

**State of Nevada**  
**Board of Occupational Therapy**

P.O. Box 34779, Reno, Nevada 89533-4779  
Phone (775) 746-4101 / Fax (775) 746-4105 / Toll Free (800) 431-2659

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## **BOARD POLICIES**

<b>Policy Number</b>	<b>Description</b>	<b>Effective</b>
<b>Policy 01</b>	<b>LICENSING</b>	<b>R11.19.14</b>
<b>Policy 02</b>	<b>PROVISIONAL AND TEMPORARY LICENSES</b>	<b>R11.19.14</b>
<b>Policy 03</b>	<b>LICENSE RENEWAL</b>	<b>R08.06.16</b>
<b>Policy 04</b>	<b>CONTINUING EDUCATION</b>	<b>R08.06.16</b>
<b>Policy 05</b>	<b>LICENSE REINSTATEMENT</b>	<b>R08.06.16</b>
<b>Policy 06</b>	<b>INACTIVE LICENSE</b>	<b>R11.19.14</b>
<b>Policy 07</b>	<b>SUPERVISORY DOCUMENTATION</b>	<b>R11.19.14</b>
<b>Policy 08</b>	<b>INVESTMENT OF FUNDS</b>	<b>03/17/10</b>
<b>Policy 09</b>	<b>COMPLIANCE MONITORING &amp; RESOLUTION</b>	<b>03/17/10</b>
<b>Policy 10</b>	<b>ADMINISTRATIVE SANCTIONS</b>	<b>03/17/10</b>
<b>Policy 11</b>	<b>INTERDISCIPLINARY PRACTICE</b>	<b>06/15/13</b>
<b>Policy 12</b>	<b>PATIENT ABANDONMENT</b>	<b>06/14/14</b>
<b>Policy 13</b>	<b>MORAL CHARACTER</b>	<b>09/20/14</b>

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**Policy 01**

**LICENSING**

**R11.19.14**

**Application Forms**

Applicants for licensure must complete and submit the applicable license application provided by the State of Nevada, Board of Occupational Therapy. All license applications may be downloaded from the Board website at [www.nvot.org](http://www.nvot.org) or may be requested from the Board office.

**Application Processing - Documentation Required**

An initial application for licensure is considered complete upon receipt of the application and all required documentation and license fees.

**Temporary Status - Expedited Processing for Military Spouses, pending documentation**

A temporary license may be issued to a member of the military or family member who requests expedited processing of an Application for License. A temporary license so issued will automatically be converted to an Active license upon receipt of all required documentation, at no cost to the applicant. See Policy 02 – Provisional and Temporary Licenses.

**Verification of Employment and Supervision – COTA and Provisional License Applicants**

Supervision by a licensed OTR is required for all COTA and Provisional Applicants. A Supervision Change Form must be completed and provided to the Board **for each** position of employment within 30 days of employment in Nevada.

A completed Employment Change Form must be provided within 30 days of employment in Nevada.

An applicant may update their employment and supervisory information electronically in lieu of submitting the forms. Supervisory information changes made electronically must be approved by the supervising OTR to become effective.

Applicants, who are not currently employed in the State of Nevada, must notify the Board immediately upon obtaining employment in Nevada.

**Initial Licensing Fees**

Processing Fee - A one-time non-refundable processing fee is charged for an initial application for licensure in the State of Nevada. The processing fee is in addition to the application fee and is required to be paid at the time of submittal of an initial application for licensure.

Application/License Fee – Application/license fees are required to be paid at the time of submittal of an application for licensure. The date on which the application is signed by the applicant is the official

application date. The application/license fee shall be calculated based upon the official application date. The pro-rated quarterly fee schedule is established by the Board. All Active licenses expire June 30<sup>th</sup> of each year.

### **Pending Applications**

Applications received by the Board will be considered in pending status until all required documentation and fees have been received.

Pending applications will be retained for a maximum of 180 calendar days from date of receipt by the Board. On the 181<sup>st</sup> calendar day after receipt, the application will be considered in-complete and will not be processed. A new application for licensure and application/license fee will be required.

The initial application fee, less processing fee, will be refunded to the applicant at the address indicated on the application.

### **Approved Applications – Effective Date of License**

Upon receipt of an application for licensure, applicable fees, and all required documentation, an application is considered complete and will be considered for approval.

A license will be issued by the State of Nevada, Board of Occupational Therapy within five (5) working days of the date the Application for Licensure is complete and approved. Licensee will be notified by email that the license has been issued; a license will be mailed to the licensee within 5 days of the effective date of issuance.

### **Verification of Licensure**

Verification of licensure can be accessed on the State of Nevada, Board of Occupational Therapy website. The licensee verification listing is considered primary source verification. Verification may also be confirmed by calling the Board office.

Requests for written verification of Nevada license will be mailed upon payment of the applicable fee.

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<b>Policy 02</b>	<b>PROVISIONAL and TEMPORARY LICENSES</b>	<b>R11.19.14</b>
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**Application Forms**

Applicants for temporary or provisional licensure must complete an Application for Licensure provided by the State of Nevada, Board of Occupational Therapy and submit it to the Board office. An Application packet may be downloaded from the Board website at [www.nvot.org](http://www.nvot.org) or may be requested from the Board office.

**Provisional License**

**New Graduates** - A person who is otherwise eligible to apply for licensure as an occupational therapist or occupational therapy assistant, but has not passed the NBCOT examination may apply for a provisional license.

The applicant must request that NBCOT provide Confirmation of Examination Registration and Eligibility to Exam Certification directly to the Board. The applicant must request that the score on the examination be provided to the Board, when available.

**Practitioners Without Current NBCOT Certification** - An occupational therapist or occupational therapy assistant whose is eligible for licensure but whose certification by NBCOT has lapsed may apply for a provisional license.

The applicant must complete professional development requirements and apply for and receive renewal of their NBCOT Certification prior to receipt of an active license.

If the applicant has not practiced occupational therapy within 5 years of application, the applicant will be required to complete a minimum of 640 hours of supervised practice under a licensed occupational therapist during the provisional license period.

**Verification of Supervision – Provisional License Applicants**

Supervision by a licensed OTR is required for all Provisional Applicants. A Supervision Change Form must be completed and provided to the Board.

An applicant may update their supervisory information electronically in lieu of submitting the form. Supervisory information changes made electronically must be approved by the supervising OTR to become effective. See Policy 01 - Licensing

**Term of Provisional Licensure**

A provisional license will expire six (6) months from the date on which it was issued. A one-time renewal for an additional 6-month period may be granted upon written request documented by payment of

the provisional license renewal fee to the Board prior to the expiration date of the initial provisional license.

Verification must be received from NBCOT that the provisional licensee has been scheduled to take the applicable certification examination and that the scores will be submitted directly to the Board, when available.

### **Temporary License**

A person who is currently certified and holds a license as an occupational therapist or occupational therapy assistant issued in another state or territory may apply to the Board for a temporary license to practice in the State of Nevada.

A temporary license will expire six (6) months from the date on which it was issued. A one-time renewal for an additional 6-month period may be granted upon written request documented by payment of the temporary license renewal fee to the Board prior to the expiration date of the initial temporary license.

A person who previously was issued a temporary license may not apply for another temporary license until 6 months after the expiration of his last temporary license.

### **Temporary Status - Expedited Processing for Military Spouses**

A temporary license may be issued to a member of the military or family member who requests expedited processing of an Application for License. A temporary license so issued will be converted to an Active license upon receipt of all required documentation, at no cost to the applicant. See Policy 01 Licensing.

### **Conversion to Active License**

All Active License documentation requirements must be completed. See Policy 01 Licensing.

A provisional or temporary license may be converted to an Active License through submittal of a written request for conversion documented by payment of the applicable conversion fee.

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**Policy 03**

**LICENSE RENEWAL**

**R08.06.16**

**License Renewal**

Active and Inactive licenses expire annually. Licenses may be renewed on an annual basis by submitting to the Board on or before the expiration date of the license an Application for License Renewal with the applicable renewal fee. A Renewal packet may be downloaded from the Board website at [www.nvot.org](http://www.nvot.org). Renewal packets may also be requested from the Board office.

On line electronic license renewal is the preferred method for license renewal. On line renewal is available 60 days prior to the date of expiration of a license. Late renewal is available during the 30 days following the date of expiration. Renewals will not be accepted after the 30 days late renewal period.

Continuing Education Requirement

An occupational therapist or occupational therapy assistant must complete a minimum of 12 hours of continuing education within the 12 months immediately preceding the date of application for renewal of the license.

A licensee who is a new graduate is not required to complete the continuing education requirements for the first renewal period after initial licensure.

Continuing Education information required by NAC 640A.090 must be provided with the Application for License Renewal on the form provided by the Board. Documentation of completion such as a copy of sign-in sheets or certificates of completion and/or attendance for each activity listed on the Application for License Renewal must be submitted with the Application for License Renewal. Documentation is not required at time of renewal when renewing on line. See Policy 04 Continuing Education.

Verification of Supervision – COTA License Renewals

A supervising OTR must approve all new supervision associations recorded by a COTA during an on line license renewal prior to the supervision becoming effective. Approval can be documented on line electronically or by submittal of a Supervisory Change Report form.

Late Renewal

An Application for License Renewal which is received during the 30 day late renewal period is subject to a “late renewal fee” in addition to the applicable license renewal fee. Practice under an expired license may result in an administrative fine of no less than \$50.00.

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<b>Policy 04</b>	<b>CONTINUING COMPETENCY EDUCATION</b>	<b>R08.06.16</b>
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**Continuing Education Forms – Hard Copy License Renewal; Reinstatement Application**

Applicants for renewal or reinstatement of a license to practice as an occupational therapist or occupational therapy assistant in the State of Nevada who submit hard copy applications must complete and submit documentation of continuing education on the forms provided by the State Board of Occupational Therapy.

**Continuing Education Requirement - Documentation**

An occupational therapist or occupational therapy assistant must complete a minimum of 12 hours of continuing education within the 12 month period immediately preceding the request for renewal or reinstatement of his/her license.

Documentation of completion such as a copy of sign-in sheets or certificates of completion and/or attendance for each continuing competency activity must be submitted with all hard copy Applications for License Renewal or License Reinstatement. Documentation of continuing education reported during on-line license renewal must be retained by the licensee and submitted to the Board upon notice of audit of continuing education.

**Carry-Over of Excess Continuing Competency Education Hours**

If a licensee completes more than **12** hours of continuing education in a year, he/she may carry-over a maximum of 10 continuing education hours. Excess hours will be automatically be applied toward completion of the following year’s requirement when submitted at time of license renewal or with a reinstatement application.

**Request for Reduction, Extension or Full Waiver of Continuing Education Hours**

A licensee who has an Active license may request a reduction, extension of time or waiver of continuing education hours by submitting a written request for a waiver no later than 30 days prior to expiration of a license.

The Board may waive all or part of the requirements for continuing education if the licensee provides satisfactory evidence of an extenuating circumstance which does not allow the completion of the required continuing education such as:

- (a) Illness or injury;
- (b) Financial hardship; or
- (c) Family hardship.

If a waiver is granted, the unfulfilled requirements for continuing education will be added to the licensee’s requirements for the following year.

If a waiver is not granted, the licensee may be granted extra time to fulfill any required continuing education that has not been completed.

**Audit of Continuing Competency Requirements**

The Board will conduct random audits of continuing education documentation annually. Audits will be conducted following each renewal period and will include a minimum of 30% of licensees who renewed their licenses on-line and were not selected for a CE audit in the previous 2 years.

The Executive Director may select additional licensees for audit or may waive the CE audit requirement at the discretion of the Executive Director. Licensees selected for audit of continuing education will be notified by e-mail or by US mail if no e-mail address is on record; and must respond within 30 days of the Notice of CE Audit.

**Approval of Continuing Education Activities or Courses**

A person may receive credit for the same continuing education activity **only once** during two successive renewal periods.

The Board does not provide advance approval to vendors of continuing education courses. Courses approved by AOTA and NBCOT are accepted by the State of Nevada Board of Occupational Therapy for continuing education credit.

The Board will consider the written request of a licensee that it approve credit for any continuing education that is not specified in NAC 640A.090 if the request is submitted to the Board by the applicable date that proof of the completion of the requirements for continuing education is due.

If a written request pursuant to subsection 1 is not granted, the Board may grant extra time for the licensee to fulfill any required continuing education that has not been completed.

**Limitations on Credit Hours for Certain Activities**

**Fieldwork Supervision:** Credit will be awarded for the year in which the fieldwork ends:

Level I fieldwork supervision:	2 hours credit
Level II fieldwork supervision:	12 hours credit

**Publications:** Credit will be awarded for the year the writing is published:

Publication of a book	12 hours credit
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**Board or Committee Meetings:** Credit will be awarded for each meeting of a professional association or organization in which the licensee participates. Attendance must be documented in the minutes of the meeting or through written verification of participation:

Maximum Credit per Year:	6 credit hours
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**Specialty Certifications:** Credit will be awarded for the year in which achieved.

Maximum Credit per year	5 credit hours
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### **Guidelines to Consider in Selection of Continuing Education Activities**

In determining applicability of coursework for credit toward continuing education hours, the factors the licensee may consider include, but are not limited to the following:

- Whether the course or curriculum is applicable to the practice of occupational therapy
- Whether the education increases, maintains or diversifies the knowledge of the licensee
- Whether there are documentation requirements for attendance or contact hours
- Whether there is an evaluation or test of the knowledge/coursework upon completion
- Whether documentation of completion or certificates of completion are awarded or given
- Whether the course is approved by an accrediting organization.

It is the responsibility of the licensee to determine the applicability of the proposed course or activity to the licensee's occupational therapy practice and to document the applicability by briefly summarizing the information he/she learned and how the information will be used in his/her practice when completing the Continuing Education section of the application.

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**Policy 05**

**LICENSE REINSTATEMENT**

**R08.06.16**

**Expired License**

An occupational therapist or occupational therapy assistant may apply for reinstatement of an active license that has been expired for less than 5 years from the date the license expired. The applicant must complete and submit:

- An Application for License Reinstatement;
- documentation that he/she holds current certification with NBCOT;
- verification of status of all licenses held since expiration of Nevada license, if applicable;
- proof of completion of at least 12 hours of continuing education within the 12 months immediately preceding the request for reinstatement; and
- applicable reinstatement fee.

**Verification of Employment and Supervision – COTA License Reinstatements**

A completed Employment Change Form and Supervision Change Form for each supervising OTR must be provided within 30 days of employment in Nevada. An applicant may update their employment and supervisory information on line electronically in lieu of submitting the forms. Supervisory information changes made electronically must be approved by the supervising OTR to become effective.

**Expired for 5 Years or More**

An occupational therapist or occupational therapy assistant whose active license has been expired for 5 years or more must reapply as a new applicant. See [Policy 01 Licensing](#).

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**Policy 06**

**INACTIVE LICENSE**

**R11.19.14**

**Inactive License**

An occupational therapist or occupational therapy assistant may request to place his/her license on Inactive status at time of license renewal. A reduced Inactive license renewal fee will be assessed.

The licensee must indicate on the Application for License Renewal his/her request for an Inactive license and certify on the application that the licensee:

- Does not practice occupational therapy, or represent that he/she is authorized to practice occupational therapy in this state.

A licensee may renew an **inactive license** annually by completing and submitting the Application for License Renewal. Continuing education is required during inactive status. – See Policy 03 – License Renewal.

COTA Inactive License – A COTA who holds an inactive license is not required to have a supervising OTR while his/her license is on Inactive status.

**Conversion of Inactive License to Active Status**

An occupational therapist or occupational therapy assistant whose license has been on inactive status may request conversion to an active license by submitting:

- a request for conversion to an active license; and
- payment of the applicable license conversion fee,

Supervision by a licensed OTR is required for all COTA licensees upon conversion to active status. See Policy 01- Licensing.

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<b>Policy 07</b>	<b>SUPERVISORY DOCUMENTATION</b>	<b>R11.19.14</b>
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An occupational therapy assistant must be under the General Supervision of a Nevada licensed Occupational Therapist when practicing in the State of Nevada.

The supervising Occupational Therapist and the occupational therapy assistant are **JOINTLY RESPONSIBLE** for documenting the required supervision.

**Documentation Requirements**

- Supervision Change Form
- Supervisory Logs
- Signing and/or co-signing of records

**Supervision Change Form**

**Occupational Therapy Assistant** - An occupational therapy assistant must provide to the Board a completed Supervision Change form for each Occupational Therapist who is providing supervision within 30 days of the start date of employment or change in supervising OTR.

**Occupational Therapist** – A supervising occupational therapist must complete a Supervision Change Form within 30 days of assignment of an occupational therapy assistant. Upon termination of supervision of the occupational therapy assistant, the supervising occupational therapist must notify the Board by completing the Termination of Supervision section of the Supervision Change Form and submit to the Board within 30 days of the date of termination of supervision.

An OTR and COTA may update their supervisory information electronically in lieu of submitting the forms. Supervisory information changes made electronically by a COTA must be approved by the supervising OTR to become effective.

**Supervisory Log(s)**

A supervisory log must be maintained to verify and document compliance with the supervisory requirements for the practice of occupational therapy by an occupational therapy assistant.

At a minimum, a supervisory log must contain:

- the date and time or length of the supervisory inter-actions,
- the type of supervision provided and/or received;
- a summary of the subject matter covered during the supervision; and
- Signatures of both parties

An **Occupational Therapy Assistant** shall provide a copy of the Supervisory Log(s) to the Board upon request.

An **Occupational Therapist** shall document supervision of not less than **1 hour for each 40 hours** of work performed by the OTA and, in any event, **not less than 1 hour per month**. The following methods are acceptable to meet the General Supervision requirements:

- Clinical Observation
- Direct Communication; including but not limited to;
  - ✓ Direct or Joint Treatment of a Patient
  - ✓ Personal Supervision while providing Services
  - ✓ Conversation in Person or by Telephone
  - ✓ Exchange of Written Comments
  - ✓ Review of Patient Records
  - ✓ Conferences or Other Face-to-Face Meeting

Licensees may utilize the sample Supervisory Log provided by the Board or may utilize another document format to record the required information. The supervisory log is in addition to the requirement for review and signing/co-signing of client records.

#### **Documentation, Review and Signing of Records**

An **Occupational Therapist** shall:

- Prepare daily or weekly treatment or intervention schedules;
- review written documentation prepared by the occupational therapy assistant or provisional licensee during the course of treatment of a patient
- document the review by:
  - ✓ Preparation of a separate progress note; or
  - ✓ signing and dating the document.

An **Occupational Therapy Assistant** shall document all treatment provided to a patient.

The **Occupational Therapist and Occupational Therapy Assistant** shall jointly ensure that each record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed *at least monthly*.

*Supervisory Documentation requirements also pertain to the Supervision of  
ALL Provisional Licensees.*

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**Policy 08**

**INVESTMENT OF FUNDS**

**03-17-10**

**Checking Account**

The Board maintains a checking account for the purpose of payment of general operating costs of the Board. All receipts and deposits are recorded into the checking account including credit card and check receipts and interest earned on investments.

- The checking account balance shall not fall below 50% of the approved annual budget for expenditures; or 6 months operating costs, whichever is lower.
- The checking account balance shall be reviewed and adjusted, if needed, to meet the operating needs of the Board upon approval of the budget for the subsequent fiscal year.
- Funds in excess of 150% of the approved budget may be made available for fixed-income investment purposes.

**Investments**

Funds in excess of 150% of operating needs may be invested in short and/or long term fixed income instruments, certificates of deposit (CD's). All investments must be fully insured by the federal government (FDIC).

- No investment term may exceed 60 months (5 years);
- No more than 25% of funds shall be invested for a term of 60 months.
- A minimum of 30% of funds shall be invested in instruments with terms of 24 months or less;
- Investments shall be made at the highest return rate available for the period.
- At least two investment instruments shall reach maturity each fiscal year.

**Investment Authority**

An Investment Workgroup comprised of two (2) Board members shall be established for the purpose of oversight of investment activities.

The Executive Director, under the guidance of the workgroup members, shall have the authority for final selection and execution of investment instruments.

A report on investment activities shall be provided by the Executive Director and/or Investment Workgroup at each regularly scheduled Board meeting.

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<b>Policy 09</b>	<b>COMPLIANCE MONITORING &amp; RESOLUTION</b>	<b>03-17-10</b>
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The State Board of Occupational Therapy was established to protect the public health, safety and welfare by ensuring that only competent and scrupulous persons practice occupational therapy in the State and persons who practice occupational therapy maintain an appropriate standard of professional conduct.

The Board is responsible for the administration, regulation and enforcement of the practice of occupational therapy in Nevada pursuant to NRS 640A.

The Board licenses qualified occupational therapists and occupational therapy assistants and regulates the professional practice of occupational therapy throughout the State

## **Compliance Monitoring and Reviews**

The Executive Director will conduct periodic reviews and monitoring of licensee records in order to ensure compliance with occupational therapy law and regulations.

Monitoring shall include, but is not limited to:

- Continuing Competency Requirements
- Documentation of Supervision of OTA and Provisional OT
- Supervisory OT Verification of Supervision and Reporting
- Verification of Employment
- Verification of Contact Information

The Executive Director will identify and notify licensees of problem areas discovered during review and/or monitoring and outline corrective action required, including time schedules.

## **Formal Monitoring Process**

The formal monitoring process shall be comprised of the following actions:

1. **Notice** of monitoring or audit shall be provided in writing through e-mail or USPS mail.

Notice shall identify the scope of the monitoring, specific documentation to be provided and/or verified, and date a response must be received by the board.

2. A **Final Notice** of monitoring or audit will be issued within 30 days after a due date, if a response is not received. Attempts to contact a licensee by phone and/or e-mail will be made prior to issuing a Final Notice. The Final Notice will be sent by USPS mail.

The Final Notice shall identify the attempts to contact the licensee, specific NAC sections relative to the monitoring request, an extended date a response is expected and potential sanctions if the licensee does not respond.

3. An **Administrative Complaint** will be issued within 30 days after the due date of a Final Notice, if there is no response.

Notice of an Administrative Complaint will be sent certified mail to the contact address of record. Additional copies of the notice may be sent by USPS mail to both the address of record and/or to the licensee, care-of the employer of record.

### **Resolution**

If a monitoring determines insufficient data and/or documentation exists to determine compliance with law and regulations, a corrective action plan will be established. A corrective action plan may include, but is not limited to the following:

- Additional time to provide requested documentation
- Submittal of alternative documentation

### **Monitoring Reports**

Upon completion of formal monitoring reviews, a written Monitoring Report will document findings and compliance issues with corrective actions identified. Corrective actions may include but are not limited to:

- Verbal instruction and training; with follow-up monitoring;
- Written notice of non-compliance with follow-up monitoring;
- Notice of deficiency with disallowance of CE credits.

### **Follow-Up Monitoring**

A licensee who is subject to a corrective action plan will automatically be included in the next monitoring selection to ensure corrective action has been taken.

### **Sanctions**

A licensee who does not respond to a notice of monitoring or audit will be subject to sanctions up to and including an Administrative Complaint being issued by the Executive Director.  
(Policy 10 – Administrative Sanctions)



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<b>Policy 10</b>	<b>ADMINISTRATIVE SANCTIONS</b>	<b>03-17-10</b>
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The Board is responsible for the administration, regulation and enforcement of the practice of occupational therapy in Nevada pursuant to NRS 640A.

The Board has established a system of compliance monitoring and reviews for the purpose of determining adherence to administrative requirements for continuing competency and supervisory documentation, record keeping, and reporting of changes in contact information, employment and supervision.

NRS 640A.200 authorizes the Board to take disciplinary action for violation of any provision of the regulations adopted by the Board, NAC 640A.

The purpose of this policy is to outline the Administrative Sanctions established by the Board to address non-compliance with administrative requirements. Administrative Sanctions will be assessed when the violation has no direct or apparent affect upon the health and safety of the public. Administrative Sanctions will be applied prior to the issuance of a formal Administrative Complaint, initiated by the Executive Director

The formal Complaint process will be utilized when an Administrative Complaint is issued and in all cases when Complaints are filed by outside individuals.

### Administrative Sanctions

VIOLATION – Failure to Report	SANCTION
NAC 640A.130 Change in contact information (address)	1 <sup>st</sup> Incident – Administrative Warning 2 <sup>nd</sup> Incident – Written Warning 3 <sup>rd</sup> Incident - Administrative Complaint
NAC 640A.130 Change in employment	1 <sup>st</sup> Incident – Administrative warning 2 <sup>nd</sup> Incident – Written Warning 3 <sup>rd</sup> Incident – Administrative Complaint
NAC 640A.120 Name Change	1 <sup>st</sup> Incident – Administrative warning 2 <sup>nd</sup> Incident – Administrative Complaint
NAC 640A.260 Notice of Termination of Supervision of COTA or Provisional Licensee	1 <sup>st</sup> Incident – Administrative warning Offer training on on-line updates 2 <sup>nd</sup> Incident – written warning Follow Up Monitoring 3 <sup>rd</sup> Incident – Administrative Complaint
NAC 640A.260 Notice of Change in Supervision of COTA or Provisional Licensee	1 <sup>st</sup> Incident – Administrative warning Offer training on on-line updates 2 <sup>nd</sup> Incident – written warning Follow Up Monitoring 3 <sup>rd</sup> Incident – Administrative Complaint

VIOLATION	SANCTION
NAC 640A.350 Failure to Respond to Final Notice of Monitoring or Audit	Administrative Complaint
640A.050 (2) Failure to Submit Required Continuing Competency Documentation	1 <sup>st</sup> Incident - Disallow contact hours; or substitute CE coursework; or add hours to next renewal requirement. Follow Up Monitoring 2 <sup>nd</sup> Incident – Administrative Complaint
NAC 640A.250 (2) Failure to Maintain Supervisory Logs	1 <sup>st</sup> Incident – Administrative warning Follow Up Monitoring 2 <sup>nd</sup> Incident – Administrative Complaint

A licensee whose contact information contains a current e-mail address will be sent the first notice of a potential violation or non-compliance with a Board law or regulation by e-mail. If a response is not received; the Final Notice will be sent by USPS mail to the address of record.

In all cases, telephone contact will be attempted prior to the issuance of an Administrative Complaint.

Responsibility to maintain accurate and current contact information rests with the licensee (NRS 640A.130).

Administrative sanctions and/or Complaints are administrative actions that do not affect the health and safety of the public. Administrative sanctions and/or Complaints are not subject to compliance reporting requirements of the “National Practitioner Data Bank” and “Healthcare Integrity and Protection Data Bank”.

# State of Nevada Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779  
Phone (775) 746-4101 / Fax (775) 746-4105 / Toll Free (800) 431-2659 / Website [www.nvot.org](http://www.nvot.org)

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**Policy 11**

**INTERDISCIPLINARY PRACTICE**

**06/15/13**

Pursuant to the provisions of NRS Chapter 640A, the State Board of Occupational Therapy is charged with the protection of the public health, safety and welfare by ensuring that only competent and scrupulous persons practice occupational therapy in the State and persons who practice occupational therapy maintain an appropriate standard of professional conduct.

The Board licenses qualified occupational therapists and occupational therapy assistants and regulates the professional practice of occupational therapy throughout the State pursuant to NAC 640A.

The Board recognizes that licensed occupational therapists and occupational therapy assistants may also hold professional licensure in related professional practice areas such as physical therapy that are regulated under provisions that may be more or less stringent than the requirements established for the practice of occupational therapy.

The purpose of this policy is to provide guidance in determining the applicability of established laws and regulations relating to practice in interdisciplinary settings; establish a basis for determining the legal authority and jurisdiction of activities which may cross professional practice settings; and to clarify the governing jurisdiction when determining whether a licensee is in compliance with applicable laws and regulations and discipline.

## CONSIDERATIONS

1. Client Services – type of service for which the client was referred (OT or PT)

If the client/patient is referred for or receiving both OT and PT services; the services should not be provided concurrently at the same time. There should be a distinct differentiation in the client records to distinguish what services are being provided by date/time and activity.

2. Therapy Billing – insurance or payment codes for billing of services (OT or PT)

Appropriate codes should be utilized for the services rendered based upon the actual services received as documented in the client record. How an activity is billed will be considered in determining the governing jurisdiction and authority.

3. Supervision Requirements – practice of assistants, aides, technicians and unlicensed individuals

Regulatory requirements for the supervision of assistants, aides, technicians and unlicensed individuals may differ for each profession under which an individual may be licensed. In determining whether a violation of supervisory requirements has occurred, the Board will consider the licensee's actions based upon the OT Board's established regulations and jurisdiction; notwithstanding the authority of another jurisdiction.

4. Reasonable Practice – multi-jurisdictional activities

Individuals holding multiple professional licenses should be knowledgeable of the regulatory requirements of each professional licensure board under which they hold licensure.

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**Policy 12**

**PATIENT ABANDONMENT**

**06/14/14**

Pursuant to the provisions of NRS Chapter 640A, the State Board of Occupational Therapy is charged with the protection of the public health, safety and welfare by ensuring that only competent and scrupulous persons practice occupational therapy in the State and persons who practice occupational therapy maintain an appropriate standard of professional conduct.

NRS 640A.200 authorizes the Board to take disciplinary action for unprofessional conduct and violation of any provision of the regulations adopted by the Board, NAC 640A.

The purpose of this policy is to provide guidance in determining whether actions by an occupational therapy practitioner constitutes patient abandonment and thus lead to discipline against a practitioner's license.

**CONSIDERATIONS**

Patient Abandonment may occur when a licensee fails to provide adequate patient care. Patient safety is the key factor in determining the licensee's responsibility in a given situation.

Examples of **abandonment** may include but not be limited to:

1. Leaving the employment site during an assigned shift while on duty for the shift without properly advising appropriate personnel;
2. Leaving an emergency patient care situation where the action would be overtly dangerous to the patient, based on the standard of actions of a reasonable and prudent practitioner;
3. Inattention to, or the leaving of a client in acute distress, without proper notification of supervisor and appropriate arrangement for continuity of care;
4. Sleeping while on duty;
5. Insufficient observation (frequency of contact) with a client;
6. Failing to report for an assignment where the practitioner is the sole provider of care (e.g. home health care) and failing to notify his/her supervisor and/or employer.

Examples of **employment issues** which are not considered by the Board to constitute patient abandonment:

1. Failure to work beyond her/his scheduled shift;
2. Refusal to work in an unfamiliar, specialized, or "high tech" area when there has been no orientation or educational preparation, or employment experience;
3. Refusal to report to work;
4. Failure to return from a schedule leave of absence;
5. Resigning from a position and not fulfilling the remaining posted work schedule;
6. Ending the employer-employee relationship without providing the employer with a period of time to obtain replacement staff for that specific position (such as resigning without notice).

Providing appropriate and adequate personnel to care for patients is the responsibility of the employer.

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**Policy 13**

**MORAL CHARACTER**

**09/20/14**

Pursuant to the provisions of NRS Chapter 640A, the State Board of Occupational Therapy is charged with the protection of the public health, safety and welfare by ensuring that only competent and scrupulous persons practice occupational therapy in the State and persons who practice occupational therapy maintain an appropriate standard of professional conduct.

NRS 640A.110 (c) authorizes the Board to evaluate the qualifications and determine the eligibility of applicants for licensure and renewal of licensure. NRS 640A.120 paragraph 1 requires as a condition of eligibility for licensure that an applicant must be a natural person of good moral character.

The Board has delegated to the Executive Director the authority to evaluate the qualifications of and determine the eligibility of an applicant for any license, in accordance with the requirements established by the Board.

The purpose of this policy is to provide guidance in determining whether legal actions reported by an occupational therapy practitioner constitutes a potential moral character issue which should be brought before the Board prior to approval of any application for licensure or renewal of a license.

Prior to the approval of any application for licensure which contains an affirmative YES to any legal question on the application, the Executive Director shall review the explanation provided by the applicant, contact the applicant for further clarification or request additional documentation to substantiate the circumstances and/or resolution of the incident reported.

## CONSIDERATIONS

In determining whether the legal issue constitutes a potential lack of moral character, the Executive Director should consider the following factors:

1. Nature and severity of the act(s), offense(s), or crime(s);
2. Actual or potential harm to the public and/or to any patient;
3. Prior disciplinary record;
4. Number and variety of violations;
5. Mitigating evidence;
6. Rehabilitation evidence;
7. Length of time since the act(s) or offense(s) occurred; and
8. Compliance with conditions of sentence and court-ordered probation, if any.

After review of all information and documentation, the Executive Director determines a potential lack of moral character may exist, the Executive Director shall so notify the applicant that their application must be considered by the Board and the application will be placed on the agenda for consideration at the next regularly scheduled meeting of the Board.

### Mitigating Evidence:

- Length of time in practice
- No prior disciplinary action
- Illness or death of a family member or other personal circumstances affecting licensee's performance at the time of the incident

**Legal Factors Not Considered Potential Moral Character Issues:**

1. Driving Under the Influence (DUI); first instance, no injuries;
2. Minor in Possession of Alcohol;
3. Domestic Custody Disputes;
4. Minor Traffic Violations;
5. Public Disturbance, no injuries;
6. Non-criminal convictions more than 10 years old;
7. Prior professional disciplinary action older than 10 years, with no subsequent violations.
8. Prior professional disciplinary action, satisfactorily resolved with no re-occurrence;
9. Legal and disciplinary actions previously reported to the Board.

**Legal Factors Considered Potential Moral Character Issues – within the previous 10 Years**

1. Repeat DUI citations, or convictions;
2. Drug Abuse conviction;
3. Sexual Abuse; Elder or Child Abuse, Domestic Violence or related convictions;
4. Disciplinary action against any professional license relating to clients, services or legal records;
5. Disciplinary actions resulting in suspension or revocation of ANY professional license
6. Fraud, Extortion, Embezzlement, Theft;
7. Any Criminal conviction;
8. Any civil or criminal legal action related to the provision of Occupational Therapy services.

The above is intended to provide guidance for determining potential moral character issues and is not intended to be all-inclusive. The Executive Director is authorized to make the determination on whether to bring any application before the Board for determination of qualifications for licensure.