

ASSEMBLY BILL NO. 375—ASSEMBLYMEN DONDERO LOOP,  
OHRENSCHALL, BOBZIEN, WOODBURY; AIZLEY, ELLIOT  
ANDERSON, CARRILLO, FRIERSON, KIRKPATRICK, SPIEGEL  
AND SWANK

MARCH 18, 2013

JOINT SPONSOR: SENATOR WOODHOUSE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to services for persons  
with autism spectrum disorders. (BDR 40-999)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; revising provisions relating to  
certified autism behavior interventionists; including social  
communication disorder as a disorder covered by the  
Autism Treatment Assistance Program; requiring certain  
policies of health insurance and health care plans to  
provide coverage for social communication disorder on  
the same basis as autism; and providing other matters  
properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides for the certification and regulation of autism behavior  
2 interventionists by the Board of Psychological Examiners. (NRS 641.110, 641.172,  
3 641.232) **Sections 4-17, 21, 23-32 and 38** of this bill transfer the authority to  
4 certify and regulate autism behavior interventionists from the Board of  
5 Psychological Examiners to the Aging and Disability Services Division of the  
6 Department of Health and Human Services. **Section 39** of this bill provides that a  
7 person who holds a current certificate as an autism behavior interventionist issued  
8 by the Board is not required to obtain a new certificate from the Division until the  
9 expiration of the certificate. **Section 39** also makes regulations of the Board  
10 concerning autism behavior interventionists enforceable by the Division until the



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Division adopts regulations to repeal or replace those regulations of the Board. Finally, **section 22** of this bill revises the composition of the Board.

Existing law requires certain health care plans and policies of insurance to provide an option or a requirement, as applicable, of coverage for the screening for, including the diagnosis of, and the treatment of autism spectrum disorders in certain circumstances. (NRS 287.0276, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) Existing law also establishes the Autism Treatment Assistance Program within the Division to provide and coordinate the provision of services to persons with autism spectrum disorders and requires the Health Division of the Department to refer certain children to the Program. (NRS 427A.875, 442.770) **Sections 2, 3, 18-20 and 33-37** of this bill include social communication disorder as a disorder covered by the Program and a disorder for which certain health care plans and policies of insurance must provide an option or a requirement of coverage.

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

**Section 1.** Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

**Sec. 2.** *“Autism spectrum disorder” means a neurobiological medical condition including, without limitation, autistic disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified and social communication disorder.*

**Sec. 3.** *“Early intervention services” has the meaning ascribed to it in 20 U.S.C. § 1432.*

**Sec. 4.** *As used in sections 4 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 and 6 of this act have the meanings ascribed to them in those sections.*

**Sec. 5.** *“Autism behavior interventionist” means a person who is certified as an autism behavior interventionist by the Division.*

**Sec. 6.** *“Division” means the Aging and Disability Services Division of the Department.*

**Sec. 7.** *The Division may make and promulgate rules and regulations not inconsistent with the provisions of sections 4 to 17, inclusive, of this act governing its procedure, the examination and certification of applicants for certification as an autism behavior interventionist and the granting, refusal, revocation or suspension of such certificates.*

**Sec. 8.** *The Division may, under the provisions of sections 4 to 17, inclusive, of this act:*

*1. Examine and pass upon the qualifications of the applicants for certification as an autism behavior interventionist.*

*2. Certify qualified applicants.*



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3. *Revoke or suspend certificates.*

4. *Collect all fees pursuant to section 13 of this act.*

**Sec. 9.** 1. *Each application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Division that the applicant:*

(a) *Is at least 18 years of age.*

(b) *Is of good moral character as determined by the Division.*

(c) *Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.*

(d) *Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Division.*

(e) *Has completed satisfactorily a standardized practical examination developed and approved by the Division. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Division. The Division may review the recording as part of its evaluation of the applicant's qualifications.*

2. *Within 120 days after receiving an application and the accompanying evidence from an applicant, the Division shall:*

(a) *Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and*

(b) *Issue a written statement to the applicant of its determination.*

3. *If the Division determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.*

**Sec. 10.** 1. *In addition to any other requirements set forth in sections 4 to 17, inclusive, of this act, an applicant for the issuance of a certificate shall:*

(a) *Include the social security number of the applicant in the application submitted to the Division.*

(b) *Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. *The Division shall include the statement required pursuant to subsection 1 in:*

(a) *The application or any other forms that must be submitted for the issuance or renewal of the certificate; or*

(b) *A separate form prescribed by the Division.*

3. *A certificate may not be issued or renewed by the Division if the applicant:*



1       (a) Fails to submit the statement required pursuant to  
2 subsection 1; or

3       (b) Indicates on the statement submitted pursuant to  
4 subsection 1 that the applicant is subject to a court order for the  
5 support of a child and is not in compliance with the order or a  
6 plan approved by the district attorney or other public agency  
7 enforcing the order for the repayment of the amount owed  
8 pursuant to the order.

9       4. If an applicant indicates on the statement submitted  
10 pursuant to subsection 1 that the applicant is subject to a court  
11 order for the support of a child and is not in compliance with the  
12 order or a plan approved by the district attorney or other public  
13 agency enforcing the order for the repayment of the amount owed  
14 pursuant to the order, the Division shall advise the applicant to  
15 contact the district attorney or other public agency enforcing the  
16 order to determine the actions that the applicant may take to  
17 satisfy the arrearage.

18       **Sec. 11. 1.** If the Division receives a copy of a court order  
19 issued pursuant to NRS 425.540 that provides for the suspension  
20 of all professional, occupational and recreational licenses,  
21 certificates and permits issued to a person who is the holder of a  
22 certificate issued pursuant to sections 4 to 17, inclusive, of this act,  
23 the Division shall deem the certificate issued to that person to be  
24 suspended at the end of the 30th day after the date on which the  
25 court order was issued unless the Division receives a letter issued  
26 to the holder of the certificate by the district attorney or other  
27 public agency pursuant to NRS 425.550 stating that the holder of  
28 the certificate has complied with the subpoena or warrant or has  
29 satisfied the arrearage pursuant to NRS 425.560.

30       2. The Division shall reinstate a certificate that has been  
31 suspended by a district court pursuant to NRS 425.540 if the  
32 Division receives a letter issued by the district attorney or other  
33 public agency pursuant to NRS 425.550 to the person whose  
34 certificate was suspended stating that the person whose certificate  
35 was suspended has complied with the subpoena or warrant or has  
36 satisfied the arrearage pursuant to NRS 425.560.

37       **Sec. 12. 1.** To renew a certificate issued pursuant to  
38 sections 4 to 17, inclusive, of this act, each person must, on or  
39 before the first day of January of each odd-numbered year:

- 40       (a) Apply to the Division for renewal;  
41       (b) Pay the biennial fee for the renewal of a certificate;  
42       (c) Submit evidence to the Division of completion of the  
43 requirements for continuing education; and  
44       (d) Submit all information required to complete the renewal.



2. The Division shall, as a prerequisite for the renewal of a certificate, require each holder to comply with the requirements for continuing education adopted by the Division.

Sec. 13. 1. The Division shall, by regulation, establish reasonable fees for:

- (a) The examination of an applicant for a certificate;
- (b) The initial issuance of a certificate;
- (c) The biennial renewal of a certificate; and
- (d) The late renewal of a certificate.

2. The fees must be set in such an amount as to reimburse the Division for the cost of carrying out the provisions of sections 4 to 17, inclusive, of this act.

3. In addition to the fees set forth in subsection 1, the Division may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

Sec. 14. 1. The Division shall adopt regulations that establish the grounds for disciplinary action for a certified autism behavior interventionist.

2. A certified autism behavior interventionist shall not provide behavior therapy except under the supervision of:

- (a) A licensed psychologist;
- (b) A licensed behavior analyst; or
- (c) A licensed assistant behavior analyst.

Sec. 15. 1. If a certified autism behavior interventionist has committed any act that constitutes grounds for disciplinary action, the Division may:

- (a) Suspend or revoke the certification of the autism behavior interventionist;
- (b) Refuse to renew the certification of the autism behavior interventionist;
- (c) Impose upon the autism behavior interventionist a fine of not more than \$5,000 for each violation;
- (d) Require the autism behavior interventionist to pay restitution; or
- (e) Take such other disciplinary action as the Division deems appropriate.

2. The Division may adopt regulations setting forth a schedule of fines for the purposes of paragraph (c) of subsection 1.

Sec. 16. 1. When a complaint is filed with the Division, it must be considered by a person designated by the Division. If it appears to the person designated by the Division that further proceedings are warranted, the person shall report the results of his or her investigation together with his or her recommendation



1 *to the Division in a manner which does not violate the right of the*  
2 *person charged in the complaint to due process in any later*  
3 *hearing on the complaint.*

4 2. *The Division shall promptly make a determination with*  
5 *respect to each complaint reported to it by the person designated*  
6 *by the Division and shall dismiss the complaint or proceed with*  
7 *disciplinary action.*

8 **Sec. 17. 1. It is unlawful for a person to:**

9 (a) *Act as an autism behavior interventionist;*

10 (b) *Hold himself or herself out as certified or qualified to act*  
11 *as an autism behavior interventionist in this State; or*

12 (c) *Use in connection with his or her name any title, words,*  
13 *letters or other designation intended to imply or designate that he*  
14 *or she is an autism behavior interventionist,*

15 *↪ unless the person is certified by the Division pursuant to*  
16 *sections 4 to 17, inclusive, of this act.*

17 2. *A person who violates the provisions of subsection 1:*

18 (a) *Is guilty of a misdemeanor; and*

19 (b) *May be assessed a civil penalty of not more than \$5,000.*

20 3. *An action for the enforcement of a civil penalty assessed*  
21 *pursuant to this section may be brought in any court of competent*  
22 *jurisdiction by the district attorney of the appropriate county or the*  
23 *Attorney General.*

24 4. *The Division shall report a violation of a provision of*  
25 *subsection 1 to the district attorney of the county in which the*  
26 *violation occurred or the Attorney General.*

27 **Sec. 18.** NRS 442.740 is hereby amended to read as follows:

28 442.740 As used in NRS 442.740 to 442.770, inclusive, ~~“early~~  
29 ~~intervention services” has the meaning ascribed to it in 20 U.S.C. §~~  
30 ~~1432.1 and sections 2 and 3 of this act, unless the context~~  
31 ~~otherwise requires, the words and terms defined in sections 2 and~~  
32 ~~3 of this act have the meanings ascribed to them in those sections.~~

33 **Sec. 19.** NRS 287.0276 is hereby amended to read as follows:

34 287.0276 1. The governing body of any county, school  
35 district, municipal corporation, political subdivision, public  
36 corporation or other local governmental agency of the State of  
37 Nevada that provides health insurance through a plan of self-  
38 insurance must provide coverage for screening for and diagnosis of  
39 autism spectrum disorders and for treatment of autism spectrum  
40 disorders to persons covered by the plan of self-insurance under the  
41 age of 18 or, if enrolled in high school, until the person reaches the  
42 age of 22.

43 2. Coverage provided under this section is subject to:

44 (a) A maximum benefit of \$36,000 per year for applied behavior  
45 analysis treatment; and



(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➤ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsections 1 or 2 is void.



7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder, ~~and~~ Pervasive Development Disorder Not Otherwise Specified ~~and~~ *and social communication disorder.*

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;
- (2) A licensed behavior analyst; or
- (3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior



Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavior therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

**Sec. 20.** NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons with autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.



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(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder, ~~and~~ Pervasive Developmental Disorder Not Otherwise Specified ~~and~~ *and social communication disorder*.

**Sec. 21.** NRS 641.0247 is hereby amended to read as follows:

641.0247 "Practice of applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior. The term includes the provision of behavioral therapy by a behavior analyst ~~or~~ *or* assistant behavior analyst ~~. for autism behavior interventionist.~~

**Sec. 22.** NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.



(b) ~~{One member}~~ *Two members* who ~~{is-a}~~ *are* licensed behavior ~~{analyst}~~ *analysts* in the State of Nevada.

(c) One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

(d) One member who is a representative of the general public.

2. A person is not eligible for appointment unless he or she is:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

3. The member who is a representative of the general public:

(a) Shall not participate in preparing, conducting or grading any examination required by the Board.

(b) Must not be a psychologist, an applicant or a former applicant for licensure as a psychologist, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist, or a member of a household that includes a psychologist.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

**Sec. 23.** NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination ~~{}~~ *and* licensure ~~{and certification}~~ of applicants, the granting, refusal, revocation or suspension of licenses, ~~{and certificates}~~, the practice of psychology and the practice of applied behavior analysis.

**Sec. 24.** NRS 641.110 is hereby amended to read as follows:

641.110 The Board may, under the provisions of this chapter:

1. Examine and pass upon the qualifications of the applicants for licensure. ~~{and certification}~~

2. License ~~{and certify}~~ qualified applicants.

3. Revoke or suspend licenses. ~~{and certificates}~~

4. Collect all fees and make disbursements pursuant to this chapter.

**Sec. 25.** NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license ~~{or certificate}~~ shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~{or certificate}~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of



1 Health and Human Services pursuant to NRS 425.520. The  
2 statement must be completed and signed by the applicant.

3 2. The Board shall include the statement required pursuant to  
4 subsection 1 in:

5 (a) The application or any other forms that must be submitted  
6 for the issuance or renewal of the license ; ~~for certificate;~~ or

7 (b) A separate form prescribed by the Board.

8 3. A license ~~for certificate~~ may not be issued or renewed by  
9 the Board if the applicant:

10 (a) Fails to submit the statement required pursuant to  
11 subsection 1; or

12 (b) Indicates on the statement submitted pursuant to subsection  
13 1 that the applicant is subject to a court order for the support of a  
14 child and is not in compliance with the order or a plan approved by  
15 the district attorney or other public agency enforcing the order for  
16 the repayment of the amount owed pursuant to the order.

17 4. If an applicant indicates on the statement submitted pursuant  
18 to subsection 1 that the applicant is subject to a court order for the  
19 support of a child and is not in compliance with the order or a plan  
20 approved by the district attorney or other public agency enforcing  
21 the order for the repayment of the amount owed pursuant to the  
22 order, the Board shall advise the applicant to contact the district  
23 attorney or other public agency enforcing the order to determine the  
24 actions that the applicant may take to satisfy the arrearage.

25 **Sec. 26.** NRS 641.220 is hereby amended to read as follows:

26 641.220 1. To renew a license ~~for certificate~~ issued pursuant  
27 to this chapter, each person must, on or before the first day of  
28 January of each odd-numbered year:

29 (a) Apply to the Board for renewal;

30 (b) Pay the biennial fee for the renewal of a license ; ~~for~~  
31 ~~certificate;~~

32 (c) Submit evidence to the Board of completion of the  
33 requirements for continuing education; and

34 (d) Submit all information required to complete the renewal.

35 2. Upon renewing his or her license, a psychologist shall  
36 declare his or her areas of competence, as determined in accordance  
37 with NRS 641.112.

38 3. The Board shall, as a prerequisite for the renewal of a  
39 license , ~~for certificate,~~ require each holder to comply with the  
40 requirements for continuing education adopted by the Board.

41 **Sec. 27.** NRS 641.230 is hereby amended to read as follows:

42 641.230 The Board may suspend or revoke a person's license  
43 as a psychologist, behavior analyst or assistant behavior analyst , ~~for~~  
44 ~~certificate as an autism behavior interventionist,~~ place the person  
45 on probation, require remediation for the person or take any other



1 action specified by regulation if the Board finds by substantial  
2 evidence that the person has:

3 1. Been convicted of a felony relating to the practice of  
4 psychology or the practice of applied behavior analysis.

5 2. Been convicted of any crime or offense that reflects the  
6 inability of the person to practice psychology or applied behavior  
7 analysis with due regard for the health and safety of others.

8 3. Been convicted of violating any of the provisions of NRS  
9 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,  
10 inclusive.

11 4. Engaged in gross malpractice or repeated malpractice or  
12 gross negligence in the practice of psychology or the practice of  
13 applied behavior analysis.

14 5. Aided or abetted the practice of psychology by a person not  
15 licensed by the Board.

16 6. Made any fraudulent or untrue statement to the Board.

17 7. Violated a regulation adopted by the Board.

18 8. Had a license to practice psychology or a license or  
19 certificate to practice applied behavior analysis suspended or  
20 revoked or has had any other disciplinary action taken against the  
21 person by another state or territory of the United States, the District  
22 of Columbia or a foreign country, if at least one of the grounds for  
23 discipline is the same or substantially equivalent to any ground  
24 contained in this chapter.

25 9. Failed to report to the Board within 30 days the revocation,  
26 suspension or surrender of, or any other disciplinary action taken  
27 against, a license or certificate to practice psychology or applied  
28 behavior analysis issued to the person by another state or territory of  
29 the United States, the District of Columbia or a foreign country.

30 10. Violated or attempted to violate, directly or indirectly, or  
31 assisted in or abetted the violation of or conspired to violate a  
32 provision of this chapter.

33 11. Performed or attempted to perform any professional service  
34 while impaired by alcohol, drugs or by a mental or physical illness,  
35 disorder or disease.

36 12. Engaged in sexual activity with a patient or client.

37 13. Been convicted of abuse or fraud in connection with any  
38 state or federal program which provides medical assistance.

39 14. Been convicted of submitting a false claim for payment to  
40 the insurer of a patient or client.

41 15. Operated a medical facility, as defined in NRS 449.0151, at  
42 any time during which:

43 (a) The license of the facility was suspended or revoked; or

44 (b) An act or omission occurred which resulted in the  
45 suspension or revocation of the license pursuant to NRS 449.160.



1    ➤ This subsection applies to an owner or other principal responsible  
2 for the operation of the facility.

3    **Sec. 28.** NRS 641.232 is hereby amended to read as follows:

4    641.232 The Board shall adopt regulations that establish the  
5 grounds for disciplinary action for a licensed behavior analyst ~~or~~  
6 licensed assistant behavior analyst . ~~for-certified-autism-behavior~~  
7 ~~interventionist.~~

8    **Sec. 29.** NRS 641.240 is hereby amended to read as follows:

9    641.240 1. If the Board, a panel of its members or a hearing  
10 officer appointed by the Board finds a person guilty in a disciplinary  
11 proceeding, it may:

12    (a) Administer a public reprimand.

13    (b) Limit the person's practice.

14    (c) Suspend the person's license ~~for-certificate~~ for a period of  
15 not more than 1 year.

16    (d) Revoke the person's license . ~~for-certificate.~~

17    (e) Impose a fine of not more than \$5,000.

18    (f) Revoke or suspend the person's license ~~for-certificate~~ and  
19 impose a monetary penalty.

20    (g) Suspend the enforcement of any penalty by placing the  
21 person on probation. The Board may revoke the probation if the  
22 person does not follow any conditions imposed.

23    (h) Require the person to submit to the supervision of or  
24 counseling or treatment by a person designated by the Board. The  
25 person named in the complaint is responsible for any expense  
26 incurred.

27    (i) Impose and modify any conditions of probation for the  
28 protection of the public or the rehabilitation of the probationer.

29    (j) Require the person to pay for the costs of remediation or  
30 restitution.

31    2. The Board shall not administer a private reprimand.

32    3. An order that imposes discipline and the findings of fact and  
33 conclusions of law supporting that order are public records.

34    **Sec. 30.** NRS 641.242 is hereby amended to read as follows:

35    641.242 1. If the Board receives a copy of a court order  
36 issued pursuant to NRS 425.540 that provides for the suspension of  
37 all professional, occupational and recreational licenses, certificates  
38 and permits issued to a person who is the holder of a license ~~for~~  
39 ~~certificate~~ issued pursuant to this chapter, the Board shall deem the  
40 license ~~for-certificate~~ issued to that person to be suspended at the  
41 end of the 30th day after the date on which the court order was  
42 issued unless the Board receives a letter issued to the holder of the  
43 license ~~for-certificate~~ by the district attorney or other public agency  
44 pursuant to NRS 425.550 stating that the holder of the license ~~for~~



~~certificate~~ has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~for certificate~~ issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ~~for certificate~~ was suspended stating that the person whose license ~~for certificate~~ was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 31.** NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

|                                                                                                                                                                     |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| For the national examination, in addition to the actual cost to the Board of the examination .....                                                                  | \$100          |
| For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination ..... | 100            |
| For the issuance of an initial license <del>for certificate</del> .....                                                                                             | 25             |
| For the biennial renewal of a license of a psychologist .....                                                                                                       | 500            |
| For the biennial renewal of a license of a licensed behavior analyst .....                                                                                          | 400            |
| For the biennial renewal of a license of a licensed assistant behavior analyst .....                                                                                | 275            |
| <del>For the biennial renewal of a certificate of a certified autism behavior interventionist .....</del>                                                           | <del>175</del> |
| For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license .....                                                | 100            |
| For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology .....                                 | 300            |
| For the registration of a nonresident to practice as a consultant .....                                                                                             | 100            |

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.



3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst ~~for a certificate as a autism behavior interventionist~~ shall pay the biennial fee for the renewal of a license, ~~for certificate,~~ which must be prorated for the period from the date the license ~~for certificate~~ is issued to the end of the biennium.

4. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

**Sec. 32.** NRS 641.395 is hereby amended to read as follows:

641.395 ~~1.1~~ A licensed assistant behavior analyst shall not provide or supervise behavior therapy except under the supervision of:

~~(a)~~ 1. A licensed psychologist; or

~~(b)~~ 2. A licensed behavior analyst.

~~2. A certified autism behavior interventionist shall not provide behavior therapy except under the supervision of:~~

~~—(a) A licensed psychologist;~~

~~—(b) A licensed behavior analyst; or~~

~~—(c) A licensed assistant behavior analyst.]~~

**Sec. 33.** NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or



covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➤ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder, ~~and~~ Pervasive Developmental Disorder Not Otherwise Specified ~~and~~ *social communication disorder*.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the ~~Board of Psychological Examiners~~ *Aging and Disability Services*



*Division of the Department of Health and Human Services* and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;
- (2) A licensed behavior analyst; or
- (3) A licensed assistant behavior analyst.

(e) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) “Licensed assistant behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) “Licensed behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed



1 psychologist and may be developed pursuant to a comprehensive  
2 evaluation in coordination with a licensed behavior analyst.

3 **Sec. 34.** NRS 689B.0335 is hereby amended to read as  
4 follows:

5 689B.0335 1. A health benefit plan must provide coverage  
6 for screening for and diagnosis of autism spectrum disorders and for  
7 treatment of autism spectrum disorders to persons covered by the  
8 policy of group health insurance under the age of 18 or, if enrolled  
9 in high school, until the person reaches the age of 22.

10 2. Coverage provided under this section is subject to:

11 (a) A maximum benefit of \$36,000 per year for applied behavior  
12 analysis treatment; and

13 (b) Copayment, deductible and coinsurance provisions and any  
14 other general exclusion or limitation of a policy of group health  
15 insurance to the same extent as other medical services or  
16 prescription drugs covered by the policy.

17 3. A health benefit plan that offers or issues a policy of group  
18 health insurance which provides coverage for outpatient care shall  
19 not:

20 (a) Require an insured to pay a higher deductible, copayment or  
21 coinsurance or require a longer waiting period for coverage for  
22 outpatient care related to autism spectrum disorders than is required  
23 for other outpatient care covered by the policy; or

24 (b) Refuse to issue a policy of group health insurance or cancel a  
25 policy of group health insurance solely because the person applying  
26 for or covered by the policy uses or may use in the future any of the  
27 services listed in subsection 1.

28 4. Except as provided in subsections 1 and 2, an insurer shall  
29 not limit the number of visits an insured may make to any person,  
30 entity or group for treatment of autism spectrum disorders.

31 5. Treatment of autism spectrum disorders must be identified in  
32 a treatment plan and may include medically necessary habilitative or  
33 rehabilitative care, prescription care, psychiatric care, psychological  
34 care, behavior therapy or therapeutic care that is:

35 (a) Prescribed for a person diagnosed with an autism spectrum  
36 disorder by a licensed physician or licensed psychologist; and

37 (b) Provided for a person diagnosed with an autism spectrum  
38 disorder by a licensed physician, licensed psychologist, licensed  
39 behavior analyst or other provider that is supervised by the licensed  
40 physician, psychologist or behavior analyst.

41 ➤ An insurer may request a copy of and review a treatment plan  
42 created pursuant to this subsection.

43 6. A policy subject to the provisions of this chapter that is  
44 delivered, issued for delivery or renewed on or after January 1,  
45 2011, has the legal effect of including the coverage required by



subsubsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder, ~~and~~ Pervasive Developmental Disorder Not Otherwise Specified ~~and~~ *and social communication disorder.*

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;
- (2) A licensed behavior analyst; or
- (3) A licensed assistant behavior analyst.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that



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1 organization, who is licensed as an assistant behavior analyst by the  
2 Board of Psychological Examiners and who provides behavioral  
3 therapy under the supervision of a licensed behavior analyst or  
4 psychologist.

5 (h) "Licensed behavior analyst" means a person who holds  
6 current certification or meets the standards to be certified as a board  
7 certified behavior analyst or a board certified assistant behavior  
8 analyst issued by the Behavior Analyst Certification Board, Inc., or  
9 any successor in interest to that organization and who is licensed as  
10 a behavior analyst by the Board of Psychological Examiners.

11 (i) "Prescription care" means medications prescribed by a  
12 licensed physician and any health-related services deemed medically  
13 necessary to determine the need or effectiveness of the medications.

14 (j) "Psychiatric care" means direct or consultative services  
15 provided by a psychiatrist licensed in the state in which the  
16 psychiatrist practices.

17 (k) "Psychological care" means direct or consultative services  
18 provided by a psychologist licensed in the state in which the  
19 psychologist practices.

20 (l) "Screening for autism spectrum disorders" means medically  
21 necessary assessments, evaluations or tests to screen and diagnose  
22 whether a person has an autism spectrum disorder.

23 (m) "Therapeutic care" means services provided by licensed or  
24 certified speech pathologists, occupational therapists and physical  
25 therapists.

26 (n) "Treatment plan" means a plan to treat an autism spectrum  
27 disorder that is prescribed by a licensed physician or licensed  
28 psychologist and may be developed pursuant to a comprehensive  
29 evaluation in coordination with a licensed behavior analyst.

30 **Sec. 35.** NRS 689C.1655 is hereby amended to read as  
31 follows:

32 689C.1655 1. A health benefit plan must provide coverage  
33 for screening for and diagnosis of autism spectrum disorders and for  
34 treatment of autism spectrum disorders to persons covered by the  
35 health benefit plan under the age of 18 or, if enrolled in high school,  
36 until the person reaches the age of 22.

37 2. Coverage provided under this section is subject to:

38 (a) A maximum benefit of \$36,000 per year for applied behavior  
39 analysis treatment; and

40 (b) Copayment, deductible and coinsurance provisions and any  
41 other general exclusion or limitation of a health benefit plan to the  
42 same extent as other medical services or prescription drugs covered  
43 by the plan.



3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↳ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder,



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1 Asperger's Disorder , ~~and~~ Pervasive Developmental Disorder Not  
2 Otherwise Specified ~~and~~ *and social communication disorder.*

3 (c) "Behavioral therapy" means any interactive therapy derived  
4 from evidence-based research, including, without limitation, discrete  
5 trial training, early intensive behavioral intervention, intensive  
6 intervention programs, pivotal response training and verbal behavior  
7 provided by a licensed psychologist, licensed behavior analyst,  
8 licensed assistant behavior analyst or certified autism behavior  
9 interventionist.

10 (d) "Certified autism behavior interventionist" means a person  
11 who is certified as an autism behavior interventionist by the ~~Board~~  
12 ~~of Psychological Examiners~~ *Aging and Disability Services*  
13 *Division of the Department of Health and Human Services* and  
14 who provides behavior therapy under the supervision of:

- 15 (1) A licensed psychologist;
- 16 (2) A licensed behavior analyst; or
- 17 (3) A licensed assistant behavior analyst.

18 (e) "Evidence-based research" means research that applies  
19 rigorous, systematic and objective procedures to obtain valid  
20 knowledge relevant to autism spectrum disorders.

21 (f) "Habilitative or rehabilitative care" means counseling,  
22 guidance and professional services and treatment programs,  
23 including, without limitation, applied behavior analysis, that are  
24 necessary to develop, maintain and restore, to the maximum extent  
25 practicable, the functioning of a person.

26 (g) "Licensed assistant behavior analyst" means a person who  
27 holds current certification or meets the standards to be certified as a  
28 board certified assistant behavior analyst issued by the Behavior  
29 Analyst Certification Board, Inc., or any successor in interest to that  
30 organization, who is licensed as an assistant behavior analyst by the  
31 Board of Psychological Examiners and who provides behavioral  
32 therapy under the supervision of a licensed behavior analyst or  
33 psychologist.

34 (h) "Licensed behavior analyst" means a person who holds  
35 current certification or meets the standards to be certified as a board  
36 certified behavior analyst or a board certified assistant behavior  
37 analyst issued by the Behavior Analyst Certification Board, Inc., or  
38 any successor in interest to that organization and who is licensed as  
39 a behavior analyst by the Board of Psychological Examiners.

40 (i) "Prescription care" means medications prescribed by a  
41 licensed physician and any health-related services deemed medically  
42 necessary to determine the need or effectiveness of the medications.

43 (j) "Psychiatric care" means direct or consultative services  
44 provided by a psychiatrist licensed in the state in which the  
45 psychiatrist practices.



(k) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

**Sec. 36.** NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:



(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↳ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder, ~~and~~ Pervasive Developmental Disorder Not Otherwise Specified ~~and~~ *and social communication disorder.*

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the ~~Board of Psychological Examiners~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;
- (2) A licensed behavior analyst; or
- (3) A licensed assistant behavior analyst.



1 (e) “Evidence-based research” means research that applies  
2 rigorous, systematic and objective procedures to obtain valid  
3 knowledge relevant to autism spectrum disorders.

4 (f) “Habilitative or rehabilitative care” means counseling,  
5 guidance and professional services and treatment programs,  
6 including, without limitation, applied behavior analysis, that are  
7 necessary to develop, maintain and restore, to the maximum extent  
8 practicable, the functioning of a person.

9 (g) “Licensed assistant behavior analyst” means a person who  
10 holds current certification or meets the standards to be certified as a  
11 board certified assistant behavior analyst issued by the Behavior  
12 Analyst Certification Board, Inc., or any successor in interest to that  
13 organization, who is licensed as an assistant behavior analyst by the  
14 Board of Psychological Examiners and who provides behavioral  
15 therapy under the supervision of a licensed behavior analyst or  
16 psychologist.

17 (h) “Licensed behavior analyst” means a person who holds  
18 current certification or meets the standards to be certified as a board  
19 certified behavior analyst or a board certified assistant behavior  
20 analyst issued by the Behavior Analyst Certification Board, Inc., or  
21 any successor in interest to that organization and who is licensed as  
22 a behavior analyst by the Board of Psychological Examiners.

23 (i) “Prescription care” means medications prescribed by a  
24 licensed physician and any health-related services deemed medically  
25 necessary to determine the need or effectiveness of the medications.

26 (j) “Psychiatric care” means direct or consultative services  
27 provided by a psychiatrist licensed in the state in which the  
28 psychiatrist practices.

29 (k) “Psychological care” means direct or consultative services  
30 provided by a psychologist licensed in the state in which the  
31 psychologist practices.

32 (l) “Screening for autism spectrum disorders” means medically  
33 necessary assessments, evaluations or tests to screen and diagnose  
34 whether a person has an autism spectrum disorder.

35 (m) “Therapeutic care” means services provided by licensed or  
36 certified speech pathologists, occupational therapists and physical  
37 therapists.

38 (n) “Treatment plan” means a plan to treat an autism spectrum  
39 disorder that is prescribed by a licensed physician or licensed  
40 psychologist and may be developed pursuant to a comprehensive  
41 evaluation in coordination with a licensed behavior analyst.

42 **Sec. 37.** NRS 695G.1645 is hereby amended to read as  
43 follows:

44 695G.1645 1. A health care plan issued by a managed care  
45 organization for group coverage must provide coverage for



1 screening for and diagnosis of autism spectrum disorders and for  
2 treatment of autism spectrum disorders to persons covered by the  
3 health care plan under the age of 18 or, if enrolled in high school,  
4 until the person reaches the age of 22.

5 2. A health care plan issued by a managed care organization  
6 for individual coverage must provide an option for coverage for  
7 screening for and diagnosis of autism spectrum disorders and for  
8 treatment of autism spectrum disorders to persons covered by the  
9 health care plan under the age of 18 or, if enrolled in high school,  
10 until the person reaches the age of 22.

11 3. Coverage provided under this section is subject to:

12 (a) A maximum benefit of \$36,000 per year for applied behavior  
13 analysis treatment; and

14 (b) Copayment, deductible and coinsurance provisions and any  
15 other general exclusion or limitation of a health care plan to the  
16 same extent as other medical services or prescription drugs covered  
17 by the plan.

18 4. A managed care organization that offers or issues a health  
19 care plan which provides coverage for outpatient care shall not:

20 (a) Require an insured to pay a higher deductible, copayment or  
21 coinsurance or require a longer waiting period for coverage for  
22 outpatient care related to autism spectrum disorders than is required  
23 for other outpatient care covered by the plan; or

24 (b) Refuse to issue a health care plan or cancel a health care plan  
25 solely because the person applying for or covered by the plan uses  
26 or may use in the future any of the services listed in subsection 1.

27 5. Except as provided in subsections 1, 2 and 3, a managed  
28 care organization shall not limit the number of visits an insured may  
29 make to any person, entity or group for treatment of autism  
30 spectrum disorders.

31 6. Treatment of autism spectrum disorders must be identified in  
32 a treatment plan and may include medically necessary habilitative or  
33 rehabilitative care, prescription care, psychiatric care, psychological  
34 care, behavior therapy or therapeutic care that is:

35 (a) Prescribed for a person diagnosed with an autism spectrum  
36 disorder by a licensed physician or licensed psychologist; and

37 (b) Provided for a person diagnosed with an autism spectrum  
38 disorder by a licensed physician, licensed psychologist, licensed  
39 behavior analyst or other provider that is supervised by the licensed  
40 physician, psychologist or behavior analyst.

41 ➡ A managed care organization may request a copy of and review a  
42 treatment plan created pursuant to this subsection.

43 7. An evidence of coverage subject to the provisions of this  
44 chapter that is delivered, issued for delivery or renewed on or after  
45 January 1, 2011, has the legal effect of including the coverage



1 required by subsection 1, and any provision of the evidence of  
2 coverage or the renewal which is in conflict with subsection 1 or 3 is  
3 void.

4 8. Nothing in this section shall be construed as requiring a  
5 managed care organization to provide reimbursement to an early  
6 intervention agency or school for services delivered through early  
7 intervention or school services.

8 9. As used in this section:

9 (a) "Applied behavior analysis" means the design,  
10 implementation and evaluation of environmental modifications  
11 using behavioral stimuli and consequences to produce socially  
12 significant improvement in human behavior, including, without  
13 limitation, the use of direct observation, measurement and  
14 functional analysis of the relations between environment and  
15 behavior.

16 (b) "Autism spectrum disorders" means a neurobiological  
17 medical condition including, without limitation, autistic disorder,  
18 Asperger's Disorder, ~~and~~ Pervasive Developmental Disorder Not  
19 Otherwise Specified ~~and~~ *and social communication disorder.*

20 (c) "Behavioral therapy" means any interactive therapy derived  
21 from evidence-based research, including, without limitation, discrete  
22 trial training, early intensive behavioral intervention, intensive  
23 intervention programs, pivotal response training and verbal behavior  
24 provided by a licensed psychologist, licensed behavior analyst,  
25 licensed assistant behavior analyst or certified autism behavior  
26 interventionist.

27 (d) "Certified autism behavior interventionist" means a person  
28 who is certified as an autism behavior interventionist by the ~~Board~~  
29 ~~of Psychological Examiners~~ *Aging and Disability Services*  
30 *Division of the Department of Health and Human Services* and  
31 who provides behavior therapy under the supervision of:

- 32 (1) A licensed psychologist;  
33 (2) A licensed behavior analyst; or  
34 (3) A licensed assistant behavior analyst.

35 (e) "Evidence-based research" means research that applies  
36 rigorous, systematic and objective procedures to obtain valid  
37 knowledge relevant to autism spectrum disorders.

38 (f) "Habilitative or rehabilitative care" means counseling,  
39 guidance and professional services and treatment programs,  
40 including, without limitation, applied behavior analysis, that are  
41 necessary to develop, maintain and restore, to the maximum extent  
42 practicable, the functioning of a person.

43 (g) "Licensed assistant behavior analyst" means a person who  
44 holds current certification or meets the standards to be certified as a  
45 board certified assistant behavior analyst issued by the Behavior



Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) “Licensed behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

**Sec. 38.** NRS 641.0204 and 641.172 are hereby repealed.

**Sec. 39.** 1. An autism behavior interventionist who is certified by the Board of Psychological Examiners pursuant to chapter 641 of NRS before January 1, 2014, and whose certificate is not expired or revoked is not required to obtain a certificate pursuant to sections 4 to 17, inclusive, of this act from the Aging and Disability Services Division of the Department of Health and Human Services until the expiration of the certificate obtained pursuant to chapter 641 of NRS.

2. Any regulations adopted by the Board of Psychological Examiners relating to autism behavior interventionists before January 1, 2014, pursuant to chapter 641 of NRS remain in effect and may be enforced by the Aging and Disability Services Division until the Division adopts regulations to repeal or replace those regulations of the Board.



**Sec. 40.** 1. This act becomes effective:

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

(b) On January 1, 2014, for all other purposes.

2. Sections 10, 11 and 24 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Section 30 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

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## TEXT OF REPEALED SECTIONS

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**641.0204 “Autism behavior interventionist” defined.** “Autism behavior interventionist” means a person who is certified as an autism behavior interventionist by the Board.

**641.172 Qualifications of applicant for certification as autism behavior interventionist; Board to evaluate application and issue statement of determination; contents of statement.**

1. Each application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.



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(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

