

Amendment No. 163

Senate Amendment to Senate Bill No. 258	(BDR 39-248)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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/RBL



Date: 4/16/2019

S.B. No. 258—Revises provisions relating to applied behavior analysis.
(BDR 39-248)



SENATE BILL NO. 258—SENATOR SEEVERS GANSERT

MARCH 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to applied behavior analysis. (BDR 39-248)

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

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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; abolishing certification as a state certified behavior interventionist; transferring certain responsibilities concerning licensing and regulation from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; authorizing the Board to delegate certain such responsibilities to the Division; requiring the Division to obtain the approval of the Board to conduct an investigation and perform certain related tasks; requiring continuing education for behavior analysts and assistant behavior analysts to meet nationally recognized standards; revising provisions relating to criminal background checks or applicants for registration as a registered behavior technician; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the certification of state certified behavior interventionists and
2 the registration of registered behavior technicians by the Aging and Disability Services
3 Division of the Department of Health and Human Services. To be registered as a registered
4 behavior technician by the Division, a person is required to be registered as a Registered
5 Behavior Technician, or have an equivalent credential, by the Behavior Analyst Certification
6 Board, Inc., or its successor organization. A person who wishes to be certified as a state
7 certified behavior interventionist is required to meet the qualifications prescribed by the Board
8 of Applied Behavior Analysis, which must be no less stringent than the requirements for
9 registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior
10 Analyst Certification Board, Inc., or its successor organization. (NRS 437.205) Under existing
11 law, both a registered behavior technician and a state certified behavior interventionist are
12 authorized to provide behavioral therapy under the supervision of a licensed psychologist,
13 behavior analyst or assistant behavior analyst. (NRS 437.050, 437.055, 437.505) **Sections 1,**
14 **4-7, 9-14, 16-20, 23-29, 31, 33-46, 48-53 and 56** of this bill remove certification as a state
15 certified behavior interventionist.

16 Existing law authorizes the Board of Applied Behavior Analysis to adopt regulations
17 governing its procedure, the examination and licensure, certification or registration of
18 applicants, the granting, refusal, revocation or suspension of licenses, certificates or
19 registrations and the practice of applied behavior analysis. (NRS 437.110) Existing law

authorizes the Division to: (1) issue, renew, suspend, revoke and reinstate licenses and registrations; (2) impose disciplinary action against licensees and registrants; (3) adopt regulations prescribing fees for the issuance, renewal or reinstatement of a license or registration; (4) conduct investigations of licensees and registrants; and (5) perform certain related tasks to enforce provisions of law applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. (NRS 437.130-437.140, 437.200-437.490) **Sections ~~2, 3, 8, 10, 11,~~ 14, 16-23, 25, 26, 28, 29, 34, 36, 38 and 42** of this bill transfer the responsibilities to issue, renew, suspend, revoke and reinstate licenses, impose disciplinary action against licensees and registrants and prescribe fees to the Board, while still requiring the Division to collect applications, conduct investigations, **disburse money** and hold disciplinary hearings. **Section 14 of this bill authorizes the Board to delegate those responsibilities to the Division except for making the final determination concerning the suspension or revocation of a license or the imposition of other disciplinary action. Sections 2, 3 and 8 of this bill make conforming changes. Sections 14, 15, 30, 32, 33, 35, 39 and 40** of this bill require the Division to obtain the approval of the Board before conducting investigations or performing certain related tasks. **Section 31** of this bill requires the Board to file a complaint with the Division if it becomes aware that grounds for disciplinary action may exist as to a person practicing applied behavior analysis.

Existing law requires a behavior analyst or assistant behavior analyst to complete continuing education prescribed by the Board. (NRS 437.225) Section 23 of this bill requires the continuing education prescribed by the Board to be consistent with nationally recognized standards for such continuing education.

Existing law requires each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to undergo a criminal background check. (NRS 437.200) **Section 18** of this bill authorizes an applicant for registration as a registered behavior technician to forego the required background check if he or she submits **certain** verification that he or she has, within the immediately preceding 6 months, passed a criminal background check for the purpose of certification by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

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

Section 1. NRS 437.001 is hereby amended to read as follows:

437.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 437.005 to ~~437.055,~~ **437.050**, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 437.005 is hereby amended to read as follows:

437.005 "Assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst ~~by the Division-Board,~~ **pursuant to this chapter.**

Sec. 3. NRS 437.010 is hereby amended to read as follows:

437.010 "Behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst ~~by the Division-Board,~~ **pursuant to this chapter.**

Sec. 4. NRS 437.020 is hereby amended to read as follows:

437.020 "Community" means the entire area customarily served by behavior analysts and assistant behavior analysts among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician or the particular city or place

1 where the behavior analyst, assistant behavior analyst ~~[, state certified behavior~~
2 ~~interventionist]~~ or registered behavior technician has his or her office.

3 **Sec. 5.** NRS 437.030 is hereby amended to read as follows:

4 437.030 “Gross malpractice” means malpractice where the failure to exercise
5 the requisite degree of care, diligence or skill consists of:

6 1. Practicing applied behavior analysis with a patient while the behavior
7 analyst, assistant behavior analyst ~~[, state certified behavior interventionist]~~ or
8 registered behavior technician is under the influence of an alcoholic beverage as
9 defined in NRS 202.015 or any controlled substance;

10 2. Gross negligence;

11 3. Willful disregard of established methods and procedures in the practice of
12 applied behavior analysis; or

13 4. Willful and consistent use of methods and procedures considered by
14 behavior analysts, assistant behavior analysts ~~[, state certified behavior~~
15 ~~interventionists]~~ or registered behavior technicians, as applicable, in the community
16 to be inappropriate or unnecessary in the cases where used.

17 **Sec. 6.** NRS 437.035 is hereby amended to read as follows:

18 437.035 “Malpractice” means failure on the part of a behavior analyst,
19 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
20 behavior technician to exercise the degree of care, diligence and skill ordinarily
21 exercised by behavior analysts, assistant behavior analysts ~~[, state certified behavior~~
22 ~~interventionists]~~ or registered behavior technicians, as applicable, in good standing
23 in the community.

24 **Sec. 7.** NRS 437.040 is hereby amended to read as follows:

25 437.040 “Practice of applied behavior analysis” means the design,
26 implementation and evaluation of instructional and environmental modifications
27 based on scientific research and observations of behavior and the environment to
28 produce socially significant improvement in human behavior, including, without
29 limitation:

30 1. The empirical identification of functional relations between environment
31 and behavior; and

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

36 ➤ The term includes the provision of behavioral therapy by a behavior analyst,
37 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
38 behavior technician.

39 **Sec. 8.** NRS 437.050 is hereby amended to read as follows:

40 437.050 “Registered behavior technician” means a person who ~~[is]~~ :

41 1. Is certified as a registered behavior technician by the Behavior Analyst
42 Certification Board, Inc., or its successor organization;

43 2. Is registered as such ~~[by the Division Board]~~ pursuant to this chapter; and
44 ~~[provides]~~

45 3. Provides behavioral therapy under the supervision of:

46 ~~[(1)]~~ (a) A licensed psychologist;

47 ~~[(2)]~~ (b) A licensed behavior analyst; or

48 ~~[(3)]~~ (c) A licensed assistant behavior analyst.

49 **Sec. 9.** NRS 437.060 is hereby amended to read as follows:

50 437.060 The provisions of this chapter do not apply to:

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

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

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

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

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

7 6. A person who is licensed to engage in social work pursuant to chapter
8 641B of NRS;

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

11 8. A person who is licensed as a clinical alcohol and drug abuse counselor,
12 licensed or certified as an alcohol and drug abuse counselor or certified as an
13 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
14 counselor intern, a problem gambling counselor or a problem gambling counselor
15 intern, pursuant to chapter 641C of NRS;

16 9. Any member of the clergy;

17 10. A family member of a recipient of applied behavior analysis services who
18 performs activities as directed by a behavior analyst or assistant behavior analyst;
19 or

20 11. A person who provides applied behavior analysis services to a pupil in a
21 public school in a manner consistent with the training and experience of the person,
22 if such a person does not commit an act described in NRS 437.510 or represent
23 himself or herself as a behavior analyst, assistant behavior analyst ~~[-, state-certified
24 behavior-interventionist]~~ or registered behavior technician.

25 **Sec. 10.** NRS 437.065 is hereby amended to read as follows:

26 437.065 1. A person is not required to be licensed ~~[-, certified]~~ or registered
27 ~~[by the Division Board]~~ pursuant to this chapter if he or she:

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

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

32 (c) Teaches applied behavior analysis or conducts research concerning applied
33 behavior analysis but does not provide applied behavior analysis services directly to
34 natural persons;

35 (d) Provides academic services, including, without limitation, tutoring,
36 instructional design, curriculum production, assessment research and design, or test
37 preparation but does not provide applied behavior analysis services directly to
38 natural persons; or

39 (e) Conducts academic research relating to applied behavior analysis as a
40 primary job responsibility but does not provide applied behavior analysis services
41 directly to natural persons.

42 2. A person described in subsection 1:

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

44 (b) Shall not represent or imply that he or she is licensed ~~[-, certified]~~ or
45 registered ~~[by the Division Board]~~ pursuant to this chapter.

46 **Sec. 11.** NRS 437.070 is hereby amended to read as follows:

47 437.070 1. A person who has matriculated at an accredited college or
48 university and is not licensed ~~[-, certified]~~ or registered ~~[by the Division Board]~~
49 pursuant to this chapter may practice applied behavior analysis under the direct
50 supervision of a licensed behavior analyst as part of:

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

53 (b) An internship or fellowship.

2. A person described in subsection 1:

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

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst ~~[-, state certified behavior interventionist]~~ or registered behavior technician, or represent or imply that he or she is licensed ~~[-, certified]~~ or registered ~~[- by the Division, Board,]~~ pursuant to this chapter.

Sec. 12. NRS 437.075 is hereby amended to read as follows:

437.075 1. A licensed behavior analyst or assistant behavior analyst ~~[-, state certified behavior interventionist]~~ or registered behavior technician shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts ~~[-, state certified behavior interventionists]~~ and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

Sec. 13. NRS 437.110 is hereby amended to read as follows:

437.110 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure ~~[-, certification]~~ or registration of applicants, the granting, refusal, revocation or suspension of licenses ~~[-, certificates]~~ or registrations and the practice of applied behavior analysis.

Sec. 14. NRS 437.130 is hereby amended to read as follows:

437.130 1. ~~[- The Division]~~ Except as otherwise provided in subsection 2, the Board shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~[- (a)]~~ (a) Examine and pass upon the qualifications of applicants for licensure ~~[-, certification]~~ and registration.

~~[- (b)]~~ (b) License ~~[-, certify]~~ and register qualified applicants.

~~[- (c)]~~ ~~[- Conduct investigations of licensees, certificate holders and registrants.]~~

~~[- (d)]~~ (c) Revoke or suspend licenses ~~[-, certificates]~~ and registrations.

~~[- (e)]~~ ~~[- Collect all fees and make]~~

~~[- (f)]~~ ~~[- Make disbursements pursuant to this chapter.]~~

2. Except as otherwise provided in this subsection, the Board may delegate to the Division, in whole or in part, any duty prescribed by subsection 1. The Board must make the final determination concerning the suspension or revocation of a license or registration or the imposition of any other disciplinary action.

3. The Division shall:

(a) Collect applications and fees and make disbursements pursuant to this chapter; [- for transmittal to the Board,]

(b) With the approval of the Board, conduct investigations of licensees and registrants [-,] and

(c) Perform any duty delegated by the Board pursuant to subsection 2.

Sec. 15. NRS 437.135 is hereby amended to read as follows:

437.135 In a manner consistent with the provisions of chapter 622A of NRS ~~[-]~~ and with the approval of the Board, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

Sec. 16. NRS 437.140 is hereby amended to read as follows:

437.140 1. The ~~[- Division]~~ Board shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license ~~[-, certificate]~~ or registration and

1 any other services provided by the Division pursuant to this chapter. The ~~[Division]~~
2 **Board** shall ensure, to the extent practicable, that the amount of such fees is
3 sufficient to pay the costs incurred by the Board and the Division under the
4 provisions of this chapter, including, without limitation, the compensation of the
5 Board prescribed by NRS 437.105, and does not exceed the amount necessary to
6 pay those costs.

7 2. Money received from the licensure of behavior analysts and assistant
8 behavior analysts ~~[certification of state certified behavior interventionists]~~ and
9 registration of registered behavior technicians, civil penalties collected pursuant to
10 this chapter and any appropriation, gift, grant or donation received by the Board or
11 the Division for purposes relating to the duties of the Board or the Division under
12 the provisions of this chapter must be deposited in a separate account in the State
13 General Fund. The account must be administered by the Division, ~~[Board]~~ Money
14 in the account must be expended solely for the purposes of this chapter and does
15 not revert to the State General Fund. The compensation provided for by this chapter
16 and all expenses incurred under this chapter must be paid from the money in the
17 account.

18 **Sec. 17.** NRS 437.145 is hereby amended to read as follows:

19 437.145 1. The Division shall make and keep:

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

22 (b) A register of all licenses ~~[certificates]~~ and registrations.

23 (c) A register of all holders of licenses ~~[certificates]~~ and registrations.

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

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

29 4. Except as otherwise provided in this section and NRS 239.0115, a
30 complaint filed with the Division, all documents and other information filed with
31 the complaint and all documents and other information compiled as a result of an
32 investigation conducted to determine whether to initiate disciplinary action against
33 a person are confidential, unless the person submits a written statement to the
34 Division requesting that such documents and information be made public records.

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

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

43 **Sec. 18.** NRS 437.200 is hereby amended to read as follows:

44 437.200 1. Each person desiring a license as a behavior analyst or assistant
45 behavior analyst ~~[certification as a state certified behavior interventionist]~~ or
46 registration as a registered behavior technician must:

47 (a) Make application to the Division upon a form and in a manner prescribed
48 by the Division. The application must be accompanied by the application fee
49 prescribed by the ~~[Division]~~ **Board pursuant to NRS 437.140** and include all
50 information required to complete the application.

51 (b) ~~[As]~~ *Except as otherwise provided in subsection 3, as* part of the
52 application and at his or her own expense:

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

3 (2) Submit to the Division:

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

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

19 2. The Division may:

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

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

28 3. *An applicant for registration as a registered behavior technician is not*
29 *required to comply with paragraph (b) of subsection 1 if he or she submits to the*
30 *Division verification from a supervising psychologist, behavior analyst or*
31 *assistant behavior analyst that ~~the applicant has, within the immediately~~*
32 *~~preceding 6 months~~*

33 *(a) ~~Undergone~~ Within 6 months immediately preceding the date on which*
34 *the application was submitted, the Behavior Analyst Certification Board, Inc., or*
35 *its successor organization, determined the applicant to be eligible for registration*
36 *as a registered behavior technician; and*

37 *(b) It is the policy of the Behavior Analyst Certification Board, Inc., or its*
38 *successor organization, to conduct an investigation into ~~his or her~~ the criminal*
39 *background of an applicant for registration as a registered behavior technician*
40 *or an equivalent credential that ~~included~~ includes the submission of*
41 *fingerprints to the Federal Bureau of Investigation ~~for the purpose of~~*
42 *registration as a Registered Behavior Technician, or an equivalent credential, by*
43 *the Behavior Analyst Certification Board, Inc., or any successor in interest to*
44 *that organization; and*

45 *~~(b) Was found, as a result of the investigation, to be eligible for employment~~*
46 *as a Registered Behavior Technician.*

47 4. An application is not considered complete and received for purposes of
48 evaluation pursuant to subsection ~~5~~ 4 of NRS 437.205 until the Division receives
49 ~~it~~:

50 (a) A complete set of fingerprints or verification that the fingerprints have been
51 forwarded electronically or by other means to the Central Repository for Nevada
52 Records of Criminal History, and written authorization from the applicant pursuant
53 to this section ~~is~~; or

1 *(b) If the application is for registration as a registered behavior technician,*
 2 *the documentation described in subsection 3.*

3 **Sec. 19.** NRS 437.205 is hereby amended to read as follows:

4 437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each
 5 application for licensure as a behavior analyst must be accompanied by evidence
 6 satisfactory to the ~~[Division]~~ **Board** that the applicant:

7 (a) Is of good moral character as determined by the ~~[Division.]~~ **Board.**

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

10 (c) Holds current certification as a Board Certified Behavior Analyst issued by
 11 the Behavior Analyst Certification Board, Inc., or any successor in interest to that
 12 organization.

13 2. Each application for licensure as an assistant behavior analyst must be
 14 accompanied by evidence satisfactory to the ~~[Division]~~ **Board** that the applicant:

15 (a) Is of good moral character as determined by the ~~[Division.]~~ **Board.**

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

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

21 3. ~~[Each application for certification as a state certified behavior~~
 22 ~~interventionist must contain proof that the applicant meets the qualifications~~
 23 ~~prescribed by regulation of the Board, which must be no less stringent than the~~
 24 ~~requirements for registration as a Registered Behavior Technician, or an equivalent~~
 25 ~~credential, by the Behavior Analyst Certification Board, Inc., or any successor in~~
 26 ~~interest to that organization.~~

27 ~~—4.]~~ Each application for registration as a registered behavior technician must
 28 contain proof that the applicant is registered as a Registered Behavior Technician,
 29 or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or
 30 any successor in interest to that organization. The Board shall not require any
 31 additional education or training for registration as a registered behavior technician.

32 ~~[5.]~~ 4. ~~[Upon receiving an application pursuant to this section, the Division~~
 33 ~~shall:~~

34 ~~—(a) Review the application and accompanying evidence; and~~

35 ~~—(b) Submit the application and accompanying evidence to the Board with a~~
 36 ~~recommendation on whether the application meets the requirements for approval.~~

37 ~~—5.]~~ Except as otherwise provided in NRS 437.215 and 437.220, within 120
 38 days after ~~[receiving]~~ **the Division receives** an application and the accompanying
 39 evidence ~~[from an applicant, the Division],~~ **the Board** shall:

40 (a) Evaluate the application and accompanying evidence and determine
 41 whether the applicant is qualified pursuant to this section for licensure ~~[~~
 42 ~~certification]~~ or registration; and

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

44 ~~[6.]~~ 5. If the ~~[Division]~~ **Board** determines that the qualifications of the
 45 applicant are insufficient for licensure ~~[, certification]~~ or registration, the written
 46 statement issued to the applicant pursuant to subsection 5 must include a detailed
 47 explanation of the reasons for that determination.

48 **Sec. 20.** NRS 437.210 is hereby amended to read as follows:

49 437.210 1. In addition to any other requirements set forth in this chapter:

50 (a) An applicant for the issuance of a license as a behavior analyst or assistant
 51 behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or
 52 registration as a registered behavior technician shall include the social security
 53 number of the applicant in the application submitted to the Division.

1 (b) An applicant for the issuance or renewal of a license as a behavior analyst
2 or assistant behavior analyst ~~[certificate as a state certified behavior~~
3 ~~interventionist]~~ or registration as a registered behavior technician shall submit to
4 the Aging and Disability Services Division the statement prescribed by the Division
5 of Welfare and Supportive Services of the Department of Health and Human
6 Services pursuant to NRS 425.520. The statement must be completed and signed by
7 the applicant.

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

10 (a) The application or any other forms that must be submitted for the issuance
11 or renewal of the license ~~[certificate]~~ or registration; or

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

13 3. A license as a behavior analyst or assistant behavior analyst ~~[certificate as~~
14 ~~a state certified behavior interventionist]~~ or registration as a registered behavior
15 technician must not be issued or renewed by the ~~[Aging and Disability Services~~
16 ~~Division] Board~~ if the applicant:

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

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

23 4. If an applicant indicates on the statement submitted pursuant to subsection
24 1 that the applicant is subject to a court order for the support of a child and is not in
25 compliance with the order or a plan approved by the district attorney or other public
26 agency enforcing the order for the repayment of the amount owed pursuant to the
27 order, the Aging and Disability Services Division shall advise the applicant to
28 contact the district attorney or other public agency enforcing the order to determine
29 the actions that the applicant may take to satisfy the arrearage.

30 **Sec. 21.** NRS 437.215 is hereby amended to read as follows:

31 437.215 1. The ~~[Division] Board~~ may issue a license by endorsement as a
32 behavior analyst to an applicant who meets the requirements set forth in this
33 section. An applicant may submit to the Division an application for such a license if
34 the applicant holds a corresponding valid and unrestricted license as a behavior
35 analyst in the District of Columbia or any state or territory of the United States.

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

38 (a) Proof satisfactory to the ~~[Division] Board~~ that the applicant:

39 (1) Satisfies the requirements of subsection 1;

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

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

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

47 (b) A complete set of fingerprints and written permission authorizing the
48 Division to forward the fingerprints in the manner provided in NRS 437.200;

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

51 (d) The fee prescribed by the ~~[Division] Board~~ pursuant to the regulations
52 adopted pursuant to NRS 437.140; and

53 (e) Any other information required by the Division.

1 3. ~~Upon receiving an application pursuant to this section, the Division shall:~~

2 ~~(a) Review the application and accompanying evidence; and~~

3 ~~(b) Submit the application and accompanying evidence to the Board and provide the Board with a recommendation on whether the application meets the requirements for approval.~~

4 ~~4.~~ Not later than 15 business days after ~~receiving~~ the Division receives an application for a license by endorsement as a behavior analyst ~~from the Division~~ pursuant to this section, the ~~Division~~ **Board** shall provide written notice to the applicant of any additional information required by the ~~Division~~ **Board** to consider the application. Unless the ~~Division~~ **Board** denies the application for good cause, the ~~Division~~ **Board** shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

5 (a) Forty-five days after receiving the application ~~from the Division~~; or

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

7 ↳ whichever occurs later.

8 **Sec. 22.** NRS 437.220 is hereby amended to read as follows:

9 437.220 1. The ~~Division~~ **Board** may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

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

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

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

13 (a) Proof satisfactory to the ~~Division~~ **Board** that the applicant:

14 (1) Satisfies the requirements of subsection 1;

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

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

17 (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;

18 (b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

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

20 (d) The fee prescribed by the ~~Division~~ **Board** pursuant to the regulations adopted pursuant to NRS 437.140; and

21 (e) Any other information required by the Division.

22 3. ~~Upon receiving an application pursuant to this section, the Division shall:~~

23 ~~(a) Review the application and accompanying evidence; and~~

24 ~~(b) Submit the application and accompanying evidence to the Board with a recommendation on whether the application meets the requirements for approval.~~

25 ~~4.~~ Not later than 15 business days after ~~receiving~~ the Division receives an application for a license by endorsement as a behavior analyst ~~from the Division~~ pursuant to this section, the ~~Division~~ **Board** shall provide written notice to the

1 applicant of any additional information required by the ~~[Division]~~ **Board** to
 2 consider the application. Unless the ~~[Division]~~ **Board** denies the application for
 3 good cause, the ~~[Division]~~ **Board** shall approve the application and issue a license
 4 by endorsement as a behavior analyst to the applicant not later than:

5 (a) Forty-five days after receiving all the additional information required by the
 6 ~~[Division]~~ **Board** to complete the application; or

7 (b) Ten days after the Division receives a report on the applicant's background
 8 based on the submission of the applicant's fingerprints,
 9 ~~↳~~ whichever occurs later.

10 ~~4. 5.7~~ At any time before making a final decision on an application for a
 11 license by endorsement pursuant to this section, the ~~[Division]~~ **Board** may grant a
 12 provisional license authorizing an applicant to practice as a behavior analyst in
 13 accordance with regulations adopted by the Board.

14 ~~5. 16.7~~ As used in this section, "veteran" has the meaning ascribed to it in
 15 NRS 417.005.

16 **Sec. 23.** NRS 437.225 is hereby amended to read as follows:

17 437.225 1. To renew a license as a behavior analyst or assistant behavior
 18 analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a
 19 registered behavior technician, each person must, on or before the first day of
 20 January of each odd-numbered year:

21 (a) Apply to the Division for renewal;

22 (b) Pay the biennial fee for the renewal of a license ~~[, certificate]~~ or
 23 registration;

24 (c) Submit evidence to the Division ~~[of]~~ :

25 (1) Of completion of the requirements for continuing education as set forth
 26 in regulations adopted by the ~~[Division,]~~ Board, if applicable; and

27 (2) That the person's certification or registration, as applicable, by the
 28 Behavior Analyst Certification Board, Inc., or its successor organization, remains
 29 valid and the holder remains in good standing; and

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

31 2. In addition to the requirements of subsection 1, to renew ~~[a certificate as a~~
 32 ~~state certified behavior interventionist or]~~ registration as a registered behavior
 33 technician for the third time and every third renewal thereafter, a person must
 34 submit to an investigation of his or her criminal history in the manner prescribed in
 35 paragraph (b) of subsection 1 of NRS 437.200.

36 3. The ~~[Division]~~ **Board** shall ~~[]~~ **adopt regulations that require**, as a
 37 prerequisite for the renewal of a license as a behavior analyst or assistant behavior
 38 analyst, ~~[require]~~ each holder to ~~[comply with the requirements for]~~ **complete**
 39 continuing education, ~~[adopted by the Board,]~~ which must ~~[include,]~~ :

40 (a) Be consistent with nationally recognized standards for the continuing
 41 education of behavior analysts or assistant behavior analysts, as applicable; and

42 (b) Include, without limitation, a requirement that the holder of a license
 43 receive at least 2 hours of instruction on evidence-based suicide prevention and
 44 awareness.

45 4. ~~[The Board may adopt regulations requiring each state certified behavior~~
 46 ~~interventionist to receive continuing education as a prerequisite for the renewal of~~
 47 ~~his or her certificate.~~

48 ~~— 5.]~~ The Board shall not adopt regulations requiring a registered behavior
 49 technician to receive continuing education.

50 **Sec. 24.** NRS 437.330 is hereby amended to read as follows:

51 437.330 1. In addition to any other requirements set forth in this chapter, an
 52 applicant for the renewal of a license as a behavior analyst or assistant behavior
 53 analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a

1 registered behavior technician must indicate in the application submitted to the
2 Division whether the applicant has a state business license. If the applicant has a
3 state business license, the applicant must include in the application the business
4 identification number assigned by the Secretary of State upon compliance with the
5 provisions of chapter 76 of NRS.

6 2. A license as a behavior analyst or assistant behavior analyst ~~[, certificate as~~
7 ~~a state certified behavior interventionist]~~ or registration as a registered behavior
8 technician may not be renewed if:

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

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

13 (1) Satisfied the debt;

14 (2) Entered into an agreement for the payment of the debt pursuant to NRS
15 353C.130; or

16 (3) Demonstrated that the debt is not valid.

17 3. As used in this section:

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

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

20 **Sec. 25.** NRS 437.335 is hereby amended to read as follows:

21 437.335 1. The license of any behavior analyst or assistant behavior analyst
22 ~~[, the certificate of a state certified behavior interventionist]~~ or the registration of a
23 registered behavior technician who fails to pay the biennial fee for the renewal of a
24 license ~~[, certificate]~~ or registration within 60 days after the date it is due is
25 automatically suspended. The ~~[Division]~~ Board may, within 2 years after the date
26 the license ~~[, certificate]~~ or registration is so suspended, reinstate the license ~~[,~~
27 ~~certificate]~~ or registration upon payment to the Division of the amount of the then
28 current biennial fee for the renewal of a license ~~[, certificate]~~ or registration and the
29 amount of the fee for the restoration of a license ~~[, certificate]~~ or registration so
30 suspended. If the license ~~[, certificate]~~ or registration is not reinstated within 2
31 years, the ~~[Division]~~ Board may reinstate the license ~~[, certificate]~~ or registration
32 only if it also determines that the holder of the license ~~[, certificate]~~ or registration
33 is competent to practice as a behavior analyst, assistant behavior analyst ~~[, state~~
34 ~~certified behavior interventionist]~~ or registered behavior technician, as applicable.

35 2. A notice must be sent to any person who fails to pay the biennial fee,
36 informing the person that his or her license ~~[, certificate]~~ or registration is
37 suspended.

38 **Sec. 26.** NRS 437.400 is hereby amended to read as follows:

39 437.400 1. The ~~[Division]~~ Board may suspend or revoke a person's license
40 as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified~~
41 ~~behavior interventionist]~~ or registration as a registered behavior technician, place
42 the person on probation, require remediation for the person or take any other action
43 specified by regulation if the Division finds by a preponderance of the evidence that
44 the person has:

45 (a) Been convicted of a felony relating to the practice of applied behavior
46 analysis.

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

50 (c) Been convicted of violating any of the provisions of NRS 616D.200,
51 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

1 (e) Except as otherwise provided in NRS 437.060 and 437.070, aided or
 2 abetted practice as a behavior analyst, assistant behavior analyst ~~[-, state-certified~~
 3 ~~behavior-interventionist]~~ or registered behavior technician by a person who is not
 4 licensed ~~[-, certified]~~ or registered, as applicable, ~~[by the Division-Board]~~ pursuant
 5 to this chapter.

6 (f) Made any fraudulent or untrue statement to the Division ~~[-]~~ or the Board.

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

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

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

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

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

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

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

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

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

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

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

31 ➤ This paragraph applies to an owner or other principal responsible for the
 32 operation of the facility.

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

35 **Sec. 27.** NRS 437.405 is hereby amended to read as follows:

36 437.405 The Board shall adopt regulations that establish grounds for
 37 disciplinary action for a licensed behavior analyst, licensed assistant behavior
 38 analyst ~~[-, state-certified behavior-interventionist]~~ or registered behavior technician
 39 in addition to those prescribed by NRS 437.400.

40 **Sec. 28.** NRS 437.410 is hereby amended to read as follows:

41 437.410 1. If the Division or a hearing officer appointed by the Division
 42 finds a person guilty in a disciplinary proceeding, the Division *shall transmit*
 43 *notice of that finding to the Board. Upon receiving such notice, the Board* may:

44 (a) Administer a public reprimand.

45 (b) Limit the person’s practice.

46 (c) Suspend the person’s license ~~[-, certificate]~~ or registration for a period of not
 47 more than 1 year.

48 (d) Revoke the person’s license ~~[-, certificate]~~ or registration.

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

50 (f) Revoke or suspend the person’s license ~~[-, certificate]~~ or registration and
 51 impose a monetary penalty.

1 (g) Suspend the enforcement of any penalty by placing the person on
2 probation. The ~~Division~~ **Board** may revoke the probation if the person does not
3 follow any conditions imposed.

4 (h) Require the person to submit to the supervision of or counseling or
5 treatment by a person designated by the ~~Division~~ **Board**. The person named in
6 the complaint is responsible for any expense incurred.

7 (i) Impose and modify any conditions of probation for the protection of the
8 public or the rehabilitation of the probationer.

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

10 2. The ~~Division~~ **Board** shall not administer a private reprimand.

11 3. An order that imposes discipline and the findings of fact and conclusions of
12 law supporting that order are public records.

13 **Sec. 29.** NRS 437.415 is hereby amended to read as follows:

14 437.415 1. If the Division receives a copy of a court order issued pursuant
15 to NRS 425.540 that provides for the suspension of all professional, occupational
16 and recreational licenses ~~[-certificates]~~ and permits issued to a person who is the
17 holder of a license ~~[-certificate]~~ or registration issued pursuant to this chapter, the
18 Division **shall transmit the copy to the Board. The Board** shall deem the license ~~[-~~
19 ~~certificate]~~ or registration issued to that person to be suspended at the end of the
20 30th day after the date on which the court order was issued unless the Division
21 receives **and transmits to the Board** a letter issued to the holder of the license ~~[-~~
22 ~~certificate]~~ or registration by the district attorney or other public agency pursuant to
23 NRS 425.550 stating that the holder of the license ~~[-certificate]~~ or registration has
24 complied with the subpoena or warrant or has satisfied the arrearage pursuant to
25 NRS 425.560.

26 2. The ~~Division~~ **Board** shall reinstate a license ~~[-certificate]~~ or registration
27 issued pursuant to this chapter that has been suspended by a district court pursuant
28 to NRS 425.540 if the Division receives **and transmits to the Board** a letter issued
29 by the district attorney or other public agency pursuant to NRS 425.550 to the
30 person whose license ~~[-certificate]~~ or registration was suspended stating that the
31 person whose license ~~[-certificate]~~ or registration was suspended has complied with
32 the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

33 **Sec. 30.** NRS 437.425 is hereby amended to read as follows:

34 437.425 1. The Division or a hearing officer may **, with the approval of the**
35 **Board,** issue subpoenas to compel the attendance of witnesses and the production
36 of books, papers, documents, the records of patients and any other article related to
37 the practice of applied behavior analysis.

38 2. If any witness refuses to attend or testify or produce any article as required
39 by the subpoena, the Division may **, with the approval of the Board,** file a petition
40 with the district court stating that:

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

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

44 (c) The witness has failed or refused to attend or produce the articles required
45 by the subpoena or has refused to answer questions propounded to him or her,
46 and asking for an order of the court compelling the witness to attend and testify
47 before the Division or a hearing officer, or produce the articles as required by the
48 subpoena.

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

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

6 **Sec. 31.** NRS 437.430 is hereby amended to read as follows:

7 437.430 1. The Division, *the Board or* any review panel of a hospital or an
8 association of behavior analysts, assistant behavior analysts ~~[, state-certified~~
9 ~~behavior-interventionists]~~ or registered behavior technicians which becomes aware
10 that any one or a combination of the grounds for initiating disciplinary action may
11 exist as to a person practicing applied behavior analysis in this State shall, and any
12 other person who is so aware may, file a written complaint specifying the relevant
13 facts with the Division.

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

17 **Sec. 32.** NRS 437.435 is hereby amended to read as follows:

18 437.435 When a complaint is filed with the Division, it shall review the
19 complaint. If, from the complaint or from other official records, it appears that the
20 complaint is not frivolous, the Division may ~~[H]~~, *with the approval of the Board:*

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

22 2. If the Division retains the Attorney General, transmit the original
23 complaint, along with further facts or information derived from the review, to the
24 Attorney General.

25 **Sec. 33.** NRS 437.440 is hereby amended to read as follows:

26 437.440 1. The Division shall *request the approval of the Board to* conduct
27 an investigation of each complaint filed pursuant to NRS 437.430 which sets forth
28 reason to believe that a person has violated NRS 437.500. *Upon the approval of the*
29 *Board, the Division shall conduct such an investigation.*

30 2. If, after an investigation, the Division determines that a person has violated
31 NRS 437.500, the Division:

32 (a) May ~~[issue]~~, *with the approval of the Board:*

33 (1) *Issue* and serve on the person an order to cease and desist from
34 engaging in any activity prohibited by NRS 437.500 until the person obtains the
35 proper license ~~[, certificate]~~ or registration ~~[from the Division;~~

36 ~~— (b) May issue Board;] ; and~~

37 (2) *Issue* a citation to the person; and

38 ~~[(c)] (b)~~ Shall *request the approval of the Board to* provide a written
39 summary of the Division's determination and any information relating to the
40 violation to the Attorney General. *Upon the approval of the Board, the Division*
41 *shall provide such a summary to the Attorney General.*

42 3. A citation issued pursuant to subsection 2 must be in writing and describe
43 with particularity the nature of the violation. The citation also must inform the
44 person of the provisions of subsection 5. Each violation of NRS 437.500 constitutes
45 a separate offense for which a separate citation may be issued.

46 4. For any person who violates the provisions of NRS 437.500, the Division
47 ~~[Board]~~ shall assess an administrative fine of:

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

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

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

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

1 **Sec. 34.** NRS 437.445 is hereby amended to read as follows:

2 437.445 1. If the Division retains the Attorney General pursuant to NRS
3 437.435, the Attorney General shall conduct an investigation of a complaint
4 transmitted to the Attorney General to determine whether it warrants proceedings
5 for the modification, suspension or revocation of the license ~~[, certificate]~~ or
6 registration. If the Attorney General determines that further proceedings are
7 warranted, he or she shall report the results of the investigation together with a
8 recommendation to the Division in a manner which does not violate the right of the
9 person charged in the complaint to due process in any later hearing on the
10 complaint.

11 2. The Division shall promptly make a determination with respect to each
12 complaint reported to it by the Attorney General ~~[,]~~ *and submit that determination*
13 *to the Board.* The ~~[Division]~~ *Board* shall:

14 (a) Dismiss the complaint; or

15 (b) Proceed with appropriate disciplinary action.

16 **Sec. 35.** NRS 437.450 is hereby amended to read as follows:

17 437.450 Notwithstanding the provisions of chapter 622A of NRS, if the
18 Division has reason to believe that the conduct of any behavior analyst, assistant
19 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
20 technician has raised a reasonable question as to competence to practice applied
21 behavior analysis with reasonable skill and safety to patients, the Division may ,
22 *with the approval of the Board,* require the behavior analyst, assistant behavior
23 analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician
24 to take a written or oral examination to determine whether the behavior analyst,
25 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
26 behavior technician is competent to practice applied behavior analysis. If an
27 examination is required, the reasons therefor must be documented and made
28 available to the behavior analyst, assistant behavior analyst ~~[, state certified~~
29 ~~behavior interventionist]~~ or registered behavior technician being examined.

30 **Sec. 36.** NRS 437.455 is hereby amended to read as follows:

31 437.455 Notwithstanding the provisions of chapter 622A of NRS, if the
32 ~~[Division or a hearing officer]~~ *Board* issues an order suspending the license of a
33 behavior analyst or assistant behavior analyst ~~[, certificate of a state certified~~
34 ~~behavior interventionist]~~ or registration of a registered behavior technician pending
35 proceedings for disciplinary action and requires the behavior analyst, assistant
36 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
37 technician to submit to an examination of his or her competency to practice applied
38 behavior analysis, the examination must be conducted and the results obtained
39 within 60 days after the ~~[Division or hearing officer]~~ *Board* issues the order.

40 **Sec. 37.** NRS 437.465 is hereby amended to read as follows:

41 437.465 Notwithstanding the provisions of chapter 622A of NRS, in any
42 disciplinary proceeding before the Division or a hearing officer conducted under
43 the provisions of this chapter:

44 1. Proof of actual injury need not be established where the complaint charges
45 deceptive or unethical professional conduct or practice of applied behavior analysis
46 harmful to the public.

47 2. A certified copy of the record of a court or a licensing agency showing a
48 conviction or the suspension or revocation of a license as a behavior analyst or
49 assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~
50 or registration as a registered behavior technician is conclusive evidence of its
51 occurrence.

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

1 **Sec. 38.** NRS 437.470 is hereby amended to read as follows:

2 437.470 1. Any person who has been placed on probation or whose license
3 ~~[, certificate]~~ or registration has been limited, suspended or revoked pursuant to this
4 chapter is entitled to judicial review of the order.

5 2. Every order which limits the practice of applied behavior analysis or
6 suspends or revokes a license ~~[, certificate]~~ or registration is effective from the date
7 the ~~[Division certifies]~~ *Board issues* the order until the date the order is modified or
8 reversed by a final judgment of the court.

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

11 **Sec. 39.** NRS 437.475 is hereby amended to read as follows:

12 437.475 1. Notwithstanding the provisions of chapter 622A of NRS:

13 ~~[1.]~~ (a) Pending disciplinary proceedings before the Division or a hearing
14 officer, the court may, upon application by the Division or the Attorney General,
15 issue a temporary restraining order or a preliminary injunction to enjoin any
16 unprofessional conduct of a behavior analyst, an assistant behavior analyst ~~[, a state~~
17 ~~certified behavior interventionist]~~ or a registered behavior technician which is
18 harmful to the public, to limit the practice of the behavior analyst, assistant
19 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
20 technician or to suspend the license to practice as a behavior analyst or assistant
21 behavior analyst ~~[, certificate to practice as a state certified behavior interventionist]~~
22 or registration to practice as a registered behavior technician without proof of actual
23 damage sustained by any person, this provision being a preventive as well as a
24 punitive measure.

25 ~~[2.]~~ (b) The disciplinary proceedings before the Division or a hearing officer
26 must be instituted and determined as promptly as the requirements for investigation
27 of the case reasonably allow.

28 2. *The Division shall not make an application pursuant to subsection 1*
29 *without the approval of the Board.*

30 **Sec. 40.** NRS 437.480 is hereby amended to read as follows:

31 437.480 1. The Division, *with the approval of the Board,* or the Attorney
32 General may maintain in any court of competent jurisdiction a suit for an injunction
33 against any person practicing in violation of NRS 437.510 or as a behavior analyst,
34 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
35 behavior technician without the proper license ~~[, certificate]~~ or registration, ~~[from~~
36 ~~the Division Board.]~~

37 2. Such an injunction:

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

40 (b) Does not relieve any person from criminal prosecution for practicing
41 without a license ~~[, certificate]~~ or registration.

42 **Sec. 41.** NRS 437.485 is hereby amended to read as follows:

43 437.485 In addition to any other immunity provided by the provisions of
44 chapter 622A of NRS, the Division, a review panel of a hospital, an association of
45 behavior analysts, assistant behavior analysts ~~[, state certified behavior~~
46 ~~interventionists]~~ or registered behavior technicians, or any other person who or
47 organization which initiates a complaint or assists in any lawful investigation or
48 proceeding concerning the licensure of a behavior analyst or assistant behavior
49 analyst ~~[, certification of a state certified behavior interventionist]~~ or registration of
50 a registered behavior technician or the discipline of a behavior analyst, an assistant
51 behavior analyst ~~[, a state certified behavior interventionist]~~ or a registered behavior
52 technician for gross malpractice, repeated malpractice, professional incompetence
53 or unprofessional conduct is immune from any civil action for that initiation or

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

3 **Sec. 42.** NRS 437.490 is hereby amended to read as follows:

4 437.490 1. Any person:

- 5 (a) Whose practice of applied behavior analysis has been limited;
- 6 (b) Whose license ~~[, certificate]~~ or registration has been revoked; or
- 7 (c) Who has been placed on probation,

8 **↪** by an order of the ~~[Division or a hearing officer]~~ **Board** may apply to the
9 Division after 1 year for removal of the limitation or termination of the probation or
10 may apply to the Division pursuant to the provisions of chapter 622A of NRS for
11 reinstatement of the revoked license ~~[, certificate]~~ or registration.

12 2. In hearing the application, the Division:

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

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

17 (c) ~~[May]~~ **Shall submit its determination concerning the application to the**
18 **Board.**

19 **3. Upon receiving a determination of the Division pursuant to paragraph**
20 **(c) of subsection 2, the Board may** deny the application or modify or rescind its
21 order as it considers the evidence and the public safety warrants.

22 **Sec. 43.** NRS 437.500 is hereby amended to read as follows:

23 437.500 Except as otherwise provided in NRS 437.060, 437.065 and 437.070,
24 a person shall not represent himself or herself as a behavior analyst, assistant
25 behavior ~~[analyst, state certified behavior interventionist]~~ or registered behavior
26 technician within the meaning of this chapter or engage in the practice of applied
27 behavior analysis unless he or she is licensed ~~[, certified]~~ or registered as required
28 by the provisions of this chapter.

29 **Sec. 44.** NRS 437.505 is hereby amended to read as follows:

30 437.505 1. A licensed assistant behavior analyst shall not provide or
31 supervise behavioral therapy except under the supervision of:

- 32 (a) A licensed psychologist; or
- 33 (b) A licensed behavior analyst.

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

- 36 (a) A licensed psychologist;
- 37 (b) A licensed behavior analyst; or
- 38 (c) A licensed assistant behavior analyst.

39 **Sec. 45.** NRS 437.510 is hereby amended to read as follows:

40 437.510 Any person who:

41 1. Presents as his or her own the diploma, license, certificate, registration or
42 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. Except as otherwise provided in NRS 437.060 and 437.065, represents
50 himself or herself as a behavior analyst, assistant behavior analyst ~~[, state certified~~
51 ~~behavior interventionist]~~ or registered behavior technician, or uses any title or
52 description which indicates or implies that he or she is a behavior analyst, assistant
53 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior

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

3 5. Except as otherwise provided in NRS 437.060, 437.065 and 437.070,
4 practices as an applied behavior analyst, assistant behavior analyst [~~state-certified~~
5 ~~behavior-interventionist~~] or registered behavior technician unless he or she has been
6 issued a license [~~certificate~~] or registration, as applicable,

7 ~~is guilty of a gross misdemeanor.~~

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

9 287.0276 1. The governing body of any county, school district, municipal
10 corporation, political subdivision, public corporation or other local governmental
11 agency of the State of Nevada that provides health insurance through a plan of self-
12 insurance must provide coverage for screening for and diagnosis of autism
13 spectrum disorders and for treatment of autism spectrum disorders to persons
14 covered by the plan of self-insurance under the age of 18 years or, if enrolled in
15 high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

45 (b) Provided for a person diagnosed with an autism spectrum disorder by a
46 licensed physician, licensed psychologist, licensed behavior analyst or other
47 provider that is supervised by the licensed physician, psychologist or behavior
48 analyst.

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

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

6 7. Nothing in this section shall be construed as requiring a governing body of
7 any county, school district, municipal corporation, political subdivision, public
8 corporation or other local governmental agency of the State of Nevada that provides
9 health insurance through a plan of self-insurance to provide reimbursement to a
10 school for services delivered through school services.

11 8. As used in this section:

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

17 (b) “Autism spectrum disorder” has the meaning ascribed to it in NRS
18 427A.875.

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

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

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

32 (f) “Licensed assistant behavior analyst” means a person who holds current
33 certification as a Board Certified Assistant Behavior Analyst issued by the
34 Behavior Analyst Certification Board, Inc., or any successor in interest to that
35 organization, who is licensed as an assistant behavior analyst by the Aging and
36 Disability Services Division of the Department of Health and Human Services and
37 who provides behavioral therapy under the supervision of a licensed behavior
38 analyst or psychologist.

39 (g) “Licensed behavior analyst” means a person who holds current certification
40 as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
41 Board, Inc., or any successor in interest to that organization and is licensed as a
42 behavior analyst by the Aging and Disability Services Division of the Department
43 of Health and Human Services.

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

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

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

51 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
52 437.050.

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 in~~
5 ~~NRS 437.055.~~

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

8 ~~(o)~~ (n) "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. 47.** 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~~ 385.4; 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~~:

14 (a) *Administer* the provisions of chapters 435 ~~[, 437]~~ and 656A of NRS ~~;~~ ;
15 *and*

16 (b) *Assist the Board of Applied Behavior Analysis in the administration of*
17 *the provisions of chapter 437 of NRS as prescribed in that chapter.*

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

21 **Sec. 48.** NRS 641.029 is hereby amended to read as follows:

22 641.029 The provisions of this chapter do not apply to:

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

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

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


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

29 5. A person who is licensed to engage in social work pursuant to chapter
30 641B of NRS;

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

33 7. A person who is licensed as a clinical alcohol and drug abuse counselor,
34 licensed or certified as an alcohol and drug abuse counselor or certified as an
35 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
36 counselor intern, a problem gambling counselor or a problem gambling counselor
37 intern, pursuant to chapter 641C of NRS;

38 8. A person who is licensed as a behavior analyst or an assistant behavior
39 analyst ~~[, certified as a state certified behavior interventionist]~~ or registered as a
40 registered behavior technician pursuant to chapter 437 of NRS, while engaged in
41 the practice of applied behavior analysis as defined in NRS 437.040; or

42 9. Any member of the clergy,
43  if such a person does not commit an act described in NRS 641.440 or represent
44 himself or herself as a psychologist.

45 **Sec. 49.** NRS 689A.0435 is hereby amended to read as follows:

46 689A.0435 1. A health benefit plan must provide an option of coverage for
47 screening for and diagnosis of autism spectrum disorders and for treatment of
48 autism spectrum disorders for persons covered by the policy under the age of 18
49 years or, if enrolled in high school, until the person reaches the age of 22 years.

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

51 (a) A maximum benefit of not less than the actuarial equivalent of \$72,000 per
52 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 a school for services delivered through school services.

31 7. As used in this section:

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

37 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
38 427A.875.

39 (c) "Behavioral therapy" means any interactive therapy derived from evidence-
40 based research, including, without limitation, discrete trial training, early intensive
41 behavioral intervention, intensive intervention programs, pivotal response training
42 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,
43 licensed assistant behavior analyst ~~or~~ or registered behavior technician . ~~[or state~~
44 ~~certified behavior interventionist.]~~

45 (d) "Evidence-based research" means research that applies rigorous, systematic
46 and objective procedures to obtain valid knowledge relevant to autism spectrum
47 disorders.

48 (e) "Habilitative or rehabilitative care" means counseling, guidance and
49 professional services and treatment programs, including, without limitation, applied
50 behavior analysis, that are necessary to develop, maintain and restore, to the
51 maximum extent practicable, the functioning of a person.

52 (f) "Licensed assistant behavior analyst" means a person who holds current
53 certification as a Board Certified Assistant Behavior Analyst issued by the

1 Behavior Analyst Certification Board, Inc., or any successor in interest to that
2 organization, who is licensed as an assistant behavior analyst by the Aging and
3 Disability Services Division of the Department of Health and Human Services and
4 who provides behavioral therapy under the supervision of a licensed behavior
5 analyst or psychologist.

6 (g) "Licensed behavior analyst" means a person who holds current certification
7 as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
8 Board, Inc., or any successor in interest to that organization, and is licensed as a
9 behavior analyst by the Aging and Disability Services Division of the Department
10 of Health and Human Services.

11 (h) "Prescription care" means medications prescribed by a licensed physician
12 and any health-related services deemed medically necessary to determine the need
13 or effectiveness of the medications.

14 (i) "Psychiatric care" means direct or consultative services provided by a
15 psychiatrist licensed in the state in which the psychiatrist practices.

16 (j) "Psychological care" means direct or consultative services provided by a
17 psychologist licensed in the state in which the psychologist practices.

18 (k) "Registered behavior technician" has the meaning ascribed to it in NRS
19 437.050.

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

23 (m) ~~["State certified behavior interventionist" has the meaning ascribed to it in~~
24 ~~NRS 437.055.~~

25 ~~—(n)]~~ "Therapeutic care" means services provided by licensed or certified
26 speech-language pathologists, occupational therapists and physical therapists.

27 ~~[(o)]~~ (n) "Treatment plan" means a plan to treat an autism spectrum disorder
28 that is prescribed by a licensed physician or licensed psychologist and may be
29 developed pursuant to a comprehensive evaluation in coordination with a licensed
30 behavior analyst.

31 **Sec. 50.** NRS 689B.0335 is hereby amended to read as follows:

32 689B.0335 1. A health benefit plan must provide coverage for screening for
33 and diagnosis of autism spectrum disorders and for treatment of autism spectrum
34 disorders to persons covered by the policy of group health insurance under the age
35 of 18 years or, if enrolled in high school, until the person reaches the age of 22
36 years.

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

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

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

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

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

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

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

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

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

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

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

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

20 7. Nothing in this section shall be construed as requiring an insurer to provide
21 reimbursement to a school for services delivered through school services.

22 8. As used in this section:

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

28 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
29 427A.875.

30 (c) "Behavioral therapy" means any interactive therapy derived from evidence-
31 based research, including, without limitation, discrete trial training, early intensive
32 behavioral intervention, intensive intervention programs, pivotal response training
33 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,
34 licensed assistant behavior analyst ~~or~~ **or** registered behavior technician . ~~for state~~
35 ~~certified behavior interventionist.]~~

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

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

43 (f) "Licensed assistant behavior analyst" means a person who holds current
44 certification as a Board Certified Assistant Behavior Analyst issued by the
45 Behavior Analyst Certification Board, Inc., or any successor in interest to that
46 organization, who is licensed as an assistant behavior analyst by the Aging and
47 Disability Services Division of the Department of Health and Human Services and
48 who provides behavioral therapy under the supervision of a licensed behavior
49 analyst or psychologist.

50 (g) "Licensed behavior analyst" means a person who holds current certification
51 as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
52 Board, Inc., or any successor in interest to that organization and is licensed as a

1 behavior analyst by the Aging and Disability Services Division of the Department
2 of Health and Human Services.

3 (h) "Prescription care" means medications prescribed by a licensed physician
4 and any health-related services deemed medically necessary to determine the need
5 or effectiveness of the medications.

6 (i) "Psychiatric care" means direct or consultative services provided by a
7 psychiatrist licensed in the state in which the psychiatrist practices.

8 (j) "Psychological care" means direct or consultative services provided by a
9 psychologist licensed in the state in which the psychologist practices.

10 (k) "Registered behavior technician" has the meaning ascribed to it in NRS
11 437.050.

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

15 (m) ~~["State certified behavior interventionist" has the meaning ascribed to it in
16 NRS 437.055.~~

17 ~~—(n)]~~ "Therapeutic care" means services provided by licensed or certified
18 speech-language pathologists, occupational therapists and physical therapists.

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

23 **Sec. 51.** NRS 689C.1655 is hereby amended to read as follows:

24 689C.1655 1. A health benefit plan must provide coverage for screening for
25 and diagnosis of autism spectrum disorders and for treatment of autism spectrum
26 disorders to persons covered by the health benefit plan under the age of 18 years or,
27 if enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

51 (b) Provided for a person diagnosed with an autism spectrum disorder by a
52 licensed physician, licensed psychologist, licensed behavior analyst or other

1 provider that is supervised by the licensed physician, psychologist or behavior
2 analyst.

3 **▼** A carrier may request a copy of and review a treatment plan created pursuant to
4 this subsection.

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

9 7. Nothing in this section shall be construed as requiring a carrier to provide
10 reimbursement to a school for services delivered through school services.

11 8. As used in this section:

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

17 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
18 427A.875.

19 (c) "Behavioral therapy" means any interactive therapy derived from evidence-
20 based research, including, without limitation, discrete trial training, early intensive
21 behavioral intervention, intensive intervention programs, pivotal response training
22 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,
23 licensed assistant behavior analyst ~~+~~ or registered behavior technician . ~~for state~~
24 ~~certified behavior interventionist.~~

25 (d) "Evidence-based research" means research that applies rigorous, systematic
26 and objective procedures to obtain valid knowledge relevant to autism spectrum
27 disorders.

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

32 (f) "Licensed assistant behavior analyst" means a person who holds current
33 certification as a Board Certified Assistant Behavior Analyst issued by the
34 Behavior Analyst Certification Board, Inc., or any successor in interest to that
35 organization, who is licensed as an assistant behavior analyst by the Aging and
36 Disability Services Division of the Department of Health and Human Services and
37 who provides behavioral therapy under the supervision of a licensed behavior
38 analyst or psychologist.

39 (g) "Licensed behavior analyst" means a person who holds current certification
40 as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
41 Board, Inc., or any successor in interest to that organization and is licensed as a
42 behavior analyst by the Aging and Disability Services Division of the Department
43 of Health and Human Services.

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

47 (i) "Psychiatric care" means direct or consultative services provided by a
48 psychiatrist licensed in the state in which the psychiatrist practices.

49 (j) "Psychological care" means direct or consultative services provided by a
50 psychologist licensed in the state in which the psychologist practices.

51 (k) "Registered behavior technician" has the meaning ascribed to it in NRS
52 437.050.

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 in~~
5 ~~NRS 437.055.~~

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

8 ~~(o)~~ (n) "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. 52.** NRS 695C.1717 is hereby amended to read as follows:

13 695C.1717 1. A health care plan issued by a health maintenance
14 organization must provide coverage for screening for and diagnosis of autism
15 spectrum disorders and for treatment of autism spectrum disorders to persons
16 covered by the health care plan under the age of 18 years or, if enrolled in high
17 school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

45 ~~↳~~ A health maintenance organization may request a copy of and review a treatment
46 plan created pursuant to this subsection.

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

1 7. Nothing in this section shall be construed as requiring a health maintenance
2 organization to provide reimbursement to a school for services delivered through
3 school services.

4 8. As used in this section:

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

10 (b) “Autism spectrum disorder” has the meaning ascribed to it in NRS
11 427A.875.

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

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

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

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

32 (g) “Licensed behavior analyst” means a person who holds current certification
33 as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
34 Board, Inc., or any successor in interest to that organization and is licensed as a
35 behavior analyst by the Aging and Disability Services Division of the Department
36 of Health and Human Services.

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

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

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

44 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
45 437.050.

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

49 (m) ~~“State certified behavior interventionist” has the meaning ascribed to it in~~
50 ~~NRS 437.055.~~

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

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

5 **Sec. 53.** NRS 695G.1645 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

43 **↳** A managed care organization may request a copy of and review a treatment plan
44 created pursuant to this subsection.

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

50 8. Nothing in this section shall be construed as requiring a managed care
51 organization to provide reimbursement to a school for services delivered through
52 school services.

53 9. As used in this section:

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

6 (b) “Autism spectrum disorder” has the meaning ascribed to it in NRS
7 427A.875.

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

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

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

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

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

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

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

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

40 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
41 437.050.

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

45 (m) ~~{“State certified behavior interventionist” has the meaning ascribed to it in~~
46 ~~NRS 437.055.~~

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

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

53 **Sec. 54.** Notwithstanding the amendatory provisions of this act:

1 1. A state certified behavior interventionist who is certified by the Aging and
2 Disability Services Division of the Department of Health and Human Services
3 before July 1, 2019, shall be deemed to be registered as a registered behavior
4 technician by the Board of Applied Behavior Analysis until January 1, 2020.

5 2. Any disciplinary or other administrative action taken against a behavior
6 analyst, assistant behavior analyst, state certified behavior interventionist or
7 registered behavior technician by the Aging and Disability Services Division of the
8 Department of Health and Human Services before July 1, 2019, remains in effect as
9 if the action had been taken by the Board of Applied Behavior Analysis.

10 3. A license as a behavior analyst or assistant behavior analyst or registration
11 as a registered behavior technician that is valid on July 1, 2019, and that was issued
12 by the Aging and Disability Services Division of the Department of Health and
13 Human Services:

14 (a) Shall be deemed to be issued by the Board of Applied Behavior Analysis;
15 and

16 (b) Remains valid until its date of expiration, if the holder of the license
17 otherwise remains qualified for the issuance or renewal of the license on or after
18 July 1, 2019.

19 **Sec. 55.** Notwithstanding the amendatory provisions of section 16 of this act
20 transferring authority to adopt regulations prescribing fees for the issuance or
21 renewal of a license as a behavior analyst or assistant behavior analyst from the
22 Aging and Disability Services Division of the Department of Health and Human
23 Services to the Board of Applied Behavior Analysis, any regulations adopted by the
24 Board of Psychological Examiners pursuant to NRS 641.100 and 641.228, before
25 July 1, 2019, that prescribe fees for the issuance or renewal of the license of a
26 behavior analyst or assistant behavior analyst remain in effect and may be enforced
27 by the Aging and Disability Services Division of the Department of Health and
28 Human Services until the Board of Applied Behavior Analysis adopts regulations to
29 repeal or replace those regulations.

30 **Sec. 56.** NRS 437.055 is hereby repealed.

31 **Sec. 57.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

437.055 “State certified behavior interventionist” defined. “State certified behavior interventionist” means a person who is certified as such by the Division and provides behavioral therapy under the supervision of:

1. A licensed psychologist;
2. A licensed behavior analyst; or
3. A licensed assistant behavior analyst.