

ASSEMBLY BILL NO. 343—ASSEMBLYMAN C.H. MILLER

MARCH 20, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to occupational therapy. (BDR 54-737)

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 occupational therapy; authorizing the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant; authorizing the Board to issue certain citations to licensees for certain violations; revising the qualifications for a person to obtain a license as an occupational therapist or occupational therapy assistant; providing a salary for members of the Board; revising various provisions relating to licensing occupational therapists or occupational therapy assistants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the licensure and regulation of occupational therapists
2 and occupational therapy assistants by the Board of Occupational Therapy.
3 (Chapter 640A of NRS) Existing law requires a person to meet certain requirements
4 to obtain a license as an occupational therapist or occupational therapy assistant,
5 including the satisfaction of certain educational requirements in a program
6 approved by the Board, the successful completion of a certain amount of fieldwork
7 experience approved by the Board and the passage of an examination approved by
8 the Board. (NRS 640A.120) **Section 8** of this bill revises those requirements to
9 instead require, with certain exceptions, a person who wishes to obtain a license as
10 an occupational therapist or occupational therapy assistant to: (1) pass an
11 examination on the laws and regulations governing the practice of occupational
12 therapy in this State approved by the Board pursuant to **section 10** of this bill; and
13 (2) hold a current certification as an occupational therapist or occupational therapy
14 assistant, as applicable, with the National Board for Certification in Occupational
15 Therapy, or its successor organization. **Section 5** of this bill revises a reference to
16 the educational program required for licensure to reflect the changes made by



17 **section 8. Section 19** of this bill repeals provisions concerning the issuance of
18 certain licenses to conform to the changes made by **section 8**.

19 Existing law authorizes the issuance of a license by endorsement as an
20 occupational therapist to an applicant who holds a valid and unrestricted license as
21 an occupational therapist in the District of Columbia or any state or territory of the
22 United States and who meets certain other requirements. (NRS 640A.165,
23 640A.166) **Section 2** of this bill authorizes the Board to issue a license by
24 reciprocity as an occupational therapist or occupational therapy assistant to a person
25 who holds a valid and unrestricted license as an occupational therapist or
26 occupational therapy assistant, as applicable, in any state that is a member of the
27 Occupational Therapy Licensure Compact and who meets certain other
28 requirements. **Sections 2, 11 and 12** of this bill require an applicant for a licensure
29 by endorsement or by reciprocity to meet the requirements set forth in **section 8**.

30 Existing law authorizes the Board to issue a temporary license to a person who
31 meets the qualifications for licensure as an occupational therapist or occupational
32 therapy assistant other than the passage of the examination approved by the Board.
33 If the person to whom a temporary license does not hold a license in another State
34 and is not certified by the National Board for Certification in Occupational
35 Therapy, existing law authorizes the person to practice occupational therapy under
36 the temporary license only under the general supervision of a licensed occupational
37 therapist. (NRS 640A.170) **Section 13** of this bill requires a temporary license to be
38 issued only to a person who is licensed in another state and who meets the
39 requirements set forth in **section 8. Section 3** of this bill provides for the issuance
40 of a provisional license to a person who: (1) has passed the examination approved
41 by the Board pursuant to **section 10**; (2) has completed certain educational
42 requirements; and (3) is eligible to take the national examination required for
43 certification. Under **section 3**, a person to whom a provisional license is issued is
44 authorized to practice occupational therapy under the temporary license only under
45 the general supervision of a licensed occupational therapist.

46 Existing law exempts a person enrolled in an educational program approved by
47 the Board from the provisions of existing law governing occupational therapy under
48 certain circumstances. (NRS 640A.070) **Section 6** of this bill revises the type of
49 educational program in which a person must be enrolled to qualify for the
50 exemption. **Section 9** of this bill revises certain requirements concerning an
51 application for a license. **Section 15** of this bill authorizes the Board to establish
52 fees for the issuance of a license by reciprocity and a provisional license.

53 Existing law authorizes the Board to adopt regulations imposing continuing
54 education requirements for the renewal of a license. (NRS 640A.180) **Section 14** of
55 this bill provides that such requirements may require a licensee to take and pass the
56 examination approved by the Board pursuant to **section 10** at intervals set by the
57 Board.

58 Existing law provides that the members of the Board serve without
59 compensation while engaged in the business of the Board. (NRS 640A.100)
60 **Section 7** of this bill provides that each member of the Board is entitled to a salary
61 of not more than \$150 per day, as fixed by the Board, while engaged in the business
62 of the Board.

63 Existing law authorizes the Board to impose certain penalties against a licensee
64 who commits certain violations of the provisions of existing law governing
65 occupational therapy or who engages in certain other conduct. (NRS 640A.200)
66 **Section 4** of this bill authorizes the Board to issue a citation to a licensee who
67 commits certain specified violations of certain regulations adopted by the Board.

68 **Sections 16-18** of this bill make technical changes to existing provisions which
69 exempt persons licensed as an occupational therapist or occupational therapy
70 assistant from certain provisions governing other professions.



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

1 **Section 1.** Chapter 640A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2, 3 and 4 of this
3 act.

4 **Sec. 2. 1.** *The Board may issue a license by reciprocity as*
5 *an occupational therapist or occupational therapy assistant to an*
6 *applicant who meets the requirements set forth in this section.*
7 *An applicant may submit an application for such a license if the*
8 *applicant:*

9 *(a) Holds a valid and unrestricted license as an occupational*
10 *therapist or occupational therapy assistant, as applicable, in any*
11 *state that is a member of the Occupational Therapy Licensure*
12 *Compact; and*

13 *(b) Meets the requirements set forth in NRS 640A.120.*

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

16 *(a) Proof satisfactory to the Board that the applicant satisfies*
17 *the requirements of subsection 1;*

18 *(b) A fee in the amount set by regulation of the Board*
19 *pursuant to NRS 640A.190; and*

20 *(c) Any other information required by the Board.*

21 **Sec. 3. 1.** *The Board may issue a provisional license to a*
22 *person who:*

23 *(a) Has passed the examination approved by the Board*
24 *pursuant to NRS 640A.150;*

25 *(b) Has graduated from an educational program accredited by*
26 *the Accreditation Council for Occupational Therapy Education of*
27 *the American Occupational Therapy Association Inc., or its*
28 *successor organization, or an equivalent foreign educational*
29 *program accepted by the National Board for Certification in*
30 *Occupational Therapy, or its successor organization, as an*
31 *equivalent requirement for certification; and*

32 *(c) Is eligible to take the national examination required for*
33 *certification by the National Board for Certification in*
34 *Occupational Therapy.*

35 **2.** *A provisional license issued pursuant to this section*
36 *authorizes the person to whom the provisional license is issued to*
37 *practice occupational therapy only under the general supervision*
38 *of an occupational therapist licensed pursuant to this chapter.*

39 **3.** *A provisional license issued pursuant to this section is*
40 *valid for 6 months or until the person to whom it is issued*
41 *otherwise obtains a license pursuant to this chapter, whichever*
42 *occurs first.*



1 4. *The Board may renew a provisional license not more than*
2 *once and may revoke a provisional license for any of the grounds*
3 *set forth in NRS 640A.200.*

4 **Sec. 4.** *1. A member or agent of the Board may issue a*
5 *citation to a licensee if the member or agent concludes that, based*
6 *on a preponderance of the evidence, the licensee has violated any*
7 *regulation of the Board that requires a licensee to:*

8 *(a) Provide his or her current contact information to the*
9 *Board;*

10 *(b) Provide to the Board information relating to the*
11 *supervision or employment of the licensee;*

12 *(c) Display his or her license or a copy thereof;*

13 *(d) Practice only under the name listed on his or her license;*

14 *(e) Provide proof of continuing education; or*

15 *(f) Provide to the Board information or documentation*
16 *required to be maintained by the licensee.*

17 2. *A citation issued pursuant to this section may include,*
18 *without limitation, an order to:*

19 *(a) Take action to correct any condition resulting from any act*
20 *that constitutes a violation of a provision set forth in subsection 1,*
21 *at the cost of the person who committed the violation. If the*
22 *citation contains such an order, the citation must:*

23 *(1) State the time permitted for compliance, which must be*
24 *not less than 5 business days after the date the person receives the*
25 *citation; and*

26 *(2) Specifically describe the corrective action to be taken.*

27 *(b) Except as otherwise provided by subsection 4, pay an*
28 *administrative fine not to exceed the amount prescribed pursuant*
29 *to subsection 3.*

30 3. *Any administrative fine imposed pursuant to this section*
31 *must be in the amount prescribed by regulation of the Board,*
32 *which must be not more than \$500.*

33 4. *If a citation issued pursuant to this section contains an*
34 *order to pay an administrative fine, the person to whom the*
35 *citation was issued may submit a written request to the Board to*
36 *waive the administrative fine. If the Board determines that good*
37 *cause exists to waive the administrative fine, the Board may grant*
38 *the request.*

39 5. *The sanctions authorized by this section are separate from,*
40 *and in addition to, any other remedy, civil or criminal, authorized*
41 *by this chapter.*

42 **Sec. 5.** *NRS 640A.050 is hereby amended to read as follows:*
43 *640A.050 "Occupational therapy" means the use of*
44 *evaluations, teachings and interventions to facilitate the activities of*
45 *daily living of a client in groups or on an individual basis to enable*



1 the client to participate in and perform activities of daily living in
2 various settings, including, without limitation, at home, at school, in
3 the workplace and in the community. The term includes:

4 1. Providing services for habilitation, rehabilitation and the
5 promotion of health and wellness to a client;

6 2. Assisting a client in achieving the highest practicable
7 physical, cognitive and psychosocial well-being to improve the
8 physical and mental health of the client and the quality of life of the
9 client;

10 3. Teaching a client skills for daily living;

11 4. Assisting a client in the development of cognitive and
12 perceptual motor skills, and in the integration of sensory functions;

13 5. Assisting a client in learning to play and to use his or her
14 leisure time constructively;

15 6. Assisting a client in developing functional skills necessary to
16 be considered for employment;

17 7. Assessing the need for, designing, constructing and training
18 a client in the use and application of selected orthotic devices and
19 adaptive equipment;

20 8. Assessing the need for prosthetic devices for the upper body
21 and training a client in the functional use of prosthetic devices;

22 9. Teaching a client crafts and exercises designed to enhance
23 his or her ability to function normally;

24 10. Administering to a client manual tests of his or her muscles
25 and range of motion, and interpreting the results of those tests;

26 11. Incorporating into the treatment of a client the safe and
27 appropriate use of physical agent modalities and techniques which
28 have been acquired through an ~~appropriate~~ *educational* program
29 ~~[of education approved by the Board pursuant to subsection 2 of]~~
30 *required to obtain the certification described in* NRS 640A.120, or
31 through a program of continuing education or higher education; and

32 12. Adapting the environment of a client to reduce the effects
33 of handicaps.

34 **Sec. 6.** NRS 640A.070 is hereby amended to read as follows:

35 640A.070 This chapter does not apply to a person:

36 1. Holding a current license or certificate issued pursuant to
37 chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive,
38 or 641D of NRS, who practices within the scope of that license or
39 certificate.

40 2. Employed by the Federal Government who practices
41 occupational therapy within the scope of that employment.

42 3. Enrolled in an educational program ~~approved by the Board]~~
43 *that is accredited by the Accreditation Council for Occupational*
44 *Therapy Education of the American Occupational Therapy*
45 *Association, Inc. or its successor organization, or an equivalent*



1 *foreign educational program accepted by the National Board for*
2 *Certification in Occupational Therapy, or its successor*
3 *organization, which is designed to lead to a certificate or degree in*
4 *occupational therapy, if the person is designated by a title which*
5 *clearly indicates that he or she is a student.*

6 ~~[4.— Obtaining the supervised fieldwork experience necessary to~~
7 ~~satisfy the requirements of subsection 3 of NRS 640A.120.]~~

8 **Sec. 7.** NRS 640A.100 is hereby amended to read as follows:

9 640A.100 1. ~~[The members]~~ *Each member* of the Board
10 ~~[serve without compensation, except that while engaged in the~~
11 ~~business of the Board, each member]~~ is entitled to ~~[the]~~ *receive:*

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

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

18 2. The Board may employ an Executive Director and any other
19 employees it deems necessary, establish their duties and fix their
20 salaries.

21 3. The expenses of the Board and members of the Board, and
22 the salaries of its employees, must be paid from the fees received by
23 the Board pursuant to this chapter, and no part of those expenses and
24 salaries may be paid out of the State General Fund.

25 **Sec. 8.** NRS 640A.120 is hereby amended to read as follows:

26 640A.120 Except as otherwise provided in ~~[NRS 640A.165~~
27 ~~and 640A.166,]~~ *section 3 of this act,* to be eligible for licensing by
28 the Board as an occupational therapist or occupational therapy
29 assistant, an applicant must:

30 1. ~~[Be a natural person of good moral character.]~~ *Have passed*
31 *the examination approved by the Board pursuant to NRS*
32 *640A.150; and*

33 2. ~~[Except as otherwise provided in NRS 640A.130, have~~
34 ~~satisfied the academic requirements of an educational program~~
35 ~~approved by the Board. The Board shall not approve an educational~~
36 ~~program designed to qualify a person to practice as an occupational~~
37 ~~therapist or an occupational therapy assistant unless the program is~~
38 ~~accredited by the Accreditation Council for Occupational Therapy~~
39 ~~Education of the American Occupational Therapy Association, Inc.,~~
40 ~~or its successor organization.~~

41 ~~—3.— Except as otherwise provided in NRS 640A.130, have~~
42 ~~successfully completed:~~

43 ~~—(a) If the application is for licensing as an occupational therapist,~~
44 ~~24 weeks; or~~



1 —(b) If the application is for licensing as an occupational therapy
2 assistant, 16 weeks;
3 ~~→ of supervised fieldwork experience approved by the Board. The~~
4 ~~Board shall not approve any supervised experience unless the~~
5 ~~experience was sponsored by the American Occupational Therapy~~
6 ~~Association, Inc., or its successor organization, or the educational~~
7 ~~institution at which the applicant satisfied the requirements of~~
8 ~~subsection 2.~~

9 —4. ~~Except as otherwise provided in NRS 640A.160 and~~
10 ~~640A.170, pass an examination approved by the Board.] *Hold a*~~

11 *current certification as an occupational therapist or occupational*
12 *therapy assistant, as applicable, with the National Board for*
13 *Certification in Occupational Therapy, or its successor*
14 *organization.*

15 **Sec. 9.** NRS 640A.140 is hereby amended to read as follows:

16 640A.140 1. Except as otherwise provided in NRS 640A.165
17 and 640A.166, *and section 2 of this act*, a person who desires to be
18 licensed by the Board as an occupational therapist or occupational
19 therapy assistant must:

20 (a) Submit an application to the Board ~~[on a form furnished by]~~
21 *in the manner prescribed by* the Board; and

22 (b) Provide evidence satisfactory to the Board that he or she
23 possesses the qualifications required pursuant to ~~[subsections 1, 2~~
24 ~~and 3 of]~~ NRS 640A.120.

25 2. The application must include all information required to
26 complete the application.

27 **Sec. 10.** NRS 640A.150 is hereby amended to read as follows:

28 640A.150 ~~[1.]~~ The Board shall:

29 ~~[(a)] 1.~~ Approve an examination ~~[for licensing as an~~
30 ~~occupational therapist and an examination for licensing as an~~
31 ~~occupational therapy assistant; and]~~ *on the laws and regulations*
32 *governing the practice of occupational therapy in this State; and*

33 ~~[(b)] 2.~~ Establish the requirements to pass ~~[each]~~ *the*
34 *examination.*

35 ~~[2.— Each examination must be in writing and be designed to test~~
36 ~~an applicant's knowledge of:~~

37 ~~—(a) The basic and clinical sciences relating to occupational~~
38 ~~therapy;~~

39 ~~—(b) The techniques and methods of occupational therapy; and~~

40 ~~(c) Any other subjects the Board requires to determine the~~
41 ~~fitness of an applicant to practice occupational therapy.~~

42 ~~—3. A person who has satisfied the requirements of NRS~~
43 ~~640A.140 may take the appropriate examination for licensing.]~~



1 **Sec. 11.** NRS 640A.165 is hereby amended to read as follows:
2 640A.165 1. The Board may issue a license by endorsement
3 as an occupational therapist to an applicant who meets the
4 requirements set forth in this section. An applicant may submit to
5 the Board an application for such a license if the applicant *satisfies*
6 *the requirements set forth in NRS 640A.120 and* holds a
7 corresponding valid and unrestricted license as an occupational
8 therapist in the District of Columbia or any state or territory of the
9 United States.

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

- 12 (a) Proof satisfactory to the Board that the applicant:
13 (1) Satisfies the requirements of subsection 1;
14 (2) Has not been disciplined or investigated by the
15 corresponding regulatory authority of the District of Columbia or
16 any state or territory in which the applicant currently holds or has
17 held a license as an occupational therapist; and
18 (3) Has not been held civilly or criminally liable for
19 malpractice in the District of Columbia or any state or territory of
20 the United States;

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

23 (c) A fee in the amount of the fee set by a regulation of the
24 Board pursuant to NRS 640A.190 for the initial issuance of a
25 license; and

26 (d) Any other information required by the Board.

27 3. Not later than 15 business days after receiving an application
28 for a license by endorsement as an occupational therapist pursuant
29 to this section, the Board shall provide written notice to the
30 applicant of any additional information required by the Board to
31 consider the application. Unless the Board denies the application for
32 good cause, the Board shall approve the application and issue a
33 license by endorsement as an occupational therapist to the applicant
34 not later than 45 days after receiving the application.

35 4. A license by endorsement as an occupational therapist may
36 be issued at a meeting of the Board or between its meetings by the
37 Chair of the Board. Such an action shall be deemed to be an action
38 of the Board.

39 **Sec. 12.** NRS 640A.166 is hereby amended to read as follows:
40 640A.166 1. The Board may issue a license by endorsement
41 as an occupational therapist to an applicant who meets the
42 requirements set forth in this section. An applicant may submit to
43 the Board an application for such a license if the applicant:



1 (a) Holds a corresponding valid and unrestricted license as an
2 occupational therapist in the District of Columbia or any state or
3 territory of the United States; ~~and~~

4 (b) *Meets the requirements set forth in NRS 640A.120; and*

5 (c) Is an active member of, or the spouse of an active member
6 of, the Armed Forces of the United States, a veteran or the surviving
7 spouse of a veteran.

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

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

11 (1) Satisfies the requirements of subsection 1;

12 (2) Has not been disciplined or investigated by the
13 corresponding regulatory authority of the District of Columbia or
14 the state or territory in which the applicant holds a license as an
15 occupational therapist; and

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

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

21 (c) A fee in the amount set by a regulation of the Board pursuant
22 to NRS 640A.190 for the initial issuance of a license; and

23 (d) Any other information required by the Board.

24 3. Not later than 15 business days after receiving an application
25 for a license by endorsement as an occupational therapist pursuant
26 to this section, the Board shall provide written notice to the
27 applicant of any additional information required by the Board to
28 consider the application. Unless the Board denies the application for
29 good cause, the Board shall approve the application and issue a
30 license by endorsement as an occupational therapist to the applicant
31 not later than 45 days after receiving all the additional information
32 required by the Board to complete the application.

33 4. A license by endorsement as an occupational therapist may
34 be issued at a meeting of the Board or between its meetings by the
35 Chair of the Board. Such an action shall be deemed to be an action
36 of the Board.

37 5. At any time before making a final decision on an application
38 for a license by endorsement pursuant to this section, the Board may
39 grant a provisional license authorizing an applicant to practice as an
40 occupational therapist in accordance with regulations adopted by the
41 Board.

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



Sec. 13. NRS 640A.170 is hereby amended to read as follows:

640A.170 1. The Board may issue, ~~[without examination,]~~ a temporary license to a person who has the qualifications required pursuant to ~~[subsections 1, 2 and 3 of]~~ NRS 640A.120 and who ~~is~~:

~~(a) Is certified by the National Board for Certification in Occupational Therapy or its successor organization and] is licensed as an occupational therapist or occupational therapy assistant in good standing in another state. ~~;~~ or~~

~~(b) Has not achieved the passing score on the examination approved pursuant to NRS 640A.150. A temporary license issued pursuant to this paragraph authorizes the person to whom it is issued to practice occupational therapy only under the general supervision of an occupational therapist licensed pursuant to this chapter.]~~

2. A temporary license issued pursuant to subsection 1 is valid for 6 months or until the person to whom it is issued otherwise obtains a license pursuant to this chapter, whichever occurs first.

3. The Board may renew a temporary license not more than once and may revoke a temporary license for any of the grounds set forth in NRS 640A.200.

Sec. 14. NRS 640A.180 is hereby amended to read as follows:

640A.180 1. The Board shall adopt regulations prescribing the period for which a license issued pursuant to the provisions of this chapter is valid. Except as otherwise provided in NRS 640A.170, *and section 3 of this act*, the period must be not less than 1 year.

2. The Board may adopt regulations prescribing the manner in which a license issued pursuant to this chapter must be renewed, which may include requirements for continuing education. *Such requirements for continuing education may require a licensee to take and pass the examination approved by the Board pursuant to NRS 640A.150 at intervals set by the Board.*

3. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board may not renew or reinstate a license if 5 years have passed since its expiration.

4. The Board may, at the request of a person licensed pursuant to this chapter, place the license on inactive status if the person:

(a) Does not practice occupational therapy, or represent that the person is authorized to practice occupational therapy, in this State; and

(b) Satisfies any requirements for continuing education established by the Board.

Sec. 15. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:



- 1 (a) The examination of an applicant for a license;
- 2 (b) The initial issuance of a license, including a license by
- 3 endorsement;
- 4 (c) The issuance of a temporary license;
- 5 (d) *The issuance of a provisional license;*
- 6 (e) *The issuance of a license by reciprocity pursuant to section*
- 7 *2 of this act;*
- 8 (f) The renewal of a license; and
- 9 ~~(e)~~ (g) The late renewal of a license.

10 2. If an applicant submits an application for a license by

11 endorsement pursuant to NRS 640A.166, the Board shall collect not

12 more than one-half of the fee established pursuant to subsection 1

13 for the initial issuance of the license.

14 3. Except as otherwise provided in subsection 2, the fees must

15 be set in such an amount as to reimburse the Board for the cost of

16 carrying out the provisions of this chapter.

17 **Sec. 16.** NRS 641.029 is hereby amended to read as follows:

18 641.029 The provisions of this chapter do not apply to:

- 19 1. A physician who is licensed to practice in this State;
- 20 2. A person who is licensed to practice dentistry in this State;
- 21 3. A person who is licensed as a marriage and family therapist
- 22 or marriage and family therapist intern pursuant to chapter 641A of
- 23 NRS;
- 24 4. A person who is licensed as a clinical professional counselor
- 25 or clinical professional counselor intern pursuant to chapter 641A of
- 26 NRS;
- 27 5. A person who is licensed to engage in social work pursuant
- 28 to chapter 641B of NRS;
- 29 6. A person who is licensed as an occupational therapist or
- 30 occupational therapy assistant pursuant to *chapter 640A of NRS ;*
- 31 ~~{640A.010 to 640A.230, inclusive;}~~
- 32 7. A person who is licensed as a clinical alcohol and drug
- 33 counselor, licensed or certified as an alcohol and drug counselor or
- 34 certified as an alcohol and drug counselor intern, a clinical alcohol
- 35 and drug counselor intern, a problem gambling counselor or a
- 36 problem gambling counselor intern, pursuant to chapter 641C of
- 37 NRS;
- 38 8. A person who provides or supervises the provision of peer
- 39 recovery support services in accordance with the provisions of NRS
- 40 433.622 to 433.641, inclusive;

41 9. A person who is licensed as a behavior analyst or an

42 assistant behavior analyst or registered as a registered behavior

43 technician pursuant to chapter 641D of NRS, while engaged in the

44 practice of applied behavior analysis as defined in NRS 641D.080;

45 or



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

4 **Sec. 17.** NRS 641B.040 is hereby amended to read as follows:

5 641B.040 The provisions of this chapter do not apply to:

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

7 2. A nurse who is licensed to practice in this State;

8 3. A person who is licensed as a psychologist pursuant to
9 chapter 641 of NRS or authorized to practice psychology in this
10 State pursuant to the Psychology Interjurisdictional Compact
11 enacted in NRS 641.227;

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

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

18 6. A person who is licensed as an occupational therapist or
19 occupational therapy assistant pursuant to *chapter 640A of NRS ;*
20 *[640A.010 to 640A.230, inclusive;]*

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

27 8. A person who provides or supervises the provision of peer
28 recovery support services in accordance with NRS 433.622 to
29 433.641, inclusive;

30 9. Any member of the clergy;

31 10. A county welfare director;

32 11. Any person who may engage in social work or clinical
33 social work in his or her regular governmental employment but does
34 not hold himself or herself out to the public as a social worker; or

35 12. A student of social work and any other person preparing for
36 the profession of social work under the supervision of a qualified
37 social worker in a training institution or facility recognized by the
38 Board, unless the student or other person has been issued a
39 provisional license pursuant to paragraph (b) of subsection 1 of NRS
40 641B.275. Such a student must be designated by the title "student of
41 social work" or "trainee in social work," or any other title which
42 clearly indicates the student's training status.

43 **Sec. 18.** NRS 641D.110 is hereby amended to read as follows:

44 641D.110 The provisions of this chapter do not apply to:

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



- 1 2. A person who is licensed to practice dentistry in this State;
- 2 3. A person who is licensed as a psychologist pursuant to
- 3 chapter 641 of NRS;
- 4 4. A person who is licensed as a marriage and family therapist
- 5 or marriage and family therapist intern pursuant to chapter 641A of
- 6 NRS;
- 7 5. A person who is licensed as a clinical professional counselor
- 8 or clinical professional counselor intern pursuant to chapter 641A of
- 9 NRS;
- 10 6. A person who is licensed to engage in social work pursuant
- 11 to chapter 641B of NRS;
- 12 7. A person who is licensed as an occupational therapist or
- 13 occupational therapy assistant pursuant to *chapter 640A of NRS ;*
- 14 ~~[640A.010 to 640A.230, inclusive;]~~
- 15 8. A person who is licensed as a clinical alcohol and drug
- 16 counselor, licensed or certified as an alcohol and drug counselor or
- 17 certified as an alcohol and drug counselor intern, a clinical alcohol
- 18 and drug counselor intern, a problem gambling counselor or a
- 19 problem gambling counselor intern, pursuant to chapter 641C of
- 20 NRS;
- 21 9. Any member of the clergy;
- 22 10. A family member, guardian or caregiver of a recipient of
- 23 applied behavior analysis services who performs activities as
- 24 directed by a behavior analyst or assistant behavior analyst; or
- 25 11. An employee of a school district or charter school when
- 26 providing services to a pupil in a public school in a manner
- 27 consistent with the duties of his or her position,
- 28 ➔ if such a person does not commit an act described in NRS
- 29 641D.910 or represent himself or herself as a behavior analyst,
- 30 assistant behavior analyst or registered behavior technician.
- 31 **Sec. 19.** NRS 640A.130 and 640A.160 are hereby repealed.
- 32 **Sec. 20.** 1. This section becomes effective upon passage and
- 33 approval.
- 34 2. Sections 1 to 19, inclusive, of this act become effective:
- 35 (a) Upon passage and approval for the purpose of adopting any
- 36 regulations and performing any other preparatory administrative
- 37 tasks that are necessary to carry out the provisions of this act; and
- 38 (b) On January 1, 2024, for all other purposes.



TEXT OF REPEALED SECTIONS

640A.130 Waiver for completion of equivalent foreign education and experience. The Board may waive the requirements of subsections 2 and 3 of NRS 640A.120 for an applicant who:

1. Receives an education in occupational therapy from a foreign school; and

2. Proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by those subsections.

640A.160 Issuance of license without examination. The Board may issue, without examination, a license as an occupational therapist or occupational therapy assistant to a person who has the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120 and who is certified by the National Board for Certification in Occupational Therapy or its successor organization.

