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SECOND REPRINT

S.B. 286

SENATE BILL NO. 286—SENATORS GANSERT, FORD, PARKS;
 CANCELA, CANNIZZARO, GOICOECHEA, HAMMOND,
 HARDY, RATTI AND ROBERSON

MARCH 16, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the regulation of
 applied behavior analysis. (BDR 39-633)

FISCAL NOTE: Effect on Local Government: No.
 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 applied behavior analysis; creating the Board of Applied Behavior Analysis; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the Board of Applied Behavior Analysis; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis; replacing the term “autism behavior interventionist” with the term “registered behavior technician”; requiring a behavior technician to obtain registration from the Division; providing for the certification of state certified behavior interventionists; revising the composition of the Board of Psychological Examiners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law defines the term “autism behavior interventionist” to mean a
- 2 person who is registered as a Registered Behavior Technician or an equivalent
- 3 credential by the Behavior Analyst Certification Board, Inc., or its successor
- 4 organization, and provides behavioral therapy under the supervision of certain
- 5 professionals. (NRS 641.0204) **Sections 11.5, 48 and 77** of this bill: (1) replace
- 6 that term with the term “registered behavior technician”; and (2) require a behavior
- 7 technician to be registered by the Division. **Sections 11.7, 16, 20, 21 and 48** of this



bill additionally provide for the certification of state certified behavior interventionists, who have the same practice authority as a registered behavior technician. **Section 21** requires a state certified behavior interventionist to meet the qualifications prescribed by the Board of Applied Behavior Analysis created by **section 13.3** of this bill. Such qualifications must be no less stringent than the requirements for registration as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization. **Section 25** of this bill requires each state certified behavior interventionist, but not each registered behavior technician, to obtain continuing education.

Under existing law, the Board of Psychological Examiners regulates the practice of applied behavior analysis and licenses behavior analysts and assistant behavior analysts. (NRS 641.100, 641.170) **Section 13.3** of this bill creates the Board of Applied Behavior Analysis. **Section 13.7** of this bill prescribes the compensation of the Board. **Sections 14 and 17** of this bill authorize the Board to adopt regulations governing: (1) the licensure of behavior analysts and assistant behavior analysts; (2) the certification of state certified behavior interventionists; (3) the registration of registered behavior technicians; and (4) the practice of applied behavior analysis. **Sections 13, 15, 16 and 18** of this bill prescribe the duties of the Aging and Disability Services Division of the Department of Health and Human Services to keep certain records and enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis. **Section 16** of this bill authorizes the Division to prescribe fees for the licensure of behavior analysts and assistant behavior analysts, the certification of state certified behavior interventionists and the registration of registered behavior technicians. **Section 19** of this bill exempts an employee or agent of the Division from liability for actions taken in good faith in the performance of the duties of the Division. **Sections 20-27** of this bill prescribe the requirements to obtain or renew a license as a behavior analyst or assistant behavior analyst, certification as a state certified behavior interventionist or registration as a registered behavior technician. **Sections 12 and 12.3** of this bill specify that certain persons are not required to be licensed, certified or registered by the Division. **Section 12.6** of this bill authorizes a student, intern, trainee or fellow who has matriculated at an accredited college or university but is not licensed, certified or registered by the Division to practice applied behavior analysis under the direct supervision of a behavior analyst or assistant behavior analyst under certain circumstances.

Section 29 of this bill prescribes the grounds for disciplinary action against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, and **section 30** of this bill requires the Board to prescribe additional grounds for such disciplinary action by regulation. **Section 31** of this bill establishes the disciplinary action that the Division may impose against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician. **Sections 33-38 and 41-43** of this bill prescribe procedures relating to the filing of a complaint and conducting an investigation and disciplinary hearing. **Sections 39 and 40** of this bill authorize the Division to require a behavioral analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to take an examination to demonstrate his or her competence. **Sections 44 and 45** of this bill authorize the Division or the Attorney General to maintain an action to enjoin certain unprofessional conduct or the practice of applied behavior analysis without the required license or credential. **Section 46** of this bill grants immunity from liability to any person who initiates a complaint or assists in an investigation or the discipline of a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without malicious intent.



Section 47 of this bill authorizes a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician to apply to the Division for the removal of certain administrative sanctions against his or her license. **Sections 48-50** of this bill prohibit the practice of applied behavior analysis without the proper license, credentials or supervision and certain other acts. **Section 50** makes the fraudulent practice of applied behavior analysis or practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician without the proper license or credential a gross misdemeanor.

The Board of Psychological Examiners currently consists of seven members appointed by the Governor. One of the members of the Board is a licensed behavior analyst. (NRS 641.030, 641.040) **Sections 58, 59 and 74** of this bill remove that member from the Board and reduce the size of the Board to six members. **Sections 56, 57 and 60-66** of this bill remove references to applied behavior analysis from the provisions of statute administered by the Board, and **sections 53 and 67-71** of this bill make conforming changes.

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

Section 1. Title 39 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Assistant behavior analyst” means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst by the Division.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *“Behavior analyst” means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Division.*

Sec. 5.3. (Deleted by amendment.)

Sec. 5.8. *“Board” means the Board of Applied Behavior Analysis created by section 13.3 of this act.*

Sec. 6. *“Community” means the entire area customarily served by behavior analysts and assistant behavior analysts among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of an individual behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician or the particular city or place*



1 *where the behavior analyst, assistant behavior analyst, state*
2 *certified behavior interventionist or registered behavior technician*
3 *has his or her office.*

4 **Sec. 7.** *“Division” means the Aging and Disability Services*
5 *Division of the Department of Health and Human Services.*

6 **Sec. 8.** *“Gross malpractice” means malpractice where the*
7 *failure to exercise the requisite degree of care, diligence or skill*
8 *consists of:*

9 1. *Practicing applied behavior analysis with a patient while*
10 *the behavior analyst, assistant behavior analyst, state certified*
11 *behavior interventionist or registered behavior technician is under*
12 *the influence of an alcoholic beverage as defined in NRS 202.015*
13 *or any controlled substance;*

14 2. *Gross negligence;*

15 3. *Willful disregard of established methods and procedures in*
16 *the practice of applied behavior analysis; or*

17 4. *Willful and consistent use of methods and procedures*
18 *considered by behavior analysts, assistant behavior analysts, state*
19 *certified behavior interventionists or registered behavior*
20 *technicians, as applicable, in the community to be inappropriate*
21 *or unnecessary in the cases where used.*

22 **Sec. 9.** *“Malpractice” means failure on the part of a*
23 *behavior analyst, assistant behavior analyst, state certified*
24 *behavior interventionist or registered behavior technician to*
25 *exercise the degree of care, diligence and skill ordinarily exercised*
26 *by behavior analysts, assistant behavior analysts, state certified*
27 *behavior interventionists or registered behavior technicians, as*
28 *applicable, in good standing in the community.*

29 **Sec. 10.** *“Practice of applied behavior analysis” means the*
30 *design, implementation and evaluation of instructional and*
31 *environmental modifications based on scientific research and*
32 *observations of behavior and the environment to produce socially*
33 *significant improvement in human behavior, including, without*
34 *limitation:*

35 1. *The empirical identification of functional relations*
36 *between environment and behavior; and*

37 2. *The use of contextual factors, motivating operations,*
38 *antecedent stimuli, positive reinforcement and other procedures to*
39 *help a person develop new behaviors, increase or decrease existing*
40 *behaviors and engage in certain behavior under specific*
41 *environmental conditions.*

42 ➤ *The term includes the provision of behavioral therapy by a*
43 *behavior analyst, assistant behavior analyst, state certified*
44 *behavior interventionist or registered behavior technician.*



1 **Sec. 11.** *“Professional incompetence” means lack of ability*
2 *to practice applied behavior analysis safely and skillfully arising*
3 *from:*

- 4 1. *Lack of knowledge or training;*
- 5 2. *Impaired physical or mental ability; or*
- 6 3. *Dependence upon an alcoholic beverage as defined in NRS*
7 *202.015 or any controlled substance.*

8 **Sec. 11.5.** *“Registered behavior technician” means a person*
9 *who is registered as such by the Division and provides behavioral*
10 *therapy under the supervision of:*

- 11 1. *A licensed psychologist;*
- 12 2. *A licensed behavior analyst; or*
- 13 3. *A licensed assistant behavior analyst.*

14 **Sec. 11.7.** *“State certified behavior interventionist” means a*
15 *person who is certified as such by the Division and provides*
16 *behavioral therapy under the supervision of:*

- 17 1. *A licensed psychologist;*
- 18 2. *A licensed behavior analyst; or*
- 19 3. *A licensed assistant behavior analyst.*

20 **Sec. 12.** *The provisions of this chapter do not apply to:*

- 21 1. *A physician who is licensed to practice in this State;*
- 22 2. *A person who is licensed to practice dentistry in this State;*
- 23 3. *A person who is licensed as a psychologist pursuant to*
24 *chapter 641 of NRS;*
- 25 4. *A person who is licensed as a marriage and family*
26 *therapist or marriage and family therapist intern pursuant to*
27 *chapter 641A of NRS;*
- 28 5. *A person who is licensed as a clinical professional*
29 *counselor or clinical professional counselor intern pursuant to*
30 *chapter 641A of NRS;*
- 31 6. *A person who is licensed to engage in social work pursuant*
32 *to chapter 641B of NRS;*
- 33 7. *A person who is licensed as an occupational therapist or*
34 *occupational therapy assistant pursuant to NRS 640A.010 to*
35 *640A.230, inclusive;*
- 36 8. *A person who is licensed as a clinical alcohol and drug*
37 *abuse counselor, licensed or certified as an alcohol and drug*
38 *abuse counselor or certified as an alcohol and drug abuse*
39 *counselor intern, a clinical alcohol and drug abuse counselor*
40 *intern, a problem gambling counselor or a problem gambling*
41 *counselor intern, pursuant to chapter 641C of NRS;*
- 42 9. *Any member of the clergy;*
- 43 10. *A family member of a recipient of applied behavior*
44 *analysis services who performs activities as directed by a behavior*
45 *analyst or assistant behavior analyst; or*



1 *11. A person who provides applied behavior analysis services*
2 *to a pupil in a public school in a manner consistent with the*
3 *training and experience of the person,*

4 *↳ if such a person does not commit an act described in section 50*
5 *of this act or represent himself or herself as a behavior analyst,*
6 *assistant behavior analyst, state certified behavior interventionist*
7 *or registered behavior technician.*

8 **Sec. 12.3. 1. A person is not required to be licensed,**
9 **certified or registered by the Division if he or she:**

10 (a) *Provides behavior modification services or training*
11 *exclusively to animals and not to natural persons;*

12 (b) *Provides generalized applied behavior analysis services to*
13 *an organization but does not provide such services directly to*
14 *natural persons; or*

15 (c) *Teaches applied behavior analysis or conducts research*
16 *concerning applied behavior analysis but does not provide applied*
17 *behavior analysis services directly to natural persons.*

18 **2. A person described in subsection 1:**

19 (a) *May refer to himself or herself as a behavior analyst; and*

20 (b) *Shall not represent or imply that he or she is licensed,*
21 *certified or registered by the Division.*

22 **Sec. 12.6. 1. A person who has matriculated at an**
23 **accredited college or university and is not licensed, certified or**
24 **registered by the Division may practice applied behavior analysis**
25 **under the direct supervision of a licensed behavior analyst as part**
26 **of:**

27 (a) *A program in applied behavior analysis offered by the*
28 *college or university in which he or she is enrolled; or*

29 (b) *An internship or fellowship.*

30 **2. A person described in subsection 1:**

31 (a) *Shall clearly identify himself or herself to any person to*
32 *whom he or she provides applied behavior analysis services as a*
33 *student, intern, trainee or fellow; and*

34 (b) *Shall not identify himself or herself as a behavior analyst,*
35 *assistant behavior analyst, state certified behavior interventionist*
36 *or registered behavior technician, or represent or imply that he or*
37 *she is licensed, certified or registered by the Division.*

38 **Sec. 13. 1. The Division shall make and keep:**

39 (a) *A record of all violations and prosecutions under the*
40 *provisions of this chapter.*

41 (b) *A register of all licenses, certificates and registrations.*

42 (c) *A register of all holders of licenses, certificates and*
43 *registrations.*

44 **2. These records must be kept in an office of the Division**
45 **and, except as otherwise provided in this section, are subject to**



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1 *public inspection during normal working hours upon reasonable*
2 *notice.*

3 3. *Except as otherwise provided in NRS 239.0115, the*
4 *Division may keep the personnel records of applicants*
5 *confidential.*

6 4. *Except as otherwise provided in this section and NRS*
7 *239.0115, a complaint filed with the Division, all documents and*
8 *other information filed with the complaint and all documents and*
9 *other information compiled as a result of an investigation*
10 *conducted to determine whether to initiate disciplinary action*
11 *against a person are confidential, unless the person submits a*
12 *written statement to the Division requesting that such documents*
13 *and information be made public records.*

14 5. *The charging documents filed with the Division to initiate*
15 *disciplinary action pursuant to chapter 622A of NRS and all other*
16 *documents and information considered by the Division when*
17 *determining whether to impose discipline are public records.*

18 6. *The provisions of this section do not prohibit the Division*
19 *from communicating or cooperating with or providing any*
20 *documents or other information to any licensing board or any*
21 *other agency that is investigating a person, including, without*
22 *limitation, a law enforcement agency.*

23 **Sec. 13.3.** 1. *The Board of Applied Behavior Analysis is*
24 *hereby created.*

25 2. *The Governor shall appoint to the Board:*

26 (a) *Three voting members who are behavior analysts licensed*
27 *in this State.*

28 (b) *One voting member who is an assistant behavior analyst*
29 *licensed in this State.*

30 (c) *One voting member who is a representative of the general*
31 *public who is interested in the practice of applied behavior*
32 *analysis. This member must not be a behavior analyst or assistant*
33 *behavior analyst, an applicant or a former applicant for licensure*
34 *as a behavior analyst or assistant behavior analyst, a member of a*
35 *health profession, the spouse or the parent or child, by blood,*
36 *marriage or adoption, of a behavior analyst or assistant behavior*
37 *analyst, or a member of a household that includes a behavior*
38 *analyst or assistant behavior analyst.*

39 3. *The Administrator of the Division or his or her designee is*
40 *an ex officio, nonvoting member of the Board.*

41 4. *After the initial term, the Governor shall appoint each*
42 *member of the Board to a term of 4 years. No member of the*
43 *Board may serve more than two consecutive terms.*

44 5. *The Board shall hold a regular meeting at least once a*
45 *year. The Board shall hold a special meeting upon a call of the*



1 *President or upon the request of a majority of the members. A*
2 *majority of the Board constitutes a quorum.*

3 6. *At the regular annual meeting, the Board shall elect from*
4 *its membership a President and a Secretary-Treasurer, who shall*
5 *hold office for 1 year and until the election and qualification of*
6 *their successors.*

7 7. *A member of the Board or an employee or agent of the*
8 *Board is not liable in a civil action for any act performed in good*
9 *faith and within the scope of the duties of the Board pursuant to*
10 *the provisions of this chapter.*

11 **Sec. 13.7.** 1. *Each member of the Board is entitled to*
12 *receive:*

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

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

19 2. *While engaged in the business of the Board, each employee*
20 *of the Board is entitled to receive a per diem allowance and travel*
21 *expenses at a rate fixed by the Board. The rate must not exceed the*
22 *rate provided for state officers and employees generally.*

23 3. *Compensation and expenses of the members and*
24 *employees of the Board are payable out of the money derived from*
25 *fees paid or transmitted to the Board pursuant to the provisions of*
26 *this chapter and no part thereof may be paid out of the State*
27 *Treasury.*

28 **Sec. 14.** *The Board may make and promulgate rules and*
29 *regulations not inconsistent with the provisions of this chapter*
30 *governing its procedure, the examination and licensure,*
31 *certification or registration of applicants, the granting, refusal,*
32 *revocation or suspension of licenses, certificates or registrations*
33 *and the practice of applied behavior analysis.*

34 **Sec. 15.** *The Division shall enforce the provisions of this*
35 *chapter and may, under the provisions of this chapter:*

36 1. *Examine and pass upon the qualifications of applicants for*
37 *licensure, certification and registration.*

38 2. *License, certify and register qualified applicants.*

39 3. *Conduct investigations of licensees, certificate holders and*
40 *registrants.*

41 4. *Revoke or suspend licenses, certificates and registrations.*

42 5. *Collect all fees and make disbursements pursuant to this*
43 *chapter.*

44 **Sec. 16.** 1. *The Division shall prescribe, by regulation, fees*
45 *for the issuance, renewal and reinstatement of a license,*



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1 *certificate or registration and any other services provided by the*
2 *Division pursuant to this chapter. The Division shall ensure, to the*
3 *extent practicable, that the amount of such fees is sufficient to pay*
4 *the costs incurred by the Board and the Division under the*
5 *provisions of this chapter, including, without limitation, the*
6 *compensation of the Board prescribed by section 13.7 of this act,*
7 *and does not exceed the amount necessary to pay those costs.*

8 2. *Money received from the licensure of behavior analysts*
9 *and assistant behavior analysts, certification of state certified*
10 *behavior interventionists and registration of registered behavior*
11 *technicians, civil penalties collected pursuant to this chapter and*
12 *any appropriation, gift, grant or donation received by the Board or*
13 *the Division for purposes relating to the duties of the Board or the*
14 *Division under the provisions of this chapter must be deposited in*
15 *a separate account in the State General Fund. The account must*
16 *be administered by the Division. Money in the account must be*
17 *expended solely for the purposes of this chapter and does not*
18 *revert to the State General Fund. The compensation provided for*
19 *by this chapter and all expenses incurred under this chapter must*
20 *be paid from the money in the account.*

21 **Sec. 17.** 1. *A licensed behavior analyst or assistant*
22 *behavior analyst, state certified behavior interventionist or*
23 *registered behavior technician shall limit his or her practice of*
24 *applied behavior analysis to his or her areas of competence, as*
25 *documented by education, training and experience.*

26 2. *The Board shall adopt regulations to ensure that licensed*
27 *behavior analysts and assistant behavior analysts, state certified*
28 *behavior interventionists and registered behavior technicians limit*
29 *their practice of applied behavior analysis to their areas of*
30 *competence.*

31 **Sec. 18.** *In a manner consistent with the provisions of*
32 *chapter 622A of NRS, the Division may hold hearings and*
33 *conduct investigations related to its duties under this chapter and*
34 *take evidence on any matter under inquiry before it.*

35 **Sec. 19.** *An employee or agent of the Division is not liable in*
36 *a civil action for any act performed in good faith and within the*
37 *scope of the duties of the Division pursuant to the provisions of*
38 *this chapter.*

39 **Sec. 20.** 1. *Each person desiring a license as a behavior*
40 *analyst or assistant behavior analyst, certification as a state*
41 *certified behavior interventionist or registration as a registered*
42 *behavior technician must:*

43 (a) *Make application to the Division upon a form and in a*
44 *manner prescribed by the Division. The application must be*



1 *accompanied by the application fee prescribed by the Division and*
2 *include all information required to complete the application.*

3 *(b) As part of the application and at his or her own expense:*

4 *(1) Arrange to have a complete set of fingerprints taken by*
5 *a law enforcement agency or other authorized entity acceptable to*
6 *the Division; and*

7 *(2) Submit to the Division:*

8 *(I) A complete set of fingerprints and written permission*
9 *authorizing the Division to forward the fingerprints to the Central*
10 *Repository for Nevada Records of Criminal History for submission*
11 *to the Federal Bureau of Investigation for a report on the*
12 *applicant's background, and to such other law enforcement*
13 *agencies as the Division deems necessary for a report on the*
14 *applicant's background; or*

15 *(II) Written verification, on a form prescribed by the*
16 *Division, stating that the set of fingerprints of the applicant was*
17 *taken and directly forwarded electronically or by other means to*
18 *the Central Repository for Nevada Records of Criminal History*
19 *and that the applicant provided written permission authorizing the*
20 *law enforcement agency or other authorized entity taking the*
21 *fingerprints to submit the fingerprints to the Central Repository*
22 *for Nevada Records of Criminal History for submission to the*
23 *Federal Bureau of Investigation for a report on the applicant's*
24 *background, and to such other law enforcement agencies as the*
25 *Division deems necessary for a report on the applicant's*
26 *background.*

27 *2. The Division may:*

28 *(a) Unless the applicant's fingerprints are directly forwarded*
29 *pursuant to sub-subparagraph (II) of subparagraph (2) of*
30 *paragraph (b) of subsection 1, submit those fingerprints to the*
31 *Central Repository for Nevada Records of Criminal History for*
32 *submission to the Federal Bureau of Investigation and to such*
33 *other law enforcement agencies as the Division deems necessary;*
34 *and*

35 *(b) Request from each agency to which the Division submits*
36 *the fingerprints any information regarding the applicant's*
37 *background as the Division deems necessary.*

38 *3. An application is not considered complete and received for*
39 *purposes of evaluation pursuant to subsection 5 of section 21 of*
40 *this act until the Division receives a complete set of fingerprints or*
41 *verification that the fingerprints have been forwarded*
42 *electronically or by other means to the Central Repository for*
43 *Nevada Records of Criminal History, and written authorization*
44 *from the applicant pursuant to this section.*



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1 **Sec. 21. 1. Except as otherwise provided in sections 23 and**
2 **24 of this act, each application for licensure as a behavior analyst**
3 **must be accompanied by evidence satisfactory to the Division that**
4 **the applicant:**

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

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

8 (c) **Holds current certification as a Board Certified Behavior**
9 **Analyst issued by the Behavior Analyst Certification Board, Inc.,**
10 **or any successor in interest to that organization.**

11 **2. Each application for licensure as an assistant behavior**
12 **analyst must be accompanied by evidence satisfactory to the**
13 **Division that the applicant:**

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

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

17 (c) **Holds current certification as a Board Certified Assistant**
18 **Behavior Analyst issued by the Behavior Analyst Certification**
19 **Board, Inc., or any successor in interest to that organization.**

20 **3. Each application for certification as a state certified**
21 **behavior interventionist must contain proof that the applicant**
22 **meets the qualifications prescribed by regulation of the Board,**
23 **which must be no less stringent than the requirements for**
24 **registration as a Registered Behavior Technician, or an equivalent**
25 **credential, by the Behavior Analyst Certification Board, Inc., or**
26 **any successor in interest to that organization.**

27 **4. Each application for registration as a registered behavior**
28 **technician must contain proof that the applicant is registered as a**
29 **Registered Behavior Technician, or an equivalent credential, by**
30 **the Behavior Analyst Certification Board, Inc., or any successor in**
31 **interest to that organization. The Board shall not require any**
32 **additional education or training for registration as a registered**
33 **behavior technician.**

34 **5. Except as otherwise provided in sections 23 and 24 of this**
35 **act, within 120 days after receiving an application and the**
36 **accompanying evidence from an applicant, the Division shall:**

37 (a) **Evaluate the application and accompanying evidence and**
38 **determine whether the applicant is qualified pursuant to this**
39 **section for licensure, certification or registration; and**

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

42 **6. If the Division determines that the qualifications of the**
43 **applicant are insufficient for licensure, certification or**
44 **registration, the written statement issued to the applicant pursuant**



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1 *to subsection 5 must include a detailed explanation of the reasons*
2 *for that determination.*

3 **Sec. 22. 1.** *In addition to any other requirements set forth*
4 *in this chapter:*

5 *(a) An applicant for the issuance of a license as a behavior*
6 *analyst or assistant behavior analyst, certificate as a state certified*
7 *behavior interventionist or registration as a registered behavior*
8 *technician shall include the social security number of the*
9 *applicant in the application submitted to the Division.*

10 *(b) An applicant for the issuance or renewal of a license as a*
11 *behavior analyst or assistant behavior analyst, certificate as a state*
12 *certified behavior interventionist or registration as a registered*
13 *behavior technician shall submit to the Aging and Disability*
14 *Services Division the statement prescribed by the Division of*
15 *Welfare and Supportive Services of the Department of Health and*
16 *Human Services pursuant to NRS 425.520. The statement must be*
17 *completed and signed by the applicant.*

18 **2.** *The Aging and Disability Services Division shall include*
19 *the statement required pursuant to subsection 1 in:*

20 *(a) The application or any other forms that must be submitted*
21 *for the issuance or renewal of the license, certificate or*
22 *registration; or*

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

24 **3.** *A license as a behavior analyst or assistant behavior*
25 *analyst, certificate as a state certified behavior interventionist or*
26 *registration as a registered behavior technician must not be issued*
27 *or renewed by the Aging and Disability Services Division if the*
28 *applicant:*

29 *(a) Fails to submit the statement required pursuant to*
30 *subsection 1; or*

31 *(b) Indicates on the statement submitted pursuant to*
32 *subsection 1 that the applicant is subject to a court order for the*
33 *support of a child and is not in compliance with the order or a*
34 *plan approved by the district attorney or other public agency*
35 *enforcing the order for the repayment of the amount owed*
36 *pursuant to the order.*

37 **4.** *If an applicant indicates on the statement submitted*
38 *pursuant to subsection 1 that the applicant is subject to a court*
39 *order for the support of a child and is not in compliance with the*
40 *order or a plan approved by the district attorney or other public*
41 *agency enforcing the order for the repayment of the amount owed*
42 *pursuant to the order, the Aging and Disability Services Division*
43 *shall advise the applicant to contact the district attorney or other*
44 *public agency enforcing the order to determine the actions that the*
45 *applicant may take to satisfy the arrearage.*



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1 **Sec. 23. 1. The Division may issue a license by**
2 *endorsement as a behavior analyst to an applicant who meets the*
3 *requirements set forth in this section. An applicant may submit to*
4 *the Division an application for such a license if the applicant*
5 *holds a corresponding valid and unrestricted license as a behavior*
6 *analyst in the District of Columbia or any state or territory of the*
7 *United States.*

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

10 **(a) Proof satisfactory to the Division that the applicant:**

11 **(1) Satisfies the requirements of subsection 1;**

12 **(2) Is a citizen of the United States or otherwise has the**
13 *legal right to work in the United States;*

14 **(3) Has not been disciplined or investigated by the**
15 *corresponding regulatory authority of the District of Columbia or*
16 *any state or territory in which the applicant currently holds or has*
17 *held a license as a behavior analyst; and*

18 **(4) Has not been held civilly or criminally liable for**
19 *malpractice in the District of Columbia or any state or territory of*
20 *the United States;*

21 **(b) A complete set of fingerprints and written permission**
22 *authorizing the Division to forward the fingerprints in the manner*
23 *provided in section 20 of this act;*

24 **(c) An affidavit stating that the information contained in the**
25 *application and any accompanying material is true and correct;*

26 **(d) The fee prescribed by the Division pursuant to the**
27 *regulations adopted pursuant to section 16 of this act; and*

28 **(e) Any other information required by the Division.**

29 **3. Not later than 15 business days after receiving an**
30 *application for a license by endorsement as a behavior analyst*
31 *pursuant to this section, the Division shall provide written notice*
32 *to the applicant of any additional information required by the*
33 *Division to consider the application. Unless the Division denies*
34 *the application for good cause, the Division shall approve the*
35 *application and issue a license by endorsement as a behavior*
36 *analyst to the applicant not later than:*

37 **(a) Forty-five days after receiving the application; or**

38 **(b) Ten days after the Division receives a report on the**
39 *applicant's background based on the submission of the applicant's*
40 *fingerprints,*

41 **↪ whichever occurs later.**

42 **Sec. 24. 1. The Division may issue a license by**
43 *endorsement as a behavior analyst to an applicant who meets the*
44 *requirements set forth in this section. An applicant may submit to*
45 *the Division an application for such a license if the applicant:*



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

4 (b) Is an active member of, or the spouse of an active member
5 of, the Armed Forces of the United States, a veteran or the spouse,
6 widow or widower of a veteran.

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

10 (a) Proof satisfactory to the Division that the applicant:

11 (1) Satisfies the requirements of subsection 1;

12 (2) Is a citizen of the United States or otherwise has the
13 legal right to work in the United States;

14 (3) Has not been disciplined or investigated by the
15 corresponding regulatory authority of the District of Columbia or
16 the state or territory in which the applicant holds a license as a
17 behavior analyst; and

18 (4) Has not been held civilly or criminally liable for
19 malpractice in the District of Columbia or any state or territory of
20 the United States;

21 (b) A complete set of fingerprints and written permission
22 authorizing the Division to forward the fingerprints in the manner
23 provided in section 20 of this act;

24 (c) An affidavit stating that the information contained in the
25 application and any accompanying material is true and correct;

26 (d) The fee prescribed by the Division pursuant to the
27 regulations adopted pursuant to section 16 of this act; and

28 (e) Any other information required by the Division.

29 3. Not later than 15 business days after receiving an
30 application for a license by endorsement as a behavior analyst
31 pursuant to this section, the Division shall provide written notice
32 to the applicant of any additional information required by the
33 Division to consider the application. Unless the Division denies
34 the application for good cause, the Division shall approve the
35 application and issue a license by endorsement as a behavior
36 analyst to the applicant not later than:

37 (a) Forty-five days after receiving all the additional
38 information required by the Division to complete the application;
39 or

40 (b) Ten days after the Division receives a report on the
41 applicant's background based on the submission of the applicant's
42 fingerprints,

43 ↪ whichever occurs later.

44 4. At any time before making a final decision on an
45 application for a license by endorsement pursuant to this section,



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1 *the Division may grant a provisional license authorizing an*
2 *applicant to practice as a behavior analyst in accordance with*
3 *regulations adopted by the Board.*

4 *5. As used in this section, “veteran” has the meaning*
5 *ascribed to it in NRS 417.005.*

6 **Sec. 25. 1.** *To renew a license as a behavior analyst or*
7 *assistant behavior analyst, certificate as a state certified behavior*
8 *interventionist or registration as a registered behavior technician,*
9 *each person must, on or before the first day of January of each*
10 *odd-numbered year:*

11 *(a) Apply to the Division for renewal;*

12 *(b) Pay the biennial fee for the renewal of a license, certificate*
13 *or registration;*

14 *(c) Submit evidence to the Division of completion of the*
15 *requirements for continuing education as set forth in regulations*
16 *adopted by the Division, if applicable; and*

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

18 **2.** *In addition to the requirements of subsection 1, to renew a*
19 *certificate as a state certified behavior interventionist or*
20 *registration as a registered behavior technician for the third time*
21 *and every third renewal thereafter, a person must submit to an*
22 *investigation of his or her criminal history in the manner*
23 *prescribed in paragraph (b) of subsection 1 of section 20 of this*
24 *act.*

25 **3.** *The Division shall, as a prerequisite for the renewal of a*
26 *license as a behavior analyst or assistant behavior analyst, require*
27 *each holder to comply with the requirements for continuing*
28 *education adopted by the Board, which must include, without*
29 *limitation, a requirement that the holder of a license receive at*
30 *least 2 hours of instruction on evidence-based suicide prevention*
31 *and awareness.*

32 **4.** *The Board may adopt regulations requiring each state*
33 *certified behavior interventionist to receive continuing education*
34 *as a prerequisite for the renewal of his or her certificate.*

35 **5.** *The Board shall not adopt regulations requiring a*
36 *registered behavior technician to receive continuing education.*

37 **Sec. 26. 1.** *In addition to any other requirements set forth*
38 *in this chapter, an applicant for the renewal of a license as a*
39 *behavior analyst or assistant behavior analyst, certificate as a state*
40 *certified behavior interventionist or registration as a registered*
41 *behavior technician must indicate in the application submitted to*
42 *the Division whether the applicant has a state business license. If*
43 *the applicant has a state business license, the applicant must*
44 *include in the application the business identification number*



1 assigned by the Secretary of State upon compliance with the
2 provisions of chapter 76 of NRS.

3 2. A license as a behavior analyst or assistant behavior
4 analyst, certificate as a state certified behavior interventionist or
5 registration as a registered behavior technician may not be
6 renewed if:

7 (a) The applicant fails to submit the information required by
8 subsection 1; or

9 (b) The State Controller has informed the Division pursuant to
10 subsection 5 of NRS 353C.1965 that the applicant owes a debt to
11 an agency that has been assigned to the State Controller for
12 collection and the applicant has not:

13 (1) Satisfied the debt;

14 (2) Entered into an agreement for the payment of the debt
15 pursuant to NRS 353C.130; or

16 (3) Demonstrated that the debt is not valid.

17 3. As used in this section:

18 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

19 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

20 Sec. 27. 1. The license of any behavior analyst or assistant
21 behavior analyst, the certificate of a state certified behavior
22 interventionist or the registration of a registered behavior
23 technician who fails to pay the biennial fee for the renewal of a
24 license, certificate or registration within 60 days after the date it is
25 due is automatically suspended. The Division may, within 2 years
26 after the date the license, certificate or registration is so
27 suspended, reinstate the license, certificate or registration upon
28 payment to the Division of the amount of the then current biennial
29 fee for the renewal of a license, certificate or registration and the
30 amount of the fee for the restoration of a license, certificate or
31 registration so suspended. If the license, certificate or registration
32 is not reinstated within 2 years, the Division may reinstate the
33 license, certificate or registration only if it also determines that the
34 holder of the license, certificate or registration is competent to
35 practice as a behavior analyst, assistant behavior analyst, state
36 certified behavior interventionist or registered behavior
37 technician, as applicable.

38 2. A notice must be sent to any person who fails to pay the
39 biennial fee, informing the person that his or her license,
40 certificate or registration is suspended.

41 Sec. 28. (Deleted by amendment.)

42 Sec. 29. 1. The Division may suspend or revoke a person's
43 license as a behavior analyst or assistant behavior analyst,
44 certificate as a state certified behavior interventionist or
45 registration as a registered behavior technician, place the person



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1 on probation, require remediation for the person or take any other
2 action specified by regulation if the Division finds by a
3 preponderance of the evidence that the person has:

4 (a) Been convicted of a felony relating to the practice of
5 applied behavior analysis.

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

9 (c) Been convicted of violating any of the provisions of NRS
10 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
11 inclusive.

12 (d) Engaged in gross malpractice or repeated malpractice or
13 gross negligence in the practice of applied behavior analysis.

14 (e) Except as otherwise provided in sections 12 and 12.6 of this
15 act, aided or abetted practice as a behavior analyst, assistant
16 behavior analyst, state certified behavior interventionist or
17 registered behavior technician by a person who is not licensed,
18 certified or registered, as applicable, by the Division.

19 (f) Made any fraudulent or untrue statement to the Division.

20 (g) Violated a regulation adopted by the Board.

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

27 (i) Failed to report to the Division within 30 days the
28 revocation, suspension or surrender of, or any other disciplinary
29 action taken against, a license, certificate or registration to
30 practice applied behavior analysis issued to the person by another
31 state or territory of the United States, the District of Columbia or a
32 foreign country.

33 (j) Violated or attempted to violate, directly or indirectly, or
34 assisted in or abetted the violation of or conspired to violate a
35 provision of this chapter.

36 (k) Performed or attempted to perform any professional service
37 while impaired by alcohol or drugs or by a mental or physical
38 illness, disorder or disease.

39 (l) Engaged in sexual activity with a patient or client.

40 (m) Been convicted of abuse or fraud in connection with any
41 state or federal program which provides medical assistance.

42 (n) Been convicted of submitting a false claim for payment to
43 the insurer of a patient or client.

44 (o) Operated a medical facility, as defined in NRS 449.0151, at
45 any time during which:



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(1) The license of the facility was suspended or revoked; or
(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↳ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 30. The Board shall adopt regulations that establish grounds for disciplinary action for a licensed behavior analyst, licensed assistant behavior analyst, state certified behavior interventionist or registered behavior technician in addition to those prescribed by section 29 of this act.

Sec. 31. 1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division may:

- (a) Administer a public reprimand.
- (b) Limit the person's practice.
- (c) Suspend the person's license, certificate or registration for a period of not more than 1 year.
- (d) Revoke the person's license, certificate or registration.
- (e) Impose a fine of not more than \$5,000.
- (f) Revoke or suspend the person's license, certificate or registration and impose a monetary penalty.
- (g) Suspend the enforcement of any penalty by placing the person on probation. The Division may revoke the probation if the person does not follow any conditions imposed.
- (h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Division. The person named in the complaint is responsible for any expense incurred.
- (i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.
- (j) Require the person to pay for the costs of remediation or restitution.

2. The Division shall not administer a private reprimand.

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

Sec. 32. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, certificate or registration issued pursuant to this chapter, the Division shall deem the license, certificate or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the



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1 *Division receives a letter issued to the holder of the license,*
2 *certificate or registration by the district attorney or other public*
3 *agency pursuant to NRS 425.550 stating that the holder of the*
4 *license, certificate or registration has complied with the subpoena*
5 *or warrant or has satisfied the arrearage pursuant to*
6 *NRS 425.560.*

7 2. *The Division shall reinstate a license, certificate or*
8 *registration issued pursuant to this chapter that has been*
9 *suspended by a district court pursuant to NRS 425.540 if the*
10 *Division receives a letter issued by the district attorney or other*
11 *public agency pursuant to NRS 425.550 to the person whose*
12 *license, certificate or registration was suspended stating that the*
13 *person whose license, certificate or registration was suspended has*
14 *complied with the subpoena or warrant or has satisfied the*
15 *arreage pursuant to NRS 425.560.*

16 **Sec. 33.** 1. *Service of process made under this chapter must*
17 *be either upon the person or by registered or certified mail with*
18 *return receipt requested, addressed to the person upon whom*
19 *process is to be served at his or her last known address, as*
20 *indicated on the records of the Division, if possible. If personal*
21 *service cannot be made and if notice by mail is returned*
22 *undelivered, the Division shall cause notice of hearing to be*
23 *published once a week for 4 consecutive weeks in a newspaper*
24 *published in the county of the last known address of the person*
25 *upon whom process is to be served, or, if no newspaper is*
26 *published in that county, then in a newspaper widely distributed in*
27 *that county.*

28 2. *Proof of service of process or publication of notice made*
29 *under this chapter must be filed with the Division.*

30 **Sec. 34.** 1. *The Division or a hearing officer may issue*
31 *subpoenas to compel the attendance of witnesses and the*
32 *production of books, papers, documents, the records of patients*
33 *and any other article related to the practice of applied behavior*
34 *analysis.*

35 2. *If any witness refuses to attend or testify or produce any*
36 *article as required by the subpoena, the Division may file a*
37 *petition with the district court stating that:*

38 (a) *Due notice has been given for the time and place of*
39 *attendance of the witness or the production of the required*
40 *articles;*

41 (b) *The witness has been subpoenaed pursuant to this section;*
42 *and*

43 (c) *The witness has failed or refused to attend or produce the*
44 *articles required by the subpoena or has refused to answer*
45 *questions propounded to him or her,*



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1 ➡ and asking for an order of the court compelling the witness to
2 attend and testify before the Division or a hearing officer, or
3 produce the articles as required by the subpoena.

4 3. Upon such a petition, the court shall enter an order
5 directing the witness to appear before the court at a time and place
6 to be fixed by the court in its order, the time to be not more than
7 10 days after the date of the order, and then and there show cause
8 why the witness has not attended or testified or produced the
9 articles. A certified copy of the order must be served upon the
10 witness.

11 4. If it appears to the court that the subpoena was regularly
12 issued, the court shall enter an order that the witness appear
13 before the Division or a hearing officer at the time and place fixed
14 in the order and testify or produce the required articles, and upon
15 failure to obey the order the witness must be dealt with as for
16 contempt of court.

17 **Sec. 35.** 1. The Division, any review panel of a hospital or
18 an association of behavior analysts, assistant behavior analysts,
19 state certified behavior interventionists or registered behavior
20 technicians which becomes aware that any one or a combination
21 of the grounds for initiating disciplinary action may exist as to a
22 person practicing applied behavior analysis in this State shall, and
23 any other person who is so aware may, file a written complaint
24 specifying the relevant facts with the Division.

25 2. The Division shall retain all complaints filed with the
26 Division pursuant to this section for at least 10 years, including,
27 without limitation, any complaints not acted upon.

28 **Sec. 36.** When a complaint is filed with the Division, it shall
29 review the complaint. If, from the complaint or from other official
30 records, it appears that the complaint is not frivolous, the Division
31 may:

32 1. Retain the Attorney General to investigate the complaint;
33 and

34 2. If the Division retains the Attorney General, transmit the
35 original complaint, along with further facts or information derived
36 from the review, to the Attorney General.

37 **Sec. 37.** 1. The Division shall conduct an investigation of
38 each complaint filed pursuant to section 35 of this act which sets
39 forth reason to believe that a person has violated section 48 of this
40 act.

41 2. If, after an investigation, the Division determines that a
42 person has violated section 48 of this act, the Division:

43 (a) May issue and serve on the person an order to cease and
44 desist from engaging in any activity prohibited by section 48 of



1 *this act until the person obtains the proper license, certificate or*
2 *registration from the Division;*

3 *(b) May issue a citation to the person; and*

4 *(c) Shall provide a written summary of the Division's*
5 *determination and any information relating to the violation to the*
6 *Attorney General.*

7 *3. A citation issued pursuant to subsection 2 must be in*
8 *writing and describe with particularity the nature of the violation.*
9 *The citation also must inform the person of the provisions of*
10 *subsection 5. Each violation of section 48 of this act constitutes a*
11 *separate offense for which a separate citation may be issued.*

12 *4. For any person who violates the provisions of section 48 of*
13 *this act, the Division shall assess an administrative fine of:*

14 *(a) For a first violation, \$500.*

15 *(b) For a second violation, \$1,000.*

16 *(c) For a third or subsequent violation, \$1,500.*

17 *5. To appeal a citation issued pursuant to subsection 2, a*
18 *person must submit a written request for a hearing to the Division*
19 *within 30 days after the date of issuance of the citation.*

20 **Sec. 38.** *1. If the Division retains the Attorney General*
21 *pursuant to section 36 of this act, the Attorney General shall*
22 *conduct an investigation of a complaint transmitted to the*
23 *Attorney General to determine whether it warrants proceedings for*
24 *the modification, suspension or revocation of the license,*
25 *certificate or registration. If the Attorney General determines that*
26 *further proceedings are warranted, he or she shall report the*
27 *results of the investigation together with a recommendation to*
28 *the Division in a manner which does not violate the right of the*
29 *person charged in the complaint to due process in any later*
30 *hearing on the complaint.*

31 *2. The Division shall promptly make a determination with*
32 *respect to each complaint reported to it by the Attorney General.*
33 *The Division shall:*

34 *(a) Dismiss the complaint; or*

35 *(b) Proceed with appropriate disciplinary action.*

36 **Sec. 39.** *Notwithstanding the provisions of chapter 622A of*
37 *NRS, if the Division has reason to believe that the conduct of any*
38 *behavior analyst, assistant behavior analyst, state certified*
39 *behavior interventionist or registered behavior technician has*
40 *raised a reasonable question as to competence to practice applied*
41 *behavior analysis with reasonable skill and safety to patients, the*
42 *Division may require the behavior analyst, assistant behavior*
43 *analyst, state certified behavior interventionist or registered*
44 *behavior technician to take a written or oral examination to*
45 *determine whether the behavior analyst, assistant behavior*



1 *analyst, state certified behavior interventionist or registered*
2 *behavior technician is competent to practice applied behavior*
3 *analysis. If an examination is required, the reasons therefor must*
4 *be documented and made available to the behavior analyst,*
5 *assistant behavior analyst, state certified behavior interventionist*
6 *or registered behavior technician being examined.*

7 **Sec. 40.** *Notwithstanding the provisions of chapter 622A of*
8 *NRS, if the Division or a hearing officer issues an order*
9 *suspending the license of a behavior analyst or assistant behavior*
10 *analyst, certificate of a state certified behavior interventionist or*
11 *registration of a registered behavior technician pending*
12 *proceedings for disciplinary action and requires the behavior*
13 *analyst, assistant behavior analyst, state certified behavior*
14 *interventionist or registered behavior technician to submit to an*
15 *examination of his or her competency to practice applied behavior*
16 *analysis, the examination must be conducted and the results*
17 *obtained within 60 days after the Division or hearing officer issues*
18 *the order.*

19 **Sec. 41.** *Notwithstanding the provisions of chapter 622A of*
20 *NRS, if the Division receives a report pursuant to subsection 5 of*
21 *NRS 228.420, a disciplinary proceeding regarding the report must*
22 *be commenced within 30 days after the Division receives the*
23 *report.*

24 **Sec. 42.** *Notwithstanding the provisions of chapter 622A of*
25 *NRS, in any disciplinary proceeding before the Division or a*
26 *hearing officer conducted under the provisions of this chapter:*

27 1. *Proof of actual injury need not be established where the*
28 *complaint charges deceptive or unethical professional conduct or*
29 *practice of applied behavior analysis harmful to the public.*

30 2. *A certified copy of the record of a court or a licensing*
31 *agency showing a conviction or the suspension or revocation of a*
32 *license as a behavior analyst or assistant behavior analyst,*
33 *certificate as a state certified behavior interventionist or*
34 *registration as a registered behavior technician is conclusive*
35 *evidence of its occurrence.*

36 3. *The entering of a plea of nolo contendere in a court of*
37 *competent jurisdiction shall be deemed a conviction of the offense*
38 *charged.*

39 **Sec. 43.** 1. *Any person who has been placed on probation*
40 *or whose license, certificate or registration has been limited,*
41 *suspended or revoked pursuant to this chapter is entitled to*
42 *judicial review of the order.*

43 2. *Every order which limits the practice of applied behavior*
44 *analysis or suspends or revokes a license, certificate or*
45 *registration is effective from the date the Division certifies the*



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1 *order until the date the order is modified or reversed by a final*
2 *judgment of the court.*

3 *3. The district court shall give a petition for judicial review of*
4 *the order priority over other civil matters which are not expressly*
5 *given priority by law.*

6 **Sec. 44.** *Notwithstanding the provisions of chapter 622A of*
7 *NRS:*

8 *1. Pending disciplinary proceedings before the Division or a*
9 *hearing officer, the court may, upon application by the Division or*
10 *the Attorney General, issue a temporary restraining order or a*
11 *preliminary injunction to enjoin any unprofessional conduct of a*
12 *behavior analyst, an assistant behavior analyst, a state certified*
13 *behavior interventionist or a registered behavior technician which*
14 *is harmful to the public, to limit the practice of the behavior*
15 *analyst, assistant behavior analyst, state certified behavior*
16 *interventionist or registered behavior technician or to suspend the*
17 *license to practice as a behavior analyst or assistant behavior*
18 *analyst, certificate to practice as a state certified behavior*
19 *interventionist or registration to practice as a registered*
20 *behavior technician without proof of actual damage sustained by*
21 *any person, this provision being a preventive as well as a punitive*
22 *measure.*

23 *2. The disciplinary proceedings before the Division or a*
24 *hearing officer must be instituted and determined as promptly as*
25 *the requirements for investigation of the case reasonably allow.*

26 **Sec. 45.** *1. The Division or the Attorney General may*
27 *maintain in any court of competent jurisdiction a suit for an*
28 *injunction against any person practicing in violation of section 50*
29 *of this act or as a behavior analyst, assistant behavior analyst,*
30 *state certified behavior interventionist or registered behavior*
31 *technician without the proper license, certificate or registration*
32 *from the Division.*

33 *2. Such an injunction:*

34 *(a) May be issued without proof of actual damage sustained by*
35 *any person, this provision being a preventive as well as a punitive*
36 *measure.*

37 *(b) Does not relieve any person from criminal prosecution for*
38 *practicing without a license, certificate or registration.*

39 **Sec. 46.** *In addition to any other immunity provided by the*
40 *provisions of chapter 622A of NRS, the Division, a review panel of*
41 *a hospital, an association of behavior analysts, assistant behavior*
42 *analysts, state certified behavior interventionists or registered*
43 *behavior technicians, or any other person who or organization*
44 *which initiates a complaint or assists in any lawful investigation or*
45 *proceeding concerning the licensure of a behavior analyst or*



1 *assistant behavior analyst, certification of a state certified*
2 *behavior interventionist or registration of a registered behavior*
3 *technician or the discipline of a behavior analyst, an assistant*
4 *behavior analyst, a state certified behavior interventionist or a*
5 *registered behavior technician for gross malpractice, repeated*
6 *malpractice, professional incompetence or unprofessional conduct*
7 *is immune from any civil action for that initiation or assistance or*
8 *any consequential damages, if the person or organization acted*
9 *without malicious intent.*

10 **Sec. 47. 1. Any person:**

11 *(a) Whose practice of applied behavior analysis has been*
12 *limited;*

13 *(b) Whose license, certificate or registration has been revoked;*
14 *or*

15 *(c) Who has been placed on probation,*
16 *↪ by an order of the Division or a hearing officer may apply to the*
17 *Division after 1 year for removal of the limitation or termination*
18 *of the probation or may apply to the Division pursuant to the*
19 *provisions of chapter 622A of NRS for reinstatement of the*
20 *revoked license, certificate or registration.*

21 **2. In hearing the application, the Division:**

22 *(a) May require the person to submit such evidence of changed*
23 *conditions and of fitness as it considers proper.*

24 *(b) Shall determine whether under all the circumstances the*
25 *time of the application is reasonable.*

26 *(c) May deny the application or modify or rescind its order as*
27 *it considers the evidence and the public safety warrants.*

28 **Sec. 48. Except as otherwise provided in sections 12, 12.3**
29 **and 12.6 of this act, a person shall not represent himself or herself**
30 **as a behavior analyst, assistant behavior analyst, state certified**
31 **behavior interventionist or registered behavior technician within**
32 **the meaning of this chapter or engage in the practice of applied**
33 **behavior analysis unless he or she is licensed, certified or**
34 **registered as required by the provisions of this chapter.**

35 **Sec. 49. 1. A licensed assistant behavior analyst shall not**
36 **provide or supervise behavioral therapy except under the**
37 **supervision of:**

38 *(a) A licensed psychologist; or*

39 *(b) A licensed behavior analyst.*

40 **2. A state certified behavior interventionist or registered**
41 **behavior technician shall not provide behavioral therapy except**
42 **under the supervision of:**

43 *(a) A licensed psychologist;*

44 *(b) A licensed behavior analyst; or*

45 *(c) A licensed assistant behavior analyst.*



Sec. 50. Any person who:

1. Presents as his or her own the diploma, license, certificate, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the Division in connection with an application for a license, certificate or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician of a like or different name;

4. Except as otherwise provided in sections 12 and 12.3 of this act, represents himself or herself as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician, unless he or she has been issued a license, certificate or registration as required by this chapter; or

5. Except as otherwise provided in sections 12, 12.3 and 12.6 of this act, practices as an applied behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician unless he or she has been issued a license, certificate or registration, as applicable,

↪ is guilty of a gross misdemeanor.

Sec. 51. NRS 228.420 is hereby amended to read as follows:

228.420 1. The Attorney General has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

2. For this purpose, the Attorney General shall establish within his or her office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The Attorney General, acting through the Unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;



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(b) Shall cooperate with the Division of Industrial Relations of the Department of Business and Industry, self-insured employers, associations of self-insured public or private employers, private carriers and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS;

(c) Shall protect the privacy of persons who are eligible to receive compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, association of self-insured public or private employers, or private carrier, the Division of Industrial Relations of the Department of Business and Industry and the State Contractors' Board to investigate any alleged violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

4. When acting pursuant to this section or NRS 228.175 or 228.410, the Attorney General may commence an investigation and file a criminal action without leave of court, and has exclusive charge of the conduct of the prosecution.

5. The Attorney General shall report the name of any person who has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the occupational board *or other entity* that issued the person's license or certificate to provide medical care, remedial care or other services in this State.

6. The Attorney General shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation required by chapters 616A to 617, inclusive, of NRS.

7. As used in this section:

(a) "Association of self-insured private employers" has the meaning ascribed to it in NRS 616A.050.



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(b) "Association of self-insured public employers" has the meaning ascribed to it in NRS 616A.055.

(c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

(d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,



1 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
2 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
3 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
4 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
5 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
6 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
7 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
8 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
9 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
10 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
11 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
12 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
13 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
14 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
15 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
16 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
17 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
18 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
19 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
20 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
21 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
22 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
23 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
24 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
25 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
26 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
27 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
28 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
29 710.159, 711.600, *and section 13 of this act*, sections 35, 38 and 41
30 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
31 391, Statutes of Nevada 2013 and unless otherwise declared by law
32 to be confidential, all public books and public records of a
33 governmental entity must be open at all times during office hours to
34 inspection by any person, and may be fully copied or an abstract or
35 memorandum may be prepared from those public books and public
36 records. Any such copies, abstracts or memoranda may be used to
37 supply the general public with copies, abstracts or memoranda of the
38 records or may be used in any other way to the advantage of the
39 governmental entity or of the general public. This section does not
40 supersede or in any manner affect the federal laws governing
41 copyrights or enlarge, diminish or affect in any other manner the
42 rights of a person in any written book or record which is
43 copyrighted pursuant to federal law.
44 2. A governmental entity may not reject a book or record
45 which is copyrighted solely because it is copyrighted.



3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 53. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The 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 must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior 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



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1 outpatient care related to autism spectrum disorders than is required
2 for other outpatient care covered by the plan of self-insurance; or

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

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

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

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

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

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

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

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

41 8. As used in this section:

42 (a) "Applied behavior analysis" means the design,
43 implementation and evaluation of environmental modifications
44 using behavioral stimuli and consequences to produce socially
45 significant improvement in human behavior, including, without



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1 limitation, the use of direct observation, measurement and
2 functional analysis of the relations between environment and
3 behavior.

4 (b) ~~“Autism behavior interventionist” means a person who is~~
5 ~~registered as a Registered Behavior Technician or an equivalent~~
6 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
7 ~~successor organization, and provides behavioral therapy under the~~
8 ~~supervision of:~~

9 ~~— (1) A licensed psychologist;~~

10 ~~— (2) A licensed behavior analyst; or~~

11 ~~— (3) A licensed assistant behavior analyst.~~

12 ~~— (c)~~ “Autism spectrum disorders” means a neurobiological
13 medical condition including, without limitation, autistic disorder,
14 Asperger’s Disorder and Pervasive Development Disorder Not
15 Otherwise Specified.

16 ~~[(d)]~~ (c) “Behavioral therapy” means any interactive therapy
17 derived from evidence-based research, including, without limitation,
18 discrete trial training, early intensive behavioral intervention,
19 intensive intervention programs, pivotal response training and
20 verbal behavior provided by a licensed psychologist, licensed
21 behavior analyst, licensed assistant behavior analyst ~~for autism~~ ,
22 *registered behavior interventionist.*

23 ~~— (e)~~ *technician or state certified behavior interventionist.*

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

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

32 ~~[(g)]~~ (f) “Licensed assistant behavior analyst” means a person
33 who holds current certification ~~for meets the standards to be~~
34 ~~certified~~ as a Board Certified Assistant Behavior Analyst issued by
35 the Behavior Analyst Certification Board, Inc., or any successor in
36 interest to that organization, who is licensed as an assistant behavior
37 analyst by the ~~[Board of Psychological Examiners]~~ *Aging and*
38 *Disability Services Division of the Department of Health and*
39 *Human Services* and who provides behavioral therapy under the
40 supervision of a licensed behavior analyst or psychologist.

41 ~~[(h)]~~ (g) “Licensed behavior analyst” means a person who holds
42 current certification ~~for meets the standards to be certified~~ as a
43 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
44 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
45 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)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

(h) “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.

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

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

(k) *“Registered behavior technician” has the meaning ascribed to it in section 11.5 of this act.*

(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) *“State certified behavior interventionist” has the meaning ascribed to it in section 11.7 of this act.*

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

~~(o)~~ (o) “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. 54. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.



(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private



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1 and public sources to establish or enhance services or programs for
2 persons with disabilities.

3 (e) Administer the following programs in this State that provide
4 services for persons with disabilities:

5 (1) The program established pursuant to NRS 427A.791,
6 427A.793 and 427A.795 to provide services for persons with
7 physical disabilities;

8 (2) The programs established pursuant to NRS 427A.800,
9 427A.850 and 427A.860 to provide services to persons with
10 traumatic brain injuries;

11 (3) The program established pursuant to NRS 427A.797 to
12 provide devices for telecommunication to persons who are deaf and
13 persons with impaired speech or hearing;

14 (4) Any state program for independent living established
15 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
16 Division of the Department of Employment, Training and
17 Rehabilitation acting as the designated state unit, as that term is
18 defined in 34 C.F.R. § 364.4; and

19 (5) Any state program established pursuant to the Assistive
20 Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

21 (f) Provide information to persons with disabilities on matters
22 relating to the availability of housing for persons with disabilities
23 and identify sources of funding for new housing opportunities for
24 persons with disabilities.

25 (g) Before establishing policies or making decisions that will
26 affect the lives of persons with disabilities, consult with persons
27 with disabilities and members of the public in this State through the
28 use of surveys, focus groups, hearings or councils of persons with
29 disabilities to receive:

30 (1) Meaningful input from persons with disabilities regarding
31 the extent to which such persons are receiving services, including,
32 without limitation, services described in their individual service
33 plans, and their satisfaction with those services; and

34 (2) Public input regarding the development, implementation
35 and review of any programs or services for persons with disabilities.

36 (h) Publish and make available to governmental entities and the
37 general public a biennial report which:

38 (1) Provides a strategy for the expanding or restructuring of
39 services in the community for persons with disabilities that is
40 consistent with the need for such expansion or restructuring;

41 (2) Reports the progress of the Division in carrying out the
42 strategic planning goals for persons with disabilities identified
43 pursuant to chapter 541, Statutes of Nevada 2001;



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(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall administer the provisions of chapters 435 and 656A of NRS ~~and~~ *and sections 2 to 50, inclusive, of this act.*

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 55. NRS 622A.090 is hereby amended to read as follows:

622A.090 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; ~~and~~

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~and~~ *; and*

(c) The Aging and Disability Services Division of the Department of Health and Human Services acting pursuant to sections 2 to 50, inclusive, of this act.

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 56. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~641.0202~~ *641.021* to 641.027, inclusive, ~~and 689A.0435~~ have the meanings ascribed to them in those sections.

Sec. 57. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

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



1 2. A person who is licensed to practice dentistry in this State;
2 3. A person who is licensed as a marriage and family therapist
3 or marriage and family therapist intern pursuant to chapter 641A of
4 NRS;

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

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

10 6. A person who is licensed as an occupational therapist or
11 occupational therapy assistant pursuant to NRS 640A.010 to
12 640A.230, inclusive;

13 7. A person who is licensed as a clinical alcohol and drug
14 abuse counselor, licensed or certified as an alcohol and drug abuse
15 counselor or certified as an alcohol and drug abuse counselor intern,
16 a clinical alcohol and drug abuse counselor intern, a problem
17 gambling counselor or a problem gambling counselor intern,
18 pursuant to chapter 641C of NRS; ~~for~~

19 8. *A person who is licensed as a behavior analyst or an*
20 *assistant behavior analyst, certified as a state certified behavior*
21 *interventionist or registered as a registered behavior technician*
22 *pursuant to sections 2 to 50, inclusive, of this act, while engaged*
23 *in the practice of applied behavior analysis as defined in section*
24 *10 of this act; or*

25 9. Any member of the clergy,
26 ↪ if such a person does not commit an act described in NRS
27 641.440 or represent himself or herself as a psychologist.

28 **Sec. 58.** NRS 641.030 is hereby amended to read as follows:

29 641.030 The Board of Psychological Examiners, consisting of
30 ~~seven~~ *six* members appointed by the Governor, is hereby created.

31 **Sec. 59.** NRS 641.040 is hereby amended to read as follows:

32 641.040 1. The Governor shall appoint to the Board:

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

36 (b) ~~One member who is a licensed behavior analyst in the State~~
37 ~~of Nevada.~~

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

42 ~~(d)~~ (c) One member who is a representative of the general
43 public.

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

45 (a) A citizen of the United States; and



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(b) A resident of the State of Nevada.

3. The member who is a representative of the general public 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. 60. 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 of applicants, the granting, refusal, revocation or suspension of licenses ~~and the practice of psychology . and the practice of applied behavior analysis.~~

Sec. 61. NRS 641.160 is hereby amended to read as follows:

641.160 1. Each person desiring a license must:

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background,



1 and to such other law enforcement agencies as the Board deems
2 necessary for a report on the applicant's background.

3 2. The Board may:

4 (a) Unless the applicant's fingerprints are directly forwarded
5 pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph
6 (b) of subsection 1, submit those fingerprints to the Central
7 Repository for Nevada Records of Criminal History for submission
8 to the Federal Bureau of Investigation and to such other law
9 enforcement agencies as the Board deems necessary; and

10 (b) Request from each agency to which the Board submits the
11 fingerprints any information regarding the applicant's background
12 as the Board deems necessary.

13 3. An application is not considered complete and received for
14 purposes of evaluation pursuant to subsection ~~14~~ 2 of NRS 641.170
15 until the Board receives a complete set of fingerprints or verification
16 that the fingerprints have been forwarded electronically or by other
17 means to the Central Repository for Nevada Records of Criminal
18 History, and written authorization from the applicant pursuant to
19 this section.

20 **Sec. 62.** NRS 641.170 is hereby amended to read as follows:

21 641.170 1. Except as otherwise provided in NRS 641.195
22 and 641.196, each application for licensure as a psychologist must
23 be accompanied by evidence satisfactory to the Board that the
24 applicant:

25 (a) Is at least 21 years of age.

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

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

29 (d) Has earned a doctorate in psychology from an accredited
30 educational institution approved by the Board, or has other
31 doctorate-level training from an accredited educational institution
32 deemed equivalent by the Board in both subject matter and extent of
33 training.

34 (e) Has at least 2 years of experience satisfactory to the Board, 1
35 year of which must be postdoctoral experience in accordance with
36 the requirements established by regulations of the Board.

37 ~~2. Except as otherwise provided in NRS 641.195 and 641.196,~~
38 ~~each application for licensure as a behavior analyst must be~~
39 ~~accompanied by evidence satisfactory to the Board that the~~
40 ~~applicant:~~

41 ~~—(a) Is at least 21 years of age.~~

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

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



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~~—(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~—(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~

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

~~3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:~~

~~—(a) Is at least 21 years of age.~~

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

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

~~—(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.~~

~~—(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.~~

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

~~4.1~~ Except as otherwise provided in NRS 641.195 and 641.196, 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 licensure; and

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

~~15.1~~ **3.** The written statement issued to the applicant pursuant to subsection ~~4.1~~ **2** must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not



1 equivalent in subject matter and extent of training, a detailed
2 explanation of the reasons for that determination.

3 **Sec. 63.** NRS 641.195 is hereby amended to read as follows:

4 641.195 1. The Board may issue a license by endorsement as
5 a psychologist ~~for behavior analyst~~ to an applicant who meets the
6 requirements set forth in this section. An applicant may submit to
7 the Board an application for such a license if the applicant holds a
8 corresponding valid and unrestricted license as a psychologist ~~for~~
9 ~~behavior analyst, as applicable,~~ in the District of Columbia or any
10 state or territory of the United States.

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

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

14 (1) Satisfies the requirements of subsection 1;

15 (2) Is a citizen of the United States or otherwise has the legal
16 right to work in the United States;

17 (3) Has not been disciplined or investigated by the
18 corresponding regulatory authority of the District of Columbia or
19 any state or territory in which the applicant currently holds or has
20 held a license as a psychologist ; ~~for behavior analyst, as~~
21 ~~applicable,~~ and

22 (4) Has not been held civilly or criminally liable for
23 malpractice in the District of Columbia or any state or territory of
24 the United States;

25 (b) A complete set of fingerprints and written permission
26 authorizing the Board to forward the fingerprints in the manner
27 provided in NRS 641.160;

28 (c) An affidavit stating that the information contained in the
29 application and any accompanying material is true and correct;

30 (d) The fee prescribed by the Board pursuant to NRS 641.228
31 for the issuance of an initial license; and

32 (e) Any other information required by the Board.

33 3. Not later than 15 business days after receiving an application
34 for a license by endorsement as a psychologist ~~for behavior analyst~~
35 pursuant to this section, the Board shall provide written notice to the
36 applicant of any additional information required by the Board to
37 consider the application. Unless the Board denies the application for
38 good cause, the Board shall approve the application and issue a
39 license by endorsement as a psychologist ~~for behavior analyst, as~~
40 ~~applicable,~~ to the applicant not later than:

41 (a) Forty-five days after receiving the application; or

42 (b) Ten days after the Board receives a report on the applicant's
43 background based on the submission of the applicant's fingerprints,
44 ➤ whichever occurs later.



4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 64. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist ~~for behavior analyst, as applicable,~~ in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist ; ~~for behavior analyst, as applicable,~~ and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

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

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the applicant not later than:



(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.

4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist ~~for behavior analyst, as applicable,~~ in accordance with regulations adopted by the Board.

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

Sec. 65. NRS 641.228 is hereby amended to read as follows:

641.228 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, including a license by endorsement..... | 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 |
| 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 1 of NRS 641.180 and who is eligible for a license as a psychologist
2 shall pay the biennial fee for the renewal of a license, which must be
3 prorated for the period from the date the license is issued to the end
4 of the biennium.

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

10 ~~—4.~~ Except as otherwise provided in subsections ~~{5}~~ 4 and ~~{6}~~ 5
11 and NRS 641.195, in addition to the fees set forth in subsection 1,
12 the Board may charge and collect a fee for the expedited processing
13 of a request or for any other incidental service it provides. The fee
14 must not exceed the cost to provide the service.

15 ~~{5}~~ 4. If an applicant submits an application for a license by
16 endorsement pursuant to NRS 641.195, the Board shall charge and
17 collect not more than the fee specified in subsection 1 for the
18 issuance of an initial license.

19 ~~{6}~~ 5. If an applicant submits an application for a license by
20 endorsement pursuant to NRS 641.196, the Board shall collect not
21 more than one-half of the fee set forth in subsection 1 for the initial
22 issuance of the license.

23 **Sec. 66.** NRS 641.230 is hereby amended to read as follows:

24 641.230 1. The Board may suspend or revoke a person's
25 license as a psychologist, ~~{behavior analyst or assistant behavior~~
26 ~~analyst,}~~ place the person on probation, require remediation for the
27 person or take any other action specified by regulation if the Board
28 finds by a preponderance of the evidence that the person has:

29 (a) Been convicted of a felony relating to the practice of
30 psychology. ~~{for the practice of applied behavior analysis.}~~

31 (b) Been convicted of any crime or offense that reflects the
32 inability of the person to practice psychology ~~{for applied behavior~~
33 ~~analysis}~~ with due regard for the health and safety of others.

34 (c) Been convicted of violating any of the provisions of NRS
35 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
36 inclusive.

37 (d) Engaged in gross malpractice or repeated malpractice or
38 gross negligence in the practice of psychology. ~~{for the practice of~~
39 ~~applied behavior analysis.}~~

40 (e) Aided or abetted the practice of psychology by a person not
41 licensed by the Board.

42 (f) Made any fraudulent or untrue statement to the Board.

43 (g) Violated a regulation adopted by the Board.

44 (h) Had a license to practice psychology ~~{for a license or~~
45 ~~certificate to practice applied behavior analysis}~~ suspended or



1 revoked or has had any other disciplinary action taken against the
2 person by another state or territory of the United States, the District
3 of Columbia or a foreign country, if at least one of the grounds for
4 discipline is the same or substantially equivalent to any ground
5 contained in this chapter.

6 (i) Failed to report to the Board within 30 days the revocation,
7 suspension or surrender of, or any other disciplinary action taken
8 against, a license or certificate to practice psychology ~~for applied~~
9 ~~behavior analysis~~ issued to the person by another state or territory
10 of the United States, the District of Columbia or a foreign country.

11 (j) Violated or attempted to violate, directly or indirectly, or
12 assisted in or abetted the violation of or conspired to violate a
13 provision of this chapter.

14 (k) Performed or attempted to perform any professional service
15 while impaired by alcohol, drugs or by a mental or physical illness,
16 disorder or disease.

17 (l) Engaged in sexual activity with a patient or client.

18 (m) Been convicted of abuse or fraud in connection with any
19 state or federal program which provides medical assistance.

20 (n) Been convicted of submitting a false claim for payment to
21 the insurer of a patient or client.

22 (o) Operated a medical facility, as defined in NRS 449.0151, at
23 any time during which:

24 (1) The license of the facility was suspended or revoked; or

25 (2) An act or omission occurred which resulted in the
26 suspension or revocation of the license pursuant to NRS 449.160.

27 ➔ This paragraph applies to an owner or other principal responsible
28 for the operation of the facility.

29 2. As used in this section, "preponderance of the evidence" has
30 the meaning ascribed to it in NRS 233B.0375.

31 **Sec. 67.** NRS 689A.0435 is hereby amended to read as
32 follows:

33 689A.0435 1. A health benefit plan must provide an option
34 of coverage for screening for and diagnosis of autism spectrum
35 disorders and for treatment of autism spectrum disorders for persons
36 covered by the policy under the age of 18 years or, if enrolled in
37 high school, until the person reaches the age of 22 years.

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

40 (a) A maximum benefit of not less than the actuarial equivalent
41 of \$72,000 per year for applied behavior analysis treatment; and

42 (b) Copayment, deductible and coinsurance provisions and any
43 other general exclusions or limitations of a policy of health
44 insurance to the same extent as other medical services or
45 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 otherwise 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, behavioral 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 behavior interventionist” means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~



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- 1 ~~—— (3) A licensed assistant behavior analyst.~~
2 ~~—(e)~~ “Autism spectrum disorders” means a neurobiological
3 medical condition including, without limitation, autistic disorder,
4 Asperger’s Disorder and Pervasive Developmental Disorder Not
5 Otherwise Specified.
- 6 ~~(d)~~ (c) “Behavioral therapy” means any interactive therapy
7 derived from evidence-based research, including, without limitation,
8 discrete trial training, early intensive behavioral intervention,
9 intensive intervention programs, pivotal response training and
10 verbal behavior provided by a licensed psychologist, licensed
11 behavior analyst, licensed assistant behavior analyst ~~for autism~~ ,
12 *registered behavior interventionist.*
- 13 ~~—(e)~~ *technician or state certified behavior interventionist.*
14 (d) “Evidence-based research” means research that applies
15 rigorous, systematic and objective procedures to obtain valid
16 knowledge relevant to autism spectrum disorders.
- 17 ~~(f)~~ (e) “Habilitative or rehabilitative care” means counseling,
18 guidance and professional services and treatment programs,
19 including, without limitation, applied behavior analysis, that are
20 necessary to develop, maintain and restore, to the maximum extent
21 practicable, the functioning of a person.
- 22 ~~(g)~~ (f) “Licensed assistant behavior analyst” means a person
23 who holds current certification ~~for meets the standards to be~~
24 ~~certified~~ as a Board Certified Assistant Behavior Analyst issued by
25 the Behavior Analyst Certification Board, Inc., or any successor in
26 interest to that organization, who is licensed as an assistant behavior
27 analyst by the ~~Board of Psychological Examiners~~ *Aging and*
28 *Disability Services Division of the Department of Health and*
29 *Human Services* and who provides behavioral therapy under the
30 supervision of a licensed behavior analyst or psychologist.
- 31 ~~(h)~~ (g) “Licensed behavior analyst” means a person who holds
32 current certification ~~for meets the standards to be certified~~ as a
33 Board Certified Behavior Analyst ~~for a Board Certified Assistant~~
34 ~~Behavior Analyst~~ issued by the Behavior Analyst Certification
35 Board, Inc., or any successor in interest to that organization, and
36 ~~who~~ is licensed as a behavior analyst by the ~~Board of~~
37 *Psychological Examiners.*
- 38 ~~—(i)~~ *Aging and Disability Services Division of the Department*
39 *of Health and Human Services.*
- 40 (h) “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)~~ (i) “Psychiatric care” means direct or consultative services
44 provided by a psychiatrist licensed in the state in which the
45 psychiatrist practices.



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

(k) *"Registered behavior technician" has the meaning ascribed to it in section 11.5 of this act.*

(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) *"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.*

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

~~(o)~~ (o) "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. 68. NRS 689B.0335 is hereby amended to read as follows:

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

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group 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 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 policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group 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 otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to



1 any person, entity or group for treatment of autism spectrum
2 disorders.

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

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

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

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

15 6. A policy subject to the provisions of this chapter that is
16 delivered, issued for delivery or renewed on or after January 1,
17 2011, has the legal effect of including the coverage required by
18 subsection 1, and any provision of the policy or the renewal which is
19 in conflict with subsection 1 or 2 is void.

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

24 8. As used in this section:

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

32 (b) ~~"Autism behavior interventionist" means a person who is~~
33 ~~registered as a Registered Behavior Technician or an equivalent~~
34 ~~credential by the Behavior Analyst Certification Board, Inc., or its~~
35 ~~successor organization, and provides behavioral therapy under the~~
36 ~~supervision of:~~

37 ~~— (1) A licensed psychologist;~~

38 ~~— (2) A licensed behavior analyst; or~~

39 ~~— (3) A licensed assistant behavior analyst.~~

40 ~~(c)~~ "Autism spectrum disorders" means a neurobiological
41 medical condition including, without limitation, autistic disorder,
42 Asperger's Disorder and Pervasive Developmental Disorder Not
43 Otherwise Specified.

44 ~~(d)~~ (c) "Behavioral therapy" means any interactive therapy
45 derived from evidence-based research, including, without limitation,



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1 discrete trial training, early intensive behavioral intervention,
2 intensive intervention programs, pivotal response training and
3 verbal behavior provided by a licensed psychologist, licensed
4 behavior analyst, licensed assistant behavior analyst ~~{for autism}~~ ,
5 *registered behavior {interventionist}.*

6 ~~—(e)}~~ *technician or state certified behavior interventionist.*

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

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

15 ~~{(g)}~~ (f) “Licensed assistant behavior analyst” means a person
16 who holds current certification ~~{for meets the standards to be}~~
17 ~~certified}~~ as a Board Certified Assistant Behavior Analyst issued by
18 the Behavior Analyst Certification Board, Inc., or any successor in
19 interest to that organization, who is licensed as an assistant behavior
20 analyst by the ~~{Board of Psychological Examiners}~~ *Aging and*
21 *Disability Services Division of the Department of Health and*
22 *Human Services* and who provides behavioral therapy under the
23 supervision of a licensed behavior analyst or psychologist.

24 ~~{(h)}~~ (g) “Licensed behavior analyst” means a person who holds
25 current certification ~~{for meets the standards to be certified}~~ as a
26 Board Certified Behavior Analyst ~~{for a Board Certified Assistant}~~
27 ~~Behavior Analyst}~~ issued by the Behavior Analyst Certification
28 Board, Inc., or any successor in interest to that organization and
29 ~~{who}~~ is licensed as a behavior analyst by the ~~{Board of}~~
30 ~~Psychological Examiners}.~~

31 ~~—(i)}~~ *Aging and Disability Services Division of the Department*
32 *of Health and Human Services.*

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

36 ~~{(j)}~~ (i) “Psychiatric care” means direct or consultative services
37 provided by a psychiatrist licensed in the state in which the
38 psychiatrist practices.

39 ~~{(k)}~~ (j) “Psychological care” means direct or consultative
40 services provided by a psychologist licensed in the state in which
41 the psychologist practices.

42 (k) “Registered behavior technician” *has the meaning*
43 *ascribed to it in section 11.5 of this act.*



(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) *"State certified behavior interventionist" has the meaning ascribed to it in section 11.7 of this act.*

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

~~(+)~~ (o) "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. 69. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan 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 benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered 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 otherwise 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, behavioral 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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst.~~

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

~~(d)~~ (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 ~~for autism~~ ,
registered behavior interventionist.

~~(e)~~ *technician or state certified behavior interventionist.*

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

~~(f)~~ (e) “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)~~ (f) “Licensed assistant behavior analyst” means a person who holds current certification ~~for 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~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~(h)~~ (g) “Licensed behavior analyst” means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for 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)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

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

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

(k) “Registered behavior technician” has the meaning ascribed to it in section 11.5 of this act.

(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) “State certified behavior interventionist” has the meaning ascribed to it in section 11.7 of this act.



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

~~(n)~~ (o) “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. 70. 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 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 otherwise 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, behavioral 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



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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 behavior interventionist” means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst.~~

~~(c)~~ “Autism spectrum disorders” means a neurobiological medical condition including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~(d)~~ (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 ~~for autism~~ , *registered behavior interventionist.*

~~(e)~~ *technician or state certified behavior interventionist.*

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



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~~(f)~~ (e) “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)~~ (f) “Licensed assistant behavior analyst” means a person who holds current certification ~~for 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~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~(h)~~ (g) “Licensed behavior analyst” means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for 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)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

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

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

(k) *“Registered behavior technician” has the meaning ascribed to it in section 11.5 of this act.*

(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) *“State certified behavior interventionist” has the meaning ascribed to it in section 11.7 of this act.*

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

~~(o)~~ (o) “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. 71. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for 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 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of \$72,000 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.

4. A managed care organization that offers or issues a health care plan 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 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.

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

6. 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, behavioral 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



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behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

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

7. An 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 3 is void.

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

9. 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 behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:~~

~~— (1) A licensed psychologist;~~

~~— (2) A licensed behavior analyst; or~~

~~— (3) A licensed assistant behavior analyst.~~

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

~~(d)~~ (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 ~~for autism~~ , *registered behavior interventionist.*

~~(e)~~ *technician or state certified behavior interventionist.*

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



~~(f)~~ (e) “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)~~ (f) “Licensed assistant behavior analyst” means a person who holds current certification ~~for 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~~ *Aging and Disability Services Division of the Department of Health and Human Services* and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

~~(h)~~ (g) “Licensed behavior analyst” means a person who holds current certification ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for 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)~~ *Aging and Disability Services Division of the Department of Health and Human Services.*

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

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

(k) *“Registered behavior technician” has the meaning ascribed to it in section 11.5 of this act.*

(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) *“State certified behavior interventionist” has the meaning ascribed to it in section 11.7 of this act.*

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

~~(o)~~ (o) “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



1 comprehensive evaluation in coordination with a licensed behavior
2 analyst.

3 **Sec. 72.** Section 25 of this act is hereby amended to read as
4 follows:

5 Sec. 25. 1. To renew a license as a behavior analyst or
6 assistant behavior analyst, certificate as a state certified
7 behavior interventionist or registration as a registered
8 behavior technician, each person must, on or before the first
9 day of January of each odd-numbered year:

10 (a) Apply to the Division for renewal;

11 (b) Pay the biennial fee for the renewal of a license,
12 certificate or registration;

13 (c) Submit evidence to the Division of completion of the
14 requirements for continuing education as set forth in
15 regulations adopted by the Division, if applicable; and

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

18 2. In addition to the requirements of subsection 1, to
19 renew a certificate as a state certified behavior interventionist
20 or registration as a registered behavior technician for the third
21 time and every third renewal thereafter, a person must submit
22 to an investigation of his or her criminal history in the manner
23 prescribed in paragraph (b) of subsection 1 of section 20 of
24 this act.

25 3. The Division shall, as a prerequisite for the renewal of
26 a license as a behavior analyst or assistant behavior analyst,
27 require each holder to comply with the requirements for
28 continuing education adopted by the Board . ~~[- which must~~
29 ~~include, without limitation, a requirement that the holder of a~~
30 ~~license receive at least 2 hours of instruction on evidence-~~
31 ~~based suicide prevention and awareness.]~~

32 4. The Board may adopt regulations requiring each state
33 certified behavior interventionist to receive continuing
34 education as a prerequisite for the renewal of his or her
35 certificate.

36 5. The Board shall not adopt regulations requiring a
37 registered behavior technician to receive continuing
38 education.

39 **Sec. 73.** Notwithstanding the amendatory provisions of this
40 act:

41 1. Any disciplinary or other administrative action taken against
42 a behavior analyst or assistant behavior analyst by the Board of
43 Psychological Examiners remains in effect as if taken by the Aging
44 and Disability Services Division of the Department of Health and
45 Human Services.



2. A license that is valid on January 1, 2019, and that was issued by the Board of Psychological Examiners:

(a) Shall be deemed to be issued by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after January 1, 2019.

Sec. 74. 1. The term of the member of the Board of Psychological Examiners appointed to the Board pursuant to paragraph (b) of subsection 1 of NRS 641.040 who is incumbent on December 31, 2018, expires on that date.

2. As soon as practicable on or after January 1, 2019, the Governor shall appoint to the Board of Applied Behavior Analysis created by section 13.3 of this act:

(a) One member described in paragraph (a) of subsection 2 of section 13.3 of this act and the member described in paragraph (b) of that subsection to terms that expire on January 1, 2021; and

(b) Two members described in paragraph (a) of subsection 2 of section 13.3 of this act and the member described in paragraph (c) of that subsection to terms that expire on January 1, 2023.

Sec. 75. 1. Notwithstanding the amendatory provisions of sections 14, 17, 21, 24, 25, 29, 30, 60, 62 and 64 of this act transferring authority to adopt regulations from the Board of Psychological Examiners to the Board of Applied Behavior Analysis created by section 13.3 of this act, any regulations adopted by the Board of Psychological Examiners that do not conflict with the provisions of this act remain in effect and may be enforced by the Aging and Disability Services Division of the Department of Health and Human Services until the Board of Applied Behavior Analysis adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Psychological Examiners that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2019.

Sec. 76. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for



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the name which the agency, officer or instrumentality previously used.

Sec. 77. NRS 641.0202, 641.0204, 641.0206, 641.0247, 641.232 and 641.395 are hereby repealed.

Sec. 78. 1. This section and section 74 of this act become effective upon passage and approval.

2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective on January 1, 2019.

3. Section 72 of this act becomes effective on July 1, 2026.

4. Sections 22 and 32 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.

LEADLINES OF REPEALED SECTIONS

641.0202 “Assistant behavior analyst” defined.

641.0204 “Autism behavior interventionist” defined.

641.0206 “Behavior analyst” defined.

641.0247 “Practice of applied behavior analysis” defined.

641.232 Grounds for disciplinary action for licensed behavior analysts and licensed assistant behavior analysts: Regulations.

641.395 Licensed assistant behavior analysts and autism behavior interventionists: Limitations on practice.

