

**ADOPTED REGULATION OF THE BOARD
OF OCCUPATIONAL THERAPY**

LCB File No. R179-01

Effective September 20, 2002

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

AUTHORITY: §§1-12, NRS 640A.110.

Section 1. Chapter 640A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation:

Sec. 2. *As used in NAC 640A.020 to 640A.160, inclusive, and sections 2 and 3 of this regulation, unless the context otherwise requires, “provisional licensee” means the holder of a provisional license as an occupational therapist or occupational therapy assistant issued by the board pursuant to section 3 of this regulation.*

Sec. 3. 1. *A person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant, but has not achieved a passing score on the examination as required by subsection 2 of NAC 640A.020, may apply to the board for a provisional license.*

2. To obtain a provisional license, an applicant must, at least 30 days before his first day of work, submit to the board:

- (a) An application with accompanying documentation that complies with NAC 640A.030;*
- and*
- (b) The appropriate fee.*

3. An applicant who is unable to provide a transcript as required by paragraph (a) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if an appropriate officer of the school of occupational therapy where the applicant studied submits directly to the board a statement that the applicant has completed all requirements for graduation from an educational program in occupational therapy.

4. An applicant who is unable to provide the verification of certification as required by paragraph (b) of subsection 2 of NAC 640A.030 shall be deemed to have complied with that paragraph if he submits to the board written verification, from an agency approved by the board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the applicant:

(a) Is scheduled to take the examination at a stated date and place; and

(b) Has requested the agency to transmit, directly to the board, the applicant's scores on the examination when the scores become available.

5. A provisional license expires 6 months after the date on which it is issued or renewed.

6. A provisional license may be renewed not more than once.

7. To renew such a license, the provisional licensee must submit to the board:

(a) A request for renewal;

(b) The appropriate fee; and

(c) Written verification, from an agency approved by the board to provide an examination for licensure as an occupational therapist or occupational therapy assistant, that the provisional licensee:

(1) Is scheduled to take the examination at a stated date and place; and

(2) Has requested the agency to transmit, directly to the board, the provisional licensee's scores on the examination when the scores become available.

8. A provisional licensee may convert his provisional license to a regular license if:

(a) The provisional licensee submits to the board:

(1) A request for conversion; and

(2) The appropriate fee; and

(b) The board receives, directly from an agency approved by the board to certify a person as an "occupational therapist registered" or "certified occupational therapy assistant," written verification of the certification of the provisional licensee.

Sec. 4. NAC 640A.030 is hereby amended to read as follows:

640A.030 1. Each completed application for a license as an occupational therapist or occupational therapy assistant must:

- (a) Include at least three professional references;
- (b) Be accompanied by the appropriate fee; and
- (c) Be notarized.

2. Each applicant must request:

(a) That the school of occupational therapy where the applicant received his degree mail the applicant's transcript directly to the board; and

(b) That an agency approved by the board to certify a person as an "occupational therapist registered" or "certified occupational therapy assistant" mail verification of certification directly to the board.

FLUSH The applicant must use the forms provided by the board in its licensure packet to request that his transcript and verification of certification be mailed directly to the board.

3. ~~Each~~ *If an* applicant licensed in another state or territory *is* applying for a license in this state, *he* must attach a copy of his current license from the other state or territory.

4. If an applicant's name has been changed since attending school, the applicant must submit proof of name change to the board.

5. Each applicant for licensure as an occupational therapy assistant or temporary occupational therapist must use the form provided by the board in its licensure packet to submit verification of his employment and supervision by a licensed occupational therapist.

Sec. 5. NAC 640A.050 is hereby amended to read as follows:

640A.050 1. A license issued by the board to an occupational therapist or occupational therapy assistant expires on June 30 of each year. The board will prorate the fee for a license which is issued for less than 12 months.

2. To renew such a license, the licensee must submit to the board:

(a) An application for renewal;

(b) Except as otherwise provided in subsection 3 of NAC 640A.070, proof of his completion of the continuing education required by the board pursuant to NAC 640A.070; and

(c) The applicable fee.

3. The board will deem any application for renewal as late if it is not received by the board on or before the date upon which the license expires. If the application for renewal is not received on or before the 31st day after the date upon which the license expired, the licensee must apply for reinstatement of the expired license.

4. To reinstate a license which has been expired or inactive for more than 90 days but less than 5 years, the applicant must:

(a) Make current the information on his original application by showing his employment since the date of his original application and revising the other information in the original application to make it current;

(b) If he is licensed as an occupational therapy assistant, submit verification of his current employment and supervision by a licensed occupational therapist on a form approved by the board;

(c) Provide documentation that he is certified as an “occupational therapist registered” or “certified occupational therapy assistant” by an agency approved by the board;

(d) Submit to the board proof of the completion of at least 10 hours of continuing education as specified in NAC 640A.080 within the 12 months immediately preceding his application for reinstatement;

(e) Submit any additional information requested by the board;

(f) Pay the appropriate fee; and

(g) Meet with the board if it so requests.

5. As used in this section, the term “license” does not include a provisional license or a temporary license.

Sec. 6. NAC 640A.062 is hereby amended to read as follows:

640A.062 ***1. A person who holds a license as an occupational therapist or occupational therapy assistant issued in another state or territory may apply to the board for a temporary license to practice in this state.***

2. To obtain a temporary license , ~~as an occupational therapist or occupational therapy assistant,~~ an applicant must, at least 30 days before his first day of work ~~:~~

~~1. Submit,~~ ***submit*** to the board ~~[an]~~ :

(a) *An* application with accompanying documentation that complies with ~~subsections 1, 3, 4 and 5 of NAC 640A.030;~~

~~2. Provide the board with written verification of the date and place of his scheduled examination provided by an agency approved by the board; and~~

~~3. Request that the agency mail directly to the board his examination scores when available.] NAC 640A.030; and~~

(b) *The appropriate fee.*

3. *A temporary license expires 6 months after the date on which it is issued or renewed.*

4. *A temporary license may be renewed not more than once.*

5. *To renew such a license, the holder must submit to the board:*

(a) *A request for renewal; and*

(b) *The applicable fee.*

6. *The holder of a temporary license may convert the temporary license to a regular license if:*

(a) *The holder submits to the board:*

(1) *A request for conversion; and*

(2) *The appropriate fee; and*

(b) *The board receives, directly from an agency approved by the board to certify a person as an “occupational therapist registered” or “certified occupational therapy assistant,” written verification of the certification of the holder.*

Sec. 7. NAC 640A.160 is hereby amended to read as follows:

640A.160 The following fees are established:

1. For an occupational therapist:

(a) Initial application for a license	\$250
(b) Processing of initial license.....	150
(c) Annual renewal of a license.....	175
(d) Late renewal of a license	290
(e) Application for a temporary <i>or provisional</i> license	100
(f) <i>Renewal of a temporary or provisional license</i>	100
(g) Reinstatement of an expired license	350
(g) (h) Inactive license.....	150
(h) (i) Reinstatement of an inactive license.....	100
2. For an occupational therapy assistant:	
(a) Initial application for a license	\$175
(b) Processing of initial license.....	100
(c) Annual renewal of a license.....	125
(d) Late renewal of a license	230
(e) Application for a temporary <i>or provisional</i> license	75
(f) <i>Renewal of a temporary or provisional license</i>	75
(g) Reinstatement of an expired license	250
(g) (h) Inactive license.....	100
(h) (i) Reinstatement of an inactive license.....	90
3. General:	
(a) Change of name on a license	\$50
(b) Duplicate of lost license	50

Sec. 8. NAC 640A.205 is hereby amended to read as follows:

640A.205 1. The board hereby adopts by reference:

(a) The *Occupational Therapy Code of Ethics* approved by the representative assembly of the American Occupational Therapy Association in ~~July of 1994;~~ **2000**; and

(b) The *Standards of Practice for Occupational Therapy* approved by the representative assembly of the American Occupational Therapy Association in 1998.

2. A copy of the *Occupational Therapy Code of Ethics or the Standards of Practice for Occupational Therapy* may be obtained, free of charge, from the executive director of the board, P.O. Box 70220, Reno, Nevada ~~89570.~~ **89570-0220**.

Sec. 9. NAC 640A.250 is hereby amended to read as follows:

640A.250 1. An occupational therapy assistant ***or a provisional licensee*** shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant ***or provisional licensee*** is practicing is not required of the supervising occupational therapist. To provide satisfactory general supervision, the occupational therapist shall:

(a) ~~Give written approval for any~~ ***Provide an*** initial plan of treatment or program of intervention ~~if the direct care of the patient is being provided principally by the~~, ***and any subsequent changes to the initial plan or program, for patients assigned to the*** occupational therapy assistant ~~.~~

~~(b) Give written approval for any subsequent changes to a plan of treatment or program of intervention if the direct care of the patient is being provided principally by the occupational therapy assistant.~~

~~(c) Provide a minimum of 4 hours per month of direct:~~

~~(1) Clinical observation and supervision; and~~

~~—(2) Communication between the occupational therapy assistant and the supervising occupational therapist. The] or provisional licensee.~~

(b) Not less than 1 hour for each 40 hours of work performed by the occupational therapy assistant or provisional licensee and, in any event, not less than 1 hour each month, engage in:

(1) Clinical observation of the occupational therapy assistant or provisional licensee; or
*(2) Direct communication with the occupational therapy assistant or provisional licensee. The mode and frequency of that communication ~~[must be]~~ is dependent upon the setting for the *practice of the* occupational therapy ~~[assistant's practice,]~~ *assistant or provisional licensee. Direct communication may consist of, without limitation:**

- (I) Direct or joint treatment of a patient;*
- (II) Personal supervision of the occupational therapy assistant or provisional licensee while providing services;*
- (III) Conversation, in person or by telephone;*
- (IV) Exchange of written comments;*
- (V) Review of patient records; or*
- (VI) Conferences, or other face-to-face meetings.*

(c) Establish the caseload of the occupational therapy assistant ~~[and]~~ or provisional licensee based on the competency of the occupational therapy assistant or provisional licensee as determined by the supervising occupational therapist.

(d) ~~[Maintain written records of the direct supervision required by paragraph (c).]~~ Review all written documentation prepared by the occupational therapy assistant or provisional licensee

during the course of treatment of a patient. The completion of this review by the occupational therapist may be evidenced by:

(1) Preparation of a separate progress note; or

(2) The occupational therapist signing and dating the document prepared by the occupational therapy assistant or provisional licensee.

2. The supervising occupational therapist and the occupational therapy assistant *or provisional licensee* shall jointly ~~ensure~~:

(a) Document the supervision required pursuant to this section by preparing, without limitation:

(1) Daily or weekly schedules;

(2) Logs of supervision; and

(3) Patient records.

(b) Ensure that each record regarding a patient treated by the occupational therapy assistant *or provisional licensee* is signed, dated and reviewed by ~~both~~ the occupational therapy assistant *or provisional licensee* and the supervising occupational therapist. In reviewing the record, the occupational therapist and the occupational therapy assistant *or provisional licensee* shall verify, without limitation:

~~(a)~~ *(1) The accuracy of the record; and*

~~(b)~~ *(2) That there is continuity in the services received by the patient pursuant to the plan of treatment or program of intervention.*

3. *An occupational therapy assistant or provisional licensee, acting jointly with a supervising occupational therapist, may:*

(a) Prepare and disseminate any written or oral reports;

(b) Write the final evaluation and discharge summary of a patient; and

(c) Unless the treatment is terminated by a patient or his provider of health care, determine when to terminate treatment.

4. An occupational therapy assistant or provisional licensee shall document all treatment provided to a patient by the occupational therapy assistant or provisional licensee.

5. A supervising occupational therapist shall not delegate responsibilities to an occupational therapy assistant or provisional licensee which are beyond the scope of ~~his training.~~ —4.] the training of the occupational therapy assistant or provisional licensee.

6. The provisions of this section do not prohibit an occupational therapy assistant or provisional licensee from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

Sec. 10. NAC 640A.265 is hereby amended to read as follows:

640A.265 1. An occupational therapist shall supervise any program of treatment which is delegated to an occupational therapy assistant.

2. Only an occupational therapist may:

(a) Interpret the record of a patient who is referred to the occupational therapist by a provider of health care;

(b) Interpret the evaluation of a patient and identify any problem of the patient;

(c) Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;

(d) Determine the appropriate portion of the program of treatment and evaluation to be delegated to an occupational therapy assistant;

(e) Delegate the treatment to be administered by the occupational therapy assistant;

- (f) Instruct the occupational therapy assistant regarding:
 - (1) The specific program of treatment of a patient;
 - (2) Any precaution to be taken to protect a patient;
 - (3) Any special problem of a patient;
 - (4) Any procedure which should not be administered to a patient; and
 - (5) Any other information required to treat a patient;
- (g) Review the program of treatment of a patient in a timely manner;
- (h) Record the goal of treatment of a patient; *and*
- (i) Revise the plan of care when indicated . ~~;~~

~~—(j) Supervise the dissemination of any written or oral reports; and~~

~~—(k) Supervise the final evaluation and discharge summary and determine when treatment should be terminated unless treatment is terminated by a patient or a referring provider of health care.~~

~~—3.—A]~~

3. *Except as otherwise provided in NAC 640A.267, a* licensee shall not knowingly delegate to a person who is less qualified than the licensee any program of treatment which requires the skill, common knowledge and judgment of the licensee.

~~[4.—An occupational therapist shall not delegate the following duties to an occupational therapy assistant or to a person who is not licensed by the board:~~

~~—(a) The interpretation of a test or measurement made on a patient; or~~

~~—(b) The planning of an initial program of treatment and any subsequent program of treatment based on the results of a test performed on a patient.]~~

Sec. 11. NAC 640A.267 is hereby amended to read as follows:

640A.267 ~~[Except as otherwise provided in subsections 3 and 4 of NAC 640A.265, a~~

~~icensed]~~ An occupational therapist who is supervising a ~~[student]~~ :

1. *Student* participating in the supervised experience required by NRS 640A.120; *or*
2. *Provisional licensee,*

FLUSH may delegate duties to the student *or provisional licensee* if the occupational therapist determines, before he delegates a duty, that the student *or provisional licensee* possesses the necessary knowledge, competence, training ~~[]~~ and skills to perform the duty.

Sec. 12. NAC 640A.270 is hereby amended to read as follows:

640A.270 1. A person may assist a licensed occupational therapist as an occupational therapy aide or technician. Such an occupational therapy aide or technician is not required to be licensed pursuant to the provisions of chapter 640A of NRS or possess the professional or advanced training in basic anatomical, biological, psychological or social sciences which are required for the practice of occupational therapy.

2. Except as otherwise provided in subsection 3, a licensed occupational therapist may delegate duties to an occupational therapy aide or technician if he determines, before he delegates a duty, that the aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties which may be delegated to an occupational therapy aide or technician include, but are not limited to, the:

- (a) Routine maintenance of a department;
- (b) Transportation of a patient;
- (c) Preparation of a work area for a therapy session with a patient;
- (d) Preparation of treatment equipment for a therapy session with a patient;
- (e) Attendance to the personal needs of a patient during treatment;

(f) Assistance in the construction of adaptive equipment and splints; and

(g) Performance of clerical, secretarial and administrative duties.

3. A licensed occupational therapist may not delegate a duty to an occupational therapy aide or technician if the duty requires the aide or technician to make independent evaluations, assessments or recommendations. The duties which may not be delegated to an aide or technician include, but are not limited to, the:

(a) Interpretation of the record of a patient referred to an occupational therapist;

(b) Interpretation of prescriptions for a patient;

(c) Development, planning, adjustment or modification of procedures for the treatment of a patient;

(d) Recordation of the treatment or progress of a patient;

(e) Duties described in ~~subsections 3 and 4~~ *subsection 3* of NAC 640A.265; and

(f) Performance of any duty which requires the aide or technician to act independently or without the supervision of a licensed occupational therapist during a therapy session with a patient.

4. An occupational therapist who delegates a duty to an aide or technician:

(a) Shall *directly* supervise the aide or technician in accordance with the provisions of NAC 640A.275; and

(b) Is professionally responsible for the duty performed by the aide or technician.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R179-01

The Board of Occupational Therapy adopted regulations assigned LCB File No. R179-01 which pertain to chapter 640A of the Nevada Administrative Code on July 13, 2002.

Notice date: 9/4/2001, 10/12/2001
Hearing date: 10/6/2001, 11/17/2001

Date of adoption by agency: 7/13/2002
Filing date: 9/20/2002

INFORMATIONAL STATEMENT

1. Comments were solicited at a public workshop and hearing held by the board on Saturday, October 6, 2001 and a second public workshop and hearing held by the board on Saturday, November 17, 2001. Notice of said public workshops and hearings were posted in accordance with NRS 233B.060. Also, notices and copies of proposed changes were mailed to all occupational therapists and therapy assistants licensed in the state.

Public response included effects of supervision changes upon therapists and assistants and procedures to obtain temporary and provisional licenses. After comments were received at the October 6 workshop and hearing, the board took those comments into consideration rewrote several sections and held the second workshop and hearing on November 17.

After some discussion, the board and the public determined only one section needed to be amended (NAC 640A.250b). The Board then adopted the regulations as amended on July 13, 2002.

Copies of the summary may be obtained by writing to the board at P.O. Box 70220, Reno, NV 89570-0220.

2. There were 7 public attendees at the October 6 meeting who also testified and 6 written statements received by the board. There were 3 public attendees who also testified at the November 17 meeting and written statements were not received by the board.
3. No special arrangements were made to solicit comment from businesses as these regulations affect individual practitioners and not businesses.
4. The proposed changes were adopted as amended. Comments from the public attending and written statements assisted the board in making changes to the proposed language.
5. There will be no economic effect of the regulations on businesses.
 - A) No adverse or beneficial effects on businesses.
 - B) No immediate or long-term effects of businesses.

There is no economic effect of the regulations on the public.

- A) No adverse or beneficial effects on the public.
 - B) No immediate or long-term effects on the public.
6. There is no additional cost to the board for enforcement of these regulations.
 7. The board is not aware of any regulations that overlap or duplicate any regulation of other state or government agencies.
 8. The board is not aware of any regulations that are more stringent than a federal regulation that regulates the same activity.
 9. This regulation does not provide or involve a new fee.