

SENATE BILL NO. 286—SENATORS GANSERT, FORD, PARKS;
CANCELA, CANNIZZARO, GOICOECHEA, HAMMOND,
HARDY, RATTI AND ROBERSON

MARCH 16, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the regulation of applied behavior analysis. (BDR 39-633)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to applied behavior analysis; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the Aging and Disability Services Division of the Department of Health and Human Services; revising the composition of the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Board of Psychological Examiners regulates the
2 practice of applied behavior analysis and licenses behavior analysts and assistant
3 behavior analysts. (NRS 641.100, 641.170) This bill transfers those responsibilities
4 to the Aging and Disability Services Division of the Department of Health and
5 Human Services. **Sections 13-18** of this bill prescribe the duties of the Division to
6 keep certain records and regulate, license and discipline behavior analysts and
7 assistant behavior analysts. **Section 16** also requires the Division to deposit money
8 received from fees and penalties in the State General Fund. **Section 19** of this bill
9 exempts an employee or agent of the Division from liability for actions taken in
10 good faith in the performance of the duties of the Division. **Sections 20-27** of this
11 bill prescribe the requirements to obtain or renew a license as a behavior analyst or
12 assistant behavior analyst. **Section 28** of this bill prescribes the required fees for the
13 issuance or renewal of such a license.

14 **Section 29** of this bill prescribes the grounds for disciplinary action against a
15 behavior analyst or an assistant behavior analyst, and **section 30** of this bill requires
16 the Division to prescribe additional grounds for such disciplinary action by
17 regulation. **Section 31** of this bill establishes the disciplinary action that the
18 Division may impose against a behavior analyst or assistant behavior analyst.
19 **Sections 33-38 and 41-43** of this bill prescribe procedures relating to the filing of a



20 complaint and conducting an investigation and disciplinary hearing. **Sections 39**
21 **and 40** of this bill authorize the Division to require a behavioral analyst or assistant
22 behavior analyst to take an examination to demonstrate his or her competence.
23 **Sections 44 and 45** of this bill authorize the Division or the Attorney General to
24 maintain an action to enjoin certain unprofessional conduct or the practice of
25 applied behavior analysis without the required license or credential. **Section 46** of
26 this bill grants immunity from liability to any person who initiates a complaint or
27 assists in an investigation or the discipline of a behavior analyst or assistant
28 behavior analyst without malicious intent. **Section 47** of this bill authorizes a
29 behavior analyst or assistant behavior analyst to apply to the Division for the
30 removal of certain administrative sanctions against his or her license. **Sections 48-**
31 **50** of this bill prohibit the practice of applied behavior analysis without the proper
32 license, credentials or supervision and certain other acts. **Section 50** makes the
33 fraudulent practice of applied behavior analysis or the practice of applied behavior
34 analysis without the proper license or credential a gross misdemeanor.

35 The Board of Psychological Examiners currently consists of seven members
36 appointed by the Governor. One of the members of the Board is a licensed behavior
37 analyst. (NRS 641.030, 641.040) **Sections 58, 59 and 74** of this bill remove that
38 member from the Board and reduce the size of the Board to six members. **Sections**
39 **56, 57 and 60-66** of this bill remove references to applied behavior analysis from
40 the provisions of statute administered by the Board, and **sections 53 and 67-71** of
41 this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 39 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 50, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 11,*
6 *inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** *“Assistant behavior analyst” means a person who*
9 *holds current certification as a Board Certified Assistant Behavior*
10 *Analyst issued by the Behavior Analyst Certification Board, Inc.,*
11 *or any successor in interest to that organization, and is licensed as*
12 *an assistant behavior analyst by the Division.*

13 **Sec. 4.** *“Autism behavior interventionist” means a person*
14 *who holds a current credential as a Registered Behavior*
15 *Technician, or an equivalent credential, issued by the Behavior*
16 *Analyst Certification Board, Inc., or any successor in interest to*
17 *that organization, and provides behavioral therapy under the*
18 *supervision of:*

- 19 1. *A licensed psychologist;*
- 20 2. *A licensed behavior analyst; or*
- 21 3. *A licensed assistant behavior analyst.*



1 **Sec. 5.** *“Behavior analyst” means a person who holds*
2 *current certification as a Board Certified Behavior Analyst issued*
3 *by the Behavior Analyst Certification Board, Inc., or any*
4 *successor in interest to that organization, and is licensed as a*
5 *behavior analyst by the Division.*

6 **Sec. 6.** *“Community” means the entire area customarily*
7 *served by behavior analysts and assistant behavior analysts among*
8 *whom a patient may reasonably choose, not merely the particular*
9 *area inhabited by the patients of an individual behavior analyst or*
10 *assistant behavior analyst or the particular city or place where the*
11 *behavior analyst or assistant behavior analyst has his or her*
12 *office.*

13 **Sec. 7.** *“Division” means the Aging and Disability Services*
14 *Division of the Department of Health and Human Services.*

15 **Sec. 8.** *“Gross malpractice” means malpractice where the*
16 *failure to exercise the requisite degree of care, diligence or skill*
17 *consists of:*

18 1. *Practicing applied behavior analysis with a patient while*
19 *the behavior analyst or assistant behavior analyst is under the*
20 *influence of an alcoholic beverage as defined in NRS 202.015 or*
21 *any controlled substance;*

22 2. *Gross negligence;*

23 3. *Willful disregard of established methods and procedures in*
24 *the practice of applied behavior analysis; or*

25 4. *Willful and consistent use of methods and procedures*
26 *considered by behavior analysts or assistant behavior analysts, as*
27 *applicable, in the community to be inappropriate or unnecessary*
28 *in the cases where used.*

29 **Sec. 9.** *“Malpractice” means failure on the part of a*
30 *behavior analyst or assistant behavior analyst to exercise the*
31 *degree of care, diligence and skill ordinarily exercised by behavior*
32 *analysts or assistant behavior analysts, as applicable, in good*
33 *standing in the community.*

34 **Sec. 10.** *“Practice of applied behavior analysis” means the*
35 *design, implementation and evaluation of environmental*
36 *modifications using behavioral stimuli and consequences to*
37 *produce socially significant improvement in human behavior,*
38 *including, without limitation, the use of direct observation,*
39 *measurement and functional analysis of the relations between*
40 *environment and behavior. The term includes the provision of*
41 *behavioral therapy by a behavior analyst, assistant behavior*
42 *analyst or autism behavior interventionist.*

43 **Sec. 11.** *“Professional incompetence” means lack of ability*
44 *to practice applied behavior analysis safely and skillfully arising*
45 *from:*



- 1 *1. Lack of knowledge or training;*
- 2 *2. Impaired physical or mental ability; or*
- 3 *3. Dependence upon an alcoholic beverage as defined in NRS*
- 4 *202.015 or any controlled substance.*

5 **Sec. 12.** *The provisions of this chapter do not apply to:*

- 6 *1. A physician who is licensed to practice in this State;*
- 7 *2. A person who is licensed to practice dentistry in this State;*
- 8 *3. A person who is licensed as a psychologist pursuant to*
- 9 *chapter 641 of NRS;*
- 10 *4. A person who is licensed as a marriage and family*
- 11 *therapist or marriage and family therapist intern pursuant to*
- 12 *chapter 641A of NRS;*
- 13 *5. A person who is licensed as a clinical professional*
- 14 *counselor or clinical professional counselor intern pursuant to*
- 15 *chapter 641A of NRS;*
- 16 *6. A person who is licensed to engage in social work pursuant*
- 17 *to chapter 641B of NRS;*
- 18 *7. A person who is licensed as an occupational therapist or*
- 19 *occupational therapy assistant pursuant to NRS 640A.010 to*
- 20 *640A.230, inclusive;*
- 21 *8. A person who is licensed as a clinical alcohol and drug*
- 22 *abuse counselor, licensed or certified as an alcohol and drug*
- 23 *abuse counselor or certified as an alcohol and drug abuse*
- 24 *counselor intern, a clinical alcohol and drug abuse counselor*
- 25 *intern, a problem gambling counselor or a problem gambling*
- 26 *counselor intern, pursuant to chapter 641C of NRS; or*
- 27 *9. Any member of the clergy,*
- 28 *↪ if such a person does not commit an act described in section 50*
- 29 *of this act or represent himself or herself as a behavior analyst,*
- 30 *assistant behavior analyst or autism behavior interventionist.*

31 **Sec. 13.** *1. The Division shall make and keep:*

- 32 *(a) A record of all violations and prosecutions under the*
- 33 *provisions of this chapter.*
- 34 *(b) A record of all examinations of applicants.*
- 35 *(c) A register of all licenses.*
- 36 *(d) A register of all holders of licenses.*
- 37 *2. These records must be kept in an office of the Division*
- 38 *and, except as otherwise provided in this section, are subject to*
- 39 *public inspection during normal working hours upon reasonable*
- 40 *notice.*
- 41 *3. Except as otherwise provided in NRS 239.0115, the*
- 42 *Division may keep the personnel records of applicants*
- 43 *confidential.*
- 44 *4. Except as otherwise provided in this section and NRS*
- 45 *239.0115, a complaint filed with the Division, all documents and*



1 *other information filed with the complaint and all documents and*
2 *other information compiled as a result of an investigation*
3 *conducted to determine whether to initiate disciplinary action*
4 *against a person are confidential, unless the person submits a*
5 *written statement to the Division requesting that such documents*
6 *and information be made public records.*

7 *5. The charging documents filed with the Division to initiate*
8 *disciplinary action pursuant to chapter 622A of NRS and all other*
9 *documents and information considered by the Division when*
10 *determining whether to impose discipline are public records.*

11 *6. The provisions of this section do not prohibit the Division*
12 *from communicating or cooperating with or providing any*
13 *documents or other information to any licensing board or any*
14 *other agency that is investigating a person, including, without*
15 *limitation, a law enforcement agency.*

16 **Sec. 14.** *The Division may make and promulgate rules and*
17 *regulations not inconsistent with the provisions of this chapter*
18 *governing its procedure, the examination and licensure of*
19 *applicants, the granting, refusal, revocation or suspension of*
20 *licenses and the practice of applied behavior analysis.*

21 **Sec. 15.** *The Division may, under the provisions of this*
22 *chapter:*

23 *1. Examine and pass upon the qualifications of applicants for*
24 *licensure.*

25 *2. License qualified applicants.*

26 *3. Revoke or suspend licenses.*

27 *4. Collect all fees and make disbursements pursuant to this*
28 *chapter.*

29 **Sec. 16.** *1. Money received from licensing behavior*
30 *analysts and assistant behavior analysts and civil penalties*
31 *collected pursuant to this chapter must be forwarded to the State*
32 *Treasurer for deposit in the State General Fund.*

33 *2. The Division shall enforce the provisions of this chapter*
34 *and may incur any necessary expenses not in excess of the money*
35 *appropriated for that purpose by the State or received from the*
36 *Federal Government.*

37 **Sec. 17.** *1. A licensed behavior analyst or assistant*
38 *behavior analyst shall limit his or her practice of applied behavior*
39 *analysis to his or her areas of competence, as documented by*
40 *education, training and experience.*

41 *2. The Division shall ensure, by adopting regulations and*
42 *enforcing the provisions of this chapter, that licensed behavior*
43 *analysts and assistant behavior analysts limit their practice of*
44 *applied behavior analysis to their areas of competence.*



1 **Sec. 18.** *In a manner consistent with the provisions of*
2 *chapter 622A of NRS, the Division may hold hearings and*
3 *conduct investigations related to its duties under this chapter and*
4 *take evidence on any matter under inquiry before it.*

5 **Sec. 19.** *An employee or agent of the Division is not liable in*
6 *a civil action for any act performed in good faith and within the*
7 *scope of the duties of the Division pursuant to the provisions of*
8 *this chapter.*

9 **Sec. 20.** *1. Each person desiring a license as a behavior*
10 *analyst or assistant behavior analyst must:*

11 *(a) Make application to the Division upon a form and in a*
12 *manner prescribed by the Division. The application must be*
13 *accompanied by the application fee prescribed by the Division and*
14 *include all information required to complete the application.*

15 *(b) As part of the application and at his or her own expense:*

16 *(1) Arrange to have a complete set of fingerprints taken by*
17 *a law enforcement agency or other authorized entity acceptable to*
18 *the Division; and*

19 *(2) Submit to the Division:*

20 *(I) A complete set of fingerprints and written permission*
21 *authorizing the Division to forward the fingerprints to the Central*
22 *Repository for Nevada Records of Criminal History for submission*
23 *to the Federal Bureau of Investigation for a report on the*
24 *applicant's background, and to such other law enforcement*
25 *agencies as the Division deems necessary for a report on the*
26 *applicant's background; or*

27 *(II) Written verification, on a form prescribed by the*
28 *Division, stating that the set of fingerprints of the applicant was*
29 *taken and directly forwarded electronically or by other means to*
30 *the Central Repository for Nevada Records of Criminal History*
31 *and that the applicant provided written permission authorizing the*
32 *law enforcement agency or other authorized entity taking the*
33 *fingerprints to submit the fingerprints to the Central Repository*
34 *for Nevada Records of Criminal History for submission to the*
35 *Federal Bureau of Investigation for a report on the applicant's*
36 *background, and to such other law enforcement agencies as the*
37 *Division deems necessary for a report on the applicant's*
38 *background.*

39 **2. The Division may:**

40 *(a) Unless the applicant's fingerprints are directly forwarded*
41 *pursuant to sub-subparagraph (II) of subparagraph (2) of*
42 *paragraph (b) of subsection 1, submit those fingerprints to the*
43 *Central Repository for Nevada Records of Criminal History for*
44 *submission to the Federal Bureau of Investigation and to such*



1 *other law enforcement agencies as the Division deems necessary;*
2 *and*

3 *(b) Request from each agency to which the Division submits*
4 *the fingerprints any information regarding the applicant's*
5 *background as the Division deems necessary.*

6 *3. An application is not considered complete and received for*
7 *purposes of evaluation pursuant to subsection 3 of section 21 of*
8 *this act until the Division receives a complete set of fingerprints or*
9 *verification that the fingerprints have been forwarded*
10 *electronically or by other means to the Central Repository for*
11 *Nevada Records of Criminal History, and written authorization*
12 *from the applicant pursuant to this section.*

13 **Sec. 21. 1. Except as otherwise provided in sections 23 and**
14 **24 of this act, each application for licensure as a behavior analyst**
15 **must be accompanied by evidence satisfactory to the Division that**
16 **the applicant:**

17 *(a) Is at least 21 years of age.*

18 *(b) Is of good moral character as determined by the Division.*

19 *(c) Is a citizen of the United States or is lawfully entitled to*
20 *remain and work in the United States.*

21 *(d) Has earned a master's degree from an accredited college or*
22 *university in a field of social science or special education and*
23 *holds current certification as a Board Certified Behavior Analyst*
24 *issued by the Behavior Analyst Certification Board, Inc., or any*
25 *successor in interest to that organization.*

26 *(e) Has completed other education, training or experience in*
27 *accordance with the requirements established by regulations of the*
28 *Division.*

29 *(f) Has completed satisfactorily a written examination in*
30 *Nevada law and ethical practice as administered by the Division.*

31 **2. Each application for licensure as an assistant behavior**
32 **analyst must be accompanied by evidence satisfactory to the**
33 **Division that the applicant:**

34 *(a) Is at least 21 years of age.*

35 *(b) Is of good moral character as determined by the Division.*

36 *(c) Is a citizen of the United States or is lawfully entitled to*
37 *remain and work in the United States.*

38 *(d) Has earned a bachelor's degree from an accredited college*
39 *or university in a field of social science or special education*
40 *approved by the Division and holds current certification as a*
41 *Board Certified Assistant Behavior Analyst issued by the Behavior*
42 *Analyst Certification Board, Inc., or any successor in interest to*
43 *that organization.*



1 (e) Has completed other education, training or experience in
2 accordance with the requirements established by regulations of the
3 Division.

4 (f) Has completed satisfactorily a written examination in
5 Nevada law and ethical practice as administered by the Division.

6 3. Except as otherwise provided in sections 23 and 24 of this
7 act, within 120 days after receiving an application and the
8 accompanying evidence from an applicant, the Division shall:

9 (a) Evaluate the application and accompanying evidence and
10 determine whether the applicant is qualified pursuant to this
11 section for licensure; and

12 (b) Issue a written statement to the applicant of its
13 determination.

14 4. If the Division determines that the qualifications of the
15 applicant are insufficient for licensure, the written statement
16 issued to the applicant pursuant to subsection 3 must include a
17 detailed explanation of the reasons for that determination.

18 **Sec. 22.** 1. In addition to any other requirements set forth
19 in this chapter:

20 (a) An applicant for the issuance of a license as a behavior
21 analyst or assistant behavior analyst shall include the social
22 security number of the applicant in the application submitted to
23 the Division.

24 (b) An applicant for the issuance or renewal of a license as a
25 behavior analyst or assistant behavior analyst shall submit to the
26 Aging and Disability Services Division the statement prescribed by
27 the Division of Welfare and Supportive Services of the Department
28 of Health and Human Services pursuant to NRS 425.520. The
29 statement must be completed and signed by the applicant.

30 2. The Aging and Disability Services Division shall include
31 the statement required pursuant to subsection 1 in:

32 (a) The application or any other forms that must be submitted
33 for the issuance or renewal of the license; or

34 (b) A separate form prescribed by the Division.

35 3. A license as a behavior analyst or assistant behavior
36 analyst must not be issued or renewed by the Aging and Disability
37 Services Division if the applicant:

38 (a) Fails to submit the statement required pursuant to
39 subsection 1; or

40 (b) Indicates on the statement submitted pursuant to
41 subsection 1 that the applicant is subject to a court order for the
42 support of a child and is not in compliance with the order or a
43 plan approved by the district attorney or other public agency
44 enforcing the order for the repayment of the amount owed
45 pursuant to the order.



1 4. *If an applicant indicates on the statement submitted*
2 *pursuant to subsection 1 that the applicant is subject to a court*
3 *order for the support of a child and is not in compliance with the*
4 *order or a plan approved by the district attorney or other public*
5 *agency enforcing the order for the repayment of the amount owed*
6 *pursuant to the order, the Aging and Disability Services Division*
7 *shall advise the applicant to contact the district attorney or other*
8 *public agency enforcing the order to determine the actions that the*
9 *applicant may take to satisfy the arrearage.*

10 **Sec. 23.** *1. The Division may issue a license by*
11 *endorsement as a behavior analyst to an applicant who meets the*
12 *requirements set forth in this section. An applicant may submit to*
13 *the Division an application for such a license if the applicant*
14 *holds a corresponding valid and unrestricted license as a behavior*
15 *analyst in the District of Columbia or any state or territory of the*
16 *United States.*

17 2. *An applicant for a license by endorsement pursuant to this*
18 *section must submit to the Division with his or her application:*

19 (a) *Proof satisfactory to the Division that the applicant:*

20 (1) *Satisfies the requirements of subsection 1;*

21 (2) *Is a citizen of the United States or otherwise has the*
22 *legal right to work in the United States;*

23 (3) *Has not been disciplined or investigated by the*
24 *corresponding regulatory authority of the District of Columbia or*
25 *any state or territory in which the applicant currently holds or has*
26 *held a license as a behavior analyst; and*

27 (4) *Has not been held civilly or criminally liable for*
28 *malpractice in the District of Columbia or any state or territory of*
29 *the United States;*

30 (b) *A complete set of fingerprints and written permission*
31 *authorizing the Division to forward the fingerprints in the manner*
32 *provided in section 20 of this act;*

33 (c) *An affidavit stating that the information contained in the*
34 *application and any accompanying material is true and correct;*

35 (d) *The fee prescribed by the Division pursuant to section 28 of*
36 *this act for the issuance of an initial license; and*

37 (e) *Any other information required by the Division.*

38 3. *Not later than 15 business days after receiving an*
39 *application for a license by endorsement as a behavior analyst*
40 *pursuant to this section, the Division shall provide written notice*
41 *to the applicant of any additional information required by the*
42 *Division to consider the application. Unless the Division denies*
43 *the application for good cause, the Division shall approve the*
44 *application and issue a license by endorsement as a behavior*
45 *analyst to the applicant not later than:*



- 1 (a) *Forty-five days after receiving the application; or*
- 2 (b) *Ten days after the Division receives a report on the*
- 3 *applicant's background based on the submission of the applicant's*
- 4 *fingerprints,*

5 *↳ whichever occurs later.*

6 **Sec. 24. 1.** *The Division may issue a license by*

7 *endorsement as a behavior analyst to an applicant who meets the*

8 *requirements set forth in this section. An applicant may submit to*

9 *the Division an application for such a license if the applicant:*

10 (a) *Holds a corresponding valid and unrestricted license as a*

11 *behavior analyst in the District of Columbia or any state or*

12 *territory of the United States; and*

13 (b) *Is an active member of, or the spouse of an active member*

14 *of, the Armed Forces of the United States, a veteran or the*

15 *surviving spouse of a veteran.*

16 2. *An applicant for a license by endorsement pursuant to this*

17 *section must submit to the Division with his or her application:*

18 (a) *Proof satisfactory to the Division that the applicant:*

19 (1) *Satisfies the requirements of subsection 1;*

20 (2) *Is a citizen of the United States or otherwise has the*

21 *legal right to work in the United States;*

22 (3) *Has not been disciplined or investigated by the*

23 *corresponding regulatory authority of the District of Columbia or*

24 *the state or territory in which the applicant holds a license as a*

25 *behavior analyst; and*

26 (4) *Has not been held civilly or criminally liable for*

27 *malpractice in the District of Columbia or any state or territory of*

28 *the United States;*

29 (b) *A complete set of fingerprints and written permission*

30 *authorizing the Division to forward the fingerprints in the manner*

31 *provided in section 20 of this act;*

32 (c) *An affidavit stating that the information contained in the*

33 *application and any accompanying material is true and correct;*

34 (d) *The fee prescribed by the Division pursuant to section 28 of*

35 *this act for the issuance of an initial license; and*

36 (e) *Any other information required by the Division.*

37 3. *Not later than 15 business days after receiving an*

38 *application for a license by endorsement as a behavior analyst*

39 *pursuant to this section, the Division shall provide written notice*

40 *to the applicant of any additional information required by the*

41 *Division to consider the application. Unless the Division denies*

42 *the application for good cause, the Division shall approve the*

43 *application and issue a license by endorsement as a behavior*

44 *analyst to the applicant not later than:*



1 (a) *Forty-five days after receiving all the additional*
2 *information required by the Division to complete the application;*
3 *or*

4 (b) *Ten days after the Division receives a report on the*
5 *applicant's background based on the submission of the applicant's*
6 *fingerprints,*

7 *↳ whichever occurs later.*

8 4. *At any time before making a final decision on an*
9 *application for a license by endorsement pursuant to this section,*
10 *the Division may grant a provisional license authorizing an*
11 *applicant to practice as a behavior analyst in accordance with*
12 *regulations adopted by the Division.*

13 5. *As used in this section, "veteran" has the meaning*
14 *ascribed to it in NRS 417.005.*

15 **Sec. 25. 1.** *To renew a license as a behavior analyst or*
16 *assistant behavior analyst, each person must, on or before the first*
17 *day of January of each odd-numbered year:*

18 (a) *Apply to the Division for renewal;*

19 (b) *Pay the biennial fee for the renewal of a license;*

20 (c) *Submit evidence to the Division of completion of the*
21 *requirements for continuing education as set forth in regulations*
22 *adopted by the Division; and*

23 (d) *Submit all information required to complete the renewal.*

24 2. *The Division shall, as a prerequisite for the renewal of a*
25 *license, require each holder to comply with the requirements for*
26 *continuing education adopted by the Division, which must include,*
27 *without limitation, a requirement that the holder of a license*
28 *receive at least 2 hours of instruction on evidence-based suicide*
29 *prevention and awareness.*

30 **Sec. 26. 1.** *In addition to any other requirements set forth*
31 *in this chapter, an applicant for the renewal of a license as a*
32 *behavior analyst or assistant behavior analyst must indicate in the*
33 *application submitted to the Division whether the applicant has a*
34 *state business registration. If the applicant has a state business*
35 *registration, the applicant must include in the application the*
36 *business identification number assigned by the Secretary of State*
37 *upon compliance with the provisions of chapter 76 of NRS.*

38 2. *A license as a behavior analyst or assistant behavior*
39 *analyst may not be renewed if:*

40 (a) *The applicant fails to submit the information required by*
41 *subsection 1; or*

42 (b) *The State Controller has informed the Division pursuant to*
43 *subsection 5 of NRS 353C.1965 that the applicant owes a debt to*
44 *an agency that has been assigned to the State Controller for*
45 *collection and the applicant has not:*



- 1 (1) *Satisfied the debt;*
- 2 (2) *Entered into an agreement for the payment of the debt*
- 3 *pursuant to NRS 353C.130; or*
- 4 (3) *Demonstrated that the debt is not valid.*

5 3. *As used in this section:*

6 (a) *“Agency” has the meaning ascribed to it in NRS 353C.020.*

7 (b) *“Debt” has the meaning ascribed to it in NRS 353C.040.*

8 **Sec. 27.** *1. The license of any behavior analyst or assistant*
 9 *behavior analyst who fails to pay the biennial fee for the renewal*
 10 *of a license within 60 days after the date it is due is automatically*
 11 *suspended. The Division may, within 2 years after the date the*
 12 *license is so suspended, reinstate the license upon payment to*
 13 *the Division of the amount of the then current biennial fee for the*
 14 *renewal of a license and the amount of the fee for the restoration*
 15 *of a license so suspended. If the license is not reinstated within 2*
 16 *years, the Division may reinstate the license only if it also*
 17 *determines that the holder of the license is competent to practice*
 18 *as a behavior analyst or assistant behavior analyst, as applicable.*

19 2. *A notice must be sent to any person who fails to pay the*
 20 *biennial fee, informing the person that his or her license is*
 21 *suspended.*

22 **Sec. 28.** *1. The Division shall charge and collect not more*
 23 *than the following fees respectively:*

24

<i>For the issuance of an initial license, including a</i>	
<i>license by endorsement.....</i>	<i>\$25</i>
<i>For the biennial renewal of a license of a licensed</i>	
<i>behavior analyst.....</i>	<i>400</i>
<i>For the biennial renewal of a license of a licensed</i>	
<i>assistant behavior analyst.....</i>	<i>275</i>
<i>For the restoration of a license suspended for the</i>	
<i>nonpayment of the biennial fee for the renewal of</i>	
<i>a license</i>	<i>100</i>

34

35 2. *An applicant who passes the examination and is eligible*
 36 *for a license as a behavior analyst or assistant behavior analyst*
 37 *shall pay the biennial fee for the renewal of a license, which must*
 38 *be prorated for the period from the date the license is issued to the*
 39 *end of the biennium.*

40 3. *Except as otherwise provided in subsections 4 and 5 and*
 41 *section 23 of this act, in addition to the fees set forth in subsection*
 42 *1, the Division may charge and collect a fee for the expedited*
 43 *processing of a request or for any other incidental service it*
 44 *provides. The fee must not exceed the cost to provide the service.*



1 4. *If an applicant submits an application for a license by*
2 *endorsement pursuant to section 23 of this act, the Division shall*
3 *charge and collect not more than the fee specified in subsection 1*
4 *for the issuance of an initial license.*

5 5. *If an applicant submits an application for a license by*
6 *endorsement pursuant to section 24 of this act, the Division shall*
7 *collect not more than one-half of the fee set forth in subsection 1*
8 *for the initial issuance of the license.*

9 **Sec. 29.** 1. *The Division may suspend or revoke a person's*
10 *license as a behavior analyst or assistant behavior analyst, place*
11 *the person on probation, require remediation for the person or*
12 *take any other action specified by regulation if the Division finds*
13 *by a preponderance of the evidence that the person has:*

14 (a) *Been convicted of a felony relating to the practice of*
15 *applied behavior analysis.*

16 (b) *Been convicted of any crime or offense that reflects the*
17 *inability of the person to practice applied behavior analysis with*
18 *due regard for the health and safety of others.*

19 (c) *Been convicted of violating any of the provisions of NRS*
20 *616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,*
21 *inclusive.*

22 (d) *Engaged in gross malpractice or repeated malpractice or*
23 *gross negligence in the practice of applied behavior analysis.*

24 (e) *Aided or abetted:*

25 (1) *Practice as a behavior analyst or assistant behavior*
26 *analyst by a person who is not licensed by the Division; or*

27 (2) *Practice as an autism behavior interventionist by a*
28 *person who does not hold a current credential as a Registered*
29 *Behavior Technician, or an equivalent credential, issued by the*
30 *Behavior Analyst Certification Board, Inc., or any successor in*
31 *interest to that organization.*

32 (f) *Made any fraudulent or untrue statement to the Division.*

33 (g) *Violated a regulation adopted by the Division.*

34 (h) *Had a license or certificate to practice applied behavior*
35 *analysis suspended or revoked or has had any other disciplinary*
36 *action taken against the person by another state or territory of the*
37 *United States, the District of Columbia or a foreign country, if at*
38 *least one of the grounds for discipline is the same or substantially*
39 *equivalent to any ground contained in this chapter.*

40 (i) *Failed to report to the Division within 30 days the*
41 *revocation, suspension or surrender of, or any other disciplinary*
42 *action taken against, a license or certificate to practice applied*
43 *behavior analysis issued to the person by another state or territory*
44 *of the United States, the District of Columbia or a foreign country.*



1 (j) *Violated or attempted to violate, directly or indirectly, or*
2 *assisted in or abetted the violation of or conspired to violate a*
3 *provision of this chapter.*

4 (k) *Performed or attempted to perform any professional service*
5 *while impaired by alcohol or drugs or by a mental or physical*
6 *illness, disorder or disease.*

7 (l) *Engaged in sexual activity with a patient or client.*

8 (m) *Been convicted of abuse or fraud in connection with any*
9 *state or federal program which provides medical assistance.*

10 (n) *Been convicted of submitting a false claim for payment to*
11 *the insurer of a patient or client.*

12 (o) *Operated a medical facility, as defined in NRS 449.0151, at*
13 *any time during which:*

14 (1) *The license of the facility was suspended or revoked; or*

15 (2) *An act or omission occurred which resulted in the*
16 *suspension or revocation of the license pursuant to NRS 449.160.*

17 ↪ *This paragraph applies to an owner or other principal*
18 *responsible for the operation of the facility.*

19 2. *As used in this section, "preponderance of the evidence"*
20 *has the meaning ascribed to it in NRS 233B.0375.*

21 **Sec. 30.** *The Division shall adopt regulations that establish*
22 *grounds for disciplinary action for a licensed behavior analyst or*
23 *licensed assistant behavior analyst in addition to those prescribed*
24 *by section 29 of this act.*

25 **Sec. 31.** 1. *If the Division or a hearing officer appointed by*
26 *the Division finds a person guilty in a disciplinary proceeding, the*
27 *Division may:*

28 (a) *Administer a public reprimand.*

29 (b) *Limit the person's practice.*

30 (c) *Suspend the person's license for a period of not more than*
31 *1 year.*

32 (d) *Revoke the person's license.*

33 (e) *Impose a fine of not more than \$5,000.*

34 (f) *Revoke or suspend the person's license and impose a*
35 *monetary penalty.*

36 (g) *Suspend the enforcement of any penalty by placing the*
37 *person on probation. The Division may revoke the probation if the*
38 *person does not follow any conditions imposed.*

39 (h) *Require the person to submit to the supervision of or*
40 *counseling or treatment by a person designated by the Division.*
41 *The person named in the complaint is responsible for any expense*
42 *incurred.*

43 (i) *Impose and modify any conditions of probation for the*
44 *protection of the public or the rehabilitation of the probationer.*



1 (j) *Require the person to pay for the costs of remediation or*
2 *restitution.*

3 2. *The Division shall not administer a private reprimand.*

4 3. *An order that imposes discipline and the findings of fact*
5 *and conclusions of law supporting that order are public records.*

6 **Sec. 32.** 1. *If the Division receives a copy of a court order*
7 *issued pursuant to NRS 425.540 that provides for the suspension*
8 *of all professional, occupational and recreational licenses,*
9 *certificates and permits issued to a person who is the holder of a*
10 *license issued pursuant to this chapter, the Division shall deem the*
11 *license issued to that person to be suspended at the end of the 30th*
12 *day after the date on which the court order was issued unless the*
13 *Division receives a letter issued to the holder of the license by the*
14 *district attorney or other public agency pursuant to NRS 425.550*
15 *stating that the holder of the license has complied with the*
16 *subpoena or warrant or has satisfied the arrearage pursuant to*
17 *NRS 425.560.*

18 2. *The Division shall reinstate a license issued pursuant to*
19 *this chapter that has been suspended by a district court pursuant*
20 *to NRS 425.540 if the Division receives a letter issued by the*
21 *district attorney or other public agency pursuant to NRS 425.550*
22 *to the person whose license was suspended stating that the person*
23 *whose license was suspended has complied with the subpoena or*
24 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

25 **Sec. 33.** 1. *Service of process made under this chapter must*
26 *be either upon the person or by registered or certified mail with*
27 *return receipt requested, addressed to the person upon whom*
28 *process is to be served at his or her last known address, as*
29 *indicated on the records of the Division, if possible. If personal*
30 *service cannot be made and if notice by mail is returned*
31 *undelivered, the Division shall cause notice of hearing to be*
32 *published once a week for 4 consecutive weeks in a newspaper*
33 *published in the county of the last known address of the person*
34 *upon whom process is to be served, or, if no newspaper is*
35 *published in that county, then in a newspaper widely distributed in*
36 *that county.*

37 2. *Proof of service of process or publication of notice made*
38 *under this chapter must be filed with the Division.*

39 **Sec. 34.** 1. *The Division or a hearing officer may issue*
40 *subpoenas to compel the attendance of witnesses and the*
41 *production of books, papers, documents, the records of patients*
42 *and any other article related to the practice of applied behavior*
43 *analysis.*



1 2. *If any witness refuses to attend or testify or produce any*
2 *article as required by the subpoena, the Division may file a*
3 *petition with the district court stating that:*

4 (a) *Due notice has been given for the time and place of*
5 *attendance of the witness or the production of the required*
6 *articles;*

7 (b) *The witness has been subpoenaed pursuant to this section;*
8 *and*

9 (c) *The witness has failed or refused to attend or produce the*
10 *articles required by the subpoena or has refused to answer*
11 *questions propounded to him or her,*

12 ↳ *and asking for an order of the court compelling the witness to*
13 *attend and testify before the Division or a hearing officer, or*
14 *produce the articles as required by the subpoena.*

15 3. *Upon such a petition, the court shall enter an order*
16 *directing the witness to appear before the court at a time and place*
17 *to be fixed by the court in its order, the time to be not more than*
18 *10 days after the date of the order, and then and there show cause*
19 *why the witness has not attended or testified or produced the*
20 *articles. A certified copy of the order must be served upon the*
21 *witness.*

22 4. *If it appears to the court that the subpoena was regularly*
23 *issued, the court shall enter an order that the witness appear*
24 *before the Division or a hearing officer at the time and place fixed*
25 *in the order and testify or produce the required articles, and upon*
26 *failure to obey the order the witness must be dealt with as for*
27 *contempt of court.*

28 **Sec. 35.** 1. *The Division, any review panel of a hospital or*
29 *an association of behavior analysts or assistant behavior analysts*
30 *which becomes aware that any one or a combination of the*
31 *grounds for initiating disciplinary action may exist as to a person*
32 *practicing applied behavior analysis in this State shall, and any*
33 *other person who is so aware may, file a written complaint*
34 *specifying the relevant facts with the Division.*

35 2. *The Division shall retain all complaints filed with the*
36 *Division pursuant to this section for at least 10 years, including,*
37 *without limitation, any complaints not acted upon.*

38 **Sec. 36.** *When a complaint is filed with the Division, it shall*
39 *review the complaint. If, from the complaint or from other official*
40 *records, it appears that the complaint is not frivolous, the Division*
41 *may:*

42 1. *Retain the Attorney General to investigate the complaint;*
43 *and*



1 2. *If the Division retains the Attorney General, transmit the*
2 *original complaint, along with further facts or information derived*
3 *from the review, to the Attorney General.*

4 **Sec. 37. 1.** *The Division shall conduct an investigation of*
5 *each complaint filed pursuant to section 35 of this act which sets*
6 *forth reason to believe that a person has violated section 48 of this*
7 *act.*

8 2. *If, after an investigation, the Division determines that a*
9 *person has violated section 48 of this act, the Division:*

10 (a) *May issue and serve on the person an order to cease and*
11 *desist from engaging in any activity prohibited by section 48 of*
12 *this act until the person obtains the proper license from the*
13 *Division or the proper credential issued by the Behavior Analyst*
14 *Certification Board, Inc., or any successor in interest to that*
15 *organization, as applicable;*

16 (b) *May issue a citation to the person; and*

17 (c) *Shall provide a written summary of the Division's*
18 *determination and any information relating to the violation to the*
19 *Attorney General.*

20 3. *A citation issued pursuant to subsection 2 must be in*
21 *writing and describe with particularity the nature of the violation.*
22 *The citation also must inform the person of the provisions of*
23 *subsection 5. Each violation of section 48 of this act constitutes a*
24 *separate offense for which a separate citation may be issued.*

25 4. *For any person who violates the provisions of section 48 of*
26 *this act, the Division shall assess an administrative fine of:*

27 (a) *For a first violation, \$500.*

28 (b) *For a second violation, \$1,000.*

29 (c) *For a third or subsequent violation, \$1,500.*

30 5. *To appeal a citation issued pursuant to subsection 2, a*
31 *person must submit a written request for a hearing to the Division*
32 *within 30 days after the date of issuance of the citation.*

33 **Sec. 38. 1.** *If the Division retains the Attorney General*
34 *pursuant to section 36 of this act, the Attorney General shall*
35 *conduct an investigation of a complaint transmitted to the*
36 *Attorney General to determine whether it warrants proceedings for*
37 *the modification, suspension or revocation of the license. If the*
38 *Attorney General determines that further proceedings are*
39 *warranted, he or she shall report the results of the investigation*
40 *together with a recommendation to the Division in a manner*
41 *which does not violate the right of the person charged in the*
42 *complaint to due process in any later hearing on the complaint.*

43 2. *The Division shall promptly make a determination with*
44 *respect to each complaint reported to it by the Attorney General.*
45 *The Division shall:*



- 1 (a) *Dismiss the complaint; or*
- 2 (b) *Proceed with appropriate disciplinary action.*

3 **Sec. 39.** *Notwithstanding the provisions of chapter 622A of*
4 *NRS, if the Division has reason to believe that the conduct of any*
5 *behavior analyst or assistant behavior analyst has raised a*
6 *reasonable question as to competence to practice applied behavior*
7 *analysis with reasonable skill and safety to patients, the Division*
8 *may require the behavior analyst or assistant behavior analyst to*
9 *take a written or oral examination to determine whether the*
10 *behavior analyst or assistant behavior analyst is competent to*
11 *practice applied behavior analysis. If an examination is required,*
12 *the reasons therefor must be documented and made available to*
13 *the behavior analyst or assistant behavior analyst being examined.*

14 **Sec. 40.** *Notwithstanding the provisions of chapter 622A of*
15 *NRS, if the Division or a hearing officer issues an order*
16 *suspending the license of a behavior analyst or assistant behavior*
17 *analyst pending proceedings for disciplinary action and requires*
18 *the behavior analyst or assistant behavior analyst to submit to an*
19 *examination of his or her competency to practice applied behavior*
20 *analysis, the examination must be conducted and the results*
21 *obtained within 60 days after the Division or hearing officer issues*
22 *the order.*

23 **Sec. 41.** *Notwithstanding the provisions of chapter 622A of*
24 *NRS, if the Division receives a report pursuant to subsection 5 of*
25 *NRS 228.420, a disciplinary proceeding regarding the report must*
26 *be commenced within 30 days after the Division receives the*
27 *report.*

28 **Sec. 42.** *Notwithstanding the provisions of chapter 622A of*
29 *NRS, in any disciplinary proceeding before the Division or a*
30 *hearing officer conducted under the provisions of this chapter:*

31 1. *Proof of actual injury need not be established where the*
32 *complaint charges deceptive or unethical professional conduct or*
33 *practice of applied behavior analysis harmful to the public.*

34 2. *A certified copy of the record of a court or a licensing*
35 *agency showing a conviction or the suspension or revocation of a*
36 *license as a behavior analyst or assistant behavior analyst is*
37 *conclusive evidence of its occurrence.*

38 3. *The entering of a plea of nolo contendere in a court of*
39 *competent jurisdiction shall be deemed a conviction of the offense*
40 *charged.*

41 **Sec. 43.** 1. *Any person who has been placed on probation*
42 *or whose license has been limited, suspended or revoked pursuant*
43 *to this chapter is entitled to judicial review of the order.*

44 2. *Every order which limits the practice of applied behavior*
45 *analysis or suspends or revokes a license is effective from the date*



1 *the Division certifies the order until the date the order is modified*
2 *or reversed by a final judgment of the court.*

3 3. *The district court shall give a petition for judicial review of*
4 *the order priority over other civil matters which are not expressly*
5 *given priority by law.*

6 **Sec. 44.** *Notwithstanding the provisions of chapter 622A of*
7 *NRS:*

8 1. *Pending disciplinary proceedings before the Division or a*
9 *hearing officer, the court may, upon application by the Division or*
10 *the Attorney General, issue a temporary restraining order or a*
11 *preliminary injunction to enjoin any unprofessional conduct of a*
12 *behavior analyst or an assistant behavior analyst which is harmful*
13 *to the public, to limit the practice of the behavior analyst or*
14 *assistant behavior analyst or to suspend the license to practice as a*
15 *behavior analyst or assistant behavior analyst, without proof of*
16 *actual damage sustained by any person, this provision being a*
17 *preventive as well as a punitive measure.*

18 2. *The disciplinary proceedings before the Division or a*
19 *hearing officer must be instituted and determined as promptly as*
20 *the requirements for investigation of the case reasonably allow.*

21 **Sec. 45.** 1. *The Division or the Attorney General may*
22 *maintain in any court of competent jurisdiction a suit for an*
23 *injunction against any person practicing in violation of section 50*
24 *of this act or as:*

25 (a) *A behavior analyst or assistant behavior analyst without*
26 *the proper license from the Division; or*

27 (b) *An autism behavior interventionist without the proper*
28 *credential issued by the Behavior Analyst Certification Board,*
29 *Inc., or any successor in interest to that organization.*

30 2. *Such an injunction:*

31 (a) *May be issued without proof of actual damage sustained by*
32 *any person, this provision being a preventive as well as a punitive*
33 *measure.*

34 (b) *Does not relieve any person from criminal prosecution for*
35 *practicing without a license or proper credential, as applicable.*

36 **Sec. 46.** *In addition to any other immunity provided by the*
37 *provisions of chapter 622A of NRS, the Division, a review panel of*
38 *a hospital, an association of behavior analysts or assistant*
39 *behavior analysts or any other person who or organization which*
40 *initiates a complaint or assists in any lawful investigation or*
41 *proceeding concerning the licensing of a behavior analyst or*
42 *assistant behavior analyst or the discipline of a behavior analyst*
43 *or an assistant behavior analyst for gross malpractice, repeated*
44 *malpractice, professional incompetence or unprofessional conduct*
45 *is immune from any civil action for that initiation or assistance or*



1 *any consequential damages, if the person or organization acted*
2 *without malicious intent.*

3 **Sec. 47. 1. Any person:**

4 *(a) Whose practice of applied behavior analysis has been*
5 *limited;*

6 *(b) Whose license has been revoked; or*

7 *(c) Who has been placed on probation,*

8 *↳ by an order of the Division or a hearing officer may apply to the*
9 *Division after 1 year for removal of the limitation or termination*
10 *of the probation or may apply to the Division pursuant to the*
11 *provisions of chapter 622A of NRS for reinstatement of the*
12 *revoked license.*

13 **2. In hearing the application, the Division:**

14 *(a) May require the person to submit such evidence of changed*
15 *conditions and of fitness as it considers proper.*

16 *(b) Shall determine whether under all the circumstances the*
17 *time of the application is reasonable.*

18 *(c) May deny the application or modify or rescind its order as*
19 *it considers the evidence and the public safety warrants.*

20 **Sec. 48. A person shall not represent himself or herself as a**
21 *behavior analyst, assistant behavior analyst or autism behavior*
22 *interventionist within the meaning of this chapter or engage in the*
23 *practice of applied behavior analysis unless he or she is licensed*
24 *or credentialed as required by the provisions of this chapter.*

25 **Sec. 49. 1. A licensed assistant behavior analyst shall not**
26 *provide or supervise behavioral therapy except under the*
27 *supervision of:*

28 *(a) A licensed psychologist; or*

29 *(b) A licensed behavior analyst.*

30 **2. An autism behavior interventionist shall not provide**
31 *behavioral therapy except under the supervision of:*

32 *(a) A licensed psychologist;*

33 *(b) A licensed behavior analyst; or*

34 *(c) A licensed assistant behavior analyst.*

35 **Sec. 50. Any person who:**

36 **1. Presents as his or her own the diploma, license or**
37 *credentials of another;*

38 **2. Gives either false or forged evidence of any kind to the**
39 *Division in connection with an application for a license;*

40 **3. Practices applied behavior analysis under a false or**
41 *assumed name or falsely personates another behavior analyst or*
42 *assistant behavior analyst of a like or different name;*

43 **4. Represents himself or herself as a behavior analyst or**
44 *assistant behavior analyst, or uses any title or description which*
45 *indicates or implies that he or she is a behavior analyst or*



1 *assistant behavior analyst, unless he or she has been issued a*
2 *license;*

3 *5. Practices as an applied behavior analyst or assistant*
4 *behavior analyst unless he or she has been issued a license;*

5 *6. Represents himself or herself as an autism behavior*
6 *interventionist, or uses any title or description which indicates or*
7 *implies that he or she is an autism behavior interventionist, unless*
8 *he or she holds a current credential as a Registered Behavior*
9 *Technician, or an equivalent credential, issued by the Behavior*
10 *Analyst Certification Board, Inc., or any successor in interest to*
11 *that organization; or*

12 *7. Practices as an autism behavior interventionist unless he*
13 *or she holds a current credential as a Registered Behavior*
14 *Technician, or an equivalent credential, issued by the Behavior*
15 *Analyst Certification Board, Inc., or any successor in interest to*
16 *that organization,*

17 *↳ is guilty of a gross misdemeanor.*

18 **Sec. 51.** NRS 228.420 is hereby amended to read as follows:

19 228.420 1. The Attorney General has primary jurisdiction to
20 investigate and prosecute any alleged criminal violations of NRS
21 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to
22 616D.440, inclusive, and any fraud in the administration of chapter
23 616A, 616B, 616C, 616D or 617 of NRS or in the provision of
24 compensation required by chapters 616A to 617, inclusive, of NRS.

25 2. For this purpose, the Attorney General shall establish within
26 his or her office a Fraud Control Unit for Industrial Insurance. The
27 Unit must consist of such persons as are necessary to carry out the
28 duties set forth in this section, including, without limitation, an
29 attorney, an auditor and an investigator.

30 3. The Attorney General, acting through the Unit established
31 pursuant to subsection 2:

32 (a) Is the single state agency responsible for the investigation
33 and prosecution of any alleged criminal violations of NRS
34 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to
35 616D.440, inclusive, and any fraud in the administration of chapter
36 616A, 616B, 616C, 616D or 617 of NRS or in the provision of
37 compensation required by chapters 616A to 617, inclusive, of NRS;

38 (b) Shall cooperate with the Division of Industrial Relations of
39 the Department of Business and Industry, self-insured employers,
40 associations of self-insured public or private employers, private
41 carriers and other state and federal investigators and prosecutors in
42 coordinating state and federal investigations and prosecutions
43 involving violations of NRS 616D.200, 616D.220, 616D.240,
44 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any
45 fraud in the administration of chapter 616A, 616B, 616C, 616D or



1 617 of NRS or in the provision of compensation required by
2 chapters 616A to 617, inclusive, of NRS;

3 (c) Shall protect the privacy of persons who are eligible to
4 receive compensation pursuant to the provisions of chapter 616A,
5 616B, 616C, 616D or 617 of NRS and establish procedures to
6 prevent the misuse of information obtained in carrying out this
7 section; and

8 (d) May, upon request, inspect the records of any self-insured
9 employer, association of self-insured public or private employers, or
10 private carrier, the Division of Industrial Relations of the
11 Department of Business and Industry and the State Contractors'
12 Board to investigate any alleged violation of any of the provisions of
13 NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310,
14 616D.350 to 616D.440, inclusive, or any fraud in the administration
15 of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the
16 provision of compensation required by chapters 616A to 617,
17 inclusive, of NRS.

18 4. When acting pursuant to this section or NRS 228.175 or
19 228.410, the Attorney General may commence an investigation and
20 file a criminal action without leave of court, and has exclusive
21 charge of the conduct of the prosecution.

22 5. The Attorney General shall report the name of any person
23 who has been convicted of violating any of the provisions of NRS
24 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to
25 616D.440, inclusive, to the occupational board *or other entity* that
26 issued the person's license or certificate to provide medical care,
27 remedial care or other services in this State.

28 6. The Attorney General shall establish a toll-free telephone
29 number for persons to report information regarding alleged
30 violations of any of the provisions of NRS 616D.200, 616D.220,
31 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive,
32 and any fraud in the administration of chapter 616A, 616B, 616C,
33 616D or 617 of NRS or in the provision of compensation required
34 by chapters 616A to 617, inclusive, of NRS.

35 7. As used in this section:

36 (a) "Association of self-insured private employers" has the
37 meaning ascribed to it in NRS 616A.050.

38 (b) "Association of self-insured public employers" has the
39 meaning ascribed to it in NRS 616A.055.

40 (c) "Private carrier" has the meaning ascribed to it in
41 NRS 616A.290.

42 (d) "Self-insured employer" has the meaning ascribed to it in
43 NRS 616A.305.



1 **Sec. 52.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
4 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
5 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
6 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
7 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
8 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
9 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
10 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
11 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
12 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
13 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
14 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
15 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
16 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
17 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
18 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
19 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
20 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
21 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
22 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
23 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
24 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
25 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
26 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
27 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
28 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
29 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
30 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
31 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
32 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
33 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
34 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
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40 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
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43 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
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4 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
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6 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
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11 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
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19 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
20 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
21 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
22 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
23 710.159, 711.600 **H** *and section 13 of this act*, sections 35, 38 and
24 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
25 391, Statutes of Nevada 2013 and unless otherwise declared by law
26 to be confidential, all public books and public records of a
27 governmental entity must be open at all times during office hours to
28 inspection by any person, and may be fully copied or an abstract or
29 memorandum may be prepared from those public books and public
30 records. Any such copies, abstracts or memoranda may be used to
31 supply the general public with copies, abstracts or memoranda of the
32 records or may be used in any other way to the advantage of the
33 governmental entity or of the general public. This section does not
34 supersede or in any manner affect the federal laws governing
35 copyrights or enlarge, diminish or affect in any other manner the
36 rights of a person in any written book or record which is
37 copyrighted pursuant to federal law.

38 2. A governmental entity may not reject a book or record
39 which is copyrighted solely because it is copyrighted.

40 3. A governmental entity that has legal custody or control of a
41 public book or record shall not deny a request made pursuant to
42 subsection 1 to inspect or copy or receive a copy of a public book or
43 record on the basis that the requested public book or record contains
44 information that is confidential if the governmental entity can
45 redact, delete, conceal or separate the confidential information from



1 the information included in the public book or record that is not
2 otherwise confidential.

3 4. A person may request a copy of a public record in any
4 medium in which the public record is readily available. An officer,
5 employee or agent of a governmental entity who has legal custody
6 or control of a public record:

7 (a) Shall not refuse to provide a copy of that public record in a
8 readily available medium because the officer, employee or agent has
9 already prepared or would prefer to provide the copy in a different
10 medium.

11 (b) Except as otherwise provided in NRS 239.030, shall, upon
12 request, prepare the copy of the public record and shall not require
13 the person who has requested the copy to prepare the copy himself
14 or herself.

15 **Sec. 53.** NRS 287.0276 is hereby amended to read as follows:

16 287.0276 1. The governing body of any county, school
17 district, municipal corporation, political subdivision, public
18 corporation or other local governmental agency of the State of
19 Nevada that provides health insurance through a plan of self-
20 insurance must provide coverage for screening for and diagnosis of
21 autism spectrum disorders and for treatment of autism spectrum
22 disorders to persons covered by the plan of self-insurance under the
23 age of 18 years or, if enrolled in high school, until the person
24 reaches the age of 22 years.

25 2. Coverage provided under this section is subject to:

26 (a) A maximum benefit of the actuarial equivalent of \$72,000
27 per year for applied behavior analysis treatment; and

28 (b) Copayment, deductible and coinsurance provisions and any
29 other general exclusion or limitation of a plan of self-insurance to
30 the same extent as other medical services or prescription drugs
31 covered by the policy.

32 3. A governing body of any county, school district, municipal
33 corporation, political subdivision, public corporation or other local
34 governmental agency of the State of Nevada that provides health
35 insurance through a plan of self-insurance which provides coverage
36 for outpatient care shall not:

37 (a) Require an insured to pay a higher deductible, copayment or
38 coinsurance or require a longer waiting period for coverage for
39 outpatient care related to autism spectrum disorders than is required
40 for other outpatient care covered by the plan of self-insurance; or

41 (b) Refuse to issue a plan of self-insurance or cancel a plan of
42 self-insurance solely because the person applying for or covered by
43 the plan of self-insurance uses or may use in the future any of the
44 services listed in subsection 1.



1 4. Except as otherwise provided in subsections 1 and 2, a
2 governing body of any county, school district, municipal
3 corporation, political subdivision, public corporation or other local
4 governmental agency of the State of Nevada that provides health
5 insurance through a plan of self-insurance shall not limit the number
6 of visits an insured may make to any person, entity or group for
7 treatment of autism spectrum disorders.

8 5. Treatment of autism spectrum disorders must be identified in
9 a treatment plan and may include medically necessary habilitative or
10 rehabilitative care, prescription care, psychiatric care, psychological
11 care, behavioral therapy or therapeutic care that is:

12 (a) Prescribed for a person diagnosed with an autism spectrum
13 disorder by a licensed physician or licensed psychologist; and

14 (b) Provided for a person diagnosed with an autism spectrum
15 disorder by a licensed physician, licensed psychologist, licensed
16 behavior analyst or other provider that is supervised by the licensed
17 physician, psychologist or behavior analyst.

18 ↪ A governing body of any county, school district, municipal
19 corporation, political subdivision, public corporation or other local
20 governmental agency of the State of Nevada that provides health
21 insurance through a plan of self-insurance may request a copy of
22 and review a treatment plan created pursuant to this subsection.

23 6. A plan of self-insurance subject to the provisions of this
24 chapter that is delivered, issued for delivery or renewed on or after
25 July 1, 2011, has the legal effect of including the coverage required
26 by subsection 1, and any provision of the plan of self-insurance or
27 the renewal which is in conflict with subsection 1 or 2 is void.

28 7. Nothing in this section shall be construed as requiring a
29 governing body of any county, school district, municipal
30 corporation, political subdivision, public corporation or other local
31 governmental agency of the State of Nevada that provides health
32 insurance through a plan of self-insurance to provide reimbursement
33 to an early intervention agency or school for services delivered
34 through early intervention or school services.

35 8. As used in this section:

36 (a) "Applied behavior analysis" means the design,
37 implementation and evaluation of environmental modifications
38 using behavioral stimuli and consequences to produce socially
39 significant improvement in human behavior, including, without
40 limitation, the use of direct observation, measurement and
41 functional analysis of the relations between environment and
42 behavior.

43 (b) "Autism behavior interventionist" ~~means a person who is~~
44 ~~registered as a Registered Behavior Technician or an equivalent~~
45 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~



1 ~~successor organization, and provides behavioral therapy under the~~
2 ~~supervision of:~~

- 3 ~~— (1) A licensed psychologist;~~
4 ~~— (2) A licensed behavior analyst; or~~
5 ~~— (3) A licensed assistant behavior analyst.]~~ *has the meaning*
6 *ascribed to it in section 4 of this act.*

7 (c) “Autism spectrum disorders” means a neurobiological
8 medical condition including, without limitation, autistic disorder,
9 Asperger’s Disorder and Pervasive Development Disorder Not
10 Otherwise Specified.

11 (d) “Behavioral therapy” means any interactive therapy derived
12 from evidence-based research, including, without limitation, discrete
13 trial training, early intensive behavioral intervention, intensive
14 intervention programs, pivotal response training and verbal behavior
15 provided by a licensed psychologist, licensed behavior analyst,
16 licensed assistant behavior analyst or autism behavior
17 interventionist.

18 (e) “Evidence-based research” means research that applies
19 rigorous, systematic and objective procedures to obtain valid
20 knowledge relevant to autism spectrum disorders.

21 (f) “Habilitative or rehabilitative care” means counseling,
22 guidance and professional services and treatment programs,
23 including, without limitation, applied behavior analysis, that are
24 necessary to develop, maintain and restore, to the maximum extent
25 practicable, the functioning of a person.

26 (g) “Licensed assistant behavior analyst” means a person who
27 holds current certification ~~for meets the standards to be certified~~ as
28 a Board Certified Assistant Behavior Analyst issued by the Behavior
29 Analyst Certification Board, Inc., or any successor in interest to that
30 organization, who is licensed as an assistant behavior analyst by the
31 ~~Board of Psychological Examiners~~ *Ageing and Disability Services*
32 *Division of the Department of Health and Human Services* and
33 who provides behavioral therapy under the supervision of a licensed
34 behavior analyst or psychologist.

35 (h) “Licensed behavior analyst” means a person who holds
36 current certification ~~for meets the standards to be certified~~ as a
37 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
38 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
39 Board, Inc., or any successor in interest to that organization and
40 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
41 ~~Psychological Examiners.~~ *Ageing and Disability Services Division*
42 *of the Department of Health and Human Services.*

43 (i) “Prescription care” means medications prescribed by a
44 licensed physician and any health-related services deemed medically
45 necessary to determine the need or effectiveness of the medications.



1 (j) "Psychiatric care" means direct or consultative services
2 provided by a psychiatrist licensed in the state in which the
3 psychiatrist practices.

4 (k) "Psychological care" means direct or consultative services
5 provided by a psychologist licensed in the state in which the
6 psychologist practices.

7 (l) "Screening for autism spectrum disorders" means all
8 medically appropriate assessments, evaluations or tests to diagnose
9 whether a person has an autism spectrum disorder.

10 (m) "Therapeutic care" means services provided by licensed or
11 certified speech-language pathologists, occupational therapists and
12 physical therapists.

13 (n) "Treatment plan" means a plan to treat an autism spectrum
14 disorder that is prescribed by a licensed physician or licensed
15 psychologist and may be developed pursuant to a comprehensive
16 evaluation in coordination with a licensed behavior analyst.

17 **Sec. 54.** NRS 427A.040 is hereby amended to read as follows:

18 427A.040 1. The Division shall, consistent with the priorities
19 established by the Commission pursuant to NRS 427A.038:

20 (a) Serve as a clearinghouse for information related to problems
21 of the aged and aging.

22 (b) Assist the Director in all matters pertaining to problems of
23 the aged and aging.

24 (c) Develop plans, conduct and arrange for research and
25 demonstration programs in the field of aging.

26 (d) Provide technical assistance and consultation to political
27 subdivisions with respect to programs for the aged and aging.

28 (e) Prepare, publish and disseminate educational materials
29 dealing with the welfare of older persons.

30 (f) Gather statistics in the field of aging which other federal and
31 state agencies are not collecting.

32 (g) Stimulate more effective use of existing resources and
33 available services for the aged and aging.

34 (h) Develop and coordinate efforts to carry out a comprehensive
35 State Plan for Providing Services to Meet the Needs of Older
36 Persons. In developing and revising the State Plan, the Division
37 shall consider, among other things, the amount of money available
38 from the Federal Government for services to aging persons and the
39 conditions attached to the acceptance of such money, and the
40 limitations of legislative appropriations for services to aging
41 persons.

42 (i) Coordinate all state and federal funding of service programs
43 to the aging in the State.

44 2. The Division shall:



1 (a) Provide access to information about services or programs for
2 persons with disabilities that are available in this State.

3 (b) Work with persons with disabilities, persons interested in
4 matters relating to persons with disabilities and state and local
5 governmental agencies in:

6 (1) Developing and improving policies of this State
7 concerning programs or services for persons with disabilities,
8 including, without limitation, policies concerning the manner in
9 which complaints relating to services provided pursuant to specific
10 programs should be addressed; and

11 (2) Making recommendations concerning new policies or
12 services that may benefit persons with disabilities.

13 (c) Serve as a liaison between state governmental agencies that
14 provide services or programs to persons with disabilities to facilitate
15 communication and the coordination of information and any other
16 matters relating to services or programs for persons with disabilities.

17 (d) Serve as a liaison between local governmental agencies in
18 this State that provide services or programs to persons with
19 disabilities to facilitate communication and the coordination of
20 information and any other matters relating to services or programs
21 for persons with disabilities. To inform local governmental agencies
22 in this State of services and programs of other local governmental
23 agencies in this State for persons with disabilities pursuant to this
24 subsection, the Division shall:

25 (1) Provide technical assistance to local governmental
26 agencies, including, without limitation, assistance in establishing an
27 electronic network that connects the Division to each of the local
28 governmental agencies that provides services or programs to
29 persons with disabilities;

30 (2) Work with counties and other local governmental entities
31 in this State that do not provide services or programs to persons with
32 disabilities to establish such services or programs; and

33 (3) Assist local governmental agencies in this State to locate
34 sources of funding from the Federal Government and other private
35 and public sources to establish or enhance services or programs for
36 persons with disabilities.

37 (e) Administer the following programs in this State that provide
38 services for persons with disabilities:

39 (1) The program established pursuant to NRS 427A.791,
40 427A.793 and 427A.795 to provide services for persons with
41 physical disabilities;

42 (2) The programs established pursuant to NRS 427A.800,
43 427A.850 and 427A.860 to provide services to persons with
44 traumatic brain injuries;



1 (3) The program established pursuant to NRS 427A.797 to
2 provide devices for telecommunication to persons who are deaf and
3 persons with impaired speech or hearing;

4 (4) Any state program for independent living established
5 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
6 Division of the Department of Employment, Training and
7 Rehabilitation acting as the designated state unit, as that term is
8 defined in 34 C.F.R. § 364.4; and

9 (5) Any state program established pursuant to the Assistive
10 Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

11 (f) Provide information to persons with disabilities on matters
12 relating to the availability of housing for persons with disabilities
13 and identify sources of funding for new housing opportunities for
14 persons with disabilities.

15 (g) Before establishing policies or making decisions that will
16 affect the lives of persons with disabilities, consult with persons
17 with disabilities and members of the public in this State through the
18 use of surveys, focus groups, hearings or councils of persons with
19 disabilities to receive:

20 (1) Meaningful input from persons with disabilities regarding
21 the extent to which such persons are receiving services, including,
22 without limitation, services described in their individual service
23 plans, and their satisfaction with those services; and

24 (2) Public input regarding the development, implementation
25 and review of any programs or services for persons with disabilities.

26 (h) Publish and make available to governmental entities and the
27 general public a biennial report which:

28 (1) Provides a strategy for the expanding or restructuring of
29 services in the community for persons with disabilities that is
30 consistent with the need for such expansion or restructuring;

31 (2) Reports the progress of the Division in carrying out the
32 strategic planning goals for persons with disabilities identified
33 pursuant to chapter 541, Statutes of Nevada 2001;

34 (3) Documents significant problems affecting persons with
35 disabilities when accessing public services, if the Division is aware
36 of any such problems;

37 (4) Provides a summary and analysis of the status of the
38 practice of interpreting and the practice of realtime captioning,
39 including, without limitation, the number of persons engaged in the
40 practice of interpreting in an educational setting in each professional
41 classification established pursuant to NRS 656A.100 and the
42 number of persons engaged in the practice of realtime captioning in
43 an educational setting; and

44 (5) Recommends strategies and, if determined necessary by
45 the Division, legislation for improving the ability of the State to



1 provide services to persons with disabilities and advocate for the
2 rights of persons with disabilities.

3 3. The Division shall confer with the Department as the sole
4 state agency in the State responsible for administering the provisions
5 of this chapter and chapter 435 of NRS.

6 4. The Division shall administer the provisions of chapters 435
7 and 656A of NRS ~~H~~ *and sections 2 to 50, inclusive, of this act.*

8 5. The Division may contract with any appropriate public or
9 private agency, organization or institution, in order to carry out the
10 provisions of this chapter and chapter 435 of NRS.

11 **Sec. 55.** NRS 622A.090 is hereby amended to read as follows:

12 622A.090 1. "Regulatory body" means:

13 (a) Any state agency, board or commission which has the
14 authority to regulate an occupation or profession pursuant to this
15 title; ~~and~~

16 (b) Any officer of a state agency, board or commission which
17 has the authority to regulate an occupation or profession pursuant to
18 this title ~~H~~; *and*

19 *(c) The Aging and Disability Services Division of the*
20 *Department of Health and Human Services acting pursuant to*
21 *sections 2 to 50, inclusive, of this act.*

22 2. The term does not include any regulatory body which is
23 exempted from the provisions of this chapter pursuant to NRS
24 622A.120, unless the regulatory body makes an election pursuant to
25 that section to follow the provisions of this chapter.

26 **Sec. 56.** NRS 641.020 is hereby amended to read as follows:

27 641.020 As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS ~~641.0202~~ *641.021*
29 *641.027, inclusive, ~~and 689A.0435~~* have the meanings ascribed to
30 them in those sections.

31 **Sec. 57.** NRS 641.029 is hereby amended to read as follows:

32 641.029 The provisions of this chapter do not apply to:

33 1. A physician who is licensed to practice in this State;

34 2. A person who is licensed to practice dentistry in this State;

35 3. A person who is licensed as a marriage and family therapist
36 or marriage and family therapist intern pursuant to chapter 641A of
37 NRS;

38 4. A person who is licensed as a clinical professional counselor
39 or clinical professional counselor intern pursuant to chapter 641A of
40 NRS;

41 5. A person who is licensed to engage in social work pursuant
42 to chapter 641B of NRS;

43 6. A person who is licensed as an occupational therapist or
44 occupational therapy assistant pursuant to NRS 640A.010 to
45 640A.230, inclusive;



1 7. A person who is licensed as a clinical alcohol and drug
2 abuse counselor, licensed or certified as an alcohol and drug abuse
3 counselor or certified as an alcohol and drug abuse counselor intern,
4 a clinical alcohol and drug abuse counselor intern, a problem
5 gambling counselor or a problem gambling counselor intern,
6 pursuant to chapter 641C of NRS; ~~to~~

7 8. *A person who is licensed as a behavior analyst or an*
8 *assistant behavior analyst pursuant to sections 2 to 50, inclusive,*
9 *of this act or an autism behavior interventionist who holds a*
10 *current credential as a Registered Behavior Technician, or an*
11 *equivalent credential, issued by the Behavior Analyst Certification*
12 *Board, Inc., or any successor in interest to that organization, while*
13 *engaged in the practice of applied behavior analysis as defined in*
14 *section 10 of this act; or*

15 9. Any member of the clergy,

16 → if such a person does not commit an act described in NRS
17 641.440 or represent himself or herself as a psychologist.

18 **Sec. 58.** NRS 641.030 is hereby amended to read as follows:

19 641.030 The Board of Psychological Examiners, consisting of
20 ~~seven~~ six members appointed by the Governor, is hereby created.

21 **Sec. 59.** NRS 641.040 is hereby amended to read as follows:

22 641.040 1. The Governor shall appoint to the Board:

23 (a) Four members who are licensed psychologists in the State of
24 Nevada with at least 5 years of experience in the practice of
25 psychology after being licensed.

26 ~~(b) One member who is a licensed behavior analyst in the State~~
27 ~~of Nevada.~~

28 ~~—(c)~~ One member who has resided in this State for at least 5
29 years and who represents the interests of persons or agencies that
30 regularly provide health care to patients who are indigent, uninsured
31 or unable to afford health care.

32 ~~(d)~~ (c) One member who is a representative of the general
33 public.

34 2. A person is not eligible for appointment unless he or she is:

35 (a) A citizen of the United States; and

36 (b) A resident of the State of Nevada.

37 3. The member who is a representative of the general public
38 must not be a psychologist, an applicant or a former applicant for
39 licensure as a psychologist, a member of a health profession, the
40 spouse or the parent or child, by blood, marriage or adoption, of a
41 psychologist, or a member of a household that includes a
42 psychologist.

43 4. Board members must not have any conflicts of interest or the
44 appearance of such conflicts in the performance of their duties as
45 members of the Board.



1 **Sec. 60.** NRS 641.100 is hereby amended to read as follows:

2 641.100 The Board may make and promulgate rules and
3 regulations not inconsistent with the provisions of this chapter
4 governing its procedure, the examination and licensure of
5 applicants, the granting, refusal, revocation or suspension of licenses
6 ~~†† and the practice of psychology . †and the practice of applied~~
7 ~~behavior analysis.†~~

8 **Sec. 61.** NRS 641.160 is hereby amended to read as follows:

9 641.160 1. Each person desiring a license must:

10 (a) Make application to the Board upon a form, and in a manner,
11 prescribed by the Board. The application must be accompanied by
12 the application fee prescribed by the Board and include all
13 information required to complete the application.

14 (b) As part of the application and at his or her own expense:

15 (1) Arrange to have a complete set of fingerprints taken by a
16 law enforcement agency or other authorized entity acceptable to the
17 Board; and

18 (2) Submit to the Board:

19 (I) A complete set of fingerprints and written permission
20 authorizing the Board to forward the fingerprints to the Central
21 Repository for Nevada Records of Criminal History for submission
22 to the Federal Bureau of Investigation for a report on the applicant's
23 background, and to such other law enforcement agencies as the
24 Board deems necessary for a report on the applicant's background;
25 or

26 (II) Written verification, on a form prescribed by the
27 Board, stating that the set of fingerprints of the applicant was taken
28 and directly forwarded electronically or by other means to the
29 Central Repository for Nevada Records of Criminal History and that
30 the applicant provided written permission authorizing the law
31 enforcement agency or other authorized entity taking the
32 fingerprints to submit the fingerprints to the Central Repository for
33 Nevada Records of Criminal History for submission to the Federal
34 Bureau of Investigation for a report on the applicant's background,
35 and to such other law enforcement agencies as the Board deems
36 necessary for a report on the applicant's background.

37 2. The Board may:

38 (a) Unless the applicant's fingerprints are directly forwarded
39 pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph
40 (b) of subsection 1, submit those fingerprints to the Central
41 Repository for Nevada Records of Criminal History for submission
42 to the Federal Bureau of Investigation and to such other law
43 enforcement agencies as the Board deems necessary; and



1 (b) Request from each agency to which the Board submits the
2 fingerprints any information regarding the applicant's background
3 as the Board deems necessary.

4 3. An application is not considered complete and received for
5 purposes of evaluation pursuant to subsection ~~44~~ 2 of NRS 641.170
6 until the Board receives a complete set of fingerprints or verification
7 that the fingerprints have been forwarded electronically or by other
8 means to the Central Repository for Nevada Records of Criminal
9 History, and written authorization from the applicant pursuant to
10 this section.

11 **Sec. 62.** NRS 641.170 is hereby amended to read as follows:

12 641.170 1. Except as otherwise provided in NRS 641.195
13 and 641.196, each application for licensure as a psychologist must
14 be accompanied by evidence satisfactory to the Board that the
15 applicant:

16 (a) Is at least 21 years of age.

17 (b) Is of good moral character as determined by the Board.

18 (c) Is a citizen of the United States, or is lawfully entitled to
19 remain and work in the United States.

20 (d) Has earned a doctorate in psychology from an accredited
21 educational institution approved by the Board, or has other
22 doctorate-level training from an accredited educational institution
23 deemed equivalent by the Board in both subject matter and extent of
24 training.

25 (e) Has at least 2 years of experience satisfactory to the Board, 1
26 year of which must be postdoctoral experience in accordance with
27 the requirements established by regulations of the Board.

28 2. ~~Except as otherwise provided in NRS 641.195 and 641.196,~~
29 ~~each application for licensure as a behavior analyst must be~~
30 ~~accompanied by evidence satisfactory to the Board that the~~
31 ~~applicant:~~

32 ~~(a) Is at least 21 years of age.~~

33 ~~(b) Is of good moral character as determined by the Board.~~

34 ~~(c) Is a citizen of the United States, or is lawfully entitled to~~
35 ~~remain and work in the United States.~~

36 ~~(d) Has earned a master's degree from an accredited college or~~
37 ~~university in a field of social science or special education and holds~~
38 ~~a current certification as a Board Certified Behavior Analyst by the~~
39 ~~Behavior Analyst Certification Board, Inc., or any successor in~~
40 ~~interest to that organization.~~

41 ~~(e) Has completed other education, training or experience in~~
42 ~~accordance with the requirements established by regulations of the~~
43 ~~Board.~~

44 ~~(f) Has completed satisfactorily a written examination in Nevada~~
45 ~~law and ethical practice as administered by the Board.~~



~~3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

~~(a) Is at least 21 years of age.~~

~~(b) Is of good moral character as determined by the Board.~~

~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board-Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~

~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.~~

~~4. Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:~~

~~(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and~~

~~(b) Issue a written statement to the applicant of its determination.~~

~~5. 3. The written statement issued to the applicant pursuant to subsection 4. 2 must include:~~

~~(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.~~

~~(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.~~

Sec. 63. NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist ~~or behavior analyst, as applicable.~~ in the District of Columbia or any state or territory of the United States.



1 2. An applicant for a license by endorsement pursuant to this
2 section must submit to the Board with his or her application:

3 (a) Proof satisfactory to the Board that the applicant:

4 (1) Satisfies the requirements of subsection 1;

5 (2) Is a citizen of the United States or otherwise has the legal
6 right to work in the United States;

7 (3) Has not been disciplined or investigated by the
8 corresponding regulatory authority of the District of Columbia or
9 any state or territory in which the applicant currently holds or has
10 held a license as a psychologist ; ~~for behavior analyst, as~~
11 ~~applicable;~~ and

12 (4) Has not been held civilly or criminally liable for
13 malpractice in the District of Columbia or any state or territory of
14 the United States;

15 (b) A complete set of fingerprints and written permission
16 authorizing the Board to forward the fingerprints in the manner
17 provided in NRS 641.160;

18 (c) An affidavit stating that the information contained in the
19 application and any accompanying material is true and correct;

20 (d) The fee prescribed by the Board pursuant to NRS 641.228
21 for the issuance of an initial license; and

22 (e) Any other information required by the Board.

23 3. Not later than 15 business days after receiving an application
24 for a license by endorsement as a psychologist ~~for behavior analyst~~
25 pursuant to this section, the Board shall provide written notice to the
26 applicant of any additional information required by the Board to
27 consider the application. Unless the Board denies the application for
28 good cause, the Board shall approve the application and issue a
29 license by endorsement as a psychologist ~~for behavior analyst, as~~
30 ~~applicable;~~ to the applicant not later than:

31 (a) Forty-five days after receiving the application; or

32 (b) Ten days after the Board receives a report on the applicant's
33 background based on the submission of the applicant's fingerprints,
34 ➤ whichever occurs later.

35 4. A license by endorsement as a psychologist ~~for behavior~~
36 ~~analyst~~ may be issued at a meeting of the Board or between its
37 meetings by the President of the Board. Such an action shall be
38 deemed to be an action of the Board.

39 **Sec. 64.** NRS 641.196 is hereby amended to read as follows:

40 641.196 1. The Board may issue a license by endorsement as
41 a psychologist ~~for behavior analyst~~ to an applicant who meets the
42 requirements set forth in this section. An applicant may submit to
43 the Board an application for such a license if the applicant:



- 1 (a) Holds a corresponding valid and unrestricted license as a
2 psychologist ~~for behavior analyst, as applicable;~~ in the District of
3 Columbia or any state or territory of the United States; and
4 (b) Is an active member of, or the spouse of an active member
5 of, the Armed Forces of the United States, a veteran or the surviving
6 spouse of a veteran.
- 7 2. An applicant for a license by endorsement pursuant to this
8 section must submit to the Board with his or her application:
- 9 (a) Proof satisfactory to the Board that the applicant:
10 (1) Satisfies the requirements of subsection 1;
11 (2) Is a citizen of the United States or otherwise has the legal
12 right to work in the United States;
13 (3) Has not been disciplined or investigated by the
14 corresponding regulatory authority of the District of Columbia or
15 the state or territory in which the applicant holds a license as a
16 psychologist ; ~~for behavior analyst, as applicable;~~ and
17 (4) Has not been held civilly or criminally liable for
18 malpractice in the District of Columbia or any state or territory of
19 the United States;
20 (b) A complete set of fingerprints and written permission
21 authorizing the Board to forward the fingerprints in the manner
22 provided in NRS 641.160;
23 (c) An affidavit stating that the information contained in the
24 application and any accompanying material is true and correct;
25 (d) The fee prescribed by the Board pursuant to NRS 641.228
26 for the issuance of an initial license; and
27 (e) Any other information required by the Board.
- 28 3. Not later than 15 business days after receiving an application
29 for a license by endorsement as a psychologist ~~for behavior analyst~~
30 pursuant to this section, the Board shall provide written notice to the
31 applicant of any additional information required by the Board to
32 consider the application. Unless the Board denies the application for
33 good cause, the Board shall approve the application and issue a
34 license by endorsement as a psychologist ~~for behavior analyst, as~~
35 ~~applicable;~~ to the applicant not later than:
- 36 (a) Forty-five days after receiving all the additional information
37 required by the Board to complete the application; or
38 (b) Ten days after the Board receives a report on the applicant's
39 background based on the submission of the applicant's fingerprints,
40 ↪ whichever occurs later.
- 41 4. A license by endorsement as a psychologist ~~for behavior~~
42 ~~analyst~~ may be issued at a meeting of the Board or between its
43 meetings by the President of the Board. Such an action shall be
44 deemed to be an action of the Board.



1 5. At any time before making a final decision on an application
2 for a license by endorsement pursuant to this section, the Board may
3 grant a provisional license authorizing an applicant to practice as a
4 psychologist ~~for behavior analyst, as applicable,~~ in accordance with
5 regulations adopted by the Board.

6 6. As used in this section, "veteran" has the meaning ascribed
7 to it in NRS 417.005.

8 **Sec. 65.** NRS 641.228 is hereby amended to read as follows:

9 641.228 1. The Board shall charge and collect not more than
10 the following fees respectively:

11		
12	For the national examination, in addition to the actual	
13	cost to the Board of the examination.....	\$100
14	For any other examination required pursuant to the	
15	provisions of subsection 1 of NRS 641.180, in	
16	addition to the actual costs to the Board of the	
17	examination.....	100
18	For the issuance of an initial license, including a	
19	license by endorsement.....	25
20	For the biennial renewal of a license of a	
21	psychologist.....	500
22	For the biennial renewal of a license of a licensed	
23	behavior analyst.....	400
24	For the biennial renewal of a license of a licensed	
25	assistant behavior analyst.....	275
26	For the restoration of a license suspended for the	
27	nonpayment of the biennial fee for the renewal of	
28	a license.....	100
29	For the registration of a firm, partnership or	
30	corporation which engages in or offers to engage	
31	in the practice of psychology.....	300
32	For the registration of a nonresident to practice as a	
33	consultant.....	100
34		

35 2. An applicant who passes the national examination and any
36 other examination required pursuant to the provisions of subsection
37 1 of NRS 641.180 and who is eligible for a license as a psychologist
38 shall pay the biennial fee for the renewal of a license, which must be
39 prorated for the period from the date the license is issued to the end
40 of the biennium.

41 3. ~~An applicant who passes the examination and is eligible for~~
42 ~~a license as a behavior analyst or assistant behavior analyst shall pay~~
43 ~~the biennial fee for the renewal of a license, which must be prorated~~
44 ~~for the period from the date the license is issued to the end of the~~
45 ~~biennium.~~



1 ~~—4.~~ Except as otherwise provided in subsections ~~15~~ 4 and ~~16~~ 5
2 and NRS 641.195, in addition to the fees set forth in subsection 1,
3 the Board may charge and collect a fee for the expedited processing
4 of a request or for any other incidental service it provides. The fee
5 must not exceed the cost to provide the service.

6 ~~15~~ 4. If an applicant submits an application for a license by
7 endorsement pursuant to NRS 641.195, the Board shall charge and
8 collect not more than the fee specified in subsection 1 for the
9 issuance of an initial license.

10 ~~16~~ 5. If an applicant submits an application for a license by
11 endorsement pursuant to NRS 641.196, the Board shall collect not
12 more than one-half of the fee set forth in subsection 1 for the initial
13 issuance of the license.

14 **Sec. 66.** NRS 641.230 is hereby amended to read as follows:

15 641.230 1. The Board may suspend or revoke a person's
16 license as a psychologist, ~~behavior analyst or assistant behavior~~
17 ~~analyst,~~ place the person on probation, require remediation for the
18 person or take any other action specified by regulation if the Board
19 finds by a preponderance of the evidence that the person has:

20 (a) Been convicted of a felony relating to the practice of
21 psychology. ~~for the practice of applied behavior analysis.~~

22 (b) Been convicted of any crime or offense that reflects the
23 inability of the person to practice psychology ~~for applied behavior~~
24 ~~analysis~~ with due regard for the health and safety of others.

25 (c) Been convicted of violating any of the provisions of NRS
26 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
27 inclusive.

28 (d) Engaged in gross malpractice or repeated malpractice or
29 gross negligence in the practice of psychology. ~~for the practice of~~
30 ~~applied behavior analysis.~~

31 (e) Aided or abetted the practice of psychology by a person not
32 licensed by the Board.

33 (f) Made any fraudulent or untrue statement to the Board.

34 (g) Violated a regulation adopted by the Board.

35 (h) Had a license to practice psychology ~~for a license or~~
36 ~~certificate to practice applied behavior analysis~~ suspended or
37 revoked or has had any other disciplinary action taken against the
38 person by another state or territory of the United States, the District
39 of Columbia or a foreign country, if at least one of the grounds for
40 discipline is the same or substantially equivalent to any ground
41 contained in this chapter.

42 (i) Failed to report to the Board within 30 days the revocation,
43 suspension or surrender of, or any other disciplinary action taken
44 against, a license or certificate to practice psychology ~~for applied~~



1 ~~behavior analysis~~ issued to the person by another state or territory
2 of the United States, the District of Columbia or a foreign country.

3 (j) Violated or attempted to violate, directly or indirectly, or
4 assisted in or abetted the violation of or conspired to violate a
5 provision of this chapter.

6 (k) Performed or attempted to perform any professional service
7 while impaired by alcohol, drugs or by a mental or physical illness,
8 disorder or disease.

9 (l) Engaged in sexual activity with a patient or client.

10 (m) Been convicted of abuse or fraud in connection with any
11 state or federal program which provides medical assistance.

12 (n) Been convicted of submitting a false claim for payment to
13 the insurer of a patient or client.

14 (o) Operated a medical facility, as defined in NRS 449.0151, at
15 any time during which:

16 (1) The license of the facility was suspended or revoked; or

17 (2) An act or omission occurred which resulted in the
18 suspension or revocation of the license pursuant to NRS 449.160.

19 ➔ This paragraph applies to an owner or other principal responsible
20 for the operation of the facility.

21 2. As used in this section, “preponderance of the evidence” has
22 the meaning ascribed to it in NRS 233B.0375.

23 **Sec. 67.** NRS 689A.0435 is hereby amended to read as
24 follows:

25 689A.0435 1. A health benefit plan must provide an option
26 of coverage for screening for and diagnosis of autism spectrum
27 disorders and for treatment of autism spectrum disorders for persons
28 covered by the policy under the age of 18 years or, if enrolled in
29 high school, until the person reaches the age of 22 years.

30 2. Optional coverage provided pursuant to this section must be
31 subject to:

32 (a) A maximum benefit of not less than the actuarial equivalent
33 of \$72,000 per year for applied behavior analysis treatment; and

34 (b) Copayment, deductible and coinsurance provisions and any
35 other general exclusions or limitations of a policy of health
36 insurance to the same extent as other medical services or
37 prescription drugs covered by the policy.

38 3. A health benefit plan that offers or issues a policy of health
39 insurance which provides coverage for outpatient care shall not:

40 (a) Require an insured to pay a higher deductible, copayment or
41 coinsurance or require a longer waiting period for optional coverage
42 for outpatient care related to autism spectrum disorders than is
43 required for other outpatient care covered by the policy; or

44 (b) Refuse to issue a policy of health insurance or cancel a
45 policy of health insurance solely because the person applying for or



1 covered by the policy uses or may use in the future any of the
2 services listed in subsection 1.

3 4. Except as otherwise provided in subsections 1 and 2, an
4 insurer who offers optional coverage pursuant to subsection 1 shall
5 not limit the number of visits an insured may make to any person,
6 entity or group for treatment of autism spectrum disorders.

7 5. Treatment of autism spectrum disorders must be identified in
8 a treatment plan and may include medically necessary habilitative or
9 rehabilitative care, prescription care, psychiatric care, psychological
10 care, behavioral therapy or therapeutic care that is:

11 (a) Prescribed for a person diagnosed with an autism spectrum
12 disorder by a licensed physician or licensed psychologist; and

13 (b) Provided for a person diagnosed with an autism spectrum
14 disorder by a licensed physician, licensed psychologist, licensed
15 behavior analyst or other provider that is supervised by the licensed
16 physician, psychologist or behavior analyst.

17 An insurer may request a copy of and review a treatment plan
18 created pursuant to this subsection.

19 6. Nothing in this section shall be construed as requiring an
20 insurer to provide reimbursement to an early intervention agency or
21 school for services delivered through early intervention or school
22 services.

23 7. As used in this section:

24 (a) "Applied behavior analysis" means the design,
25 implementation and evaluation of environmental modifications
26 using behavioral stimuli and consequences to produce socially
27 significant improvement in human behavior, including, without
28 limitation, the use of direct observation, measurement and
29 functional analysis of the relations between environment and
30 behavior.

31 (b) "Autism behavior interventionist" ~~means a person who is~~
32 ~~registered as a Registered Behavior Technician or an equivalent~~
33 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
34 ~~successor organization, and provides behavioral therapy under the~~
35 ~~supervision of:~~

36 ~~— (1) A licensed psychologist;~~

37 ~~— (2) A licensed behavior analyst; or~~

38 ~~— (3) A licensed assistant behavior analyst.]~~ *has the meaning*
39 *ascribed to it in section 4 of this act.*

40 (c) "Autism spectrum disorders" means a neurobiological
41 medical condition including, without limitation, autistic disorder,
42 Asperger's Disorder and Pervasive Developmental Disorder Not
43 Otherwise Specified.

44 (d) "Behavioral therapy" means any interactive therapy derived
45 from evidence-based research, including, without limitation, discrete



1 trial training, early intensive behavioral intervention, intensive
2 intervention programs, pivotal response training and verbal behavior
3 provided by a licensed psychologist, licensed behavior analyst,
4 licensed assistant behavior analyst or autism behavior
5 interventionist.

6 (e) “Evidence-based research” means research that applies
7 rigorous, systematic and objective procedures to obtain valid
8 knowledge relevant to autism spectrum disorders.

9 (f) “Habilitative or rehabilitative care” means counseling,
10 guidance and professional services and treatment programs,
11 including, without limitation, applied behavior analysis, that are
12 necessary to develop, maintain and restore, to the maximum extent
13 practicable, the functioning of a person.

14 (g) “Licensed assistant behavior analyst” means a person who
15 holds current certification ~~for meets the standards to be certified~~ as
16 a Board Certified Assistant Behavior Analyst issued by the Behavior
17 Analyst Certification Board, Inc., or any successor in interest to that
18 organization, who is licensed as an assistant behavior analyst by the
19 ~~Board of Psychological Examiners~~ *Aging and Disability Services*
20 *Division of the Department of Health and Human Services* and
21 who provides behavioral therapy under the supervision of a licensed
22 behavior analyst or psychologist.

23 (h) “Licensed behavior analyst” means a person who holds
24 current certification ~~for meets the standards to be certified~~ as a
25 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
26 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
27 Board, Inc., or any successor in interest to that organization, and
28 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
29 ~~Psychological Examiners~~ *Aging and Disability Services Division*
30 *of the Department of Health and Human Services*.

31 (i) “Prescription care” means medications prescribed by a
32 licensed physician and any health-related services deemed medically
33 necessary to determine the need or effectiveness of the medications.

34 (j) “Psychiatric care” means direct or consultative services
35 provided by a psychiatrist licensed in the state in which the
36 psychiatrist practices.

37 (k) “Psychological care” means direct or consultative services
38 provided by a psychologist licensed in the state in which the
39 psychologist practices.

40 (l) “Screening for autism spectrum disorders” means medically
41 necessary assessments, evaluations or tests to screen and diagnose
42 whether a person has an autism spectrum disorder.

43 (m) “Therapeutic care” means services provided by licensed or
44 certified speech-language pathologists, occupational therapists and
45 physical therapists.



1 (n) "Treatment plan" means a plan to treat an autism spectrum
2 disorder that is prescribed by a licensed physician or licensed
3 psychologist and may be developed pursuant to a comprehensive
4 evaluation in coordination with a licensed behavior analyst.

5 **Sec. 68.** NRS 689B.0335 is hereby amended to read as
6 follows:

7 689B.0335 1. A health benefit plan must provide coverage
8 for screening for and diagnosis of autism spectrum disorders and for
9 treatment of autism spectrum disorders to persons covered by the
10 policy of group health insurance under the age of 18 years or, if
11 enrolled in high school, until the person reaches the age of 22 years.

12 2. Coverage provided under this section is subject to:

13 (a) A maximum benefit of the actuarial equivalent of \$72,000
14 per year for applied behavior analysis treatment; and

15 (b) Copayment, deductible and coinsurance provisions and any
16 other general exclusion or limitation of a policy of group health
17 insurance to the same extent as other medical services or
18 prescription drugs covered by the policy.

19 3. A health benefit plan that offers or issues a policy of group
20 health insurance which provides coverage for outpatient care shall
21 not:

22 (a) Require an insured to pay a higher deductible, copayment or
23 coinsurance or require a longer waiting period for coverage for
24 outpatient care related to autism spectrum disorders than is required
25 for other outpatient care covered by the policy; or

26 (b) Refuse to issue a policy of group health insurance or cancel a
27 policy of group health insurance solely because the person applying
28 for or covered by the policy uses or may use in the future any of the
29 services listed in subsection 1.

30 4. Except as otherwise provided in subsections 1 and 2, an
31 insurer shall not limit the number of visits an insured may make to
32 any person, entity or group for treatment of autism spectrum
33 disorders.

34 5. Treatment of autism spectrum disorders must be identified in
35 a treatment plan and may include medically necessary habilitative or
36 rehabilitative care, prescription care, psychiatric care, psychological
37 care, behavioral therapy or therapeutic care that is:

38 (a) Prescribed for a person diagnosed with an autism spectrum
39 disorder by a licensed physician or licensed psychologist; and

40 (b) Provided for a person diagnosed with an autism spectrum
41 disorder by a licensed physician, licensed psychologist, licensed
42 behavior analyst or other provider that is supervised by the licensed
43 physician, psychologist or behavior analyst.

44 ↪ An insurer may request a copy of and review a treatment plan
45 created pursuant to this subsection.



1 6. A policy subject to the provisions of this chapter that is
2 delivered, issued for delivery or renewed on or after January 1,
3 2011, has the legal effect of including the coverage required by
4 subsection 1, and any provision of the policy or the renewal which is
5 in conflict with subsection 1 or 2 is void.

6 7. Nothing in this section shall be construed as requiring an
7 insurer to provide reimbursement to an early intervention agency or
8 school for services delivered through early intervention or school
9 services.

10 8. As used in this section:

11 (a) "Applied behavior analysis" means the design,
12 implementation and evaluation of environmental modifications
13 using behavioral stimuli and consequences to produce socially
14 significant improvement in human behavior, including, without
15 limitation, the use of direct observation, measurement and
16 functional analysis of the relations between environment and
17 behavior.

18 (b) "Autism behavior interventionist" ~~means a person who is~~
19 ~~registered as a Registered Behavior Technician or an equivalent~~
20 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
21 ~~successor organization, and provides behavioral therapy under the~~
22 ~~supervision of:~~

23 ~~— (1) A licensed psychologist;~~

24 ~~— (2) A licensed behavior analyst; or~~

25 ~~— (3) A licensed assistant behavior analyst.]~~ *has the meaning*
26 *ascribed to it in section 4 of this act.*

27 (c) "Autism spectrum disorders" means a neurobiological
28 medical condition including, without limitation, autistic disorder,
29 Asperger's Disorder and Pervasive Developmental Disorder Not
30 Otherwise Specified.

31 (d) "Behavioral therapy" means any interactive therapy derived
32 from evidence-based research, including, without limitation, discrete
33 trial training, early intensive behavioral intervention, intensive
34 intervention programs, pivotal response training and verbal behavior
35 provided by a licensed psychologist, licensed behavior analyst,
36 licensed assistant behavior analyst or autism behavior
37 interventionist.

38 (e) "Evidence-based research" means research that applies
39 rigorous, systematic and objective procedures to obtain valid
40 knowledge relevant to autism spectrum disorders.

41 (f) "Habilitative or rehabilitative care" means counseling,
42 guidance and professional services and treatment programs,
43 including, without limitation, applied behavior analysis, that are
44 necessary to develop, maintain and restore, to the maximum extent
45 practicable, the functioning of a person.



1 (g) “Licensed assistant behavior analyst” means a person who
2 holds current certification ~~for meets the standards to be certified~~ as
3 a Board Certified Assistant Behavior Analyst issued by the Behavior
4 Analyst Certification Board, Inc., or any successor in interest to that
5 organization, who is licensed as an assistant behavior analyst by the
6 ~~Board of Psychological Examiners~~ *Aging and Disability Services*
7 *Division of the Department of Health and Human Services* and
8 who provides behavioral therapy under the supervision of a licensed
9 behavior analyst or psychologist.

10 (h) “Licensed behavior analyst” means a person who holds
11 current certification ~~for meets the standards to be certified~~ as a
12 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
13 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
14 Board, Inc., or any successor in interest to that organization and
15 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
16 ~~Psychological Examiners~~ *Aging and Disability Services Division*
17 *of the Department of Health and Human Services*.

18 (i) “Prescription care” means medications prescribed by a
19 licensed physician and any health-related services deemed medically
20 necessary to determine the need or effectiveness of the medications.

21 (j) “Psychiatric care” means direct or consultative services
22 provided by a psychiatrist licensed in the state in which the
23 psychiatrist practices.

24 (k) “Psychological care” means direct or consultative services
25 provided by a psychologist licensed in the state in which the
26 psychologist practices.

27 (l) “Screening for autism spectrum disorders” means medically
28 necessary assessments, evaluations or tests to screen and diagnose
29 whether a person has an autism spectrum disorder.

30 (m) “Therapeutic care” means services provided by licensed or
31 certified speech-language pathologists, occupational therapists and
32 physical therapists.

33 (n) “Treatment plan” means a plan to treat an autism spectrum
34 disorder that is prescribed by a licensed physician or licensed
35 psychologist and may be developed pursuant to a comprehensive
36 evaluation in coordination with a licensed behavior analyst.

37 **Sec. 69.** NRS 689C.1655 is hereby amended to read as
38 follows:

39 689C.1655 1. A health benefit plan must provide coverage
40 for screening for and diagnosis of autism spectrum disorders and for
41 treatment of autism spectrum disorders to persons covered by the
42 health benefit plan under the age of 18 years or, if enrolled in high
43 school, until the person reaches the age of 22 years.

44 2. Coverage provided under this section is subject to:



1 (a) A maximum benefit of the actuarial equivalent of \$72,000
2 per year for applied behavior analysis treatment; and

3 (b) Copayment, deductible and coinsurance provisions and any
4 other general exclusion or limitation of a health benefit plan to the
5 same extent as other medical services or prescription drugs covered
6 by the plan.

7 3. A health benefit plan that offers or issues a policy of group
8 health insurance which provides coverage for outpatient care shall
9 not:

10 (a) Require an insured to pay a higher deductible, copayment or
11 coinsurance or require a longer waiting period for coverage for
12 outpatient care related to autism spectrum disorders than is required
13 for other outpatient care covered by the plan; or

14 (b) Refuse to issue a health benefit plan or cancel a health
15 benefit plan solely because the person applying for or covered by
16 the plan uses or may use in the future any of the services listed in
17 subsection 1.

18 4. Except as otherwise provided in subsections 1 and 2, a
19 carrier shall not limit the number of visits an insured may make to
20 any person, entity or group for treatment of autism spectrum
21 disorders.

22 5. Treatment of autism spectrum disorders must be identified in
23 a treatment plan and may include medically necessary habilitative or
24 rehabilitative care, prescription care, psychiatric care, psychological
25 care, behavioral therapy or therapeutic care that is:

26 (a) Prescribed for a person diagnosed with an autism spectrum
27 disorder by a licensed physician or licensed psychologist; and

28 (b) Provided for a person diagnosed with an autism spectrum
29 disorder by a licensed physician, licensed psychologist, licensed
30 behavior analyst or other provider that is supervised by the licensed
31 physician, psychologist or behavior analyst.

32 ↪ A carrier may request a copy of and review a treatment plan
33 created pursuant to this subsection.

34 6. A health benefit plan subject to the provisions of this chapter
35 that is delivered, issued for delivery or renewed on or after
36 January 1, 2011, has the legal effect of including the coverage
37 required by subsection 1, and any provision of the plan or the
38 renewal which is in conflict with subsection 1 or 2 is void.

39 7. Nothing in this section shall be construed as requiring a
40 carrier to provide reimbursement to an early intervention agency or
41 school for services delivered through early intervention or school
42 services.

43 8. As used in this section:

44 (a) "Applied behavior analysis" means the design,
45 implementation and evaluation of environmental modifications



1 using behavioral stimuli and consequences to produce socially
2 significant improvement in human behavior, including, without
3 limitation, the use of direct observation, measurement and
4 functional analysis of the relations between environment and
5 behavior.

6 (b) “Autism behavior interventionist” ~~means a person who is~~
7 ~~registered as a Registered Behavior Technician or an equivalent~~
8 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
9 ~~successor organization, and provides behavioral therapy under the~~
10 ~~supervision of:~~

- 11 ~~— (1) A licensed psychologist;~~
12 ~~— (2) A licensed behavior analyst; or~~
13 ~~— (3) A licensed assistant behavior analyst.]~~ *has the meaning*
14 *ascribed to it in section 4 of this act.*

15 (c) “Autism spectrum disorders” means a neurobiological
16 medical condition including, without limitation, autistic disorder,
17 Asperger’s Disorder and Pervasive Developmental Disorder Not
18 Otherwise Specified.

19 (d) “Behavioral therapy” means any interactive therapy derived
20 from evidence-based research, including, without limitation, discrete
21 trial training, early intensive behavioral intervention, intensive
22 intervention programs, pivotal response training and verbal behavior
23 provided by a licensed psychologist, licensed behavior analyst,
24 licensed assistant behavior analyst or autism behavior
25 interventionist.

26 (e) “Evidence-based research” means research that applies
27 rigorous, systematic and objective procedures to obtain valid
28 knowledge relevant to autism spectrum disorders.

29 (f) “Habilitative or rehabilitative care” means counseling,
30 guidance and professional services and treatment programs,
31 including, without limitation, applied behavior analysis, that are
32 necessary to develop, maintain and restore, to the maximum extent
33 practicable, the functioning of a person.

34 (g) “Licensed assistant behavior analyst” means a person who
35 holds current certification ~~for meets the standards to be certified~~ as
36 a Board Certified Assistant Behavior Analyst issued by the Behavior
37 Analyst Certification Board, Inc., or any successor in interest to that
38 organization, who is licensed as an assistant behavior analyst by the
39 ~~Board of Psychological Examiners~~ *Aging and Disability Services*
40 *Division of the Department of Health and Human Services* and
41 who provides behavioral therapy under the supervision of a licensed
42 behavior analyst or psychologist.

43 (h) “Licensed behavior analyst” means a person who holds
44 current certification ~~for meets the standards to be certified~~ as a
45 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~



1 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
2 Board, Inc., or any successor in interest to that organization and
3 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
4 ~~Psychological Examiners.~~ *Aging and Disability Services Division*
5 *of the Department of Health and Human Services.*

6 (i) "Prescription care" means medications prescribed by a
7 licensed physician and any health-related services deemed medically
8 necessary to determine the need or effectiveness of the medications.

9 (j) "Psychiatric care" means direct or consultative services
10 provided by a psychiatrist licensed in the state in which the
11 psychiatrist practices.

12 (k) "Psychological care" means direct or consultative services
13 provided by a psychologist licensed in the state in which the
14 psychologist practices.

15 (l) "Screening for autism spectrum disorders" means medically
16 necessary assessments, evaluations or tests to screen and diagnose
17 whether a person has an autism spectrum disorder.

18 (m) "Therapeutic care" means services provided by licensed or
19 certified speech-language pathologists, occupational therapists and
20 physical therapists.

21 (n) "Treatment plan" means a plan to treat an autism spectrum
22 disorder that is prescribed by a licensed physician or licensed
23 psychologist and may be developed pursuant to a comprehensive
24 evaluation in coordination with a licensed behavior analyst.

25 **Sec. 70.** NRS 695C.1717 is hereby amended to read as
26 follows:

27 695C.1717 1. A health care plan issued by a health
28 maintenance organization must provide coverage for screening for
29 and diagnosis of autism spectrum disorders and for treatment of
30 autism spectrum disorders to persons covered by the health care
31 plan under the age of 18 years or, if enrolled in high school, until the
32 person reaches the age of 22 years.

33 2. Coverage provided under this section is subject to:

34 (a) A maximum benefit of the actuarial equivalent of \$72,000
35 per year for applied behavior analysis treatment; and

36 (b) Copayment, deductible and coinsurance provisions and any
37 other general exclusion or limitation of a health care plan to the
38 same extent as other medical services or prescription drugs covered
39 by the plan.

40 3. A health care plan issued by a health maintenance
41 organization that provides coverage for outpatient care shall not:

42 (a) Require an enrollee to pay a higher deductible, copayment or
43 coinsurance or require a longer waiting period for coverage for
44 outpatient care related to autism spectrum disorders than is required
45 for other outpatient care covered by the plan; or



1 (b) Refuse to issue a health care plan or cancel a health care plan
2 solely because the person applying for or covered by the plan uses
3 or may use in the future any of the services listed in subsection 1.

4 4. Except as otherwise provided in subsections 1 and 2, a
5 health maintenance organization shall not limit the number of visits
6 an enrollee may make to any person, entity or group for treatment of
7 autism spectrum disorders.

8 5. Treatment of autism spectrum disorders must be identified in
9 a treatment plan and may include medically necessary habilitative or
10 rehabilitative care, prescription care, psychiatric care, psychological
11 care, behavioral therapy or therapeutic care that is:

12 (a) Prescribed for a person diagnosed with an autism spectrum
13 disorder by a licensed physician or licensed psychologist; and

14 (b) Provided for a person diagnosed with an autism spectrum
15 disorder by a licensed physician, licensed psychologist, licensed
16 behavior analyst or other provider that is supervised by the licensed
17 physician, psychologist or behavior analyst.

18 ↪ A health maintenance organization may request a copy of and
19 review a treatment plan created pursuant to this subsection.

20 6. Evidence of coverage subject to the provisions of this
21 chapter that is delivered, issued for delivery or renewed on or after
22 January 1, 2011, has the legal effect of including the coverage
23 required by subsection 1, and any provision of the evidence of
24 coverage or the renewal which is in conflict with subsection 1 or 2 is
25 void.

26 7. Nothing in this section shall be construed as requiring a
27 health maintenance organization to provide reimbursement to an
28 early intervention agency or school for services delivered through
29 early intervention or school services.

30 8. As used in this section:

31 (a) "Applied behavior analysis" means the design,
32 implementation and evaluation of environmental modifications
33 using behavioral stimuli and consequences to produce socially
34 significant improvement in human behavior, including, without
35 limitation, the use of direct observation, measurement and
36 functional analysis of the relations between environment and
37 behavior.

38 (b) "Autism behavior interventionist" ~~means a person who is~~
39 ~~registered as a Registered Behavior Technician or an equivalent~~
40 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
41 ~~successor organization, and provides behavioral therapy under the~~
42 ~~supervision of:~~

43 ~~(1) A licensed psychologist;~~

44 ~~(2) A licensed behavior analyst; or~~



1 ~~—— (3) A licensed assistant behavior analyst.~~ *has the meaning*
2 *ascribed to it in section 4 of this act.*

3 (c) “Autism spectrum disorders” means a neurobiological
4 medical condition including, without limitation, autistic disorder,
5 Asperger’s Disorder and Pervasive Developmental Disorder Not
6 Otherwise Specified.

7 (d) “Behavioral therapy” means any interactive therapy derived
8 from evidence-based research, including, without limitation, discrete
9 trial training, early intensive behavioral intervention, intensive
10 intervention programs, pivotal response training and verbal behavior
11 provided by a licensed psychologist, licensed behavior analyst,
12 licensed assistant behavior analyst or autism behavior
13 interventionist.

14 (e) “Evidence-based research” means research that applies
15 rigorous, systematic and objective procedures to obtain valid
16 knowledge relevant to autism spectrum disorders.

17 (f) “Habilitative or rehabilitative care” means counseling,
18 guidance and professional services and treatment programs,
19 including, without limitation, applied behavior analysis, that are
20 necessary to develop, maintain and restore, to the maximum extent
21 practicable, the functioning of a person.

22 (g) “Licensed assistant behavior analyst” means a person who
23 holds current certification ~~for meets the standards to be certified~~ as
24 a Board Certified Assistant Behavior Analyst issued by the Behavior
25 Analyst Certification Board, Inc., or any successor in interest to that
26 organization, who is licensed as an assistant behavior analyst by the
27 ~~Board of Psychological Examiners~~ *Aging and Disability Services*
28 *Division of the Department of Health and Human Services* and
29 who provides behavioral therapy under the supervision of a licensed
30 behavior analyst or psychologist.

31 (h) “Licensed behavior analyst” means a person who holds
32 current certification ~~for meets the standards to be certified~~ as a
33 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
34 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
35 Board, Inc., or any successor in interest to that organization and
36 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
37 ~~Psychological Examiners.~~ *Aging and Disability Services Division*
38 *of the Department of Health and Human Services.*

39 (i) “Prescription care” means medications prescribed by a
40 licensed physician and any health-related services deemed medically
41 necessary to determine the need or effectiveness of the medications.

42 (j) “Psychiatric care” means direct or consultative services
43 provided by a psychiatrist licensed in the state in which the
44 psychiatrist practices.



1 (k) "Psychological care" means direct or consultative services
2 provided by a psychologist licensed in the state in which the
3 psychologist practices.

4 (l) "Screening for autism spectrum disorders" means medically
5 necessary assessments, evaluations or tests to screen and diagnose
6 whether a person has an autism spectrum disorder.

7 (m) "Therapeutic care" means services provided by licensed or
8 certified speech-language pathologists, occupational therapists and
9 physical therapists.

10 (n) "Treatment plan" means a plan to treat an autism spectrum
11 disorder that is prescribed by a licensed physician or licensed
12 psychologist and may be developed pursuant to a comprehensive
13 evaluation in coordination with a licensed behavior analyst.

14 **Sec. 71.** NRS 695G.1645 is hereby amended to read as
15 follows:

16 695G.1645 1. A health care plan issued by a managed care
17 organization for group coverage must provide coverage for
18 screening for and diagnosis of autism spectrum disorders and for
19 treatment of autism spectrum disorders to persons covered by the
20 health care plan under the age of 18 years or, if enrolled in high
21 school, until the person reaches the age of 22 years.

22 2. A health care plan issued by a managed care organization
23 for individual coverage must provide an option for coverage for
24 screening for and diagnosis of autism spectrum disorders and for
25 treatment of autism spectrum disorders to persons covered by the
26 health care plan under the age of 18 years or, if enrolled in high
27 school, until the person reaches the age of 22 years.

28 3. Coverage provided under this section is subject to:

29 (a) A maximum benefit of the actuarial equivalent of \$72,000
30 per year for applied behavior analysis treatment; and

31 (b) Copayment, deductible and coinsurance provisions and any
32 other general exclusion or limitation of a health care plan to the
33 same extent as other medical services or prescription drugs covered
34 by the plan.

35 4. A managed care organization that offers or issues a health
36 care plan which provides coverage for outpatient care shall not:

37 (a) Require an insured to pay a higher deductible, copayment or
38 coinsurance or require a longer waiting period for coverage for
39 outpatient care related to autism spectrum disorders than is required
40 for other outpatient care covered by the plan; or

41 (b) Refuse to issue a health care plan or cancel a health care plan
42 solely because the person applying for or covered by the plan uses
43 or may use in the future any of the services listed in subsection 1.

44 5. Except as otherwise provided in subsections 1, 2 and 3, a
45 managed care organization shall not limit the number of visits an



1 insured may make to any person, entity or group for treatment of
2 autism spectrum disorders.

3 6. Treatment of autism spectrum disorders must be identified in
4 a treatment plan and may include medically necessary habilitative or
5 rehabilitative care, prescription care, psychiatric care, psychological
6 care, behavioral therapy or therapeutic care that is:

7 (a) Prescribed for a person diagnosed with an autism spectrum
8 disorder by a licensed physician or licensed psychologist; and

9 (b) Provided for a person diagnosed with an autism spectrum
10 disorder by a licensed physician, licensed psychologist, licensed
11 behavior analyst or other provider that is supervised by the licensed
12 physician, psychologist or behavior analyst.

13 ↪ A managed care organization may request a copy of and review a
14 treatment plan created pursuant to this subsection.

15 7. An evidence of coverage subject to the provisions of this
16 chapter that is delivered, issued for delivery or renewed on or after
17 January 1, 2011, has the legal effect of including the coverage
18 required by subsection 1, and any provision of the evidence of
19 coverage or the renewal which is in conflict with subsection 1 or 3 is
20 void.

21 8. Nothing in this section shall be construed as requiring a
22 managed care organization to provide reimbursement to an early
23 intervention agency or school for services delivered through early
24 intervention or school services.

25 9. As used in this section:

26 (a) "Applied behavior analysis" means the design,
27 implementation and evaluation of environmental modifications
28 using behavioral stimuli and consequences to produce socially
29 significant improvement in human behavior, including, without
30 limitation, the use of direct observation, measurement and
31 functional analysis of the relations between environment and
32 behavior.

33 (b) "Autism behavior interventionist" ~~means a person who is~~
34 ~~registered as a Registered Behavior Technician or an equivalent~~
35 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
36 ~~successor organization, and provides behavioral therapy under the~~
37 ~~supervision of:~~

38 ~~(1) A licensed psychologist;~~

39 ~~(2) A licensed behavior analyst; or~~

40 ~~(3) A licensed assistant behavior analyst.]~~ *has the meaning*
41 *ascribed to it in section 4 of this act.*

42 (c) "Autism spectrum disorders" means a neurobiological
43 medical condition including, without limitation, autistic disorder,
44 Asperger's Disorder and Pervasive Developmental Disorder Not
45 Otherwise Specified.



1 (d) “Behavioral therapy” means any interactive therapy derived
2 from evidence-based research, including, without limitation, discrete
3 trial training, early intensive behavioral intervention, intensive
4 intervention programs, pivotal response training and verbal behavior
5 provided by a licensed psychologist, licensed behavior analyst,
6 licensed assistant behavior analyst or autism behavior
7 interventionist.

8 (e) “Evidence-based research” means research that applies
9 rigorous, systematic and objective procedures to obtain valid
10 knowledge relevant to autism spectrum disorders.

11 (f) “Habilitative or rehabilitative care” means counseling,
12 guidance and professional services and treatment programs,
13 including, without limitation, applied behavior analysis, that are
14 necessary to develop, maintain and restore, to the maximum extent
15 practicable, the functioning of a person.

16 (g) “Licensed assistant behavior analyst” means a person who
17 holds current certification ~~for meets the standards to be certified~~ as
18 a Board Certified Assistant Behavior Analyst issued by the Behavior
19 Analyst Certification Board, Inc., or any successor in interest to that
20 organization, who is licensed as an assistant behavior analyst by the
21 ~~Board of Psychological Examiners~~ *Aging and Disability Services*
22 *Division of the Department of Health and Human Services* and
23 who provides behavioral therapy under the supervision of a licensed
24 behavior analyst or psychologist.

25 (h) “Licensed behavior analyst” means a person who holds
26 current certification ~~for meets the standards to be certified~~ as a
27 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
28 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
29 Board, Inc., or any successor in interest to that organization and
30 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
31 ~~Psychological Examiners~~ *Aging and Disability Services Division*
32 *of the Department of Health and Human Services*.

33 (i) “Prescription care” means medications prescribed by a
34 licensed physician and any health-related services deemed medically
35 necessary to determine the need or effectiveness of the medications.

36 (j) “Psychiatric care” means direct or consultative services
37 provided by a psychiatrist licensed in the state in which the
38 psychiatrist practices.

39 (k) “Psychological care” means direct or consultative services
40 provided by a psychologist licensed in the state in which the
41 psychologist practices.

42 (l) “Screening for autism spectrum disorders” means medically
43 necessary assessments, evaluations or tests to screen and diagnose
44 whether a person has an autism spectrum disorder.



1 (m) "Therapeutic care" means services provided by licensed or
2 certified speech-language pathologists, occupational therapists and
3 physical therapists.

4 (n) "Treatment plan" means a plan to treat an autism spectrum
5 disorder that is prescribed by a licensed physician or licensed
6 psychologist and may be developed pursuant to a comprehensive
7 evaluation in coordination with a licensed behavior analyst.

8 **Sec. 72.** Section 25 of this act is hereby amended to read as
9 follows:

10 Sec. 25. 1. To renew a license as a behavior analyst or
11 assistant behavior analyst, each person must, on or before the
12 first day of January of each odd-numbered year:

13 (a) Apply to the Division for renewal;

14 (b) Pay the biennial fee for the renewal of a license;

15 (c) Submit evidence to the Division of completion of the
16 requirements for continuing education as set forth in
17 regulations adopted by the Division; and

18 (d) Submit all information required to complete the
19 renewal.

20 2. The Division shall, as a prerequisite for the renewal of
21 a license, require each holder to comply with the
22 requirements for continuing education adopted by the
23 Division . ~~[, which must include, without limitation, a
24 requirement that the holder of a license receive at least 2
25 hours of instruction on evidence-based suicide prevention and
26 awareness.]~~

27 **Sec. 73.** Notwithstanding the amendatory provisions of this
28 act:

29 1. Any disciplinary or other administrative action taken against
30 a behavior analyst or assistant behavior analyst by the Board of
31 Psychological Examiners remains in effect as if taken by the Aging
32 and Disability Services Division of the Department of Health and
33 Human Services.

34 2. A license that is valid on July 1, 2017, and that was issued
35 by the Board of Psychological Examiners:

36 (a) Shall be deemed to be issued by the Aging and Disability
37 Services Division of the Department of Health and Human Services;
38 and

39 (b) Remains valid until its date of expiration, if the holder of the
40 license otherwise remains qualified for the issuance or renewal of
41 the license on or after July 1, 2017.

42 **Sec. 74.** The term of the member of the Board of
43 Psychological Examiners appointed to the Board pursuant to
44 paragraph (b) of subsection 1 of NRS 641.040 who is incumbent on
45 June 30, 2017, expires on that date.



1 **Sec. 75.** 1. Notwithstanding the amendatory provisions of
2 sections 14, 17, 21, 24, 25, 29, 30, 60, 62 and 64 of this act
3 transferring authority to adopt regulations from the Board of
4 Psychological Examiners to the Aging and Disability Services
5 Division of the Department of Health and Human Services, any
6 regulations adopted by the Board that do not conflict with the
7 provisions of this act remain in effect and may be enforced by the
8 Division until the Division adopts regulations to repeal or replace
9 those regulations.

10 2. Any regulations adopted by the Board of Psychological
11 Examiners that conflict with the provisions of this act are void. The
12 Legislative Counsel shall remove those regulations from the Nevada
13 Administrative Code as soon as practicable after July 1, 2017.

14 **Sec. 76.** The Legislative Counsel shall:

15 1. In preparing the Nevada Revised Statutes, use the authority
16 set forth in subsection 10 of NRS 220.120 to substitute
17 appropriately the name of any agency, officer or instrumentality of
18 the State whose name is changed by this act for the name which the
19 agency, officer or instrumentality previously used; and

20 2. In preparing supplements to the Nevada Administrative
21 Code, substitute appropriately the name of any agency, officer or
22 instrumentality of the State whose name is changed by this act for
23 the name which the agency, officer or instrumentality previously
24 used.

25 **Sec. 77.** NRS 641.0202, 641.0204, 641.0206, 641.0247,
26 641.232 and 641.395 are hereby repealed.

27 **Sec. 78.** 1. This section and section 74 of this act become
28 effective upon passage and approval.

29 2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act
30 become effective on July 1, 2017.

31 3. Section 72 of this act becomes effective on July 1, 2026.

32 4. Sections 22 and 32 of this act expire by limitation on the
33 date on which the provisions of 42 U.S.C. § 666 requiring each state
34 to establish procedures under which the state has authority to
35 withhold or suspend, or to restrict the use of professional,
36 occupational and recreational licenses of persons who:

37 (a) Have failed to comply with a subpoena or warrant relating to
38 a proceeding to determine the paternity of a child or to establish or
39 enforce an obligation for the support of a child; or

40 (b) Are in arrears in the payment for the support of one or more
41 children,

42 ↪ are repealed by the Congress of the United States.



LEADLINES OF REPEALED SECTIONS

641.0202 “Assistant behavior analyst” defined.

641.0204 “Autism behavior interventionist” defined.

641.0206 “Behavior analyst” defined.

641.0247 “Practice of applied behavior analysis” defined.

641.232 Grounds for disciplinary action for licensed behavior analysts and licensed assistant behavior analysts: Regulations.

641.395 Licensed assistant behavior analysts and autism behavior interventionists: Limitations on practice.

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