

Amendment No. 116

Assembly Amendment to Assembly Bill No. 343	(BDR 54-737)
<b>Proposed by:</b> Assembly Committee on Commerce and Labor	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 343 (§ 15).
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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.

VDW/SJQ



Date: 4/10/2023

A.B. No. 343—Revises provisions relating to occupational therapy. (BDR 54-737)





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 and  
2 occupational therapy assistants by the Board of Occupational Therapy. (Chapter 640A of  
3 NRS) Existing law requires a person to meet certain requirements to obtain a license as an  
4 occupational therapist or occupational therapy assistant, including the satisfaction of certain  
5 educational requirements in a program approved by the Board, the successful completion of a  
6 certain amount of fieldwork experience approved by the Board and the passage of an  
7 examination approved by the Board. (NRS 640A.120) **Section 8** of this bill revises those  
8 requirements to instead require, with certain exceptions, a person who wishes to obtain a  
9 license as an occupational therapist or occupational therapy assistant to: (1) pass an  
10 examination on the laws and regulations governing the practice of occupational therapy in this  
11 State approved by the Board pursuant to **section 10** of this bill; and (2) hold a current  
12 certification as an occupational therapist or occupational therapy assistant, as applicable, with  
13 the National Board for Certification in Occupational Therapy, or its successor organization.  
14 **Section 5** of this bill revises a reference to the educational program required for licensure to  
15 reflect the changes made by **section 8**. **Section 19** of this bill repeals provisions concerning  
16 the issuance of certain licenses to conform to the changes made by **section 8**.

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

25 of this bill require an applicant for a licensure by endorsement or by reciprocity to meet the  
26 requirements set forth in **section 8**.

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

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

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

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

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

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

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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 adding thereto the  
2 provisions set forth as sections 2, 3 and 4 of this act.

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

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

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

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

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

3 (b) A fee in the amount set by regulation of the Board pursuant to NRS  
4 640A.190; and

5 (c) Any other information required by the Board.

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

7 (a) Has passed the examination approved by the Board pursuant to NRS  
8 640A.150;

9 (b) Has graduated from an educational program accredited by the  
10 Accreditation Council for Occupational Therapy Education of the American  
11 Occupational Therapy Association Inc., or its successor organization, or ~~an~~  
12 ~~equivalent~~ a comparable foreign educational program accepted by the National  
13 Board for Certification in Occupational Therapy, or its successor organization,  
14 as an equivalent requirement for certification; and

15 (c) Is eligible to take the national examination required for certification by  
16 the National Board for Certification in Occupational Therapy.

17 2. A provisional license issued pursuant to this section authorizes the  
18 person to whom the provisional license is issued to practice occupational therapy  
19 only under the general supervision of an occupational therapist licensed  
20 pursuant to this chapter.

21 3. A provisional license issued pursuant to this section is valid for 6 months  
22 or until the person to whom it is issued otherwise obtains a license pursuant to  
23 this chapter, whichever occurs first.

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

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

30 (a) Provide his or her current contact information to the Board;

31 (b) Provide to the Board information relating to the supervision or  
32 employment of the licensee;

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

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

35 (e) Provide proof of continuing education; or

36 (f) Provide to the Board information or documentation required to be  
37 maintained by the licensee.

38 2. A citation issued pursuant to this section may include, without limitation,  
39 an order to:

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

44 (1) State the time permitted for compliance, which must be not less than  
45 5 business days after the date the person receives the citation; and

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

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

49 3. Any administrative fine imposed pursuant to this section must be in the  
50 amount prescribed by regulation of the Board, which must be not more than  
51 \$500.

52 4. If a citation issued pursuant to this section contains an order to pay an  
53 administrative fine, the person to whom the citation was issued may submit a

1 *written request to the Board to waive the administrative fine. If the Board*  
2 *determines that good cause exists to waive the administrative fine, the Board may*  
3 *grant the request.*

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

6 **Sec. 5.** NRS 640A.050 is hereby amended to read as follows:

7 640A.050 "Occupational therapy" means the use of evaluations, teachings  
8 and interventions to facilitate the activities of daily living of a client in groups or on  
9 an individual basis to enable the client to participate in and perform activities of  
10 daily living in various settings, including, without limitation, at home, at school, in  
11 the workplace and in the community. The term includes:

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

14 2. Assisting a client in achieving the highest practicable physical, cognitive  
15 and psychosocial well-being to improve the physical and mental health of the client  
16 and the quality of life of the client;

17 3. Teaching a client skills for daily living;

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

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

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

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

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

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

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

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

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

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

39 640A.070 This chapter does not apply to a person:

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

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

45 3. Enrolled in an educational program ~~[approved by the Board]~~ *that is*  
46 *accredited by the Accreditation Council for Occupational Therapy Education of*  
47 *the American Occupational Therapy Association, Inc. or its successor*  
48 *organization, or ~~[an equivalent]~~ a comparable foreign educational program*  
49 *accepted by the National Board for Certification in Occupational Therapy, or its*  
50 *successor organization, which is designed to lead to a certificate or degree in*  
51 *occupational therapy, if the person is designated by a title which clearly indicates*  
52 *that he or she is a student.*

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (b) If the application is for licensing as an occupational therapy assistant, 16 weeks;~~

~~— of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.]~~

~~4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.]~~ **Hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy, or its successor organization.**

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

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

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

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

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

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

4           640A.150 ~~[(1)]~~ The Board shall:

5           ~~[(a)] 1.~~ Approve an examination ~~[for licensing as an occupational therapist~~  
6 ~~and an examination for licensing as an occupational therapy assistant; and]~~ *on the*  
7 *laws and regulations governing the practice of occupational therapy in this State;*  
8 *and*

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

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

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

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

14           ~~(c) Any other subjects the Board requires to determine the fitness of an~~  
15 ~~applicant to practice occupational therapy-~~

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

18           **Sec. 11.** NRS 640A.165 is hereby amended to read as follows:

19           640A.165 1. The Board may issue a license by endorsement as an  
20 occupational therapist to an applicant who meets the requirements set forth in this  
21 section. An applicant may submit to the Board an application for such a license if  
22 the applicant *satisfies the requirements set forth in NRS 640A.120 and* holds a  
23 corresponding valid and unrestricted license as an occupational therapist in the  
24 District of Columbia or any state or territory of the United States.

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

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

28                   (1) Satisfies the requirements of subsection 1;

29                   (2) Has not been disciplined or investigated by the corresponding  
30 regulatory authority of the District of Columbia or any state or territory in which  
31 the applicant currently holds or has held a license as an occupational therapist; and

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

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

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

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

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

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

49           **Sec. 12.** NRS 640A.166 is hereby amended to read as follows:

50           640A.166 1. The Board may issue a license by endorsement as an  
51 occupational therapist to an applicant who meets the requirements set forth in this  
52 section. An applicant may submit to the Board an application for such a license if  
53 the applicant:



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

3 ~~[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 of, the Armed  
6 Forces of the United States, a veteran or the surviving spouse of a veteran.

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

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

10 (1) Satisfies the requirements of subsection 1;

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

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

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

18 (c) A fee in the amount set by a regulation of the Board pursuant to NRS  
19 640A.190 for the initial issuance of a license; and

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

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

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

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

36 6. As used in this section, "veteran" has the meaning ascribed to it in NRS  
37 417.005.

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

39 640A.170 1. The Board may issue, ~~[without examination,]~~ a temporary  
40 license to a person who has the qualifications required pursuant to ~~[subsections 1, 2~~  
41 ~~and 3 of]~~ NRS 640A.120 and who ~~;~~

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

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

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

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

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

2       640A.180 1. The Board shall adopt regulations prescribing the period for  
3       which a license issued pursuant to the provisions of this chapter is valid. Except as  
4       otherwise provided in NRS 640A.170, *and section 3 of this act*, the period must be  
5       not less than 1 year.

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

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

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

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

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

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

21      640A.190 1. The Board may by regulation establish reasonable fees for:

22      (a) The examination of an applicant for a license;

23      (b) The initial issuance of a license, including a license by endorsement;

24      (c) The issuance of a temporary license;

25      (d) *The issuance of a provisional license;*

26      (e) *The issuance of a license by reciprocity pursuant to section 2 of this act;*

27      (f) The renewal of a license; and

28      ~~(e)~~ (g) The late renewal of a license.

29      2. If an applicant submits an application for a license by endorsement  
30      pursuant to NRS 640A.166, the Board shall collect not more than one-half of the  
31      fee established pursuant to subsection 1 for the initial issuance of the license.

32      3. Except as otherwise provided in subsection 2, the fees must be set in such  
33      an amount as to reimburse the Board for the cost of carrying out the provisions of  
34      this chapter.

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

36      641.029 The provisions of this chapter do not apply to:

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

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

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

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

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

45      6. A person who is licensed as an occupational therapist or occupational  
46      therapy assistant pursuant to *chapter 640A of NRS ;* ~~{640A.010 to 640A.230,~~  
47      ~~inclusive;}~~

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

1           8. A person who provides or supervises the provision of peer recovery  
2 support services in accordance with the provisions of NRS 433.622 to 433.641,  
3 inclusive;

4           9. A person who is licensed as a behavior analyst or an assistant behavior  
5 analyst or registered as a registered behavior technician pursuant to chapter 641D of  
6 NRS, while engaged in the practice of applied behavior analysis as defined in NRS  
7 641D.080; or

8           10. Any member of the clergy,

9           ➤ if such a person does not commit an act described in NRS 641.440 or represent  
10 himself or herself as a psychologist.

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

12           641B.040 The provisions of this chapter do not apply to:

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

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

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

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

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

22           6. A person who is licensed as an occupational therapist or occupational  
23 therapy assistant pursuant to *chapter 640A of NRS* ; ~~{640A.010 to 640A.230,~~  
24 ~~inclusive;}~~

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

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

32           9. Any member of the clergy;

33           10. A county welfare director;

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

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

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

45           641D.110 The provisions of this chapter do not apply to:

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

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

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

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

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

1           6. A person who is licensed to engage in social work pursuant to chapter  
2 641B of NRS;

3           7. A person who is licensed as an occupational therapist or occupational  
4 therapy assistant pursuant to *chapter 640A of NRS* ; ~~{640A.010 to 640A.230,~~  
5 ~~inclusive;}~~

6           8. A person who is licensed as a clinical alcohol and drug counselor, licensed  
7 or certified as an alcohol and drug counselor or certified as an alcohol and drug  
8 counselor intern, a clinical alcohol and drug counselor intern, a problem gambling  
9 counselor or a problem gambling counselor intern, pursuant to chapter 641C of  
10 NRS;

11           9. Any member of the clergy;

12           10. A family member, guardian or caregiver of a recipient of applied behavior  
13 analysis services who performs activities as directed by a behavior analyst or  
14 assistant behavior analyst; or

15           11. An employee of a school district or charter school when providing  
16 services to a pupil in a public school in a manner consistent with the duties of his or  
17 her position,

18           ↳ if such a person does not commit an act described in NRS 641D.910 or represent  
19 himself or herself as a behavior analyst, assistant behavior analyst or registered  
20 behavior technician.

21           **Sec. 19.** NRS 640A.130 and 640A.160 are hereby repealed.

22           **Sec. 20.** 1. This section becomes effective upon passage and approval.

23           2. Sections 1 to 19, inclusive, of this act become effective:

24           (a) Upon passage and approval for the purpose of adopting any regulations and  
25 performing any other preparatory administrative tasks that are necessary to carry  
26 out the provisions of this act; and

27           (b) On January 1, 2024, for all other purposes.

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## TEXT OF REPEALED SECTIONS

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**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.