

LCB File No. R083-99

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

Chapter 640A of NAC is hereby amended by adding thereto new sections to read as follows:

**General Provisions**

**640A.XXX Stipend**

1. *A member of the board is entitled to receive:*
  - (a) *A stipend of not more than \$80.00 per day, as fixed by the board, while engaged in the business of the board; and*
  - (b) *Per diem allowance and travel expenses at a rate fixed by the board, while engaged in the business of the board. The rate must not exceed the rate provided for state officers and employees generally.*

**Disciplinary Action**

**640A.XXX Authorized disciplinary actions.** If the board determines that any applicant for a license or any person licensed pursuant to this chapter has committed any of the acts, which are grounds for disciplinary action, the board may:

1. *Refuse to issued a license.*
2. *Refuse to renew a license.*
3. *Revoke a license.*
4. *Suspend a license for a definite period or until further order of the board.*
5. *Impose a fine in an amount not to exceed \$1,000.00 for each act, which constitutes a ground for disciplinary action.*
6. *Place a licensee on probation subject to any reasonable conditions imposed by the board, including, but not limited to, courses in continuing education, programs relating to abuse or a periodic or continuous review of his practice.*
7. *Administer a public or private reprimand.*
8. *Limit the practice of the license, to be determined by the board.*
9. *Require the licensee to take a competency examination or a mental or physical examination.*
10. *Require the licensee to pay all costs incurred by the board in taking disciplinary action against the licensee.*

**640A.XXX Court may award costs and reasonable attorney's fees incurred by the board.  
A court may award costs and reasonable attorney's fees incurred by the board to:**

- 1. Enforce a subpoena if the court enters an order compelling compliance; or*
- 2. Enforce the provisions of this chapter.*

**NAC640A is hereby amended to read as follows:**

**Licensing**

640A.020 Eligibility to apply for license; examination and interview of applicants.

2. The board will use ~~the written~~ *an* examination provided by ~~the American Occupational Therapy Certification Board in the examination of an applicant~~ *an agency approved by the board* for a license as an occupational therapist or an occupational therapy assistant. The applicant must achieve a passing score on the examination before he will be licensed.

640A.030 Application for license.

2. (b) That ~~the American Occupational Therapy Certification Board~~ *an agency approved by the board* mail verification of certification directly to the board.

640A.040 Applicant for license who is educated, licensed or registered in another country.

1. (a) Take and pass ~~the written~~ *an* examination provided by ~~the American Occupational Therapy Certification Board or any other agency~~ *an agency approved by the board* that demonstrates ~~that~~ the applicant's education is equivalent to a bachelor's degree in occupational therapy; and

640A.050 Expiration, renewal and reinstatement of license.

1. A license issued by the board to an occupational therapist or ~~an~~ occupational therapy assistant expires at the end of each ~~calendar~~ *fiscal* year. The board will prorate the fee for a license ~~which is~~ issued for less than a full ~~calendar~~ *fiscal* year.
2. To renew ~~such~~ a license, the licensee ~~shall~~ *must* submit the to board:
  - (a) Application for renewal;*
  - (b) Except as ....., and
  - (c) the applicable fee.
3. Delete this section
3. The board will deem ... ~~90~~ *31st* day....

4. ~~Request the American Occupational Therapy Certification Board to mail, before the date upon which reinstatement is sought, directly to the board verification that the certification of the licensee which he received from the American Occupational Therapy Certification Board~~ The *applicant must provide documentation that he is currently registered or certified with an agency approved by the board.*

640A.060 Licensing a person whose license has been expired or inactive for 5 years or more.

If a person's license has been expired or inactive for 5 years or more, he must reapply for a license as if he were a new applicant ~~for licensure and~~, retake and pass ~~the written~~ *an examination provided by ~~the American Occupational Therapy Certification Board~~ an agency approved by the board or provide documentation that he is currently registered or certified by an agency approved by the board* or:

640A.062 Application for a temporary license.

3. Provide the board with written verification of the date and place of his scheduled ~~American Occupational Therapy Certification Board~~ examination *by an agency approved by the board*; and
4. Request that the ~~American Occupational Therapy Certification Board~~ *agency* mail directly to the board his examination scores when available.

640A.070 Continuing education: Generally

2. If the licensee obtains more than 10 contact hours of continuing education in a year, he may request that the board ~~credit the excess hours to~~ *carryover a maximum of 10 hours to complete* his requirement for continuing education for the following year. Proof of the completion of the requirement for continuing education must be submitted with the ~~annual fee for renewal of a license~~ *application for renewal* in the year in which the credit is earned.
3. Upon request, the board will, if deemed appropriate by the board:
  - (a) *Adjust the required 10 contact hours for an applicant whose initial license and first licensure renewal occur within less than twelve months; or*
  - (b) Extend the period .....
  - (c) Waive the requirement.....
4. A licensee who seeks an *adjustment*, extension *or waiver* ~~of time to obtain continuing education or waiver shall~~ *must* ~~before the date on which his license must be renewed,~~ petition the board to grant ~~the extension or waive the requirement~~ *his request at least 30 days before the date on which his license must be renewed.* The licensee must submit with the petition proof, satisfactory to the board, that he ~~is~~ *was* unable to obtain the continuing education because of circumstances which were beyond his control.

640A.080 Continuing education: ~~[Awarding of credit for course of study or training.]~~ *Approval of Credits Earned*

1. The board will ~~[award]~~ *approve* credits for ~~[a course of study or training for continuing education in the manner and amounts set forth in]~~ the following ~~[chart]~~:  
[REMOVE ENTIRE CHART])
  - (a) *One hour of credit for each hour of attendance at an inservice, workshop, course, conference or seminar, or*
  - (b) *One hour of credit for each hour of presentation of an inservice, workshop, course, conference or seminar, or*
  - (c) *For published material, the board will evaluate and determine credit upon receipt of information submitted to the board, as listed in NAC 640A.100.*
2. The board will consider a licensee's *written* request, *at least 30 days before the* license expires, that ~~[it]~~ *the board* ~~[award]~~ *approve* credit for ~~[a course of study or training]~~ *any continuing education* ~~[which is]~~ not listed ~~[on the chart]~~ *above*.

640A.090 Continuing Education: *Request for Pre-approval* ~~[of course of study or training]~~.

1. A licensee may request *pre-approval* ~~[of a course of study or training]~~ *for continuing education* from the board at any time. The request must be accompanied by the applicable information and documentation listed in NAC 640A.100.
2. The board will inform the licensee ~~[whether a course has been approved]~~ *of the approval or denial* within 30 days after the next board meeting following the receipt of the request.

640A.100 Continuing education: Information required ~~[to obtain credit]~~ *for approval of continuing education*: ~~[To obtain credit for continuing education a licensee shall submit:]~~

- ~~[1.]~~ Replace with:  
~~[2.]~~ Replace with:  
~~[3.]~~ Replace with:

**1. To obtain approval for attending continuing education, as listed in NAC 640A.080, the applicant must submit to the board:**

- (a) The name of the sponsor;
- (b) The name of the program;
- (c) The number of hours awarded for completion of the program;
- (d) Biographical information about the instructor;
- (e) The inclusive dates of attendance; and
- (f) A brief summary of what you learned and how you will use the information in your practice.

**2. To obtain credit approval for presenting continuing education, as listed in NAC 640A.080, the applicant must submit to the board:**

- (a) The title of your presentation;
- (b) Sponsor of your presentation;
- (c) Location of your presentation;
- (d) The number of hours of your presentation;
- (e) Source for the information of your presentation;
- (f) The inclusive dates of your presentation;
- (g) A list of all persons attending the presentation; and
- (i) A brief summary of the presentation and what an attendee should learn.

**3. *To request approval for published material, as listed in NAC 640A.080, the applicant must submit to the board:***

- (a) A copy of the published material; and*
- (b) The title, publisher, month and year of the periodical in which the material was published.*

640A.160 Fees. The following fees are established:

- 1. For an occupational therapist:
  - (c) Annual renewal of a license .....~~[\$200.]~~ **\$175.**
- 2. For an occupational therapy assistant:
  - (c) Annual renewal of a license .....~~[\$150.]~~ **\$125.**

**Standards of Practice**

640A.220 Professional responsibility regarding patients.

- 2. (f) National origin; ~~{or}~~
- (g) Mental or physical disability; **or**
- (h) Sexual orientation.**

640A.230 Scope of **Occupational Therapy** services with and without referral. ~~{of patient by licensed provider of health care.}~~

- 1. ~~{Except as otherwise provided in subsection 2, an}~~ **An** occupational therapist ~~{shall}~~ **may** practice occupational therapy ~~{on a patient}~~ **with a client** for specific medical conditions, ~~{unless the patient has been}~~ **when** referred to the occupational therapist by a provider of health care licensed to practice in ~~{this state}~~ **Nevada**.

2. An occupational therapist may, without referral, provide ~~monitoring~~ *occupational therapy services in the form of; ,~~evaluative services~~ evaluation, program planning, program implementation ~~and~~, consultation and monitoring ~~regarding~~ for ~~a~~ persons whose ability to perform tasks of *daily* living are impaired by:*

- (a) Developmental deficiencies;
- (b) The aging process;
- (c) Environmental deprivation;
- (d) Sensory impairment;
- (e) Psychological or social dysfunction; or
- ~~(f) [Such]~~ Other conditions ~~[where prudence and custom ordinarily, do not require the involvement of a provider of health care.] and settings where modifications and adaptations of tasks are required for independence.~~

3. *A non-medical setting for these services may include, but are not limited to, residential, educational, vocational, day centers and recreational settings.*

~~[3.]~~ 4. As used in this section:

- (a) "Monitoring services," ~~means~~ *includes* those services, which are characterized by regular contact at least once ~~per~~ *a* month to check or regulate adaptive equipment to ensure its proper use; or *to check on skill levels and adaptive tasks.*
- (b) "Specific medical conditions" ~~means~~ *includes* those conditions of acute trauma, infection, disease, *affects of aging, rehabilitation*, or post-surgical status where ~~prudence and~~ custom ~~ordinarily~~ requires the involvement of a *licensed* health care provider.
- (c) *"Consultation" includes working with other health care professionals or non-professionals to provide advice or services.*

640A.250 Practice by occupational therapy assistant.

2. The supervising occupational therapist and the occupational therapy assistant shall jointly ensure that each record regarding a patient treated by the occupational therapy assistant is signed ~~and~~, dated *and reviewed* by both the occupational therapy assistant and supervising occupational therapist *for, but not limited to, accuracy and continuity of services rendered.*

640A.290 Records of patients: Maintenance and release; falsification.

4. *A licensee shall not sign a record of health care for a patient unless the licensee has reviewed the record for, but not limited to, accuracy and continuity of services rendered.*

## DISCIPLINARY ACTION

640A.350 Procedure for institution of disciplinary action; grounds.

2. (k) Violating a provision of the *current* Code of Ethics or Standards of Practice established by the American Occupational Therapy Association, copies of which may be obtained from the executive ~~secretary~~ *director*.
3. *Should an occupational therapy assistant have a complaint filed against him, all supervising occupational therapists, who have signed, dated and reviewed the records for, but not limited to, accuracy and continuity of services rendered, must accompany the occupational therapy assistant to any board proceedings.*