

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

MARCH 20, 2023

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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.

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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



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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.



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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  
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 a comparable 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.***



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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  
~~of education approved by the Board pursuant to subsection 2 of~~  
29 *required to obtain the certification described in* NRS 640A.120, or  
30 through a program of continuing education or higher education; and

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

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

34       640A.070 This chapter does not apply to a person:

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

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

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



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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 ~~H.~~ 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.]



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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.



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

2       640A.170 1. The Board may issue, ~~[without examination,]~~ a  
3 temporary license to a person who has the qualifications required  
4 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  
7 as an occupational therapist or occupational therapy assistant in  
8 good standing in another state. ~~[or]~~

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

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

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

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

21       640A.180 1. The Board shall adopt regulations prescribing  
22 the period for which a license issued pursuant to the provisions of  
23 this chapter is valid. Except as otherwise provided in NRS  
24 640A.170, *and section 3 of this act*, the period must be not less than  
25 1 year.

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

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

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

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

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

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

44       640A.190 1. The Board may by regulation establish  
45 reasonable fees for:



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- 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       ~~(g)~~ (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 ;***  
***[640A.010 to 640A.230, inclusive;]***

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

37       8. A person who provides or supervises the provision of peer  
38 recovery support services in accordance with the provisions of NRS  
39 433.622 to 433.641, inclusive;

40       9. A person who is licensed as a behavior analyst or an  
41 assistant behavior analyst or registered as a registered behavior  
42 technician pursuant to chapter 641D of NRS, while engaged in the  
43 practice of applied behavior analysis as defined in NRS 641D.080;  
44 or



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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 ;**  
**[640A.010 to 640A.230, inclusive;]**

14      8. A person who is licensed as a clinical alcohol and drug  
15 counselor, licensed or certified as an alcohol and drug counselor or  
16 certified as an alcohol and drug counselor intern, a clinical alcohol  
17 and drug counselor intern, a problem gambling counselor or a  
18 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.



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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.

(30)





