20, 2022**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Commission on Professional Standards proceeded.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 700 E. Fifth St, Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this

regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Geri Mendiola, Assistant to the Commission on Professional Standards in Education, Nevada Department of Education, 702-668-4317, or by writing to the Nevada Department of Education at 700 E. Fifth St. Suite 100, Carson City, NV 89701.

6. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Commission on Professional Standards adopted the proposed regulation language at the public hearing held on **September 21, 2022**, as written. The regulations were adopted without change because there was no public comment requesting changes.

7. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There will be no economic effect of the regulation on the business that it regulates.
There is no estimated economic effect on the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or governmental agencies which the 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.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

10. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are none.

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.

This regulation does not provide for a new fee or increase an existing fee.