

Amendment No. 698

Senate Amendment to Senate Bill No. 286 First Reprint (BDR 39-633)
Proposed by: Senate Committee on Commerce, Labor and Energy
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 286 R1 (§§ 16, 20, 23, 24, 25, 27).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/BJF



Date: 5/19/2017

S.B. No. 286—Revises provisions governing the regulation of applied behavior analysis. (BDR 39-633)



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; creating the Board of Applied Behavior Analysis; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the Board of Applied Behavior Analysis; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis; replacing the term “autism behavior interventionist” with the term ~~“behavior”~~ **“registered behavior technician”**; requiring a behavior technician to obtain registration from the Division; **providing for the certification of state certified behavior interventionists**; revising the composition of the Board of Psychological Examiners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “autism behavior interventionist” to mean a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of certain professionals. (NRS 641.0204) **Sections 15.3, 11.5, 48 and 77 of this bill:** (1) replace that term with the term ~~“behavior”~~ **“registered behavior technician”**; **and** (2) ~~remove the requirement that such a person be registered as a Registered Behavior Technician; and (2) instead~~ require a behavior technician to be registered by the Division. **Sections 11.7, 16, 20, 21 and 48 of this bill additionally provide for the certification of state certified behavior interventionists, who have the same practice authority as a registered behavior technician. Section 21 requires a state certified behavior interventionist to meet the qualifications prescribed by the Board of Applied Behavior Analysis created by section 13.3 of this bill. Such qualifications must be no less stringent than the requirements for registration as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization. Section 25 of this bill requires each state certified behavior**

16 interventionist, but not each registered behavior technician, to obtain continuing
17 education.

18 Under existing law, the Board of Psychological Examiners regulates the practice of
19 applied behavior analysis and licenses behavior analysts and assistant behavior analysts. (NRS
20 641.100, 641.170) **Section 13.3** of this bill creates the Board of Applied Behavior Analysis.
21 **Section 13.7** of this bill prescribes the compensation of the Board. **Sections 14 and 17** of this
22 bill authorize the Board to adopt regulations governing: (1) the ~~licensing~~ licensure of
23 behavior analysts and assistant behavior analysts; (2) the certification of state certified
24 behavior interventionists; (3) the registration of registered behavior technicians; and ~~(3)~~
25 (4) the practice of applied behavior analysis. **Sections 13, 15, 16 and 18** of this bill prescribe
26 the duties of the Aging and Disability Services Division of the Department of Health and
27 Human Services to keep certain records and enforce provisions of law governing applied
28 behavior analysis and the regulations of the Board of Applied Behavior Analysis. **Section 16**
29 of this bill authorizes the Division to prescribe fees for the ~~licensing~~ licensure of behavior
30 analysts and assistant behavior analysts, the certification of state certified behavior
31 interventionists and the registration of registered behavior technicians. **Section 19** of this
32 bill exempts an employee or agent of the Division from liability for actions taken in good faith
33 in the performance of the duties of the Division. **Sections 20-27** of this bill prescribe the
34 requirements to obtain or renew a license as a behavior analyst or assistant behavior analyst,
35 certification as a state certified behavior interventionist or registration as a registered
36 behavior technician. Sections 12 and 12.3 of this bill specify that certain persons are not
37 required to be licensed, certified or registered by the Division. Section 12.6 of this bill
38 authorizes a student, intern, trainee or fellow who has matriculated at an accredited
39 college or university but is not licensed, certified or registered by the Division to practice
40 applied behavior analysis under the direct supervision of a behavior analyst or assistant
41 behavior analyst under certain circumstances.

42 **Section 29** of this bill prescribes the grounds for disciplinary action against a behavior
43 analyst, assistant behavior analyst, state certified behavior interventionist or registered
44 behavior technician, and **section 30** of this bill requires the Board to prescribe additional
45 grounds for such disciplinary action by regulation. **Section 31** of this bill establishes the
46 disciplinary action that the Division may impose against a behavior analyst, assistant behavior
47 analyst, state certified behavior interventionist or registered behavior technician. **Sections**
48 **33-38 and 41-43** of this bill prescribe procedures relating to the filing of a complaint and
49 conducting an investigation and disciplinary hearing. **Sections 39 and 40** of this bill authorize
50 the Division to require a behavioral analyst, assistant behavior analyst, state certified
51 behavior interventionist or registered behavior technician to take an examination to
52 demonstrate his or her competence. **Sections 44 and 45** of this bill authorize the Division or
53 the Attorney General to maintain an action to enjoin certain unprofessional conduct or the
54 practice of applied behavior analysis without the required license or credential. **Section 46** of
55 this bill grants immunity from liability to any person who initiates a complaint or assists in an
56 investigation or the discipline of a behavior analyst, assistant behavior analyst, state certified
57 behavior interventionist or registered behavior technician without malicious intent. **Section**
58 **47** of this bill authorizes a behavior analyst, assistant behavior analyst, state certified
59 behavior interventionist or registered behavior technician to apply to the Division for the
60 removal of certain administrative sanctions against his or her license. **Sections 48-50** of this
61 bill prohibit the practice of applied behavior analysis without the proper license, credentials or
62 supervision and certain other acts. **Section 50** makes the fraudulent practice of applied
63 behavior analysis or practice as a behavior analyst, assistant behavior analyst, state certified
64 behavior interventionist or registered behavior technician without the proper license or
65 credential a gross misdemeanor.

66 The Board of Psychological Examiners currently consists of seven members appointed by
67 the Governor. One of the members of the Board is a licensed behavior analyst. (NRS 641.030,
68 641.040) **Sections 58, 59 and 74** of this bill remove that member from the Board and reduce
69 the size of the Board to six members. **Sections 56, 57 and 60-66** of this bill remove references
70 to applied behavior analysis from the provisions of statute administered by the Board, and
71 **sections 53 and 67-71** of 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 thereto a new
2 chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this
3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires, the*
5 *words and terms defined in sections 3 to ~~11.7~~ 11.7, inclusive, of this act have the*
6 *meanings ascribed to them in those sections.*

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

11 **Sec. 4.** (Deleted by amendment.)

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

16 **Sec. 5.3.** ~~*“Behavior technician” means a person who is registered as such*~~
17 ~~*by the Division and provides behavioral therapy under the supervision of:*~~

18 ~~*1. A licensed psychologist;*~~

19 ~~*2. A licensed behavior analyst; or*~~

20 ~~*3. A licensed assistant behavior analyst.*~~ (Deleted by amendment.)

21 **Sec. 5.8.** *“Board” means the Board of Applied Behavior Analysis created*
22 *by section 13.3 of this act.*

23 **Sec. 6.** *“Community” means the entire area customarily served by behavior*
24 *analysts and assistant behavior analysts among whom a patient may reasonably*
25 *choose, not merely the particular area inhabited by the patients of an individual*
26 *behavior analyst, assistant behavior analyst, state certified behavior*
27 *interventionist or registered behavior technician or the particular city or place*
28 *where the behavior analyst, assistant behavior analyst, state certified behavior*
29 *interventionist or registered behavior technician has his or her office.*

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

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

34 1. *Practicing applied behavior analysis with a patient while the behavior*
35 *analyst, assistant behavior analyst, state certified behavior interventionist or*
36 *registered behavior technician is under the influence of an alcoholic beverage as*
37 *defined in NRS 202.015 or any controlled substance;*

38 2. *Gross negligence;*

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

41 4. *Willful and consistent use of methods and procedures considered by*
42 *behavior analysts, assistant behavior analysts, state certified behavior*
43 *interventionists or registered behavior technicians, as applicable, in the*
44 *community to be inappropriate or unnecessary in the cases where used.*

45 **Sec. 9.** *“Malpractice” means failure on the part of a behavior analyst,*
46 *assistant behavior analyst, state certified behavior interventionist or registered*
47 *behavior technician to exercise the degree of care, diligence and skill ordinarily*
48 *exercised by behavior analysts, assistant behavior analysts, state certified*

1 behavior interventionists or registered behavior technicians, as applicable, in
2 good standing in the community.

3 Sec. 10. "Practice of applied behavior analysis" means the design,
4 implementation and evaluation of instructional and environmental modifications
5 based on scientific research and observations of behavior and the environment to
6 produce socially significant improvement in human behavior, including, without
7 limitation:

8 1. The empirical identification of functional relations between environment
9 and behavior; and

10 2. The use of contextual factors, motivating operations, antecedent stimuli,
11 positive reinforcement and other procedures to help a person develop new
12 behaviors, increase or decrease existing behaviors and engage in certain
13 behavior under specific environmental conditions.

14 ↪ The term includes the provision of behavioral therapy by a behavior analyst,
15 assistant behavior analyst, state certified behavior interventionist or registered
16 behavior technician.

17 Sec. 11. "Professional incompetence" means lack of ability to practice
18 applied behavior analysis safely and skillfully arising from:

19 1. Lack of knowledge or training;

20 2. Impaired physical or mental ability; or

21 3. Dependence upon an alcoholic beverage as defined in NRS 202.015 or
22 any controlled substance.

23 Sec. 11.5. "Registered behavior technician" means a person who is
24 registered as such by the Division and provides behavioral therapy under the
25 supervision of:

26 1. A licensed psychologist;

27 2. A licensed behavior analyst; or

28 3. A licensed assistant behavior analyst.

29 Sec. 11.7. "State certified behavior interventionist" means a person who is
30 certified as such by the Division and provides behavioral therapy under the
31 supervision of:

32 1. A licensed psychologist;

33 2. A licensed behavior analyst; or

34 3. A licensed assistant behavior analyst.

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

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

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

38 3. A person who is licensed as a psychologist pursuant to chapter 641 of
39 NRS;

40 4. A person who is licensed as a marriage and family therapist or marriage
41 and family therapist intern pursuant to chapter 641A of NRS;

42 5. A person who is licensed as a clinical professional counselor or clinical
43 professional counselor intern pursuant to chapter 641A of NRS;

44 6. A person who is licensed to engage in social work pursuant to chapter
45 641B of NRS;

46 7. A person who is licensed as an occupational therapist or occupational
47 therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

48 8. A person who is licensed as a clinical alcohol and drug abuse counselor,
49 licensed or certified as an alcohol and drug abuse counselor or certified as an
50 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
51 counselor intern, a problem gambling counselor or a problem gambling
52 counselor intern, pursuant to chapter 641C of NRS; ~~for~~

53 9. Any member of the clergy ~~ff~~ ;

1 10. A family member of a recipient of applied behavior analysis services
2 who performs activities as directed by a behavior analyst or assistant behavior
3 analyst; or

4 11. A person who provides applied behavior analysis services to a pupil in a
5 public school in a manner consistent with the training and experience of the
6 person.

7 ↳ if such a person does not commit an act described in section 50 of this act or
8 represent himself or herself as a behavior analyst, assistant behavior analyst ,
9 state certified behavior interventionist or registered behavior technician.

10 Sec. 12.3. 1. A person is not required to be licensed, certified or registered
11 by the Division if he or she:

12 (a) Provides behavior modification services or training exclusively to animals
13 and not to natural persons;

14 (b) Provides generalized applied behavior analysis services to an
15 organization but does not provide such services directly to natural persons; or

16 (c) Teaches applied behavior analysis or conducts research concerning
17 applied behavior analysis but does not provide applied behavior analysis services
18 directly to natural persons.

19 2. A person described in subsection 1:

20 (a) May refer to himself or herself as a behavior analyst; and

21 (b) Shall not represent or imply that he or she is licensed, certified or
22 registered by the Division.

23 Sec. 12.6. 1. A person who has matriculated at an accredited college or
24 university and is not licensed, certified or registered by the Division may practice
25 applied behavior analysis under the direct supervision of a licensed behavior
26 analyst as part of:

27 (a) A program in applied behavior analysis offered by the college or
28 university in which he or she is enrolled; or

29 (b) An internship or fellowship.

30 2. A person described in subsection 1:

31 (a) Shall clearly identify himself or herself to any person to whom he or she
32 provides applied behavior analysis services as a student, intern, trainee or fellow;
33 and

34 (b) Shall not identify himself or herself as a behavior analyst, assistant
35 behavior analyst, state certified behavior interventionist or registered behavior
36 technician, or represent or imply that he or she is licensed, certified or registered
37 by the Division.

38 Sec. 13. 1. The Division shall make and keep:

39 (a) A record of all violations and prosecutions under the provisions of this
40 chapter.

41 (b) A register of all licenses ,certificates and registrations.

42 (c) A register of all holders of licenses ,certificates and registrations.

43 2. These records must be kept in an office of the Division and, except as
44 otherwise provided in this section, are subject to public inspection during normal
45 working hours upon reasonable notice.

46 3. Except as otherwise provided in NRS 239.0115, the Division may keep
47 the personnel records of applicants confidential.

48 4. Except as otherwise provided in this section and NRS 239.0115, a
49 complaint filed with the Division, all documents and other information filed with
50 the complaint and all documents and other information compiled as a result of
51 an investigation conducted to determine whether to initiate disciplinary action
52 against a person are confidential, unless the person submits a written statement

1 *to the Division requesting that such documents and information be made public*
2 *records.*

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

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

11 **Sec. 13.3. 1. The Board of Applied Behavior Analysis is hereby created.**

12 **2. The Governor shall appoint to the Board:**

13 **(a) Three voting members who are behavior analysts licensed in this State.**

14 **(b) One voting member who is an assistant behavior analyst licensed in this**
15 **State.**

16 **(c) One voting member who is a representative of the general public who is**
17 **interested in the practice of applied behavior analysis. This member must not be a**
18 **behavior analyst or assistant behavior analyst, an applicant or a former applicant**
19 **for licensure as a behavior analyst or assistant behavior analyst, a member of a**
20 **health profession, the spouse or the parent or child, by blood, marriage or**
21 **adoption, of a behavior analyst or assistant behavior analyst, or a member of a**
22 **household that includes a behavior analyst or assistant behavior analyst.**

23 **3. The Administrator of the Division or his or her designee is an ex officio,**
24 **nonvoting member of the Board.**

25 **4. After the initial term, the Governor shall appoint each member of the**
26 **Board to a term of 4 years. No member of the Board may serve more than two**
27 **consecutive terms.**

28 **5. The Board shall hold a regular meeting at least once a year. The Board**
29 **shall hold a special meeting upon a call of the President or upon the request of a**
30 **majority of the members. A majority of the Board constitutes a quorum.**

31 **6. At the regular annual meeting, the Board shall elect from its membership**
32 **a President and a Secretary-Treasurer, who shall hold office for 1 year and until**
33 **the election and qualification of their successors.**

34 **7. A member of the Board or an employee or agent of the Board is not liable**
35 **in a civil action for any act performed in good faith and within the scope of the**
36 **duties of the Board pursuant to the provisions of this chapter.**

37 **Sec. 13.7. 1. Each member of the Board is entitled to receive:**

38 **(a) A salary of not more than \$150 per day, as fixed by the Board, while**
39 **engaged in the business of the Board; and**

40 **(b) A per diem allowance and travel expenses at a rate fixed by the Board,**
41 **while engaged in the business of the Board. The rate must not exceed the rate**
42 **provided for state officers and employees generally.**

43 **2. While engaged in the business of the Board, each employee of the Board**
44 **is entitled to receive a per diem allowance and travel expenses at a rate fixed by**
45 **the Board. The rate must not exceed the rate provided for state officers and**
46 **employees generally.**

47 **3. Compensation and expenses of the members and employees of the Board**
48 **are payable out of the money derived from fees paid or transmitted to the Board**
49 **pursuant to the provisions of this chapter and no part thereof may be paid out of**
50 **the State Treasury.**

51 **Sec. 14. The Board may make and promulgate rules and regulations not**
52 **inconsistent with the provisions of this chapter governing its procedure, the**
53 **examination and licensure , certification or registration of applicants, the**

1 *granting, refusal, revocation or suspension of licenses , certificates or*
2 *registrations and the practice of applied behavior analysis.*

3 *Sec. 15. The Division shall enforce the provisions of this chapter and may,*
4 *under the provisions of this chapter:*

5 *1. Examine and pass upon the qualifications of applicants for licensure ,*
6 *certification and registration.*

7 *2. License ,certify and register qualified applicants.*

8 *3. Conduct investigations of licensees ,certificate holders and registrants.*

9 *4. Revoke or suspend licenses ,certificates and registrations.*

10 *5. Collect all fees and make disbursements pursuant to this chapter.*

11 *Sec. 16. 1. The Division shall prescribe, by regulation, fees for the*
12 *issuance, renewal and reinstatement of a license ,certificate or registration and*
13 *any other services provided by the Division pursuant to this chapter. The Division*
14 *shall ensure, to the extent practicable, that the amount of such fees is sufficient to*
15 *pay the costs incurred by the Board and the Division under the provisions of this*
16 *chapter, including, without limitation, the compensation of the Board prescribed*
17 *by section 13.7 of this act, and does not exceed the amount necessary to pay those*
18 *costs.*

19 *2. Money received from ~~licensing~~ the licensure of behavior analysts and*
20 *assistant behavior analysts , certification of state certified behavior*
21 *interventionists and ~~registering~~ registration of registered behavior technicians,*
22 *civil penalties collected pursuant to this chapter and any appropriation, gift,*
23 *grant or donation received by the Board or the Division for purposes relating to*
24 *the duties of the Board or the Division under the provisions of this chapter must*
25 *be deposited in a separate account in the State General Fund. The account must*
26 *be administered by the Division. Money in the account must be expended solely*
27 *for the purposes of this chapter and does not revert to the State General Fund.*
28 *The compensation provided for by this chapter and all expenses incurred under*
29 *this chapter must be paid from the money in the account.*

30 *Sec. 17. 1. A licensed behavior analyst or assistant behavior analyst ,*
31 *state certified behavior interventionist or registered behavior technician shall*
32 *limit his or her practice of applied behavior analysis to his or her areas of*
33 *competence, as documented by education, training and experience.*

34 *2. The Board shall adopt regulations to ensure that licensed behavior*
35 *analysts ~~ff~~ and assistant behavior analysts , state certified behavior*
36 *interventionists and registered behavior technicians limit their practice of applied*
37 *behavior analysis to their areas of competence.*

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

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

44 *Sec. 20. 1. Each person desiring a license as a behavior analyst or*
45 *assistant behavior analyst , certification as a state certified behavior*
46 *interventionist or registration as a registered behavior technician must:*

47 *(a) Make application to the Division upon a form and in a manner*
48 *prescribed by the Division. The application must be accompanied by the*
49 *application fee prescribed by the Division and include all information required to*
50 *complete the application.*

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

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

1 (2) *Submit to the Division:*

2 (1) *A complete set of fingerprints and written permission authorizing*
3 *the Division to forward the fingerprints to the Central Repository for Nevada*
4 *Records of Criminal History for submission to the Federal Bureau of*
5 *Investigation for a report on the applicant's background, and to such other law*
6 *enforcement agencies as the Division deems necessary for a report on the*
7 *applicant's background; or*

8 (II) *Written verification, on a form prescribed by the Division, stating*
9 *that the set of fingerprints of the applicant was taken and directly forwarded*
10 *electronically or by other means to the Central Repository for Nevada Records of*
11 *Criminal History and that the applicant provided written permission authorizing*
12 *the law enforcement agency or other authorized entity taking the fingerprints to*
13 *submit the fingerprints to the Central Repository for Nevada Records of Criminal*
14 *History for submission to the Federal Bureau of Investigation for a report on the*
15 *applicant's background, and to such other law enforcement agencies as the*
16 *Division deems necessary for a report on the applicant's background.*

17 2. *The Division may:*

18 (a) *Unless the applicant's fingerprints are directly forwarded pursuant to*
19 *sub-paragraph (II) of subparagraph (2) of paragraph (b) of subsection 1,*
20 *submit those fingerprints to the Central Repository for Nevada Records of*
21 *Criminal History for submission to the Federal Bureau of Investigation and to*
22 *such other law enforcement agencies as the Division deems necessary; and*

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

26 3. *An application is not considered complete and received for purposes of*
27 *evaluation pursuant to subsection ~~4~~ 5 of section 21 of this act until the Division*
28 *receives a complete set of fingerprints or verification that the fingerprints have*
29 *been forwarded electronically or by other means to the Central Repository for*
30 *Nevada Records of Criminal History, and written authorization from the*
31 *applicant pursuant to this section.*

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

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

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

38 (c) *Holds current certification as a Board Certified Behavior Analyst issued*
39 *by the Behavior Analyst Certification Board, Inc., or any successor in interest to*
40 *that organization.*

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

43 (a) *Is of good moral character as determined by the Division.*

44 (b) *Is a citizen of the United States or is lawfully entitled to remain and work*
45 *in the United States.*

46 (c) *Holds current certification as a Board Certified Assistant Behavior*
47 *Analyst issued by the Behavior Analyst Certification Board, Inc., or any*
48 *successor in interest to that organization.*

49 3. *Each application for ~~registration~~ certification as a state certified*
50 *behavior ~~technician~~ interventionist must contain the information required by*
51 *proof that the applicant meets the qualifications prescribed by regulation of the*
52 *Board ~~4~~, which must be no less stringent than the requirements for registration*
53 *as a Registered Behavior Technician, or an equivalent credential, by the*

1 Behavior Analyst Certification Board, Inc., or any successor in interest to that
2 organization.

3 4. Each application for registration as a registered behavior technician
4 must contain proof that the applicant is registered as a Registered Behavior
5 Technician, or an equivalent credential, by the Behavior Analyst Certification
6 Board, Inc., or any successor in interest to that organization. The Board shall not
7 require any additional education or training for registration as a registered
8 behavior technician.

9 5. Except as otherwise provided in sections 23 and 24 of this act, within 120
10 days after receiving an application and the accompanying evidence from an
11 applicant, the Division shall:

12 (a) Evaluate the application and accompanying evidence and determine
13 whether the applicant is qualified pursuant to this section for licensure ,
14 certification or registration; and

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

16 ~~5.4~~ 6. If the Division determines that the qualifications of the applicant are
17 insufficient for licensure , certification or registration, the written statement
18 issued to the applicant pursuant to subsection ~~4.4~~ 5 must include a detailed
19 explanation of the reasons for that determination.

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

21 (a) An applicant for the issuance of a license as a behavior analyst or
22 assistant behavior analyst , certIFICATE AS A STATE CERTIFIED BEHAVIOR INTERVENTIONIST
23 or registration as a REGISTERED behavior technician shall include the social
24 security number of the applicant in the application submitted to the Division.

25 (b) An applicant for the issuance or renewal of a license as a behavior
26 analyst or assistant behavior analyst , certIFICATE AS A STATE CERTIFIED BEHAVIOR
27 interventionist or registration as a REGISTERED behavior technician shall submit to
28 the Aging and Disability Services Division the statement prescribed by the
29 Division of Welfare and Supportive Services of the Department of Health and
30 Human Services pursuant to NRS 425.520. The statement must be completed and
31 signed by the applicant.

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

34 (a) The application or any other forms that must be submitted for the
35 issuance or renewal of the license , certIFICATE or registration; or

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

37 3. A license as a behavior analyst or assistant behavior analyst , certIFICATE
38 as a STATE CERTIFIED BEHAVIOR INTERVENTIONIST or registration as a REGISTERED
39 behavior technician must not be issued or renewed by the Aging and Disability
40 Services Division if the applicant:

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

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

47 4. If an applicant indicates on the statement submitted pursuant to
48 subsection 1 that the applicant is subject to a court order for the support of a
49 child and is not in compliance with the order or a plan approved by the district
50 attorney or other public agency enforcing the order for the repayment of the
51 amount owed pursuant to the order, the Aging and Disability Services Division
52 shall advise the applicant to contact the district attorney or other public agency

1 *enforcing the order to determine the actions that the applicant may take to satisfy*
2 *the arrearage.*

3 **Sec. 23.** *1. The Division may issue a license by endorsement as a*
4 *behavior analyst to an applicant who meets the requirements set forth in this*
5 *section. An applicant may submit to the Division an application for such a license*
6 *if the applicant holds a corresponding valid and unrestricted license as a*
7 *behavior analyst in the District of Columbia or any state or territory of the United*
8 *States.*

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

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

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

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

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

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

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

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

25 *(d) The fee prescribed by the Division pursuant to the regulations adopted*
26 *pursuant to section 16 of this act; and*

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

28 *3. Not later than 15 business days after receiving an application for a*
29 *license by endorsement as a behavior analyst pursuant to this section, the*
30 *Division shall provide written notice to the applicant of any additional*
31 *information required by the Division to consider the application. Unless the*
32 *Division denies the application for good cause, the Division shall approve the*
33 *application and issue a license by endorsement as a behavior analyst to the*
34 *applicant not later than:*

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

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

38 *↳ whichever occurs later.*

39 **Sec. 24.** *1. The Division may issue a license by endorsement as a*
40 *behavior analyst to an applicant who meets the requirements set forth in this*
41 *section. An applicant may submit to the Division an application for such a license*
42 *if the applicant:*

43 *(a) Holds a corresponding valid and unrestricted license as a behavior*
44 *analyst in the District of Columbia or any state or territory of the United States;*
45 *and*

46 *(b) Is an active member of, or the spouse of an active member of, the Armed*
47 *Forces of the United States, a veteran or the spouse, widow or widower of a*
48 *veteran.*

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

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

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

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

3 (3) *Has not been disciplined or investigated by the corresponding*
4 *regulatory authority of the District of Columbia or the state or territory in which*
5 *the applicant holds a license as a behavior analyst; and*

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

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

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

13 (d) *The fee prescribed by the Division pursuant to the regulations adopted*
14 *pursuant to section 16 of this act; and*

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

16 3. *Not later than 15 business days after receiving an application for a*
17 *license by endorsement as a behavior analyst pursuant to this section, the*
18 *Division shall provide written notice to the applicant of any additional*
19 *information required by the Division to consider the application. Unless the*
20 *Division denies the application for good cause, the Division shall approve the*
21 *application and issue a license by endorsement as a behavior analyst to the*
22 *applicant not later than:*

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

25 (b) *Ten days after the Division receives a report on the applicant's*
26 *background based on the submission of the applicant's fingerprints,*
27 *whichever occurs later.*

28 4. *At any time before making a final decision on an application for a license*
29 *by endorsement pursuant to this section, the Division may grant a provisional*
30 *license authorizing an applicant to practice as a behavior analyst in accordance*
31 *with regulations adopted by the Board.*

32 5. *As used in this section, "veteran" has the meaning ascribed to it in NRS*
33 *417.005.*

34 Sec. 25. 1. *To renew a license as a behavior analyst or assistant behavior*
35 *analyst, certificate as a state certified behavior interventionist or registration as a*
36 *registered behavior technician, each person must, on or before the first day of*
37 *January of each odd-numbered year:*

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

39 (b) *Pay the biennial fee for the renewal of a license, certificate or*
40 *registration;*

41 (c) *Submit evidence to the Division of completion of the requirements for*
42 *continuing education as set forth in regulations adopted by the Division, if*
43 *applicable; and*

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

45 2. *In addition to the requirements of subsection 1, to renew a certificate as a*
46 *state certified behavior interventionist or registration as a registered behavior*
47 *technician for the third time and every third renewal thereafter, a person must*
48 *submit to an investigation of his or her criminal history in the manner prescribed*
49 *in paragraph (b) of subsection 1 of section 20 of this act.*

50 3. *The Division shall, as a prerequisite for the renewal of a license ~~or~~ as a*
51 *behavior analyst or assistant behavior analyst, require each holder to comply with*
52 *the requirements for continuing education adopted by the Board, which must*

1 include, without limitation, a requirement that the holder of a license receive at
2 least 2 hours of instruction on evidence-based suicide prevention and awareness.

3 ~~3. As a prerequisite for the renewal of registration as a behavior technician,~~
4 ~~the Division)~~

5 4. The Board may ~~require~~ adopt regulations requiring each ~~holder~~ state
6 certified behavior interventionist to receive continuing education ~~+~~ as a
7 prerequisite for the renewal of his or her certificate.

8 5. The Board shall not adopt regulations requiring a registered behavior
9 technician to receive continuing education.

10 Sec. 26. 1. In addition to any other requirements set forth in this chapter,
11 an applicant for the renewal of a license as a behavior analyst or assistant
12 behavior analyst, certificate as a state certified behavior interventionist or
13 registration as a registered behavior technician must indicate in the application
14 submitted to the Division whether the applicant has a state business
15 ~~registration,~~ license. If the applicant has a state business ~~registration,~~ license,
16 the applicant must include in the application the business identification number
17 assigned by the Secretary of State upon compliance with the provisions of chapter
18 76 of NRS.

19 2. A license as a behavior analyst or assistant behavior analyst, certificate
20 as a state certified behavior interventionist or registration as a registered
21 behavior technician may not be renewed if:

22 (a) The applicant fails to submit the information required by subsection 1; or
23 (b) The State Controller has informed the Division pursuant to subsection 5
24 of NRS 353C.1965 that the applicant owes a debt to an agency that has been
25 assigned to the State Controller for collection and the applicant has not:

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

30 3. As used in this section:

31 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

32 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

33 Sec. 27. 1. The license of any behavior analyst or assistant behavior
34 analyst, the certificate of a state certified behavior interventionist or the
35 registration of a registered behavior technician who fails to pay the biennial fee
36 for the renewal of a license, certificate or registration within 60 days after the
37 date it is due is automatically suspended. The Division may, within 2 years after
38 the date the license, certificate or registration is so suspended, reinstate the
39 license, certificate or registration upon payment to the Division of the amount of
40 the then current biennial fee for the renewal of a license, certificate or
41 registration and the amount of the fee for the restoration of a license, certificate
42 or registration so suspended. If the license, certificate or registration is not
43 reinstated within 2 years, the Division may reinstate the license, certificate or
44 registration only if it also determines that the holder of the license, certificate or
45 registration is competent to practice as a behavior analyst, assistant behavior
46 analyst, state certified behavior interventionist or registered behavior technician,
47 as applicable.

48 2. A notice must be sent to any person who fails to pay the biennial fee,
49 informing the person that his or her license, certificate or registration is
50 suspended.

51 Sec. 28. (Deleted by amendment.)

52 Sec. 29. 1. The Division may suspend or revoke a person's license as a
53 behavior analyst or assistant behavior analyst, certificate as a state certified

1 behavior interventionist or registration as a registered behavior technician, place
2 the person on probation, require remediation for the person or take any other
3 action specified by regulation if the Division finds by a preponderance of the
4 evidence that the person has:

5 (a) Been convicted of a felony relating to the practice of applied behavior
6 analysis.

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

10 (c) Been convicted of violating any of the provisions of NRS 616D.200,
11 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

12 (d) Engaged in gross malpractice or repeated malpractice or gross
13 negligence in the practice of applied behavior analysis.

14 (e) ~~Aided~~ Except as otherwise provided in sections 12 and 12.6 of this act,
15 aided or abetted practice as a behavior analyst, assistant behavior analyst, state
16 certified behavior interventionist or registered behavior technician by a person
17 who is not licensed, certified or registered, as applicable, by the Division.

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

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

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

25 (i) Failed to report to the Division within 30 days the revocation, suspension
26 or surrender of, or any other disciplinary action taken against, a license,
27 certificate or registration to practice applied behavior analysis issued to the
28 person by another state or territory of the United States, the District of Columbia
29 or a foreign country.

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

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

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

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

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

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

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

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

45 ↪ This paragraph applies to an owner or other principal responsible for the
46 operation of the facility.

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

49 Sec. 30. The Board shall adopt regulations that establish grounds for
50 disciplinary action for a licensed behavior analyst, licensed assistant behavior
51 analyst, state certified behavior interventionist or registered behavior technician
52 in addition to those prescribed by section 29 of this act.

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

3 (a) Administer a public reprimand.

4 (b) Limit the person's practice.

5 (c) Suspend the person's license, certificate or registration for a period of
6 **not more than 1 year.**

7 (d) Revoke the person's license, certificate or registration.

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

9 (f) Revoke or suspend the person's license, certificate or registration and
10 **impose a monetary penalty.**

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

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

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

19 (j) Require the person to pay for the costs of remediation or restitution.

20 2. The Division shall not administer a private reprimand.

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

23 **Sec. 32. 1. If the Division receives a copy of a court order issued pursuant**
24 **to NRS 425.540 that provides for the suspension of all professional, occupational**
25 **and recreational licenses, certificates and permits issued to a person who is the**
26 **holder of a license, certificate or registration issued pursuant to this chapter, the**
27 **Division shall deem the license, certificate or registration issued to that person to**
28 **be suspended at the end of the 30th day after the date on which the court order**
29 **was issued unless the Division receives a letter issued to the holder of the license,**
30 **certificate or registration by the district attorney or other public agency pursuant**
31 **to NRS 425.550 stating that the holder of the license, certificate or registration**
32 **has complied with the subpoena or warrant or has satisfied the arrearage**
33 **pursuant to NRS 425.560.**

34 2. The Division shall reinstate a license, certificate or registration issued
35 **pursuant to this chapter that has been suspended by a district court pursuant to**
36 **NRS 425.540 if the Division receives a letter issued by the district attorney or**
37 **other public agency pursuant to NRS 425.550 to the person whose license,**
38 **certificate or registration was suspended stating that the person whose license,**
39 **certificate or registration was suspended has complied with the subpoena or**
40 **warrant or has satisfied the arrearage pursuant to NRS 425.560.**

41 **Sec. 33. 1. Service of process made under this chapter must be either**
42 **upon the person or by registered or certified mail with return receipt requested,**
43 **addressed to the person upon whom process is to be served at his or her last**
44 **known address, as indicated on the records of the Division, if possible. If personal**
45 **service cannot be made and if notice by mail is returned undelivered, the Division**
46 **shall cause notice of hearing to be published once a week for 4 consecutive weeks**
47 **in a newspaper published in the county of the last known address of the person**
48 **upon whom process is to be served, or, if no newspaper is published in that**
49 **county, then in a newspaper widely distributed in that county.**

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

52 **Sec. 34. 1. The Division or a hearing officer may issue subpoenas to**
53 **compel the attendance of witnesses and the production of books, papers,**

1 documents, the records of patients and any other article related to the practice of
2 applied behavior analysis.

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

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

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

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

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

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

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

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

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

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

38 1. Retain the Attorney General to investigate the complaint; and

39 2. If the Division retains the Attorney General, transmit the original
40 complaint, along with further facts or information derived from the review, to the
41 Attorney General.

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

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

47 (a) May issue and serve on the person an order to cease and desist from
48 engaging in any activity prohibited by section 48 of this act until the person
49 obtains the proper license, certificate or registration from the Division;

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

51 (c) Shall provide a written summary of the Division's determination and any
52 information relating to the violation to the Attorney General.

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

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

8 (a) For a first violation, \$500.

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

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

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

14 Sec. 38. 1. If the Division retains the Attorney General pursuant to
15 section 36 of this act, the Attorney General shall conduct an investigation of a
16 complaint transmitted to the Attorney General to determine whether it warrants
17 proceedings for the modification, suspension or revocation of the license or
18 certificate or registration. If the Attorney General determines that further
19 proceedings are warranted, he or she shall report the results of the investigation
20 together with a recommendation to the Division in a manner which does not
21 violate the right of the person charged in the complaint to due process in any
22 later hearing on the complaint.

23 2. The Division shall promptly make a determination with respect to each
24 complaint reported to it by the Attorney General. The Division shall:

25 (a) Dismiss the complaint; or

26 (b) Proceed with appropriate disciplinary action.

27 Sec. 39. Notwithstanding the provisions of chapter 622A of NRS, if the
28 Division has reason to believe that the conduct of any behavior analyst, assistant
29 behavior analyst , state certified behavior interventionist or registered behavior
30 technician has raised a reasonable question as to competence to practice applied
31 behavior analysis with reasonable skill and safety to patients, the Division may
32 require the behavior analyst, assistant behavior analyst , state certified behavior
33 interventionist or registered behavior technician to take a written or oral
34 examination to determine whether the behavior analyst, assistant behavior
35 analyst , state certified behavior interventionist or registered behavior technician
36 is competent to practice applied behavior analysis. If an examination is required,
37 the reasons therefor must be documented and made available to the behavior
38 analyst, assistant behavior analyst , state certified behavior interventionist or
39 registered behavior technician being examined.

40 Sec. 40. Notwithstanding the provisions of chapter 622A of NRS, if the
41 Division or a hearing officer issues an order suspending the license of a behavior
42 analyst or assistant behavior analyst , certificate of a state certified behavior
43 interventionist or registration of a registered behavior technician pending
44 proceedings for disciplinary action and requires the behavior analyst, assistant
45 behavior analyst , state certified behavior interventionist or registered behavior
46 technician to submit to an examination of his or her competency to practice
47 applied behavior analysis, the examination must be conducted and the results
48 obtained within 60 days after the Division or hearing officer issues the order.

49 Sec. 41. Notwithstanding the provisions of chapter 622A of NRS, if the
50 Division receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary
51 proceeding regarding the report must be commenced within 30 days after the
52 Division receives the report.

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

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

7 2. *A certified copy of the record of a court or a licensing agency showing a*
8 *conviction or the suspension or revocation of a license as a behavior analyst or*
9 *assistant behavior analyst, certificate as a state certified behavior interventionist*
10 *or registration as a registered behavior technician is conclusive evidence of its*
11 *occurrence.*

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

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

17 2. *Every order which limits the practice of applied behavior analysis or*
18 *suspends or revokes a license, certificate or registration is effective from the date*
19 *the Division certifies the order until the date the order is modified or reversed by*
20 *a final judgment of the court.*

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

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

24 1. *Pending disciplinary proceedings before the Division or a hearing*
25 *officer, the court may, upon application by the Division or the Attorney General,*
26 *issue a temporary restraining order or a preliminary injunction to enjoin any*
27 *unprofessional conduct of a behavior analyst, an assistant behavior analyst, a*
28 *state certified behavior interventionist or a registered behavior technician which*
29 *is harmful to the public, to limit the practice of the behavior analyst, assistant*
30 *behavior analyst, state certified behavior interventionist or registered behavior*
31 *technician or to suspend the license to practice as a behavior analyst or assistant*
32 *behavior analyst, certificate to practice as a state certified behavior*
33 *interventionist or registration to practice as a registered behavior technician*
34 *without proof of actual damage sustained by any person, this provision being a*
35 *preventive as well as a punitive measure.*

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

39 **Sec. 45.** 1. *The Division or the Attorney General may maintain in any*
40 *court of competent jurisdiction a suit for an injunction against any person*
41 *practicing in violation of section 50 of this act or as a behavior analyst, assistant*
42 *behavior analyst, state certified behavior interventionist or registered behavior*
43 *technician without the proper license, certificate or registration from the*
44 *Division.*

45 2. *Such an injunction:*

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

48 (b) *Does not relieve any person from criminal prosecution for practicing*
49 *without a license, certificate or registration.*

50 **Sec. 46.** *In addition to any other immunity provided by the provisions of*
51 *chapter 622A of NRS, the Division, a review panel of a hospital, an association of*
52 *behavior analysts, assistant behavior analysts, state certified behavior*
53 *interventionists or registered behavior technicians, or any other person who or*

1 organization which initiates a complaint or assists in any lawful investigation or
2 proceeding concerning the ~~licensing~~ licensure of a behavior analyst ~~or~~
3 assistant behavior analyst, certification of a state certified behavior
4 interventionist or registration of a registered behavior technician or the discipline
5 of a behavior analyst, an assistant behavior analyst, a state certified behavior
6 interventionist or a registered behavior technician for gross malpractice, repeated
7 malpractice, professional incompetence or unprofessional conduct is immune
8 from any civil action for that initiation or assistance or any consequential
9 damages, if the person or organization acted without malicious intent.

10 Sec. 47. I. Any person:

11 (a) Whose practice of applied behavior analysis has been limited;

12 (b) Whose license, certificate or registration has been revoked; or

13 (c) Who has been placed on probation,

14 ↪ by an order of the Division or a hearing officer may apply to the Division after
15 1 year for removal of the limitation or termination of the probation or may apply
16 to the Division pursuant to the provisions of chapter 622A of NRS for
17 reinstatement of the revoked license, certificate or registration.

18 2. In hearing the application, the Division:

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

21 (b) Shall determine whether under all the circumstances the time of the
22 application is reasonable.

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

25 Sec. 48. ~~+~~ Except as otherwise provided in sections 12, 12.3 and 12.6 of
26 this act, a person shall not represent himself or herself as a behavior analyst,
27 assistant behavior analyst, state certified behavior interventionist or registered
28 behavior technician within the meaning of this chapter or engage in the practice
29 of applied behavior analysis unless he or she is licensed, certified or registered as
30 required by the provisions of this chapter.

31 Sec. 49. I. A licensed assistant behavior analyst shall not provide or
32 supervise behavioral therapy except under the supervision of:

33 (a) A licensed psychologist; or

34 (b) A licensed behavior analyst.

35 2. A state certified behavior interventionist or registered behavior
36 technician shall not provide behavioral therapy except under the supervision of:

37 (a) A licensed psychologist;

38 (b) A licensed behavior analyst; or

39 (c) A licensed assistant behavior analyst.

40 Sec. 50. Any person who:

41 1. Presents as his or her own the diploma, license, certificate, registration
42 or credentials of another;

43 2. Gives either false or forged evidence of any kind to the Division in
44 connection with an application for a license, certificate or registration;

45 3. Practices applied behavior analysis under a false or assumed name or
46 falsely personates another behavior analyst, assistant behavior analyst, state
47 certified behavior interventionist or registered behavior technician of a like or
48 different name;

49 4. ~~Represents~~ Except as otherwise provided in sections 12 and 12.3 of this
50 act, represents himself or herself as a behavior analyst, assistant behavior analyst
51 , state certified behavior interventionist or registered behavior technician, or uses
52 any title or description which indicates or implies that he or she is a behavior
53 analyst, assistant behavior analyst, state certified behavior interventionist or

1 registered behavior technician, unless he or she has been issued a license ~~or~~ ,
2 certificate or registration as required by this chapter; or

3 5. ~~Practices~~ Except as otherwise provided in sections 12, 12.3 and 12.6 of
4 this act, practices as an applied behavior analyst, assistant behavior analyst, state
5 certified behavior interventionist or registered behavior technician unless he or
6 she has been issued a license, certificate or registration, as applicable,
7 is guilty of a gross misdemeanor.

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

9 228.420 1. The Attorney General has primary jurisdiction to investigate and
10 prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240,
11 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the
12 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the
13 provision of compensation required by chapters 616A to 617, inclusive, of NRS.

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

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

20 (a) Is the single state agency responsible for the investigation and prosecution
21 of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240,
22 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the
23 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the
24 provision of compensation required by chapters 616A to 617, inclusive, of NRS;

25 (b) Shall cooperate with the Division of Industrial Relations of the Department
26 of Business and Industry, self-insured employers, associations of self-insured
27 public or private employers, private carriers and other state and federal
28 investigators and prosecutors in coordinating state and federal investigations and
29 prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240,
30 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the
31 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the
32 provision of compensation required by chapters 616A to 617, inclusive, of NRS;

33 (c) Shall protect the privacy of persons who are eligible to receive
34 compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or
35 617 of NRS and establish procedures to prevent the misuse of information obtained
36 in carrying out this section; and

37 (d) May, upon request, inspect the records of any self-insured employer,
38 association of self-insured public or private employers, or private carrier, the
39 Division of Industrial Relations of the Department of Business and Industry and the
40 State Contractors' Board to investigate any alleged violation of any of the
41 provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310,
42 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter
43 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation
44 required by chapters 616A to 617, inclusive, of NRS.

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

48 5. The Attorney General shall report the name of any person who has been
49 convicted of violating any of the provisions of NRS 616D.200, 616D.220,
50 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the
51 occupational board *or other entity* that issued the person's license or certificate to
52 provide medical care, remedial care or other services in this State.

1 6. The Attorney General shall establish a toll-free telephone number for
2 persons to report information regarding alleged violations of any of the provisions
3 of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to
4 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B,
5 616C, 616D or 617 of NRS or in the provision of compensation required by
6 chapters 616A to 617, inclusive, of NRS.

7 7. As used in this section:

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

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

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

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

14 **Sec. 52.** NRS 239.010 is hereby amended to read as follows:

15 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
16 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,
17 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
18 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,
19 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.460,
20 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
21 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
22 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,
23 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
24 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
25 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,
26 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,
27 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
28 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
29 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
30 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
31 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105,
32 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
33 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
34 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,
35 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
36 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
37 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
38 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
39 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
40 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,
41 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
42 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
43 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,
44 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
45 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,
46 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
47 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
48 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
49 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,
50 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,
51 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
52 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
53 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,

1 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133,
2 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
3 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
4 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
5 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
6 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,
7 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
8 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
9 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,
10 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
11 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,
12 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
13 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
14 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,
15 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,
16 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 13 of this act*,
17 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
18 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
19 confidential, all public books and public records of a governmental entity must be
20 open at all times during office hours to inspection by any person, and may be fully
21 copied or an abstract or memorandum may be prepared from those public books
22 and public records. Any such copies, abstracts or memoranda may be used to
23 supply the general public with copies, abstracts or memoranda of the records or
24 may be used in any other way to the advantage of the governmental entity or of the
25 general public. This section does not supersede or in any manner affect the federal
26 laws governing copyrights or enlarge, diminish or affect in any other manner the
27 rights of a person in any written book or record which is copyrighted pursuant to
28 federal law.

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

31 3. A governmental entity that has legal custody or control of a public book or
32 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
33 receive a copy of a public book or record on the basis that the requested public
34 book or record contains information that is confidential if the governmental entity
35 can redact, delete, conceal or separate the confidential information from the
36 information included in the public book or record that is not otherwise confidential.

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

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

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

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

47 287.0276 1. The governing body of any county, school district, municipal
48 corporation, political subdivision, public corporation or other local governmental
49 agency of the State of Nevada that provides health insurance through a plan of self-
50 insurance must provide coverage for screening for and diagnosis of autism
51 spectrum disorders and for treatment of autism spectrum disorders to persons
52 covered by the plan of self-insurance under the age of 18 years or, if enrolled in
53 high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

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

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

43 7. Nothing in this section shall be construed as requiring a governing body of
44 any county, school district, municipal corporation, political subdivision, public
45 corporation or other local governmental agency of the State of Nevada that provides
46 health insurance through a plan of self-insurance to provide reimbursement to an
47 early intervention agency or school for services delivered through early intervention
48 or school services.

49 8. As used in this section:

50 (a) "Applied behavior analysis" means the design, implementation and
51 evaluation of environmental modifications using behavioral stimuli and
52 consequences to produce socially significant improvement in human behavior,

1 including, without limitation, the use of direct observation, measurement and
2 functional analysis of the relations between environment and behavior.

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

- 7 ~~— (1) A licensed psychologist;~~
8 ~~— (2) A licensed behavior analyst; or~~
9 ~~— (3) A licensed assistant behavior analyst.~~

10 ~~—(e) “Autism spectrum disorders” means a neurobiological medical condition~~
11 ~~including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive~~
12 ~~Development Disorder Not Otherwise Specified.~~

13 ~~(c) “Behavior technician” has the meaning ascribed to it in section 5.3 of~~
14 ~~this act.~~

15 ~~—(d) “Behavioral therapy” means any interactive therapy derived from~~
16 ~~evidence-based research, including, without limitation, discrete trial training, early~~
17 ~~intensive behavioral intervention, intensive intervention programs, pivotal response~~
18 ~~training and verbal behavior provided by a licensed psychologist, licensed behavior~~
19 ~~analyst, licensed assistant behavior analyst ~~for autism~~, registered behavior~~
20 ~~~~interventionist~~ technician ~~or state certified behavior interventionist.~~~~

21 ~~(e) (d) “Evidence-based research” means research that applies rigorous,~~
22 ~~systematic and objective procedures to obtain valid knowledge relevant to autism~~
23 ~~spectrum disorders.~~

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

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

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

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

46 ~~(j) (i) “Psychiatric care” means direct or consultative services provided by a~~
47 ~~psychiatrist licensed in the state in which the psychiatrist practices.~~

48 ~~(k) (j) “Psychological care” means direct or consultative services provided~~
49 ~~by a psychologist licensed in the state in which the psychologist practices.~~

50 ~~(k) “Registered behavior technician” has the meaning ascribed to it in~~
51 ~~section 11.5 of this act.~~

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

4 (m) *"State certified behavior interventionist" has the meaning ascribed to it*
5 *in section 11.7 of this act.*

6 *(n)* "Therapeutic care" means services provided by licensed or certified
7 speech-language pathologists, occupational therapists and physical therapists.

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

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

13 427A.040 1. The Division shall, consistent with the priorities established by
14 the Commission pursuant to NRS 427A.038:

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

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

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

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

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

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

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

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

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

37 2. The Division shall:

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

40 (b) Work with persons with disabilities, persons interested in matters relating
41 to persons with disabilities and state and local governmental agencies in:

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

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

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

52 (d) Serve as a liaison between local governmental agencies in this State that
53 provide services or programs to persons with disabilities to facilitate

1 communication and the coordination of information and any other matters relating
2 to services or programs for persons with disabilities. To inform local governmental
3 agencies in this State of services and programs of other local governmental
4 agencies in this State for persons with disabilities pursuant to this subsection, the
5 Division shall:

6 (1) Provide technical assistance to local governmental agencies, including,
7 without limitation, assistance in establishing an electronic network that connects the
8 Division to each of the local governmental agencies that provides services or
9 programs to persons with disabilities;

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

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

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

18 (1) The program established pursuant to NRS 427A.791, 427A.793 and
19 427A.795 to provide services for persons with physical disabilities;

20 (2) The programs established pursuant to NRS 427A.800, 427A.850 and
21 427A.860 to provide services to persons with traumatic brain injuries;

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

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

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

31 (f) Provide information to persons with disabilities on matters relating to the
32 availability of housing for persons with disabilities and identify sources of funding
33 for new housing opportunities for persons with disabilities.

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

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

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

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

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

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

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

1 (4) Provides a summary and analysis of the status of the practice of
2 interpreting and the practice of realtime captioning, including, without limitation,
3 the number of persons engaged in the practice of interpreting in an educational
4 setting in each professional classification established pursuant to NRS 656A.100
5 and the number of persons engaged in the practice of realtime captioning in an
6 educational setting; and

7 (5) Recommends strategies and, if determined necessary by the Division,
8 legislation for improving the ability of the State to provide services to persons with
9 disabilities and advocate for the rights of persons with disabilities.

10 3. The Division shall confer with the Department as the sole state agency in
11 the State responsible for administering the provisions of this chapter and chapter
12 435 of NRS.

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

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

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

19 622A.090 1. "Regulatory body" means:

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

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

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

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

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

30 641.020 As used in this chapter, unless the context otherwise requires, the
31 words and terms defined in NRS ~~641.0202~~ *641.021* to 641.027, inclusive, ~~and~~
32 ~~689A.0435~~

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

34 641.029 The provisions of this chapter do not apply to:

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

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

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

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

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

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

45 7. A person who is licensed as a clinical alcohol and drug abuse counselor,
46 licensed or certified as an alcohol and drug abuse counselor or certified as an
47 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
48 counselor intern, a problem gambling counselor or a problem gambling counselor
49 intern, pursuant to chapter 641C of NRS; ~~or~~

50 8. *A person who is licensed as a behavior analyst or an assistant behavior
51 analyst, certified as a state certified behavior interventionist or registered as a
52 registered behavior technician pursuant to sections 2 to 50, inclusive, of this act,*

1 *while engaged in the practice of applied behavior analysis as defined in section*
2 *10 of this act; or*

3 9. Any member of the clergy,
4 ↪ if such a person does not commit an act described in NRS 641.440 or represent
5 himself or herself as a psychologist.

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

7 641.030 The Board of Psychological Examiners, consisting of ~~seven~~ six
8 members appointed by the Governor, is hereby created.

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

10 641.040 1. The Governor shall appoint to the Board:

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

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

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

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

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

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

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

21 3. The member who is a representative of the general public must not be a
22 psychologist, an applicant or a former applicant for licensure as a psychologist, a
23 member of a health profession, the spouse or the parent or child, by blood, marriage
24 or adoption, of a psychologist, or a member of a household that includes a
25 psychologist.

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

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

29 641.100 The Board may make and promulgate rules and regulations not
30 inconsistent with the provisions of this chapter governing its procedure, the
31 examination and licensure of applicants, the granting, refusal, revocation or
32 suspension of licenses ~~†† and~~ the practice of psychology . ~~†and the practice of~~
33 ~~applied behavior analysis.†~~

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

35 641.160 1. Each person desiring a license must:

36 (a) Make application to the Board upon a form, and in a manner, prescribed by
37 the Board. The application must be accompanied by the application fee prescribed
38 by the Board and include all information required to complete the application.

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

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

42 (2) Submit to the Board:

43 (I) A complete set of fingerprints and written permission authorizing
44 the Board to forward the fingerprints to the Central Repository for Nevada Records
45 of Criminal History for submission to the Federal Bureau of Investigation for a
46 report on the applicant's background, and to such other law enforcement agencies
47 as the Board deems necessary for a report on the applicant's background; or

48 (II) Written verification, on a form prescribed by the Board, stating
49 that the set of fingerprints of the applicant was taken and directly forwarded
50 electronically or by other means to the Central Repository for Nevada Records of
51 Criminal History and that the applicant provided written permission authorizing the
52 law enforcement agency or other authorized entity taking the fingerprints to submit
53 the fingerprints to the Central Repository for Nevada Records of Criminal History

1 for submission to the Federal Bureau of Investigation for a report on the applicant's
2 background, and to such other law enforcement agencies as the Board deems
3 necessary for a report on the applicant's background.

4 2. The Board may:

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

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

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

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

19 641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each
20 application for licensure as a psychologist must be accompanied by evidence
21 satisfactory to the Board that the applicant:

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

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

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

26 (d) Has earned a doctorate in psychology from an accredited educational
27 institution approved by the Board, or has other doctorate-level training from an
28 accredited educational institution deemed equivalent by the Board in both subject
29 matter and extent of training.

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

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

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

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

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

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

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

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

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

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

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

52 ~~—(c) Is a citizen of the United States, or is lawfully entitled to remain and work~~
53 ~~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 ~~for behavior analyst, as applicable,~~ in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

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

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

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

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information

1 required by the Board to consider the application. Unless the Board denies the
2 application for good cause, the Board shall approve the application and issue a
3 license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the
4 applicant not later than:

- 5 (a) Forty-five days after receiving the application; or
- 6 (b) Ten days after the Board receives a report on the applicant's background
7 based on the submission of the applicant's fingerprints,
8 ↪ whichever occurs later.

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

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

13 641.196 1. The Board may issue a license by endorsement as a psychologist
14 ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this
15 section. An applicant may submit to the Board an application for such a license if
16 the applicant:

17 (a) Holds a corresponding valid and unrestricted license as a psychologist ~~for~~
18 ~~behavior analyst, as applicable,~~ in the District of Columbia or any state or territory
19 of the United States; and

20 (b) Is an active member of, or the spouse of an active member of, the Armed
21 Forces of the United States, a veteran or the surviving spouse of a veteran.

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

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

25 (1) Satisfies the requirements of subsection 1;

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

28 (3) Has not been disciplined or investigated by the corresponding
29 regulatory authority of the District of Columbia or the state or territory in which the
30 applicant holds a license as a psychologist ; ~~for behavior analyst, as applicable;~~
31 and

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

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

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

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

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

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

48 (a) Forty-five days after receiving all the additional information required by the
49 Board to complete the application; or

50 (b) Ten days after the Board receives a report on the applicant's background
51 based on the submission of the applicant's fingerprints,
52 ↪ whichever occurs later.

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

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

8 6. As used in this section, "veteran" has the meaning ascribed to it in NRS
 9 417.005.

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

11 641.228 1. The Board shall charge and collect not more than the following
 12 fees respectively:

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

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

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

41 ~~4.)~~ Except as otherwise provided in subsections ~~5) 4~~ and ~~6) 5~~ and NRS
 42 641.195, in addition to the fees set forth in subsection 1, the Board may charge and
 43 collect a fee for the expedited processing of a request or for any other incidental
 44 service it provides. The fee must not exceed the cost to provide the service.

45 ~~5.) 4.~~ If an applicant submits an application for a license by endorsement
 46 pursuant to NRS 641.195, the Board shall charge and collect not more than the fee
 47 specified in subsection 1 for the issuance of an initial license.

48 ~~6.) 5.~~ If an applicant submits an application for a license by endorsement
 49 pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee
 50 set forth in subsection 1 for the initial issuance of the license.

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

52 641.230 1. The Board may suspend or revoke a person's license as a
 53 psychologist, ~~behavior analyst or assistant behavior analyst,~~ place the person on

1 probation, require remediation for the person or take any other action specified by
2 regulation if the Board finds by a preponderance of the evidence that the person
3 has:

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

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

9 (c) Been convicted of violating any of the provisions of NRS 616D.200,
10 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

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

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

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

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

23 (i) Failed to report to the Board within 30 days the revocation, suspension or
24 surrender of, or any other disciplinary action taken against, a license or certificate
25 to practice psychology ~~for applied behavior analysis~~ issued to the person by
26 another state or territory of the United States, the District of Columbia or a foreign
27 country.

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

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

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

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

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

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

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

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

42 **↳** This paragraph applies to an owner or other principal responsible for the
43 operation of the facility.

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

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

47 689A.0435 1. A health benefit plan must provide an option of coverage for
48 screening for and diagnosis of autism spectrum disorders and for treatment of
49 autism spectrum disorders for persons covered by the policy under the age of 18
50 years or, if enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

23 (b) Provided for a person diagnosed with an autism spectrum disorder by a
24 licensed physician, licensed psychologist, licensed behavior analyst or other
25 provider that is supervised by the licensed physician, psychologist or behavior
26 analyst.

27 ~~➤~~ An insurer may request a copy of and review a treatment plan created pursuant
28 to this subsection.

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

32 7. As used in this section:

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

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

42 ~~— (1) A licensed psychologist;~~

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

44 ~~— (3) A licensed assistant behavior analyst.~~

45 ~~— (e)~~ “Autism spectrum disorders” means a neurobiological medical condition
46 including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive
47 Developmental Disorder Not Otherwise Specified.

48 ~~— (c) “Behavior technician” has the meaning ascribed to it in section 5.3 of~~
49 ~~this act.~~

50 ~~— (d)~~ (c) “Behavioral therapy” means any interactive therapy derived from
51 evidence-based research, including, without limitation, discrete trial training, early
52 intensive behavioral intervention, intensive intervention programs, pivotal response
53 training and verbal behavior provided by a licensed psychologist, licensed behavior

1 analyst, licensed assistant behavior analyst ~~for autism~~, registered behavior
 2 ~~interventionist~~ technician ~~or state certified behavior interventionist~~.

3 ~~(d)~~ (d) “Evidence-based research” means research that applies rigorous,
 4 systematic and objective procedures to obtain valid knowledge relevant to autism
 5 spectrum disorders.

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

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

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

25 ~~(h)~~ (h) “Prescription care” means medications prescribed by a licensed
 26 physician and any health-related services deemed medically necessary to determine
 27 the need or effectiveness of the medications.

28 ~~(i)~~ (i) “Psychiatric care” means direct or consultative services provided by a
 29 psychiatrist licensed in the state in which the psychiatrist practices.

30 ~~(j)~~ (j) “Psychological care” means direct or consultative services provided
 31 by a psychologist licensed in the state in which the psychologist practices.

32 (k) “Registered behavior technician” has the meaning ascribed to it in
 33 section 11.5 of this act.

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

37 (m) “State certified behavior interventionist” has the meaning ascribed to it
 38 in section 11.7 of this act.

39 (n) “Therapeutic care” means services provided by licensed or certified
 40 speech-language pathologists, occupational therapists and physical therapists.

41 ~~(o)~~ (o) “Treatment plan” means a plan to treat an autism spectrum disorder
 42 that is prescribed by a licensed physician or licensed psychologist and may be
 43 developed pursuant to a comprehensive evaluation in coordination with a licensed
 44 behavior analyst.

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

46 689B.0335 1. A health benefit plan must provide coverage for screening for
 47 and diagnosis of autism spectrum disorders and for treatment of autism spectrum
 48 disorders to persons covered by the policy of group health insurance under the age
 49 of 18 years or, if enrolled in high school, until the person reaches the age of 22
 50 years.

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

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

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

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

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

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

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

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

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

22 (b) Provided for a person diagnosed with an autism spectrum disorder by a
23 licensed physician, licensed psychologist, licensed behavior analyst or other
24 provider that is supervised by the licensed physician, psychologist or behavior
25 analyst.

26 ➤ An insurer may request a copy of and review a treatment plan created pursuant
27 to this subsection.

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

32 7. Nothing in this section shall be construed as requiring an insurer to provide
33 reimbursement 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, implementation and
37 evaluation of environmental modifications using behavioral stimuli and
38 consequences to produce socially significant improvement in human behavior,
39 including, without limitation, the use of direct observation, measurement and
40 functional analysis of the relations between environment and behavior.

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

- 45 ~~— (1) A licensed psychologist;~~
46 ~~— (2) A licensed behavior analyst; or~~
47 ~~— (3) A licensed assistant behavior analyst.~~

48 ~~(c) "Autism spectrum disorders" means a neurobiological medical condition~~
49 ~~including, without limitation, autistic disorder, Asperger's Disorder and Pervasive~~
50 ~~Developmental Disorder Not Otherwise Specified.~~

51 ~~(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of~~
52 ~~this act.~~

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

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

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

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

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

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

32 ~~(j)~~ (i) “Psychiatric care” means direct or consultative services provided by a
 33 psychiatrist licensed in the state in which the psychiatrist practices.

34 ~~(k)~~ (j) “Psychological care” means direct or consultative services provided
 35 by a psychologist licensed in the state in which the psychologist practices.

36 (k) “Registered behavior technician” has the meaning ascribed to it in
 37 section 11.5 of this act.

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

41 (m) “State certified behavior interventionist” has the meaning ascribed to it
 42 in section 11.7 of this act.

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

45 ~~(o)~~ (o) “Treatment plan” means a plan to treat an autism spectrum disorder
 46 that is prescribed by a licensed physician or licensed psychologist and may be
 47 developed pursuant to a comprehensive evaluation in coordination with a licensed
 48 behavior analyst.

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

50 689C.1655 1. A health benefit plan must provide coverage for screening for
 51 and diagnosis of autism spectrum disorders and for treatment of autism spectrum
 52 disorders to persons covered by the health benefit plan under the age of 18 years or,
 53 if enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

24 (b) Provided for a person diagnosed with an autism spectrum disorder by a
25 licensed physician, licensed psychologist, licensed behavior analyst or other
26 provider that is supervised by the licensed physician, psychologist or behavior
27 analyst.

28 ~~➤~~ A carrier may request a copy of and review a treatment plan created pursuant to
29 this subsection.

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

34 7. Nothing in this section shall be construed as requiring a carrier to provide
35 reimbursement to an early intervention agency or school for services delivered
36 through early intervention or school services.

37 8. As used in this section:

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

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

47 ~~— (1) A licensed psychologist;~~

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

49 ~~— (3) A licensed assistant behavior analyst.~~

50 ~~(c)~~ "Autism spectrum disorders" means a neurobiological medical condition
51 including, without limitation, autistic disorder, Asperger's Disorder and Pervasive
52 Developmental Disorder Not Otherwise Specified.

1 ~~(c)~~ *(c) "Behavior technician" has the meaning ascribed to it in section 5.3 of*
 2 *this act.*

3 ~~(d)~~ "Behavioral therapy" means any interactive therapy derived from
 4 evidence-based research, including, without limitation, discrete trial training, early
 5 intensive behavioral intervention, intensive intervention programs, pivotal response
 6 training and verbal behavior provided by a licensed psychologist, licensed behavior
 7 analyst, licensed assistant behavior analyst ~~for autism~~, registered behavior
 8 ~~interventionist~~ technician ~~or state certified behavior interventionist.~~

9 ~~(e)~~ (d) "Evidence-based research" means research that applies rigorous,
 10 systematic and objective procedures to obtain valid knowledge relevant to autism
 11 spectrum disorders.

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

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

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

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

34 ~~(j)~~ (i) "Psychiatric care" means direct or consultative services provided by a
 35 psychiatrist licensed in the state in which the psychiatrist practices.

36 ~~(k)~~ (j) "Psychological care" means direct or consultative services provided
 37 by a psychologist licensed in the state in which the psychologist practices.

38 (k) "Registered behavior technician" has the meaning ascribed to it in
 39 section 11.5 of this act.

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

43 (m) "State certified behavior interventionist" has the meaning ascribed to it
 44 in section 11.7 of this act.

45 (n) "Therapeutic care" means services provided by licensed or certified
 46 speech-language pathologists, occupational therapists and physical therapists.

47 ~~(o)~~ (o) "Treatment plan" means a plan to treat an autism spectrum disorder
 48 that is prescribed by a licensed physician or licensed psychologist and may be
 49 developed pursuant to a comprehensive evaluation in coordination with a licensed
 50 behavior analyst.

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

52 695C.1717 1. A health care plan issued by a health maintenance
 53 organization must provide coverage for screening for and diagnosis of autism

1 spectrum disorders and for treatment of autism spectrum disorders to persons
2 covered by the health care plan under the age of 18 years or, if enrolled in high
3 school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 8. As used in this section:

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

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

51 ~~— (1) A licensed psychologist;~~

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

53 ~~— (3) A licensed assistant behavior analyst.~~

1 ~~(e)~~ “Autism spectrum disorders” means a neurobiological medical condition
2 including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive
3 Developmental Disorder Not Otherwise Specified.

4 ~~(c)~~ ~~“Behavior technician” has the meaning ascribed to it in section 5.3 of~~
5 ~~this act.~~

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

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

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

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

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

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

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

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

41 (k) “Registered behavior technician” has the meaning ascribed to it in
42 section 11.5 of this act.

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

46 (m) “State certified behavior interventionist” has the meaning ascribed to it
47 in section 11.7 of this act.

48 (n) “Therapeutic care” means services provided by licensed or certified
49 speech-language pathologists, occupational therapists and physical therapists.

50 ~~(o)~~ (o) “Treatment plan” means a plan to treat an autism spectrum disorder
51 that is prescribed by a licensed physician or licensed psychologist and may be
52 developed pursuant to a comprehensive evaluation in coordination with a licensed
53 behavior analyst.

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

2 695G.1645 1. A health care plan issued by a managed care organization for
3 group coverage must provide coverage for screening for and diagnosis of autism
4 spectrum disorders and for treatment of autism spectrum disorders to persons
5 covered by the health care plan under the age of 18 years or, if enrolled in high
6 school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

26 5. Except as otherwise provided in subsections 1, 2 and 3, a managed care
27 organization shall not limit the number of visits an insured may make to any
28 person, entity or group for treatment of autism spectrum disorders.

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

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

35 (b) Provided for a person diagnosed with an autism spectrum disorder by a
36 licensed physician, licensed psychologist, licensed behavior analyst or other
37 provider that is supervised by the licensed physician, psychologist or behavior
38 analyst.

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

41 7. An evidence of coverage subject to the provisions of this chapter that is
42 delivered, issued for delivery or renewed on or after January 1, 2011, has the legal
43 effect of including the coverage required by subsection 1, and any provision of the
44 evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is
45 void.

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

49 9. As used in this section:

50 (a) "Applied behavior analysis" means the design, implementation and
51 evaluation of environmental modifications using behavioral stimuli and
52 consequences to produce socially significant improvement in human behavior,

1 including, without limitation, the use of direct observation, measurement and
2 functional analysis of the relations between environment and behavior.

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

- 7 ~~— (1) A licensed psychologist;~~
8 ~~— (2) A licensed behavior analyst; or~~
9 ~~— (3) A licensed assistant behavior analyst.~~

10 ~~“(e)” “Autism spectrum disorders” means a neurobiological medical condition~~
11 ~~including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive~~
12 ~~Developmental Disorder Not Otherwise Specified.~~

13 ~~“(c) “Behavior technician” has the meaning ascribed to it in section 5.3 of~~
14 ~~this act.~~

15 ~~“(d)” “Behavioral therapy” means any interactive therapy derived from~~
16 ~~evidence-based research, including, without limitation, discrete trial training, early~~
17 ~~intensive behavioral intervention, intensive intervention programs, pivotal response~~
18 ~~training and verbal behavior provided by a licensed psychologist, licensed behavior~~
19 ~~analyst, licensed assistant behavior analyst ~~for autism~~, registered behavior~~
20 ~~~~interventionist~~ technician ~~for~~ or state certified behavior interventionist.~~

21 ~~“(e)” (d) “Evidence-based research” means research that applies rigorous,~~
22 ~~systematic and objective procedures to obtain valid knowledge relevant to autism~~
23 ~~spectrum disorders.~~

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

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

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

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

46 ~~“(j)” (i) “Psychiatric care” means direct or consultative services provided by a~~
47 ~~psychiatrist licensed in the state in which the psychiatrist practices.~~

48 ~~“(k)” (j) “Psychological care” means direct or consultative services provided~~
49 ~~by a psychologist licensed in the state in which the psychologist practices.~~

50 ~~“(l)” “(Registered behavior technician)” has the meaning ascribed to it in~~
51 ~~section 11.5 of this act.~~

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

4 (m) *"State certified behavior interventionist" has the meaning ascribed to it*
5 *in section 11.7 of this act.*

6 *(n)* "Therapeutic care" means services provided by licensed or certified
7 speech-language pathologists, occupational therapists and physical therapists.

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

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

13 Sec. 25. 1. To renew a license as a behavior analyst or assistant
14 behavior analyst, certificate as a state certified behavior interventionist or
15 registration as a registered behavior technician, each person must, on or
16 before the first day of January of each odd-numbered year:

17 (a) Apply to the Division for renewal;

18 (b) Pay the biennial fee for the renewal of a license, certificate or
19 registration;

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

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

24 2. In addition to the requirements of subsection 1, to renew a
25 certificate as a state certified behavior interventionist or registration as a
26 registered behavior technician for the third time and every third renewal
27 thereafter, a person must submit to an investigation of his or her criminal
28 history in the manner prescribed in paragraph (b) of subsection 1 of section
29 20 of this act.

30 3. The Division shall, as a prerequisite for the renewal of a license as
31 a behavior analyst or assistant behavior analyst, require each holder to
32 comply with the requirements for continuing education adopted by the
33 Board. ~~*It, which must include, without limitation, a requirement that the*~~
34 ~~*holder of a license receive at least 2 hours of instruction on evidence-based*~~
35 ~~*suicide prevention and awareness.*~~

36 4. The Board may adopt regulations requiring each state certified
37 behavior interventionist to receive continuing education as a prerequisite
38 for the renewal of his or her certificate.

39 5. The Board shall not adopt regulations requiring a registered
40 behavior technician to receive continuing education.

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

42 1. Any disciplinary or other administrative action taken against a behavior
43 analyst or assistant behavior analyst by the Board of Psychological Examiners
44 remains in effect as if taken by the Aging and Disability Services Division of the
45 Department of Health and Human Services.

46 2. A license that is valid on January 1, 2019, and that was issued by the Board
47 of Psychological Examiners:

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

50 (b) Remains valid until its date of expiration, if the holder of the license
51 otherwise remains qualified for the issuance or renewal of the license on or after
52 January 1, 2019.

1 **Sec. 74.** 1. The term of the member of the Board of Psychological
2 Examiners appointed to the Board pursuant to paragraph (b) of subsection 1 of NRS
3 641.040 who is incumbent on December 31, 2018, expires on that date.

4 2. As soon as practicable on or after January 1, 2019, the Governor shall
5 appoint to the Board of Applied Behavior Analysis created by section 13.3 of this
6 act:

7 (a) One member described in paragraph (a) of subsection 2 of section 13.3 of
8 this act and the member described in paragraph (b) of that subsection to terms that
9 expire on January 1, 2021; and

10 (b) Two members described in paragraph (a) of subsection 2 of section 13.3 of
11 this act and the member described in paragraph (c) of that subsection to terms that
12 expire on January 1, 2023.

13 **Sec. 75.** 1. Notwithstanding the amendatory provisions of sections 14, 17,
14 21, 24, 25, 29, 30, 60, 62 and 64 of this act transferring authority to adopt
15 regulations from the Board of Psychological Examiners to the Board of Applied
16 Behavior Analysis created by section 13.3 of this act, any regulations adopted by
17 the Board of Psychological Examiners that do not conflict with the provisions of
18 this act remain in effect and may be enforced by the Aging and Disability Services
19 Division of the Department of Health and Human Services until the Board of
20 Applied Behavior Analysis adopts regulations to repeal or replace those
21 regulations.

22 2. Any regulations adopted by the Board of Psychological Examiners that
23 conflict with the provisions of this act are void. The Legislative Counsel shall
24 remove those regulations from the Nevada Administrative Code as soon as
25 practicable after January 1, 2019.

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

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

31 2. In preparing supplements to the Nevada Administrative Code, substitute
32 appropriately the name of any agency, officer or instrumentality of the State whose
33 name is changed by this act for the name which the agency, officer or
34 instrumentality previously used.

35 **Sec. 77.** NRS 641.0202, 641.0204, 641.0206, 641.0247, 641.232 and
36 641.395 are hereby repealed.

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

39 2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective
40 on January 1, 2019.

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

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

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

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

50 ↪ 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.**