



Brian Sandoval
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Loretta L. Ponton
Executive Director

Notice of Workshop to Solicit Comments on Proposed Regulation

The State of Nevada Board of Occupational Therapy is proposing the addition, amendment and/or repeal of regulations pertaining to Chapter 640A of the Nevada Administrative Code.

A Public workshop to solicit comments from interested persons has been set as follows:

Saturday – August 12, 2017

10:00 a.m.

Oquendo Center

2425 E. Oquendo Rd.

Las Vegas, Nevada 89120

The purpose of the workshop is to solicit comments from interested persons on the proposed regulations. The proposed regulation adds definitions for “primary supervisor” and “treating occupational therapist” and revises the definition of “Active” license making conforming changes throughout the regulations; updates prerequisites to receipt, renewal, reinstatement or conversion of status of license; adds provisions regarding license by endorsement; establishes a reduced fee for certain applicants who are active members of the armed forces, veterans and their family members; revises provisions pertaining to professional responsibilities; clarifies the duties of a primary supervisor and treating occupational therapists; establishes limitations and provides clarification regarding supervision of occupational therapy assistants and provisional licensees; and clarifies what duties may be delegated to an occupational therapy aide or technician; removes a private reprimand as an allowable disciplinary; and providing other matters properly relating thereto.

A copy of the proposed regulations may be obtained at the workshop or by contacting the Board of Occupational Therapy, P.O. Box 34779, Reno, Nevada 89533-4779. Copies of the proposed regulations are available for viewing or printing on the Board’s website www.nvot.org. Written comments will be accepted in hard copy or by email addressed to board@nvot.org.

All licensees and interested parties are encouraged to participate in the regulatory review process.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, please notify Loretta Ponton, Executive Director at (775) 746-4101 within 72 hours of meeting date and time.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all licensed occupational therapists and occupational therapy assistants and persons on the agency’s mailing list for administrative regulations.

NOTICE OF WORKSHOP

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This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been posted on the Board's website www.nvot.org and at the following locations:

Carson City Library
900 North Roop Street
Carson City, NV 8701

Lincoln County Library
63 Main Street
Pioche, NV 89043

Churchill County Library
553 South Main Street
Fallon, NV 89406

Lyon County Library System
20 Nevin Way
Yerington, NV 89447

Las Vegas-Clark County Library District
Headquarters
833 Las Vegas Blvd. North
Las Vegas, NV 89101

Mineral County Public Library
PO Box 1390
Hawthorne, NV 89415

Douglas County Public Library
1625 Library Lane
Minden, NV 89423

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419

Elko County Library
720 Court Street
Elko, NV 89801

Storey County Treasurer & Clerks Office
Drawer D
Virginia City, NV 89440

Esmeralda County Library
Corner of Crook & 4th Street
PO Box 430
Goldfield, NV 89013

Tonopah Public Library
PO Box 449
Tonopah, NV 89049

Eureka County Library
10190 Monroe Street
Eureka, NV 89316

Washoe County Library System
301 South Center Street
Reno, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

White Pine County Library
950 Campton Street
Ely, NV 89301

Battle Mountain Branch Library
625 South Broad Street
Battle Mountain, NV 89820

Office of the Attorney General
200 North Carson Street
Carson City, NV 8701

Office of the Attorney General
5420 Kietzke Lane, Ste 202
Reno, Nevada 89511

State of Nevada
Board of Occupational Therapy
6160 Mae Anne Ave., Suite 3
Reno, Nevada 89523

Grant Sawyer State Office Building
555 E. Washington Ave., #3900
Las Vegas, Nevada 89101

Dated: July 17, 2017

CHAPTER 640A - OCCUPATIONAL THERAPISTS

Chapter 640A of NAC is hereby amended by adding thereto the provisions set forth as sections _____ through _____ of this regulation.

“Primary Supervisor” defined. “Primary Supervisor” means a licensed occupational therapist who is responsible for the overall supervision of a provisional licensee or occupational therapy assistant during their term of employment. A primary supervisor may also be a treating occupational therapist.

“Treating occupational therapist” defined. “Treating occupational therapist” means a licensed occupational therapist who is responsible for the program of treatment of a client.

Supervision: responsibility of occupational therapist

1. A primary supervisor of an occupational therapy assistant or provisional licensee shall review and approve monthly supervisory logs maintained jointly by a treating occupational therapist and occupational therapy assistant or provisional licensee.

2. A treating occupational therapist shall provide general supervision, pursuant to NAC 640A.250, for any occupational therapy assistant or provisional licensee who has been delegated duties for the provision of services to clients.

License by endorsement; requirements (NRS 640A.165)

1. A person who meets the requirements set forth in NAC 640A.030 and holds an unrestricted license that is active and in good standing as an occupational therapist or occupational therapy assistant issued by the District of Columbia or any state or territory of the United States may apply to the Board for a license by endorsement to practice in this state.

2. A person requesting license by endorsement must:

a. have practiced for a minimum of two years immediately preceding the date of application to the Board; and

b. successfully pass the Nevada occupational therapy jurisprudence examination.

NAC 640A is hereby amended to read as follows:

NAC 640A.011 “~~Active~~ *Standard* license” defined. (NRS 640A.110) “~~Active~~ *Standard* license” means a license as an occupational therapist or occupational therapy assistant issued by the Board pursuant to [NAC 640A.041](#).

NAC 640A.0135 “Inactive license” defined. (NRS 640A.110) “Inactive license” means a *standard* ~~once active~~ license that is no longer *in* active *status* pursuant to [NAC 640A.068](#).

NAC 640A.030 Prerequisites to receipt, renewal, reinstatement or conversion of status of license; proration of fee. (NRS 640A.110, [640A.140](#))

1. In order to receive, renew, reinstate or convert the status of, as applicable, any type of license issued by the Board, an applicant must complete an application to be provided by the Board.

2. An application must be accompanied by payment of the appropriate fee or fees ~~[, which may be prorated by the Board if the initial period of the license will be shorter than usual for that license].~~

3. An application submitted to the Board must be ~~[notarized]~~ *signed by the applicant certifying to the accuracy of the information provided [if so required].*

4. An application must be submitted to the Board by the applicable date, if any.

5. If an applicant is required to provide an official transcript from an educational program that is accredited by an agency approved by the Board or from an educational program in another country, the applicant must ensure that:

- (a) A sealed, official transcript is attached to his or her application; or
 - (b) A sealed, official transcript is sent directly from his or her educational program to the Board.
6. If an applicant is required to provide proof of certification as an occupational therapist registered or a certified occupational therapy assistant, the applicant must ensure that proof of certification *issued by the certifying agency* is *sent directly submitted* to the Board. ~~[by the agency who certified the applicant.]~~
7. If an applicant is required to provide proof of a license obtained in another state, territory or country, the applicant must ensure that:
- (a) ~~[A copy of the license is attached to his or her application; and~~
 - ~~—(b) Additional]~~ *Proof* of such a license ~~[is sent directly by]~~ *issued by* an official governmental entity *is submitted* to the Board for:
 - (1) Any such license presently held; and
 - (2) Any such license held within 5 years of the submission of the application.
8. If an applicant is required to provide proof of employment and supervision by an occupational therapist in this State, the applicant must ensure that proof of such employment and supervision is *submitted* to the Board, ~~[on a form]~~ *in a format* to be provided by the Board, by the applicable date, if any.
9. If an applicant is required to complete continuing education, the applicant must provide to the Board proof of completion of continuing education, when requested by the Board.
10. The Board will not accept an application for the renewal of a license if the application is submitted more than 30 days after the date on which the license expired.

NAC 640A.041 Eligibility to obtain ~~[active]~~ license. ([NRS 640A.110](#), [640A.120](#)) In addition to the requirements set forth in [NAC 640A.030](#), to be eligible to obtain ~~[an active]~~ *a* license, a person must:

- 1. Have graduated from:
 - (a) An educational program which is accredited by an agency approved by the Board and which includes a fieldwork program; or
 - (b) An educational program in another country;
- 2. Have achieved a passing score on an examination provided by an agency approved by the Board; and
- 3. Have current certification as an occupational therapist registered or certified occupational therapy assistant.

3. Be a citizen of the United States or otherwise have the legal right to work in the United States.

NAC 640A.050 Expiration and renewal of license. ([NRS 640A.110](#), [640A.180](#))

- 1. A license issued by the Board expires on a date to be established by the Board.
- 2. In addition to any other applicable requirements of [NAC 640A.030](#), to renew ~~[an active]~~ *a standard* license, a person must provide to the Board the materials required by subsection 5 of [NAC 640A.070](#).

NAC 640A.055 Reinstatement of expired active license. ([NRS 640A.110](#), [640A.180](#))

- 1. ~~[An active]~~ *A standard* license that has expired may be reinstated within 5 years of its expiration.
- 2. In addition to any other applicable requirements set forth in [NAC 640A.030](#), to reinstate an expired ~~[active]~~ *standard* license, a person must:
 - (a) Provide proof of certification as an occupational therapist registered or certified occupational therapy assistant;
 - (b) Provide proof of the completion of 12 hours of continuing education within the year immediately preceding the request for reinstatement; and
 - (c) For the reinstatement of an expired ~~[active]~~ *standard* license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon reinstatement of the license.

NAC 640A.060 Licensing of person whose ~~[active]~~ standard license has been expired for 5 years or more. ([NRS 640A.110](#), [640A.180](#)) If a person whose ~~[active]~~ *standard* license as an occupational therapist or occupational therapy assistant has been expired for 5 years or more, he or she must apply for a license as if he or she were a new applicant.

NAC 640A.062 Temporary licensing; conversion of temporary license to ~~[active]~~ *standard* license.
(NRS 640A.110, 640A.170)

1. A person who is currently certified as an occupational therapist registered or certified occupational therapy assistant and who holds a license that is active and in good standing as an occupational therapist or occupational therapy assistant issued in another state or territory of the United States may apply to the Board for a temporary license to practice in this state by meeting the requirements set forth in [NAC 640A.030](#).

2. A temporary license expires 6 months after the date on which it is issued.

3. A temporary license may be renewed not more than once.

4. A temporary license may be converted to ~~[an active]~~ *a standard* license if the person:

(a) Meets the requirements set forth in [NAC 640A.030](#) and [640A.041](#); and

(b) For a temporary license as an occupational therapy assistant, submits proof of employment and supervision by a licensed occupational therapist upon conversion of the license.

5. A person who has previously been issued a temporary license may not apply for another temporary license until 6 months after the expiration of his or her last original or renewed temporary license, as applicable.

NAC 640A.065 Provisional licensing; conversion of provisional license to ~~[active]~~ *standard* license.
(NRS 640A.110, 640A.120)

1. A provisional license may be granted to a person:

(a) Who meets the requirements set forth in [NAC 640A.030](#);

(b) Who has graduated from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program;

(c) Who submits proof of employment and supervision by a licensed occupational therapist upon receiving the license; and

(d) Who:

(1) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; or

(2) Has not yet achieved a passing score on an examination provided by an agency approved by the Board but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.

2. If a person who was previously certified receives a provisional license and the person has not practiced occupational therapy within 5 years before receipt of the license, the person must, while holding the license, complete a minimum of 640 hours of supervised practice under a licensed occupational therapist.

3. A provisional license expires 6 months after the date on which it is issued or renewed.

4. A provisional license may be renewed not more than once.

5. A provisional licensee may convert his or her provisional license to ~~[active]~~ *a standard* license if, in addition to the requirements set forth in [NAC 640A.030](#):

(a) The Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant; *and*

(b) ~~[The licensee provides an official transcript from an educational program that is accredited by an agency approved by the Board; and~~

~~—(c)]~~ If applicable, the licensee has completed 640 hours of supervised practice under a licensed occupational therapist.

NAC 640A.068 Inactive license: Conversion from or to active ~~[license]~~ *status*; continuing education; renewal.
(NRS 640A.110, 640A.180)

1. In addition to the requirements set forth in [NAC 640A.030](#), to convert an active *standard* license to ~~[an]~~ inactive ~~[license]~~ *status*:

(a) The license must ~~[be active and]~~ not be suspended, revoked or otherwise restricted at the time of the request; and

(b) The person must complete a form to be provided by the Board indicating that he or she no longer practices or represents to others that he or she is authorized to practice occupational therapy in this State.

2. A person with an inactive license must comply with the same requirements for continuing education as a person who holds an active license.

3. To renew an inactive license, a person must meet the requirements of [NAC 640A.030](#).
4. The holder of an inactive license may request that the license be converted to ~~[an]~~ active ~~[license]~~ *status*.
5. In addition to the requirements set forth in [NAC 640A.030](#), to convert an inactive license to ~~[an active license]~~ *active status*, a person must:
 - (a) Make a written request to the Board; and
 - (b) For an inactive license as an occupational therapy assistant, submit proof of employment and supervision by a licensed occupational therapist upon conversion of the license.

NAC 640A.070 Continuing education: Generally. ([NRS 640A.110](#), [640A.180](#))

1. Except as otherwise provided in subsection 4 and [NAC 640A.101](#), a person with ~~[an active]~~ *a standard* license shall complete, to the satisfaction of the Board, at least 12 hours of continuing education per year.
2. If the licensee obtains more than 12 hours of continuing education in a year, he or she may request that the Board carry over a maximum of 10 hours to apply towards completion of his or her requirement for continuing education for the following renewal period.
3. A person may receive credit for fieldwork supervision or the completion of a particular continuing education course only once during two successive renewal periods.
4. A person who obtains ~~[an active]~~ *a standard* license within 12 months of graduation from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program is not required to obtain any hours of continuing education in order to renew the license for the first time.
5. A licensee shall comply with the requirements for continuing education, including, without limitation, submitting to the Board a completed form to be provided by the Board and a list of any courses and activities that the licensee completed to satisfy the provisions of this section. The materials described in this subsection must be submitted at the time, as established by the Board, the licensee is required to submit to the Board the application for the renewal of his or her license.
6. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.

NAC 640A.101 Continuing education: Waiver of requirements for extenuating circumstances. ([NRS 640A.110](#), [640A.180](#))

1. The Board may waive all or part of the requirements for continuing education for a person who holds ~~[an active]~~ *a standard* license if the person:
 - (a) Submits a written request for a waiver; and
 - (b) Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow the completion of the required continuing education.
2. Examples of an extenuating circumstance include, without limitation, extreme:
 - (a) Illness or injury;
 - (b) Financial hardship; or
 - (c) Family hardship.
3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following year.
4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed.
5. A written request for a waiver must be submitted by the applicable date on which the licensee is required to submit to the Board the application for the renewal of his or her license.

NAC 640A.140 Annual list of licensees. ([NRS 640A.110](#))

1. The Board will prepare and maintain ~~[an annual]~~ *a current* list of persons licensed by the Board.
2. A copy of the list of licensees may be obtained from the Board upon written application accompanied by the cost of reproduction as determined by the Board.
3. The Board will provide a copy of its list of licensees to the Commissioner of Insurance without charge.

NAC 640A.155 Payments to Board. ([NRS 640A.110](#))

1. Acceptable forms of payment to the Board are:

- (a) Personal check;
- (b) Money order;
- (c) Cashier’s check; and
- (d) Credit card.

2. The Board will charge a fee for each ~~check~~ payment returned to the Board because the person had insufficient money with the drawee to pay the check, ~~or because~~ the person stopped payment on the check *or the person cancelled a credit card charge without merit*. The amount of the original ~~check~~ payment, any bank return payment fee incurred by the Board, if any and the ~~returned check fee~~, returned payment processing fee must be paid within 15 days after the notice of the invalid ~~check~~ payment by one of the other forms of payment accepted by the Board.

NAC 640A.160 Fees. ([NRS 640A.110](#), [640A.190](#), [NRS 640A.166](#)) The Board will charge and collect the following fees:

1. For an occupational therapist:

(a) Initial active standard license.....	\$250
(b) Renewal of an active license.....	175
(c) A temporary or provisional license.....	150
(d) Renewal of a temporary or provisional license.....	100
(e) Convert a temporary or provisional license to an active a standard license.....	100
(f) Reinstatement of an expired license.....	200
(g) Renewal of an inactive license.....	100
(h) Convert an inactive license to an active license.....	75

2. For an occupational therapy assistant:

(a) Initial active standard license.....	\$175
(b) Renewal of an active license.....	125
(c) A temporary or provisional license.....	100
(d) Renewal of a temporary or provisional license.....	75
(e) Convert a temporary or provisional license to an active a standard license.....	75
(f) Reinstatement of an expired license.....	125
(g) Renewal of an inactive license.....	75
(h) Convert an inactive license to an active license.....	50

3. General:

(a) Processing of an initial license application.....	\$150
(b) Late fee for renewal of a license.....	125
(c) Verification of a license.....	25
(d) Returned check payment processing.....	25

2. The Board shall charge a reduced fee of \$75.00 for an initial application and one-half of the fee for any initial license for an applicant who is an active member of the armed forces, member’s spouse, veteran or veteran’s surviving spouse.

NAC 640A.220 Professional responsibility regarding patients. ([NRS 640A.110](#)) A licensee:

1. Shall treat a patient with professional skill and competence.

2. Shall not practice, condone, facilitate or collaborate in any type of discrimination toward a patient based on the patient’s:

- (a) Race;
- (b) Color;
- (c) Sex;
- (d) Age;
- (e) Religion;

- (f) National origin;
 - (g) Mental or physical disability; or
 - (h) Sexual orientation.
3. Shall not misrepresent to a patient the efficacy of his or her treatment of the patient or the results to be achieved by a course of treatment of occupational therapy.
 4. Shall inform his or her patient of any risk to the patient that may be associated with the proposed treatment of occupational therapy.
 5. Shall seek the advice and counsel of colleagues and supervisors whenever such a consultation is in the best interest of the patient.
 6. Shall not engage in sexual activities with a patient. The Board will presume that there is a violation of this subsection if the sexual relationship and activity begins during the course of treatment of the patient or within 6 months after the termination of the professional relationship with the patient.
 7. Shall not suggest to a patient who is referred to him or her by one provider of health care that the patient seek the treatment of another provider of health care. If there is no referring provider of health care or if the patient does not wish to return to the referring provider of health care, a list containing the names of providers of health care may be offered to the patient by the licensee. If possible, such a list must contain the names of at least two providers of health care.
 8. *Shall use professional reasoning in determining the frequency of direct client contact; and ensure frequency of contact is in compliance with state and federal regulations.*

NAC 640A.250 Practice by occupational therapy assistant or provisional licensee. ([NRS 640A.110](#), [640A.230](#))

1. An occupational therapy assistant or a provisional licensee shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant or provisional licensee is practicing is not required of the **[supervising]** occupational therapist. To provide satisfactory general supervision, the **treating** occupational therapist shall:
 - (a) Provide an initial program of intervention, and any subsequent changes to the initial program, for patients assigned to the occupational therapy assistant or provisional licensee.
 - (b) Not less than 1 hour for each 40 hours of work performed by the occupational therapy assistant or provisional licensee and, in any event, not less than 1 hour each month, engage in:
 - (1) Clinical observation of the occupational therapy assistant or provisional licensee; or
 - (2) Direct communication with the occupational therapy assistant or provisional licensee. The mode and frequency of that communication is dependent upon the setting for the practice of the occupational therapy assistant or provisional licensee. Direct communication may consist of, without limitation:
 - (I) Direct or joint treatment of a patient;
 - (II) Personal supervision of the occupational therapy assistant or provisional licensee while providing services;
 - (III) Conversation, in person or by telephone;
 - (IV) Exchange of written comments;
 - (V) Review of patient records; or
 - (VI) Conferences, or other face-to-face meetings.
 - (c) Establish the **[caseload] client workload** of the occupational therapy assistant or provisional licensee based on the competency of the occupational therapy assistant or provisional licensee as determined by the **[supervising]** occupational therapist.
 - (d) Review written documentation prepared by the occupational therapy assistant or provisional licensee during the course of treatment of a patient. The completion of this review by the occupational therapist may be evidenced by:
 - (1) Preparation of a separate progress note; or

(2) The occupational therapist signing and dating the document prepared by the occupational therapy assistant or provisional licensee.

2. The ~~[supervising]~~ occupational therapist and the occupational therapy assistant or provisional licensee shall jointly:

(a) Document, in a manner other than the mere signing of service records prepared by another person, the supervision required pursuant to this section by preparing, without limitation:

(1) Daily or weekly treatment or intervention schedules;

(2) Logs of supervision, which must include, without limitation, the time and date of supervision, the type of supervision provided and the subject matter covered during the supervision; and

(3) Patient records.

(b) Ensure that the record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed at least monthly by the occupational therapy assistant or provisional licensee and the ~~[supervising]~~ occupational therapist. In reviewing the record, the occupational therapist and the occupational therapy assistant or provisional licensee shall verify, without limitation:

(1) The accuracy of the record; and

(2) That there is continuity in the services received by the patient pursuant to the program of intervention.

3. An occupational therapy assistant or provisional licensee may assist a ~~[supervising]~~ occupational therapist in:

(a) Preparing and disseminating any written or oral reports, including, without limitation, the final evaluation and discharge summary of a patient;

(b) Unless the treatment is terminated by a patient or his or her provider of health care, determining when to terminate treatment; and

(c) Delegating duties to an occupational therapy aide or technician.

4. An occupational therapy assistant or provisional licensee shall document all treatment provided to a patient by the occupational therapy assistant or provisional licensee.

5. ~~[A-supervising]~~ An occupational therapist shall not delegate responsibilities to an occupational therapy assistant or provisional licensee which are beyond the scope of the training of the occupational therapy assistant or provisional licensee.

6. The provisions of this section do not prohibit an occupational therapy assistant or provisional licensee from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

7. As used in this section, "sign" means to inscribe by handwriting or electronic means one's name, initials or license number.

NAC 640A.260 Supervision and employment of occupational therapy assistant *and provisional licensee*: Verification; notice of termination; limitation on supervision. ([NRS 640A.110](#))

1. An occupational therapy assistant *or provisional licensee* shall submit verification of his or her employment and *primary supervisor* ~~[supervision by a licensed occupational therapist]~~ to the Board within 30 days after a change in the employment or ~~[supervision]~~ *primary supervisor*. The verification must be submitted ~~[on a form]~~ *in a format* approved by the Board.

2. An occupational therapist who is a *primary supervisor* ~~[licensed by the Board]~~ shall notify the Board within 30 days after the termination of his or her supervision of an occupational therapy assistant *or provisional licensee*.

3. An occupational therapy assistant or provisional licensee must have at least one primary supervisor and may have one alternate primary supervisor for each employer of record.

4. An occupational therapist may be the primary supervisor of not more than three occupational therapy assistants or provisional licensees.

5. A treating occupational therapist may not have more than five combined occupational therapy assistants, provisional licensees, students or technicians under their supervision at any one time.

6. An occupational therapist may not supervise an occupational therapy assistant, provisional licensee or technician who is the spouse, parent or child, by blood, marriage or adoption, of the occupational therapist.

NAC 640A.265 Delegation of duties to occupational therapy assistants, *provisional licensees* and unlicensed persons; limitations. ([NRS 640A.110](#), [640A.230](#))

1. ~~[An]~~ *A treating* occupational therapist shall supervise any program of intervention which is delegated to an occupational therapy assistant *or provisional licensee*.

2. Only an occupational therapist may:

- (a) Interpret the record of a patient who is referred to the occupational therapist by a provider of health care;
- (b) Interpret the evaluation of a patient and identify any problem of the patient;
- (c) Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;
- (d) Determine the appropriate portion of the program of intervention and evaluation to be delegated to an occupational therapy assistant;
- (e) Delegate the treatment to be administered by the occupational therapy assistant;
- (f) Instruct the occupational therapy assistant regarding:
 - (1) The specific program of intervention of a patient;
 - (2) Any precaution to be taken to protect a patient;
 - (3) Any special problem of a patient;
 - (4) Any procedure which should not be administered to a patient; and
 - (5) Any other information required to treat a patient;
- (g) Review the program of intervention of a patient in a timely manner;
- (h) Record the goal of treatment of a patient; and
- (i) Revise the plan of care when indicated.

4. *A treating occupational therapist may delegate to an occupational therapist who holds a provisional license any of the activities identified in paragraph 2 of this section.*

3. Except as otherwise provided in [NAC 640A.267](#), a licensee shall not knowingly delegate to a person who is less qualified than the licensee any program of intervention which requires the skill, common knowledge and judgment of the licensee.

NAC 640A.267 Delegation of duties to student ~~[or provisional licensee]~~; limitations. ([NRS 640A.110](#))

An occupational therapist who is supervising a:

~~—[1.]—~~ Student participating in the supervised experience required by [NRS 640A.120](#); ~~[or~~

~~—2.—~~ *Provisional licensee,*

may delegate duties to the student ~~[or provisional licensee]~~ if the occupational therapist determines, before delegating a duty, that the student ~~[or provisional licensee]~~ possesses the necessary knowledge, competence, training and skills to perform the duty.

NAC 640A.270 Delegation of duties to occupational therapy aide or technician; limitations. ([NRS 640A.110](#), [640A.230](#))

1. A person may assist a licensed occupational therapist *or occupational therapy assistant* as an occupational therapy aide or technician. Such an occupational therapy aide or technician is not required to be licensed pursuant to the provisions of [chapter 640A](#) of NRS or possess the professional or advanced training in basic anatomical, biological, psychological or social sciences which are required for the practice of occupational therapy.

2. Except as otherwise provided in subsection 3, a licensed occupational therapist *or occupational therapy assistant* may delegate duties to an occupational therapy aide or technician if he or she determines, before delegating a duty, that the aide or technician possesses the necessary knowledge, competence, training and skills to perform the duty. The duties which may be delegated to an occupational therapy aide or technician include, but are not limited to, the:

- (a) Routine maintenance of a department;
- (b) Transportation of a patient;
- (c) Preparation of a work area for a therapy session with a patient;
- (d) Preparation of treatment equipment for a therapy session with a patient;
- (e) Attendance to the personal needs of a patient during treatment;

- (f) Assistance in the construction of adaptive equipment and splints;
- (g) Performance of clerical, secretarial and administrative duties; and
- (h) Monitoring a patient for safety purposes while the patient is performing an activity, including, without limitation, the practice of repetitive skills.

3. A licensed occupational therapist *or occupational therapy assistant* may not delegate a duty to an occupational therapy aide or technician if the duty requires the aide or technician to *perform treatments*, make independent evaluations, assessments or recommendations. The duties which may not be delegated to an aide or technician include, but are not limited to, the:

- (a) Interpretation of the record of a patient referred to an occupational therapist;
- (b) Interpretation of prescriptions for a patient;
- (c) Development, planning, adjustment or modification of procedures for the treatment of a patient;
- (d) Recordation of the treatment or progress of a patient;
- (e) Duties described in subsection 3 of [NAC 640A.265](#); and
- (f) Performance of any duty which requires the aide or technician to act independently or without the supervision of a licensed occupational therapist *or occupational therapy assistant* during a therapy session with a patient.

(g) Performance of any treatments or procedures requiring professional training in occupational therapy.

4. An occupational therapist *or occupational therapy assistant* who delegates a duty to an aide or technician:

- (a) Shall directly supervise the aide or technician in accordance with the provisions of [NAC 640A.275](#);
- (b) Is professionally responsible for the duty performed by the aide or technician; and
- (c) Shall note in the record of a patient any duties performed by the aide or technician.

NAC 640A.275 Supervision of occupational therapy aide or technician: “Directly supervise” interpreted. ([NRS 640A.110](#), [640A.230](#))

1. A licensed occupational therapist or occupational therapy assistant shall directly supervise the work of any person who assists the occupational therapist or occupational therapy assistant as an occupational therapy aide or technician.

2. As used in this section, the term “directly supervise” means to supervise an occupational therapy aide or technician by:

- (a) Being physically present on the premises at all times when the aide or technician is ~~[working]~~ *assisting* with patients;
- (b) Providing personal instruction to the aide or technician on a regular basis;
- (c) Personally evaluating the work of the aide or technician on a regular basis; and
- (d) Setting forth detailed statements of the duties and responsibilities of the aide or technician.

NAC 640A.361 Unprofessional conduct: Imposition of conditions on use of license. ([NRS 640A.110](#), [640A.200](#)) If the Board determines that an occupational therapist or occupational therapy assistant is guilty of unprofessional conduct pursuant to [NRS 640A.200](#) and does not suspend or revoke his or her license, the Board will impose, as it deems appropriate, one or more of the following conditions on the use of that license:

- 1. The acceptance of a public ~~[or private]~~ reprimand administered by the Board;
- 2. Probation for a specified period or until further order of the Board;
- 3. Restrictions or limitations on the scope of the licensee’s practice;
- 4. The successful completion of a program of remedial education or treatment approved by the Board;
- 5. Supervision of the professional work of the licensee by a person approved by the Board;
- 6. The repayment to a patient of all money collected by the licensee in connection with the unprofessional conduct;
- 7. The successful completion of a physical or mental examination or an examination testing the competence of the licensee; or
- 8. Such other disciplinary action as the Board considers necessary and appropriate.