

Amendment No. 734

Assembly Amendment to Senate Bill No. 258 First Reprint (BDR 39-248)
Proposed by: Assembly 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: 5/17/2019

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

38 Existing law provides that persons who provide certain services that could otherwise
 39 constitute applied behavior analysis are exempt from requirements to be licensed or
 40 registered to practice applied behavior analysis if they do not provide applied behavior
 41 analysis services directly to natural persons. (NRS 437.065) Section 10 of this bill
 42 provides that such persons are exempt from those licensure or registration requirements
 43 if they do not otherwise separately provide applied behavior analysis services directly to
 44 natural persons.

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

49 Existing law requires each person desiring a license as a behavior analyst or assistant
 50 behavior analyst or registration as a registered behavior technician to undergo a criminal
 51 background check. (NRS 437.200) **Section 18** of this bill authorizes an applicant for
 52 registration as a registered behavior technician to forego the required background check if he
 53 or she submits certain verification that he or she has, within the immediately preceding 6
 54 months, passed a criminal background check for the purpose of certification by the Behavior
 55 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:

1 **Section 1.** NRS 437.001 is hereby amended to read as follows:
 2 437.001 As used in this chapter, unless the context otherwise requires, the
 3 words and terms defined in NRS 437.005 to ~~437.055,]~~ **437.050**, inclusive, have the
 4 meanings ascribed to them in those sections.

5 **Sec. 2.** NRS 437.005 is hereby amended to read as follows:
 6 437.005 “Assistant behavior analyst” means a person who holds current
 7 certification as a Board Certified Assistant Behavior Analyst issued by the
 8 Behavior Analyst Certification Board, Inc., or any successor in interest to that
 9 organization, and is licensed as an assistant behavior analyst ~~by the Division.]~~
 10 *pursuant to this chapter.*

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

2 437.010 “Behavior analyst” means a person who holds current certification as
3 a Board Certified Behavior Analyst issued by the Behavior Analyst Certification
4 Board, Inc., or any successor in interest to that organization, and is licensed as a
5 behavior analyst ~~[by the Division.]~~ *pursuant to this chapter.*

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

7 437.020 “Community” means the entire area customarily served by behavior
8 analysts and assistant behavior analysts among whom a patient may reasonably
9 choose, not merely the particular area inhabited by the patients of an individual
10 behavior analyst, assistant behavior analyst ~~[, state certified behavior~~
11 ~~interventionist]~~ or registered behavior technician or the particular city or place
12 where the behavior analyst, assistant behavior analyst ~~[, state certified behavior~~
13 ~~interventionist]~~ or registered behavior technician has his or her office.

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

15 437.030 “Gross malpractice” means malpractice where the failure to exercise
16 the requisite degree of care, diligence or skill consists of:

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

21 2. Gross negligence;

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

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

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

29 437.035 “Malpractice” means failure on the part of a behavior analyst,
30 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
31 behavior technician to exercise the degree of care, diligence and skill ordinarily
32 exercised by behavior analysts, assistant behavior analysts ~~[, state certified behavior~~
33 ~~interventionists]~~ or registered behavior technicians, as applicable, in good standing
34 in the community.

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

36 437.040 “Practice of applied behavior analysis” means the design,
37 implementation and evaluation of instructional and environmental modifications
38 based on scientific research and observations of behavior and the environment to
39 produce socially significant improvement in human behavior, including, without
40 limitation:

41 1. The empirical identification of functional relations between environment
42 and behavior; and

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

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

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

51 437.050 “Registered behavior technician” means a person who ~~[is]~~ :

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

1 2. *Is* registered as such ~~[by the Division]~~ *pursuant to this chapter*; and
2 ~~[provides]~~

3 3. *Provides* behavioral therapy under the supervision of:

4 ~~[1.]~~ (a) A licensed psychologist;

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

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

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

8 437.060 The provisions of this chapter do not apply to:

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

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

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

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

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

17 6. A person who is licensed to engage in social work pursuant to chapter
18 641B of NRS;

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

21 8. A person who is licensed as a clinical alcohol and drug abuse counselor,
22 licensed or certified as an alcohol and drug abuse counselor or certified as an
23 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
24 counselor intern, a problem gambling counselor or a problem gambling counselor
25 intern, pursuant to chapter 641C of NRS;

26 9. Any member of the clergy;

27 10. A family member of a recipient of applied behavior analysis services who
28 performs activities as directed by a behavior analyst or assistant behavior analyst;
29 or

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

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

36 437.065 1. A person is not required to be licensed ~~[, certified]~~ or registered
37 ~~[by the Division]~~ *pursuant to this chapter* if he or she:

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

40 (b) Provides generalized applied behavior analysis services to an organization
41 but does not *otherwise separately* provide such services directly to natural persons;

42 (c) Teaches applied behavior analysis or conducts research concerning applied
43 behavior analysis but does not *otherwise separately* provide applied behavior
44 analysis services directly to natural persons;

45 (d) Provides academic services, including, without limitation, tutoring,
46 instructional design, curriculum production, assessment research and design, or test
47 preparation but does not *otherwise separately* provide applied behavior analysis
48 services directly to natural persons; or

49 (e) Conducts academic research relating to applied behavior analysis as a
50 primary job responsibility but does not *otherwise separately* provide applied
51 behavior analysis services directly to natural persons.

52 2. A person described in subsection 1:

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

1 (b) Shall not represent or imply that he or she is licensed ~~[, certified]~~ or
2 registered ~~[by the Division]~~ *pursuant to this chapter.*

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

4 437.070 1. A person who has matriculated at an accredited college or
5 university and is not licensed ~~[, certified]~~ or registered ~~[by the Division]~~ *pursuant*
6 *to this chapter* may practice applied behavior analysis under the direct supervision
7 of a licensed behavior analyst as part of:

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

10 (b) An internship or fellowship.

11 2. A person described in subsection 1:

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

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

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

20 437.075 1. A licensed behavior analyst or assistant behavior analyst ~~[, state~~
21 ~~certified behavior interventionist]~~ or registered behavior technician shall limit his or
22 her practice of applied behavior analysis to his or her areas of competence, as
23 documented by education, training and experience.

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

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

29 437.110 The Board may make and promulgate rules and regulations not
30 inconsistent with the provisions of this chapter governing its procedure, the
31 examination and licensure ~~[, certification]~~ or registration of applicants, the granting,
32 refusal, revocation or suspension of licenses ~~[, certificates]~~ or registrations and the
33 practice of applied behavior analysis.

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

35 437.130 1. ~~[The Division]~~ *Except as otherwise provided in subsection 2,*
36 *the Board* shall enforce the provisions of this chapter and may, under the provisions
37 of this chapter:

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

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

41 ~~[3.]~~ Conduct investigations of licensees, certificate holders and registrants.

42 ~~[4.]~~ (c) Revoke or suspend licenses ~~[, certificates]~~ and registrations.

43 ~~[5.]~~ Collect all fees and make disbursements pursuant to this chapter.]

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

49 3. *The Division shall:*

50 (a) *Collect applications and fees and make disbursements pursuant to this*
51 *chapter;*

52 (b) *With the approval of the Board, conduct investigations of licensees and*
53 *registrants; and*

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

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

3 437.135 In a manner consistent with the provisions of chapter 622A of NRS
4 **and with the approval of the Board**, the Division may hold hearings and
5 conduct investigations related to its duties under this chapter and take evidence on
6 any matter under inquiry before it.

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

8 437.140 1. The ~~Division~~ **Board** shall prescribe, by regulation, fees for the
9 issuance, renewal and reinstatement of a license ~~certificate~~ or registration and
10 any other services provided by the Division pursuant to this chapter. The ~~Division~~
11 **Board** shall ensure, to the extent practicable, that the amount of such fees is
12 sufficient to pay the costs incurred by the Board and the Division under the
13 provisions of this chapter, including, without limitation, the compensation of the
14 Board prescribed by NRS 437.105, and does not exceed the amount necessary to
15 pay those costs.

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

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

28 437.145 1. The Division shall make and keep:

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

31 (b) A register of all licenses ~~certificates~~ and registrations.

32 (c) A register of all holders of licenses ~~certificates~~ and registrations.

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

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

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

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

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

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

2 437.200 1. Each person desiring a license as a behavior analyst or assistant
3 behavior analyst ~~[, certification as a state certified behavior interventionist]~~ or
4 registration as a registered behavior technician must:

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

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

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

13 (2) Submit to the Division:

14 (I) A complete set of fingerprints and written permission authorizing
15 the Division to forward the fingerprints to the Central Repository for Nevada
16 Records of Criminal History for submission to the Federal Bureau of Investigation
17 for a report on the applicant's background, and to such other law enforcement
18 agencies as the Division deems necessary for a report on the applicant's
19 background; or

20 (II) Written verification, on a form prescribed by the Division, stating
21 that the set of fingerprints of the applicant was taken and directly forwarded
22 electronically or by other means to the Central Repository for Nevada Records of
23 Criminal History and that the applicant provided written permission authorizing the
24 law enforcement agency or other authorized entity taking the fingerprints to submit
25 the fingerprints to the Central Repository for Nevada Records of Criminal History
26 for submission to the Federal Bureau of Investigation for a report on the applicant's
27 background, and to such other law enforcement agencies as the Division deems
28 necessary for a report on the applicant's background.

29 2. The Division may:

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

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

38 3. **An applicant for registration as a registered behavior technician is not**
39 **required to comply with paragraph (b) of subsection 1 if he or she submits to the**
40 **Division verification from a supervising psychologist, behavior analyst or**
41 **assistant behavior analyst that:**

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

46 (b) **It is the policy of the Behavior Analyst Certification Board, Inc., or its**
47 **successor organization, to conduct an investigation into the criminal background**
48 **of an applicant for registration as a registered behavior technician or an**
49 **equivalent credential that includes the submission of fingerprints to the Federal**
50 **Bureau of Investigation.**

51 4. An application is not considered complete and received for purposes of
52 evaluation pursuant to subsection ~~[5]~~ **4** of NRS 437.205 until the Division receives
53 ~~[a]~~:

1 (a) A complete set of fingerprints or verification that the fingerprints have been
2 forwarded electronically or by other means to the Central Repository for Nevada
3 Records of Criminal History, and written authorization from the applicant pursuant
4 to this section ~~{ }~~; or

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

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

8 437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each
9 application for licensure as a behavior analyst must be accompanied by evidence
10 satisfactory to the ~~{ }~~ **Board** that the applicant:

11 (a) Is of good moral character as determined by the ~~{ }~~ **Board**.

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

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

17 2. Each application for licensure as an assistant behavior analyst must be
18 accompanied by evidence satisfactory to the ~~{ }~~ **Board** that the applicant:

19 (a) Is of good moral character as determined by the ~~{ }~~ **Board**.

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

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

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

31 ~~{ } 4.~~ Each application for registration as a registered behavior technician must
32 contain proof that the applicant is registered as a Registered Behavior Technician,
33 or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or
34 any successor in interest to that organization. The Board shall not require any
35 additional education or training for registration as a registered behavior technician.

36 ~~{ } 4.~~ Except as otherwise provided in NRS 437.215 and 437.220, within
37 120 days after ~~{ }~~ *the Division receives* an application and the
38 accompanying evidence ~~{ }~~ *the Board* shall:

39 (a) Evaluate the application and accompanying evidence and determine
40 whether the applicant is qualified pursuant to this section for licensure ~~{ }~~
41 *certification* or registration; and

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

43 ~~{ } 5.~~ If the ~~{ }~~ **Board** determines that the qualifications of the
44 applicant are insufficient for licensure ~~{ }~~ *certification* or registration, the written
45 statement issued to the applicant pursuant to subsection ~~{ }~~ *4* must include a
46 detailed explanation of the reasons for that determination.

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

48 437.210 1. In addition to any other requirements set forth in this chapter:

49 (a) An applicant for the issuance of a license as a behavior analyst or assistant
50 behavior analyst ~~{ }~~ *certificate as a state certified behavior interventionist* or
51 registration as a registered behavior technician shall include the social security
52 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. Not later than 15 business days after ~~receiving~~ *the Division receives* an
2 application for a license by endorsement as a behavior analyst pursuant to this
3 section, the ~~Division~~ *Board* shall provide written notice to the applicant of any
4 additional information required by the ~~Division~~ *Board* to consider the application.
5 Unless the ~~Division~~ *Board* denies the application for good cause, the ~~Division~~
6 *Board* shall approve the application and issue a license by endorsement as a
7 behavior analyst to the applicant not later than:

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

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

11 ↳ whichever occurs later.

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

13 437.220 1. The ~~Division~~ *Board* may issue a license by endorsement as a
14 behavior analyst to an applicant who meets the requirements set forth in this
15 section. An applicant may submit to the Division an application for such a license if
16 the applicant:

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

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

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

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

25 (1) Satisfies the requirements of subsection 1;

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

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

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

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

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

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

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

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

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

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

51 ↳ whichever occurs later.

52 4. At any time before making a final decision on an application for a license
53 by endorsement pursuant to this section, the ~~Division~~ *Board* may grant a

1 provisional license authorizing an applicant to practice as a behavior analyst in
2 accordance with regulations adopted by the Board.

3 5. As used in this section, “veteran” has the meaning ascribed to it in NRS
4 417.005.

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

6 437.225 1. To renew a license as a behavior analyst or assistant behavior
7 analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a
8 registered behavior technician, each person must, on or before the first day of
9 January of each odd-numbered year:

10 (a) Apply to the Division for renewal;

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

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

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

16 (2) *That the person’s certification or registration, as applicable, by the*
17 *Behavior Analyst Certification Board, Inc., or its successor organization, remains*
18 *valid and the holder remains in good standing; and*

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

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

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

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

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

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

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

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

40 437.330 1. In addition to any other requirements set forth in this chapter, an
41 applicant for the renewal of a license as a behavior analyst or assistant behavior
42 analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a
43 registered behavior technician must indicate in the application submitted to the
44 Division whether the applicant has a state business license. If the applicant has a
45 state business license, the applicant must include in the application the business
46 identification number assigned by the Secretary of State upon compliance with the
47 provisions of chapter 76 of NRS.

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

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

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

- 4 (1) Satisfied the debt;
5 (2) Entered into an agreement for the payment of the debt pursuant to NRS
6 353C.130; or
7 (3) Demonstrated that the debt is not valid.

8 3. As used in this section:

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

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

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

12 437.335 1. The license of any behavior analyst or assistant behavior analyst
13 ~~[, the certificate of a state certified behavior interventionist]~~ or the registration of a
14 registered behavior technician who fails to pay the biennial fee for the renewal of a
15 license ~~[, certificate]~~ or registration within 60 days after the date it is due is
16 automatically suspended. The ~~[Division]~~ **Board** may, within 2 years after the date
17 the license ~~[, certificate]~~ or registration is so suspended, reinstate the license ~~[,~~
18 ~~certificate]~~ or registration upon payment to the Division of the amount of the then
19 current biennial fee for the renewal of a license ~~[, certificate]~~ or registration and the
20 amount of the fee for the restoration of a license ~~[, certificate]~~ or registration so
21 suspended. If the license ~~[, certificate]~~ or registration is not reinstated within 2
22 years, the ~~[Division]~~ **Board** may reinstate the license ~~[, certificate]~~ or registration
23 only if it also determines that the holder of the license ~~[, certificate]~~ or registration
24 is competent to practice as a behavior analyst, assistant behavior analyst ~~[, state~~
25 ~~certified behavior interventionist]~~ or registered behavior technician, as applicable.

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

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

30 437.400 1. The ~~[Division]~~ **Board** may suspend or revoke a person's license
31 as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified~~
32 ~~behavior interventionist]~~ or registration as a registered behavior technician, place
33 the person on probation, require remediation for the person or take any other action
34 specified by regulation if the Division finds by a preponderance of the evidence that
35 the person has:

36 (a) Been convicted of a felony relating to the practice of applied behavior
37 analysis.

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

41 (c) Been convicted of violating any of the provisions of NRS 616D.200,
42 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

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

45 (e) Except as otherwise provided in NRS 437.060 and 437.070, aided or
46 abetted practice as a behavior analyst, assistant behavior analyst ~~[, state certified~~
47 ~~behavior interventionist]~~ or registered behavior technician by a person who is not
48 licensed ~~[, certified]~~ or registered, as applicable, ~~[by the Division,]~~ **pursuant to this**
49 **chapter.**

50 (f) Made any fraudulent or untrue statement to the Division ~~[,]~~ **or the Board.**

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

52 (h) Had a license, certificate or registration to practice applied behavior
53 analysis suspended or revoked or has had any other disciplinary action taken

1 against the person by another state or territory of the United States, the District of
2 Columbia or a foreign country, if at least one of the grounds for discipline is the
3 same or substantially equivalent to any ground contained in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

27 437.405 The Board shall adopt regulations that establish grounds for
28 disciplinary action for a licensed behavior analyst, licensed assistant behavior
29 analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician
30 in addition to those prescribed by NRS 437.400.

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

32 437.410 1. If the Division or a hearing officer appointed by the Division
33 finds a person guilty in a disciplinary proceeding, the Division *shall transmit*
34 *notice of that finding to the Board. Upon receiving such notice, the Board* may:

35 (a) Administer a public reprimand.

36 (b) Limit the person's practice.

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

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

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

41 (f) Revoke or suspend the person's license ~~[-, certificate]~~ or registration and
42 impose a monetary penalty.

43 (g) Suspend the enforcement of any penalty by placing the person on
44 probation. The ~~[Division]~~ **Board** may revoke the probation if the person does not
45 follow any conditions imposed.

46 (h) Require the person to submit to the supervision of or counseling or
47 treatment by a person designated by the ~~[Division.]~~ **Board**. The person named in
48 the complaint is responsible for any expense incurred.

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

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

52 2. The ~~[Division]~~ **Board** shall not administer a private reprimand.

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

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

4 437.415 1. If the Division receives a copy of a court order issued pursuant
5 to NRS 425.540 that provides for the suspension of all professional, occupational
6 and recreational licenses ~~[-certificates]~~ and permits issued to a person who is the
7 holder of a license ~~[-certificate]~~ or registration issued pursuant to this chapter, the
8 Division *shall transmit the copy to the Board. The Board* shall deem the license ~~[-~~
9 ~~certificate]~~ or registration issued to that person to be suspended at the end of the
10 30th day after the date on which the court order was issued unless the Division
11 receives *and transmits to the Board* a letter issued to the holder of the license ~~[-~~
12 ~~certificate]~~ or registration by the district attorney or other public agency pursuant to
13 NRS 425.550 stating that the holder of the license ~~[-certificate]~~ or registration has
14 complied with the subpoena or warrant or has satisfied the arrearage pursuant to
15 NRS 425.560.

16 2. The ~~[Division]~~ *Board* shall reinstate a license ~~[-certificate]~~ or registration
17 issued pursuant to this chapter that has been suspended by a district court pursuant
18 to NRS 425.540 if the Division receives *and transmits to the Board* a letter issued
19 by the district attorney or other public agency pursuant to NRS 425.550 to the
20 person whose license ~~[-certificate]~~ or registration was suspended stating that the
21 person whose license ~~[-certificate]~~ or registration was suspended has complied with
22 the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

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

24 437.425 1. The Division or a hearing officer may , *with the approval of the*
25 *Board*, issue subpoenas to compel the attendance of witnesses and the production
26 of books, papers, documents, the records of patients and any other article related to
27 the practice of applied behavior analysis.

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

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

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

34 (c) The witness has failed or refused to attend or produce the articles required
35 by the subpoena or has refused to answer questions propounded to him or her,
36 and asking for an order of the court compelling the witness to attend and testify
37 before the Division or a hearing officer, or produce the articles as required by the
38 subpoena.

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

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

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

50 437.430 1. The Division, *the Board or* any review panel of a hospital or an
51 association of behavior analysts, assistant behavior analysts ~~[-state-certified~~
52 ~~behavior-interventionists]~~ or registered behavior technicians which becomes aware
53 that any one or a combination of the grounds for initiating disciplinary action may

1 exist as to a person practicing applied behavior analysis in this State shall, and any
2 other person who is so aware may, file a written complaint specifying the relevant
3 facts with the Division.

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

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

8 437.435 When a complaint is filed with the Division, it shall review the
9 complaint. If, from the complaint or from other official records, it appears that the
10 complaint is not frivolous, the Division may ~~it~~, *with the approval of the Board:*

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

12 2. If the Division retains the Attorney General, transmit the original
13 complaint, along with further facts or information derived from the review, to the
14 Attorney General.

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

16 437.440 1. The Division shall *request the approval of the Board to* conduct
17 an investigation of each complaint filed pursuant to NRS 437.430 which sets forth
18 reason to believe that a person has violated NRS 437.500. *Upon the approval of the*
19 *Board, the Division shall conduct such an investigation.*

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

22 (a) May ~~issue~~, *with the approval of the Board:*

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

26 ~~—(b) May issue; and~~

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

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

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

36 4. For any person who violates the provisions of NRS 437.500, the Division
37 shall assess an administrative fine of:

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

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

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

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

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

45 437.445 1. If the Division retains the Attorney General pursuant to NRS
46 437.435, the Attorney General shall conduct an investigation of a complaint
47 transmitted to the Attorney General to determine whether it warrants proceedings
48 for the modification, suspension or revocation of the license ~~[-certificate]~~ or
49 registration. If the Attorney General determines that further proceedings are
50 warranted, he or she shall report the results of the investigation together with a
51 recommendation to the Division in a manner which does not violate the right of the
52 person charged in the complaint to due process in any later hearing on the
53 complaint.

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

- 4 (a) Dismiss the complaint; or
5 (b) Proceed with appropriate disciplinary action.

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

7 437.450 Notwithstanding the provisions of chapter 622A of NRS, if the
8 Division has reason to believe that the conduct of any behavior analyst, assistant
9 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
10 technician has raised a reasonable question as to competence to practice applied
11 behavior analysis with reasonable skill and safety to patients, the Division may ,
12 *with the approval of the Board,* require the behavior analyst, assistant behavior
13 analyst ~~[, state certified behavior interventionist]~~ or registered behavior technician
14 to take a written or oral examination to determine whether the behavior analyst,
15 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
16 behavior technician is competent to practice applied behavior analysis. If an
17 examination is required, the reasons therefor must be documented and made
18 available to the behavior analyst, assistant behavior analyst ~~[, state certified~~
19 ~~behavior interventionist]~~ or registered behavior technician being examined.

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

21 437.455 Notwithstanding the provisions of chapter 622A of NRS, if the
22 ~~[Division or a hearing officer]~~ *Board* issues an order suspending the license of a
23 behavior analyst or assistant behavior analyst ~~[, certificate of a state certified~~
24 ~~behavior interventionist]~~ or registration of a registered behavior technician pending
25 proceedings for disciplinary action and requires the behavior analyst, assistant
26 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
27 technician to submit to an examination of his or her competency to practice applied
28 behavior analysis, the examination must be conducted and the results obtained
29 within 60 days after the ~~[Division or hearing officer]~~ *Board* issues the order.

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

31 437.465 Notwithstanding the provisions of chapter 622A of NRS, in any
32 disciplinary proceeding before the Division or a hearing officer conducted under
33 the provisions of this chapter:

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

37 2. A certified copy of the record of a court or a licensing agency showing a
38 conviction or the suspension or revocation of a license as a behavior analyst or
39 assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~
40 or registration as a registered behavior technician is conclusive evidence of its
41 occurrence.

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

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

45 437.470 1. Any person who has been placed on probation or whose license
46 ~~[, certificate]~~ or registration has been limited, suspended or revoked pursuant to this
47 chapter is entitled to judicial review of the order.

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

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

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

2 437.475 1. Notwithstanding the provisions of chapter 622A of NRS:

3 ~~1.] (a)~~ Pending disciplinary proceedings before the Division or a hearing
4 officer, the court may, upon application by the Division or the Attorney General,
5 issue a temporary restraining order or a preliminary injunction to enjoin any
6 unprofessional conduct of a behavior analyst, an assistant behavior analyst ~~[, a state~~
7 ~~certified behavior interventionist]~~ or a registered behavior technician which is
8 harmful to the public, to limit the practice of the behavior analyst, assistant
9 behavior analyst ~~[, state certified behavior interventionist]~~ or registered behavior
10 technician or to suspend the license to practice as a behavior analyst or assistant
11 behavior analyst ~~[, certificate to practice as a state certified behavior interventionist]~~
12 or registration to practice as a registered behavior technician without proof of actual
13 damage sustained by any person, this provision being a preventive as well as a
14 punitive measure.

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

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

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

21 437.480 1. The Division, **with the approval of the Board,** or the Attorney
22 General may maintain in any court of competent jurisdiction a suit for an injunction
23 against any person practicing in violation of NRS 437.510 or as a behavior analyst,
24 assistant behavior analyst ~~[, state certified behavior interventionist]~~ or registered
25 behavior technician without the proper license ~~[, certificate]~~ or registration. ~~[from~~
26 ~~the Division.]~~

27 2. Such an injunction:

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

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

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

33 437.485 In addition to any other immunity provided by the provisions of
34 chapter 622A of NRS, the Division, a review panel of a hospital, an association of
35 behavior analysts, assistant behavior analysts ~~[, state certified behavior~~
36 ~~interventionists]~~ or registered behavior technicians, or any other person who or
37 organization which initiates a complaint or assists in any lawful investigation or
38 proceeding concerning the licensure of a behavior analyst or assistant behavior
39 analyst ~~[, certification of a state certified behavior interventionist]~~ or registration of
40 a registered behavior technician or the discipline of a behavior analyst, an assistant
41 behavior analyst ~~[, a state certified behavior interventionist]~~ or a registered behavior
42 technician for gross malpractice, repeated malpractice, professional incompetence
43 or unprofessional conduct is immune from any civil action for that initiation or
44 assistance or any consequential damages, if the person or organization acted
45 without malicious intent.

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

47 437.490 1. Any person:

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

49 (b) Whose license ~~[, certificate]~~ or registration has been revoked; or

50 (c) Who has been placed on probation,

51 ↪ by an order of the ~~[Division or a hearing officer]~~ **Board** may apply to the
52 Division after 1 year for removal of the limitation or termination of the probation or

1 may apply to the Division pursuant to the provisions of chapter 622A of NRS for
2 reinstatement of the revoked license ~~[, certificate]~~ or registration.

3 2. In hearing the application, the Division:

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

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

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

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

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

14 437.500 Except as otherwise provided in NRS 437.060, 437.065 and 437.070,
15 a person shall not represent himself or herself as a behavior analyst, assistant
16 behavior ~~[analyst, state-certified behavior interventionist]~~ or registered behavior
17 technician within the meaning of this chapter or engage in the practice of applied
18 behavior analysis unless he or she is licensed ~~[, certified]~~ or registered as required
19 by the provisions of this chapter.

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

21 437.505 1. A licensed assistant behavior analyst shall not provide or
22 supervise behavioral therapy except under the supervision of:

23 (a) A licensed psychologist; or

24 (b) A licensed behavior analyst.

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

27 (a) A licensed psychologist;

28 (b) A licensed behavior analyst; or

29 (c) A licensed assistant behavior analyst.

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

31 437.510 Any person who:

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

34 2. Gives either false or forged evidence of any kind to the Division in
35 connection with an application for a license ~~[, certificate]~~ or registration;

36 3. Practices applied behavior analysis under a false or assumed name or
37 falsely personates another behavior analyst, assistant behavior analyst ~~[, state-~~
38 ~~certified behavior interventionist]~~ or registered behavior technician of a like or
39 different name;

40 4. Except as otherwise provided in NRS 437.060 and 437.065, represents
41 himself or herself as a behavior analyst, assistant behavior analyst ~~[, state-certified~~
42 ~~behavior interventionist]~~ or registered behavior technician, or uses any title or
43 description which indicates or implies that he or she is a behavior analyst, assistant
44 behavior analyst ~~[, state-certified behavior interventionist]~~ or registered behavior
45 technician, unless he or she has been issued a license ~~[, certificate]~~ or registration as
46 required by this chapter; or

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

51 ➤ is guilty of a gross misdemeanor.

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

2 287.0276 1. The governing body of any county, school district, municipal
3 corporation, political subdivision, public corporation or other local governmental
4 agency of the State of Nevada that provides health insurance through a plan of self-
5 insurance must provide coverage for screening for and diagnosis of autism
6 spectrum disorders and for treatment of autism spectrum disorders to persons
7 covered by the plan of self-insurance under the age of 18 years or, if enrolled in
8 high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

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

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

51 7. Nothing in this section shall be construed as requiring a governing body of
52 any county, school district, municipal corporation, political subdivision, public
53 corporation or other local governmental agency of the State of Nevada that provides

1 health insurance through a plan of self-insurance to provide reimbursement to a
2 school for services delivered through school services.

3 8. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 ~~{(o)}~~ (n) “Treatment plan” means a plan to treat an autism spectrum disorder
53 that is prescribed by a licensed physician or licensed psychologist and may be

1 developed pursuant to a comprehensive evaluation in coordination with a licensed
2 behavior analyst.

3 **Sec. 47.** NRS 427A.040 is hereby amended to read as follows:

4 427A.040 1. The Division shall, consistent with the priorities established by
5 the Commission pursuant to NRS 427A.038:

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

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

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

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

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

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

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

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

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

28 2. The Division shall:

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

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

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

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

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

43 (d) Serve as a liaison between local governmental agencies in this State that
44 provide services or programs to persons with disabilities to facilitate
45 communication and the coordination of information and any other matters relating
46 to services or programs for persons with disabilities. To inform local governmental
47 agencies in this State of services and programs of other local governmental
48 agencies in this State for persons with disabilities pursuant to this subsection, the
49 Division shall:

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

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

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

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

9 (1) The program established pursuant to NRS 427A.791, 427A.793 and
10 427A.795 to provide services for persons with physical disabilities;

11 (2) The programs established pursuant to NRS 427A.800, 427A.850 and
12 427A.860 to provide services to persons with traumatic brain injuries;

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

16 (4) Any state program for independent living established pursuant to 29
17 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of
18 Employment, Training and Rehabilitation acting as the designated state unit, as that
19 term is defined in 34 C.F.R. § ~~364.4~~ 385.4; and

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

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

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

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

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

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

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

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

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

45 (4) Provides a summary and analysis of the status of the practice of
46 interpreting and the practice of realtime captioning, including, without limitation,
47 the number of persons engaged in the practice of interpreting in an educational
48 setting in each professional classification established pursuant to NRS 656A.100
49 and the number of persons engaged in the practice of realtime captioning in an
50 educational setting; and

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

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

4 4. The Division shall ~~administer~~ :

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

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

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

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


13 641.029 The provisions of this chapter do not apply to:

- 14 1. A physician who is licensed to practice in this State;
- 15 2. A person who is licensed to practice dentistry in this State;
- 16 3. A person who is licensed as a marriage and family therapist or marriage
17 and family therapist intern pursuant to chapter 641A of NRS;
- 18 4. A person who is licensed as a clinical professional counselor or clinical
19 professional counselor intern pursuant to chapter 641A of NRS;
- 20 5. A person who is licensed to engage in social work pursuant to chapter
21 641B of NRS;

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

24 7. A person who is licensed as a clinical alcohol and drug abuse counselor,
25 licensed or certified as an alcohol and drug abuse counselor or certified as an
26 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse
27 counselor intern, a problem gambling counselor or a problem gambling counselor
28 intern, pursuant to chapter 641C of NRS;

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

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

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

37 689A.0435 1. A health benefit plan must provide an option of coverage for
38 screening for and diagnosis of autism spectrum disorders and for treatment of
39 autism spectrum disorders for persons covered by the policy under the age of 18
40 years or, if enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

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

20 6. 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 7. 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 ~~{(o)}~~ (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. 50.** NRS 689B.0335 is hereby amended to read as follows:

24 689B.0335 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 policy of group health insurance under the age
27 of 18 years or, if enrolled in high school, until the person reaches the age of 22
28 years.

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

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

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

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

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

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

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

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

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

1 (b) Provided for a person diagnosed with an autism spectrum disorder by a
2 licensed physician, licensed psychologist, licensed behavior analyst or other
3 provider that is supervised by the licensed physician, psychologist or behavior
4 analyst.

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

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

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

13 8. As used in this section:

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

19 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
20 427A.875.

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

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

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

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

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

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

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

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

1 (k) "Registered behavior technician" has the meaning ascribed to it in NRS
2 437.050.

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

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

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

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

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

15 689C.1655 1. A health benefit plan must provide coverage for screening for
16 and diagnosis of autism spectrum disorders and for treatment of autism spectrum
17 disorders to persons covered by the health benefit plan under the age of 18 years or,
18 if enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

46 ~~↳~~ A carrier may request a copy of and review a treatment plan created pursuant to
47 this subsection.

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

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

1 8. As used in this section:

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

7 (b) “Autism spectrum disorder” has the meaning ascribed to it in NRS
8 427A.875.

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

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

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

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

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

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

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

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

41 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
42 437.050.

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

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

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

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

1 **Sec. 52.** NRS 695C.1717 is hereby amended to read as follows:

2 695C.1717 1. A health care plan issued by a health maintenance
3 organization must provide coverage for screening for and diagnosis of autism
4 spectrum disorders and for treatment of autism spectrum disorders to persons
5 covered by the health care plan under the age of 18 years or, if enrolled in high
6 school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

34 ➤ A health maintenance organization may request a copy of and review a treatment
35 plan created pursuant to this subsection.

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

41 7. Nothing in this section shall be construed as requiring a health maintenance
42 organization to provide reimbursement to a school for services delivered through
43 school services.

44 8. As used in this section:

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

50 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
51 427A.875.

52 (c) "Behavioral therapy" means any interactive therapy derived from evidence-
53 based research, including, without limitation, discrete trial training, early intensive

1 behavioral intervention, intensive intervention programs, pivotal response training
2 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,
3 licensed assistant behavior analyst ~~{ }~~ or registered behavior technician . ~~{or state~~
4 ~~certified behavior interventionist.}~~

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

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

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

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

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

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

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

31 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
32 437.050.

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

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

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

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

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

45 695G.1645 1. A health care plan issued by a managed care organization for
46 group coverage must provide coverage for screening for and diagnosis of autism
47 spectrum disorders and for treatment of autism spectrum disorders to persons
48 covered by the health care plan under the age of 18 years or, if enrolled in high
49 school, until the person reaches the age of 22 years.

50 2. A health care plan issued by a managed care organization for individual
51 coverage must provide an option for coverage for screening for and diagnosis of
52 autism spectrum disorders and for treatment of autism spectrum disorders to

1 persons covered by the health care plan under the age of 18 years or, if enrolled in
2 high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

30 ➤ A managed care organization may request a copy of and review a treatment plan
31 created pursuant to this subsection.

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

37 8. Nothing in this section shall be construed as requiring a managed care
38 organization to provide reimbursement to a school for services delivered through
39 school services.

40 9. As used in this section:

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

46 (b) "Autism spectrum disorder" has the meaning ascribed to it in NRS
47 427A.875.

48 (c) "Behavioral therapy" means any interactive therapy derived from evidence-
49 based research, including, without limitation, discrete trial training, early intensive
50 behavioral intervention, intensive intervention programs, pivotal response training
51 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,
52 licensed assistant behavior analyst ~~or~~ or registered behavior technician . ~~for state~~
53 ~~certified behavior interventionist.~~

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

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

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

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

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

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

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

27 (k) “Registered behavior technician” has the meaning ascribed to it in NRS
28 437.050.

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

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

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

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

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

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

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

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

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

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

6 **Sec. 55.** Notwithstanding the amendatory provisions of section 16 of this act
7 transferring authority to adopt regulations prescribing fees for the issuance or
8 renewal of a license as a behavior analyst or assistant behavior analyst from the
9 Aging and Disability Services Division of the Department of Health and Human
10 Services to the Board of Applied Behavior Analysis, any regulations adopted by the
11 Board of Psychological Examiners pursuant to NRS 641.100 and 641.228, before
12 July 1, 2019, that prescribe fees for the issuance or renewal of the license of a
13 behavior analyst or assistant behavior analyst remain in effect and may be enforced
14 by the Aging and Disability Services Division of the Department of Health and
15 Human Services until the Board of Applied Behavior Analysis adopts regulations to
16 repeal or replace those regulations.

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

18 **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.