

SENATE BILL NO. 258—SENATOR SEEVERS GANSERT

MARCH 11, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to applied behavior analysis. (BDR 39-248)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to applied behavior analysis; abolishing certification as a state certified behavior interventionist; transferring certain responsibilities concerning licensing and regulation from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; requiring the Division to obtain the approval of the Board to conduct an investigation and perform certain related tasks; revising provisions relating to criminal background checks or applicants for registration as a registered behavior technician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of state certified behavior interventionists and the registration of registered behavior technicians by the Aging and Disability Services Division of the Department of Health and Human Services. To be registered as a registered behavior technician by the Division, a person is required to be registered as a Registered Behavior Technician, or have an equivalent credential, by the Behavior Analyst Certification Board, Inc., or its successor organization. A person who wishes to be certified as a state certified behavior interventionist is required to meet the qualifications prescribed by the Board of Applied Behavior Analysis, which 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. (NRS 437.205) Under existing law, both a registered behavior technician and a state certified behavior interventionist are authorized to provide behavioral therapy under the supervision of a licensed psychologist, behavior analyst or assistant behavior analyst. (NRS 437.050, 437.055, 437.505) **Sections 1,**



* S B 2 5 8 *

4-7, 9-14, 16-20, 23-29, 31, 33-46, 48-53 and 56 of this bill remove certification as a state certified behavior interventionist.

Existing law authorizes the Board of Applied Behavior Analysis to adopt regulations governing its procedure, the examination and licensure, certification or registration of applicants, the granting, refusal, revocation or suspension of licenses, certificates or registrations and the practice of applied behavior analysis. (NRS 437.110) Existing law authorizes the Division to: (1) issue, renew, suspend, revoke and reinstate licenses and registrations; (2) impose disciplinary action against licensees and registrants; (3) adopt regulations prescribing fees for the issuance, renewal or reinstatement of a license or registration; (4) conduct investigations of licensees and registrants; and (5) perform certain related tasks to enforce provisions of law applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. (NRS 437.130-437.140, 437.200-437.490) **Sections 2, 3, 8, 10, 11, 14, 16-23, 25, 26, 28, 29, 34, 36, 38 and 42** of this bill transfer the responsibilities to issue, renew, suspend, revoke and reinstate licenses, impose disciplinary action against licensees and registrants and prescribe fees to the Board, while still requiring the Division to collect applications, conduct investigations and hold disciplinary hearings. **Sections 14, 15, 30, 32, 33, 35, 39 and 40** of this bill require the Division to obtain the approval of the Board before conducting investigations or performing certain related tasks. **Section 31** of this bill requires the Board to file a complaint with the Division if it becomes aware that grounds for disciplinary action may exist as to a person practicing applied behavior analysis.

Existing law requires each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to undergo a criminal background check. (NRS 437.200) **Section 18** of this bill authorizes an applicant for registration as a registered behavior technician to forego the required background check if he or she submits verification that he or she has, within the immediately preceding 6 months, passed a criminal background check for the purpose of certification by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

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

Section 1. NRS 437.001 is hereby amended to read as follows:
437.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 437.005 to ~~437.055,~~ **437.050**, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 437.005 is hereby amended to read as follows:
437.005 "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.~~ **Board.**

Sec. 3. NRS 437.010 is hereby amended to read as follows:
437.010 "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}~~ **Board.**

Sec. 4. NRS 437.020 is hereby amended to read as follows:

437.020 "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 where the behavior analyst, assistant behavior analyst ~~{, state-certified behavior interventionist}~~ or registered behavior technician has his or her office.

Sec. 5. NRS 437.030 is hereby amended to read as follows:

437.030 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Practicing applied behavior analysis with a patient while the behavior analyst, assistant behavior analyst ~~{, state-certified behavior interventionist}~~ or registered behavior technician is under the influence of an alcoholic beverage as defined in NRS 202.015 or any controlled substance;

2. Gross negligence;

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

4. Willful and consistent use of methods and procedures considered by behavior analysts, assistant behavior analysts ~~{, state-certified behavior interventionists}~~ or registered behavior technicians, as applicable, in the community to be inappropriate or unnecessary in the cases where used.

Sec. 6. NRS 437.035 is hereby amended to read as follows:

437.035 "Malpractice" means failure on the part of a behavior analyst, assistant behavior analyst ~~{, state-certified behavior interventionist}~~ or registered behavior technician to exercise the degree of care, diligence and skill ordinarily exercised by behavior analysts, assistant behavior analysts ~~{, state-certified behavior interventionists}~~ or registered behavior technicians, as applicable, in good standing in the community.

Sec. 7. NRS 437.040 is hereby amended to read as follows:

437.040 "Practice of applied behavior analysis" means the design, implementation and evaluation of instructional and environmental modifications based on scientific research and observations of behavior and the environment to produce socially significant improvement in human behavior, including, without limitation:



1 1. The empirical identification of functional relations between
2 environment and behavior; and

3 2. The use of contextual factors, motivating operations,
4 antecedent stimuli, positive reinforcement and other procedures to
5 help a person develop new behaviors, increase or decrease existing
6 behaviors and engage in certain behavior under specific
7 environmental conditions.

8 ➤ The term includes the provision of behavioral therapy by a
9 behavior analyst, assistant behavior analyst ~~[, -state-certified~~
10 ~~behavior-interventionist]~~ or registered behavior technician.

11 **Sec. 8.** NRS 437.050 is hereby amended to read as follows:

12 437.050 "Registered behavior technician" means a person who
13 is registered as such by the ~~[Division]~~ **Board** and provides
14 behavioral therapy under the supervision of:

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

18 **Sec. 9.** NRS 437.060 is hereby amended to read as follows:

19 437.060 The provisions of this chapter do not apply to:

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



11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person,
➔ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician.

Sec. 10. NRS 437.065 is hereby amended to read as follows:

437.065 1. A person is not required to be licensed ~~[-, certified]~~ or registered by the ~~[-, Division]~~ **Board** if he or she:

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

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

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not provide applied behavior analysis services directly to natural persons;

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

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

(b) Shall not represent or imply that he or she is licensed ~~[-, certified]~~ or registered by the ~~[-, Division]~~ **Board**.

Sec. 11. NRS 437.070 is hereby amended to read as follows:

437.070 1. A person who has matriculated at an accredited college or university and is not licensed ~~[-, certified]~~ or registered by the ~~[-, Division]~~ **Board** may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:

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

(b) An internship or fellowship.

2. A person described in subsection 1:

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

(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician, or represent or imply that he or she is licensed ~~[-, certified]~~ or registered by the ~~[-, Division]~~ **Board**.



Sec. 12. NRS 437.075 is hereby amended to read as follows:

437.075 1. A licensed behavior analyst or assistant behavior analyst ~~[, state-certified behavior interventionist]~~ or registered behavior technician shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts ~~[, state-certified behavior interventionists]~~ and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

Sec. 13. NRS 437.110 is hereby amended to read as follows:

437.110 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure ~~[, certification]~~ or registration of applicants, the granting, refusal, revocation or suspension of licenses ~~[, certificates]~~ or registrations and the practice of applied behavior analysis.

Sec. 14. NRS 437.130 is hereby amended to read as follows:

437.130 1. The ~~[Division]~~ **Board** shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~[1.] (a) Examine and pass upon the qualifications of applicants for licensure [, certification] and registration.~~

~~[2.] (b) License [, certify] and register qualified applicants.~~

~~[3.— Conduct investigations of licensees, certificate holders and registrants.~~

~~—4.] (c) Revoke or suspend licenses [,—certificates] and registrations.~~

~~[5.— Collect all fees and make]~~

~~(d) Make~~ disbursements pursuant to this chapter.

2. The Division shall:

(a) Collect applications and fees pursuant to this chapter for transmittal to the Board.

(b) With the approval of the Board, conduct investigations of licensees and registrants.

Sec. 15. NRS 437.135 is hereby amended to read as follows:

437.135 In a manner consistent with the provisions of chapter 622A of NRS ~~[,] and with the approval of the Board~~, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

Sec. 16. NRS 437.140 is hereby amended to read as follows:

437.140 1. The ~~[Division]~~ **Board** shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license ~~[, certificate]~~ or registration and any other services provided



1 by the Division pursuant to this chapter. The ~~[Division]~~ **Board** shall
2 ensure, to the extent practicable, that the amount of such fees is
3 sufficient to pay the costs incurred by the Board and the Division
4 under the provisions of this chapter, including, without limitation,
5 the compensation of the Board prescribed by NRS 437.105, and
6 does not exceed the amount necessary to pay those costs.

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

20 **Sec. 17.** NRS 437.145 is hereby amended to read as follows:

21 437.145 1. The Division shall make and keep:

22 (a) A record of all violations and prosecutions under the
23 provisions of this chapter.

24 (b) A register of all licenses ~~[, certificates]~~ and registrations.

25 (c) A register of all holders of licenses ~~[, certificates]~~ and
26 registrations.

27 2. These records must be kept in an office of the Division and,
28 except as otherwise provided in this section, are subject to public
29 inspection during normal working hours upon reasonable notice.

30 3. Except as otherwise provided in NRS 239.0115, the Division
31 may keep the personnel records of applicants confidential.

32 4. Except as otherwise provided in this section and NRS
33 239.0115, a complaint filed with the Division, all documents and
34 other information filed with the complaint and all documents and
35 other information compiled as a result of an investigation conducted
36 to determine whether to initiate disciplinary action against a person
37 are confidential, unless the person submits a written statement to the
38 Division requesting that such documents and information be made
39 public records.

40 5. The charging documents filed with the Division to initiate
41 disciplinary action pursuant to chapter 622A of NRS and all other
42 documents and information considered by the Division *and the*
43 **Board** when determining whether to impose discipline are public
44 records.



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

Sec. 18. NRS 437.200 is hereby amended to read as follows:
437.200 1. Each person desiring a license as a behavior analyst or assistant behavior analyst ~~[, certification as a state certified behavior interventionist]~~ or registration as a registered behavior technician must:

(a) Make application to the Division upon a form and in a manner prescribed by the Division. The application must be accompanied by the application fee prescribed by the ~~[Division]~~ *Board pursuant to NRS 437.140* and include all information required to complete the application.

(b) ~~[As]~~ *Except as otherwise provided in subsection 3, 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 Division; and

(2) Submit to the Division:

(I) A complete set of fingerprints and written permission authorizing the Division 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 Division deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Division, 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, and to such other law enforcement agencies as the Division deems necessary for a report on the applicant's background.

2. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission



1 to the Federal Bureau of Investigation and to such other law
2 enforcement agencies as the Division deems necessary; and

3 (b) Request from each agency to which the Division submits the
4 fingerprints any information regarding the applicant's background
5 as the Division deems necessary.

6 3. *An applicant for registration as a registered behavior*
7 *technician is not required to comply with paragraph (b) of*
8 *subsection 1 if he or she submits to the Division verification from*
9 *a supervising psychologist, behavior analyst or assistant behavior*
10 *analyst that the applicant has, within the immediately preceding 6*
11 *months:*

12 (a) *Undergone an investigation into his or her criminal*
13 *background that included the submission of fingerprints to the*
14 *Federal Bureau of Investigation for the purpose of registration as*
15 *a Registered Behavior Technician, or an equivalent credential, by*
16 *the Behavior Analyst Certification Board, Inc., or any successor in*
17 *interest to that organization; and*

18 (b) *Was found, as a result of the investigation, to be eligible for*
19 *employment as a Registered Behavior Technician.*

20 4. An application is not considered complete and received for
21 purposes of evaluation pursuant to subsection 5 of NRS 437.205
22 until the Division receives ~~it~~ :

23 (a) *A complete set of fingerprints or verification that the*
24 *fingerprints have been forwarded electronically or by other means to*
25 *the Central Repository for Nevada Records of Criminal History, and*
26 *written authorization from the applicant pursuant to this section* ~~it~~ ;
27 *or*

28 (b) *If the application is for registration as a registered*
29 *behavior technician, the documentation described in subsection 3.*

30 **Sec. 19.** NRS 437.205 is hereby amended to read as follows:
31 437.205 1. Except as otherwise provided in NRS 437.215
32 and 437.220, each application for licensure as a behavior analyst
33 must be accompanied by evidence satisfactory to the ~~Division~~
34 *Board* that the applicant:

35 (a) Is of good moral character as determined by the ~~Division~~
36 *Board.*

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

39 (c) Holds current certification as a Board Certified Behavior
40 Analyst issued by the Behavior Analyst Certification Board, Inc., or
41 any successor in interest to that organization.

42 2. Each application for licensure as an assistant behavior
43 analyst must be accompanied by evidence satisfactory to the
44 ~~Division~~ *Board* that the applicant:



(a) Is of good moral character as determined by the ~~[Division.]~~
Board.

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

(c) 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.

~~3. [Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which 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 any successor in interest to that organization.]~~

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

~~[5.]~~ **4. Upon receiving an application pursuant to this section, the Division shall:**

- (a) Review the application and accompanying evidence; and**
- (b) Submit the application and accompanying evidence to the Board with a recommendation on whether the application meets the requirements for approval.**

5. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after receiving an application and the accompanying evidence from ~~[an applicant,]~~ the Division, **the Board** shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure ~~[, certification]~~ or registration; and

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

6. If the ~~[Division]~~ **Board** determines that the qualifications of the applicant are insufficient for licensure ~~[, certification]~~ or registration, the written statement issued to the applicant pursuant to subsection 5 must include a detailed explanation of the reasons for that determination.

Sec. 20. NRS 437.210 is hereby amended to read as follows:
437.210 1. In addition to any other requirements set forth in this chapter:



(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Division.

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

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

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~[, certificate]~~ or registration; or

(b) A separate form prescribed by the Division.

3. A license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state certified behavior interventionist]~~ or registration as a registered behavior technician must not be issued or renewed by the ~~[Aging and Disability Services Division]~~ **Board** if the applicant:

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

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

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

Sec. 21. NRS 437.215 is hereby amended to read as follows:
437.215 1. The ~~[Division]~~ **Board** may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a



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

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

6 (a) Proof satisfactory to the ~~{Division}~~ **Board** that the applicant:

7 (1) Satisfies the requirements of subsection 1;

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

10 (3) Has not been disciplined or investigated by the
11 corresponding regulatory authority of the District of Columbia or
12 any state or territory in which the applicant currently holds or has
13 held a license as a behavior analyst; and

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

17 (b) A complete set of fingerprints and written permission
18 authorizing the Division to forward the fingerprints in the manner
19 provided in NRS 437.200;

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

22 (d) The fee prescribed by the ~~{Division}~~ **Board** pursuant to the
23 regulations adopted pursuant to NRS 437.140; and

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

25 3. *Upon receiving an application pursuant to this section, the*
26 *Division shall:*

27 (a) *Review the application and accompanying evidence; and*

28 (b) *Submit the application and accompanying evidence to the*
29 *Board and provide the Board with a recommendation on whether*
30 *the application meets the requirements for approval.*

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

39 (a) Forty-five days after receiving the application ~~{ }~~ *from the*
40 *Division;* or

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

44 ➡ whichever occurs later.



Sec. 22. NRS 437.220 is hereby amended to read as follows:

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

(a) Holds a corresponding valid and unrestricted license as a behavior analyst 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 spouse, widow or widower of a veteran.

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

(a) Proof satisfactory to the ~~Division~~ **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 behavior analyst; 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 Division to forward the fingerprints in the manner provided in NRS 437.200;

(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 ~~Division~~ **Board** pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. *Upon receiving an application pursuant to this section, the Division shall:*

(a) Review the application and accompanying evidence; and

(b) Submit the application and accompanying evidence to the Board with a recommendation on whether the application meets the requirements for approval.

4. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst *from the Division* pursuant to this section, the ~~Division~~ **Board** shall provide written notice to the applicant of any additional information required by the ~~Division~~ **Board** to consider the application. Unless the ~~Division~~ **Board** denies the application for good cause, the



~~[Division]~~ *Board* shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

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

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

↳ whichever occurs later.

~~[4.]~~ *5.* At any time before making a final decision on an application for a license by endorsement pursuant to this section, the ~~[Division]~~ *Board* may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

~~[5.]~~ *6.* As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 23. NRS 437.225 is hereby amended to read as follows:
437.225 1. To renew a license as a behavior analyst or assistant behavior analyst ~~[, certificate as a state-certified behavior interventionist]~~ or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Division for renewal;

(b) Pay the biennial fee for the renewal of a license ~~[, certificate]~~ or registration;

(c) Submit evidence to the Division of completion of the requirements for continuing education as set forth in regulations adopted by the ~~[Division,]~~ *Board*, if applicable; and

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

2. In addition to the requirements of subsection 1, to renew ~~[a certificate as a state-certified behavior interventionist or]~~ registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

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

4. ~~[The Board may adopt regulations requiring each state-certified behavior interventionist to receive continuing education as a prerequisite for the renewal of his or her certificate.]~~



1 ~~—5.]~~ The Board shall not adopt regulations requiring a registered
2 behavior technician to receive continuing education.

3 **Sec. 24.** NRS 437.330 is hereby amended to read as follows:

4 437.330 1. In addition to any other requirements set forth in
5 this chapter, an applicant for the renewal 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 must indicate in the application submitted to the Division
9 whether the applicant has a state business license. If the applicant
10 has a state business license, the applicant must include in the
11 application the business identification number assigned by the
12 Secretary of State upon compliance with the provisions of chapter
13 76 of NRS.

14 2. A license as a behavior analyst or assistant behavior analyst
15 ~~[, certificate as a state certified behavior interventionist]~~ or
16 registration as a registered behavior technician may not be renewed
17 if:

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

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

24 (1) Satisfied the debt;

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

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

28 3. As used in this section:

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

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

31 **Sec. 25.** NRS 437.335 is hereby amended to read as follows:

32 437.335 1. The license of any behavior analyst or assistant
33 behavior analyst ~~[, the certificate of a state certified behavior~~
34 ~~interventionist]~~ or the registration of a registered behavior
35 technician who fails to pay the biennial fee for the renewal of a
36 license ~~[, certificate]~~ or registration within 60 days after the date it is
37 due is automatically suspended. The ~~[Division]~~ Board may, within 2
38 years after the date the license ~~[, certificate]~~ or registration is so
39 suspended, reinstate the license ~~[, certificate]~~ or registration upon
40 payment to the Division of the amount of the then current biennial
41 fee for the renewal of a license ~~[, certificate]~~ or registration and the
42 amount of the fee for the restoration of a license ~~[, certificate]~~ or
43 registration so suspended. If the license ~~[, certificate]~~ or registration
44 is not reinstated within 2 years, the ~~[Division]~~ Board may reinstate
45 the license ~~[, certificate]~~ or registration only if it also determines that



1 the holder of the license ~~[, certificate]~~ or registration is competent to
2 practice as a behavior analyst, assistant behavior analyst ~~[, state~~
3 ~~certified behavior interventionist]~~ or registered behavior technician,
4 as applicable.

5 2. A notice must be sent to any person who fails to pay the
6 biennial fee, informing the person that his or her license ~~[,~~
7 ~~certificate]~~ or registration is suspended.

8 **Sec. 26.** NRS 437.400 is hereby amended to read as follows:

9 437.400 1. The ~~[Division]~~ **Board** may suspend or revoke a
10 person's license as a behavior analyst or assistant behavior analyst ~~[,~~
11 ~~certificate as a state-certified behavior interventionist]~~ or registration
12 as a registered behavior technician, place the person on probation,
13 require remediation for the person or take any other action specified
14 by regulation if the Division finds by a preponderance of the
15 evidence that the person has:

16 (a) Been convicted of a felony relating to the practice of applied
17 behavior analysis.

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

21 (c) Been convicted of violating any of the provisions of NRS
22 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
23 inclusive.

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

26 (e) Except as otherwise provided in NRS 437.060 and 437.070,
27 aided or abetted practice as a behavior analyst, assistant behavior
28 analyst ~~[, state-certified behavior interventionist]~~ or registered
29 behavior technician by a person who is not licensed ~~[, certified]~~ or
30 registered, as applicable, by the ~~[Division.]~~ **Board**.

31 (f) Made any fraudulent or untrue statement to the Division ~~[,]~~
32 **or the Board**.

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

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

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



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

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

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

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

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

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

(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. 27. NRS 437.405 is hereby amended to read as follows:

437.405 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 NRS 437.400.

Sec. 28. NRS 437.410 is hereby amended to read as follows:

437.410 1. If the Division or a hearing officer appointed by the Division finds a person guilty in a disciplinary proceeding, the Division *shall transmit notice of that finding to the Board. Upon receiving such notice, the Board* 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]~~ *Board* 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.]~~



1 **Board.** The person named in the complaint is responsible for any
2 expense incurred.

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

5 (j) Require the person to pay for the costs of remediation or
6 restitution.

7 2. The ~~[Division]~~ **Board** shall not administer a private
8 reprimand.

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

11 **Sec. 29.** NRS 437.415 is hereby amended to read as follows:

12 437.415 1. If the Division receives a copy of a court order
13 issued pursuant to NRS 425.540 that provides for the suspension of
14 all professional, occupational and recreational licenses ~~[~~
15 ~~certificates]~~ and permits issued to a person who is the holder of a
16 license ~~[, certificate]~~ or registration issued pursuant to this chapter,
17 the Division *shall transmit the copy to the Board. The Board* shall
18 deem the license ~~[, certificate]~~ or registration issued to that person to
19 be suspended at the end of the 30th day after the date on which the
20 court order was issued unless the Division receives *and transmits to*
21 *the Board* a letter issued to the holder of the license ~~[, certificate]~~ or
22 registration by the district attorney or other public agency pursuant
23 to NRS 425.550 stating that the holder of the license ~~[, certificate]~~ or
24 registration has complied with the subpoena or warrant or has
25 satisfied the arrearage pursuant to NRS 425.560.

26 2. The ~~[Division]~~ **Board** shall reinstate a license ~~[, certificate]~~
27 or registration issued pursuant to this chapter that has been
28 suspended by a district court pursuant to NRS 425.540 if the
29 Division receives *and transmits to the Board* a letter issued by the
30 district attorney or other public agency pursuant to NRS 425.550 to
31 the person whose license ~~[, certificate]~~ or registration was suspended
32 stating that the person whose license ~~[, certificate]~~ or registration
33 was suspended has complied with the subpoena or warrant or has
34 satisfied the arrearage pursuant to NRS 425.560.

35 **Sec. 30.** NRS 437.425 is hereby amended to read as follows:

36 437.425 1. The Division or a hearing officer may , *with the*
37 *approval of the Board,* issue subpoenas to compel the attendance of
38 witnesses and the production of books, papers, documents, the
39 records of patients and any other article related to the practice of
40 applied behavior analysis.

41 2. If any witness refuses to attend or testify or produce any
42 article as required by the subpoena, the Division may , *with the*
43 *approval of the Board,* file a petition with the district court stating
44 that:



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

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

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

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

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

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

Sec. 31. NRS 437.430 is hereby amended to read as follows:

437.430 1. The Division, *the Board or* any review panel of a hospital or an association of behavior analysts, assistant behavior analysts ~~[, state-certified behavior interventionists]~~ or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Division.

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

Sec. 32. NRS 437.435 is hereby amended to read as follows:

437.435 When a complaint is filed with the Division, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Division may ~~[,]~~ *, with the approval of the Board:*

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

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



Sec. 33. NRS 437.440 is hereby amended to read as follows:

437.440 1. The Division shall *request the approval of the Board to* conduct an investigation of each complaint filed pursuant to NRS 437.430 which sets forth reason to believe that a person has violated NRS 437.500. *Upon the approval of the Board, the Division shall conduct such an investigation.*

2. If, after an investigation, the Division determines that a person has violated NRS 437.500, the Division:

(a) May ~~issue~~, *with the approval of the Board:*

(1) *Issue* and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 437.500 until the person obtains the proper license ~~[-, certificate]~~ or registration from the ~~Division;~~

~~—(b) May issue] Board; and~~

(2) *Issue* a citation to the person; and

~~[(e)] (b)~~ Shall *request the approval of the Board to* provide a written summary of the Division's determination and any information relating to the violation to the Attorney General. *Upon the approval of the Board, the Division shall provide such a summary to the Attorney General.*

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of NRS 437.500 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 437.500, the ~~Division]~~ *Board* shall assess an administrative fine of:

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

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

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

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

Sec. 34. NRS 437.445 is hereby amended to read as follows:

437.445 1. If the Division retains the Attorney General pursuant to NRS 437.435, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license ~~[-, certificate]~~ or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Division in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.



2. The Division shall promptly make a determination with respect to each complaint reported to it by the Attorney General ~~[-]~~ *and submit that determination to the Board.* The ~~[Division]~~ *Board* shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

Sec. 35. NRS 437.450 is hereby amended to read as follows:
437.450 Notwithstanding the provisions of chapter 622A of NRS, if the Division has reason to believe that the conduct of any behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician has raised a reasonable question as to competence to practice applied behavior analysis with reasonable skill and safety to patients, the Division may, *with the approval of the Board*, require the behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician to take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician is competent to practice applied behavior analysis. If an examination is required, the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician being examined.

Sec. 36. NRS 437.455 is hereby amended to read as follows:
437.455 Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division or a hearing officer]~~ *Board* issues an order suspending the license of a behavior analyst or assistant behavior analyst ~~[-, certificate of a state-certified behavior interventionist]~~ or registration of a registered behavior technician pending proceedings for disciplinary action and requires the behavior analyst, assistant behavior analyst ~~[-, state-certified behavior interventionist]~~ or registered behavior technician to submit to an examination of his or her competency to practice applied behavior analysis, the examination must be conducted and the results obtained within 60 days after the ~~[Division or hearing officer]~~ *Board* issues the order.

Sec. 37. NRS 437.465 is hereby amended to read as follows:
437.465 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Division or a hearing officer conducted under the provisions of this chapter:

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

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst ~~[-]~~



~~certificate as a state certified behavior interventionist~~ or registration as a registered behavior technician is conclusive evidence of its occurrence.

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

Sec. 38. NRS 437.470 is hereby amended to read as follows:

437.470 1. Any person who has been placed on probation or whose license ~~[-, certificate]~~ or registration has been limited, suspended or revoked pursuant to this chapter is entitled to judicial review of the order.

2. Every order which limits the practice of applied behavior analysis or suspends or revokes a license ~~[-, certificate]~~ or registration is effective from the date the ~~[Division certifies]~~ **Board issues** the order until the date the order is modified or reversed by a final judgment of the court.

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

Sec. 39. NRS 437.475 is hereby amended to read as follows:

437.475 **1.** Notwithstanding the provisions of chapter 622A of NRS:

~~[1-] (a)~~ Pending disciplinary proceedings before the Division or a hearing officer, the court may, upon application by the Division or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst ~~[-, a state certified behavior interventionist]~~ or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst ~~[-, state certified behavior interventionist]~~ or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst ~~[-, certificate to practice as a state certified behavior interventionist]~~ or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

~~[2-] (b)~~ The disciplinary proceedings before the Division or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

2. The Division shall not make an application pursuant to subsection 1 without the approval of the Board.

Sec. 40. NRS 437.480 is hereby amended to read as follows:

437.480 1. The Division, **with the approval of the Board,** or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in



violation of NRS 437.510 or as a behavior analyst, assistant behavior analyst ~~[, state-certified behavior interventionist]~~ or registered behavior technician without the proper license ~~[, certificate]~~ or registration from the ~~[Division,]~~ *Board*.

2. Such an injunction:

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

(b) Does not relieve any person from criminal prosecution for practicing without a license ~~[, certificate]~~ or registration.

Sec. 41. NRS 437.485 is hereby amended to read as follows:

437.485 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Division, a review panel of a hospital, an association of behavior analysts, assistant behavior analysts ~~[, state-certified behavior interventionists]~~ or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst ~~[, certification of a state-certified behavior interventionist]~~ or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst ~~[, a state-certified behavior interventionist]~~ or a registered behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 42. NRS 437.490 is hereby amended to read as follows:

437.490 1. Any person:

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

(b) Whose license ~~[, certificate]~~ or registration has been revoked; or

(c) Who has been placed on probation,

↪ by an order of the ~~[Division or a hearing officer]~~ *Board* may apply to the Division after 1 year for removal of the limitation or termination of the probation or may apply to the Division pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~[, certificate]~~ or registration.

2. In hearing the application, the Division:

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

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

(c) ~~[May]~~ *Shall submit its determination concerning the application to the Board.*



3. *Upon receiving a determination of the Division pursuant to paragraph (c) of subsection 2, the Board may deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.*

Sec. 43. NRS 437.500 is hereby amended to read as follows:

437.500 Except as otherwise provided in NRS 437.060, 437.065 and 437.070, a person shall not represent himself or herself as a behavior analyst, assistant behavior ~~[analyst, state-certified behavior interventionist]~~ or registered behavior technician within the meaning of this chapter or engage in the practice of applied behavior analysis unless he or she is licensed ~~[, certified]~~ or registered as required by the provisions of this chapter.

Sec. 44. NRS 437.505 is hereby amended to read as follows:

437.505 1. A licensed assistant behavior analyst shall not provide or supervise behavioral therapy except under the supervision of:

(a) A licensed psychologist; or

(b) A licensed behavior analyst.

2. A ~~[state-certified behavior interventionist or]~~ registered behavior technician shall not provide behavioral therapy except under the supervision of:

(a) A licensed psychologist;

(b) A licensed behavior analyst; or

(c) A licensed assistant behavior analyst.

Sec. 45. NRS 437.510 is hereby amended to read as follows:

437.510 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 NRS 437.060 and 437.065, 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 NRS 437.060, 437.065 and 437.070, 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. 46. 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 outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

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

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

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, 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 governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

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

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

8. As used in this section:

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

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(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 ~~H~~ or registered behavior technician. ~~for 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.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are



1 necessary to develop, maintain and restore, to the maximum extent
2 practicable, the functioning of a person.

3 (f) "Licensed assistant behavior analyst" means a person who
4 holds current certification as a Board Certified Assistant Behavior
5 Analyst issued by the Behavior Analyst Certification Board, Inc., or
6 any successor in interest to that organization, who is licensed as an
7 assistant behavior analyst by the Aging and Disability Services
8 Division of the Department of Health and Human Services and who
9 provides behavioral therapy under the supervision of a licensed
10 behavior analyst or psychologist.

11 (g) "Licensed behavior analyst" means a person who holds
12 current certification as a Board Certified Behavior Analyst issued by
13 the Behavior Analyst Certification Board, Inc., or any successor in
14 interest to that organization and is licensed as a behavior analyst by
15 the Aging and Disability Services Division of the Department of
16 Health and Human Services.

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

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

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

26 (k) "Registered behavior technician" has the meaning ascribed
27 to it in NRS 437.050.

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

31 (m) ~~["State-certified behavior interventionist" has the meaning~~
32 ~~ascribed to it in NRS 437.055.~~

33 ~~—(n)]~~ "Therapeutic care" means services provided by licensed or
34 certified speech-language pathologists, occupational therapists and
35 physical therapists.

36 ~~[(o)]~~ (n) "Treatment plan" means a plan to treat an autism
37 spectrum disorder that is prescribed by a licensed physician or
38 licensed psychologist and may be developed pursuant to a
39 comprehensive evaluation in coordination with a licensed behavior
40 analyst.

41 **Sec. 47.** NRS 427A.040 is hereby amended to read as follows:
42 427A.040 1. The Division shall, consistent with the priorities
43 established by the Commission pursuant to NRS 427A.038:

44 (a) Serve as a clearinghouse for information related to problems
45 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



1 agencies in this State for persons with disabilities pursuant to this
2 subsection, the Division shall:

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

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

11 (3) Assist local governmental agencies in this State to locate
12 sources of funding from the Federal Government and other private
13 and public sources to establish or enhance services or programs for
14 persons with disabilities.

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

17 (1) The program established pursuant to NRS 427A.791,
18 427A.793 and 427A.795 to provide services for persons with
19 physical disabilities;

20 (2) The programs established pursuant to NRS 427A.800,
21 427A.850 and 427A.860 to provide services to persons with
22 traumatic brain injuries;

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

26 (4) Any state program for independent living established
27 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
28 Division of the Department of Employment, Training and
29 Rehabilitation acting as the designated state unit, as that term is
30 defined in 34 C.F.R. § ~~364.4;~~ 385.4; and

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

33 (f) Provide information to persons with disabilities on matters
34 relating to the availability of housing for persons with disabilities
35 and identify sources of funding for new housing opportunities for
36 persons with disabilities.

37 (g) Before establishing policies or making decisions that will
38 affect the lives of persons with disabilities, consult with persons
39 with disabilities and members of the public in this State through the
40 use of surveys, focus groups, hearings or councils of persons with
41 disabilities to receive:

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



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

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

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

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

(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~~ :

(a) *Administer* the provisions of chapters 435 ~~[-437]~~ and 656A of NRS ~~[-]~~ ; and

(b) *Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.*

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. 48. 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;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;



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

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

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

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

8. A person who is licensed as a behavior analyst or an assistant behavior analyst ~~[, certified as a state-certified behavior interventionist]~~ or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; or

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

Sec. 49. NRS 689A.0435 is hereby amended to read as follows:

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

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

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

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

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

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

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



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

4. Except as 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 a school for services delivered through school services.

7. As used in this section:

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

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

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

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are



1 necessary to develop, maintain and restore, to the maximum extent
2 practicable, the functioning of a person.

3 (f) "Licensed assistant behavior analyst" means a person who
4 holds current certification as a Board Certified Assistant Behavior
5 Analyst issued by the Behavior Analyst Certification Board, Inc., or
6 any successor in interest to that organization, who is licensed as an
7 assistant behavior analyst by the Aging and Disability Services
8 Division of the Department of Health and Human Services and who
9 provides behavioral therapy under the supervision of a licensed
10 behavior analyst or psychologist.

11 (g) "Licensed behavior analyst" means a person who holds
12 current certification as a Board Certified Behavior Analyst issued by
13 the Behavior Analyst Certification Board, Inc., or any successor in
14 interest to that organization, and is licensed as a behavior analyst by
15 the Aging and Disability Services Division of the Department of
16 Health and Human Services.

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

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

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

26 (k) "Registered behavior technician" has the meaning ascribed
27 to it in NRS 437.050.

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

31 (m) ~~["State-certified behavior interventionist" has the meaning~~
32 ~~ascribed to it in NRS 437.055.~~

33 ~~—(n)]~~ "Therapeutic care" means services provided by licensed or
34 certified speech-language pathologists, occupational therapists and
35 physical therapists.

36 ~~[(o)]~~ (n) "Treatment plan" means a plan to treat an autism
37 spectrum disorder that is prescribed by a licensed physician or
38 licensed psychologist and may be developed pursuant to a
39 comprehensive evaluation in coordination with a licensed behavior
40 analyst.

41 **Sec. 50.** NRS 689B.0335 is hereby amended to read as
42 follows:

43 689B.0335 1. A health benefit plan must provide coverage
44 for screening for and diagnosis of autism spectrum disorders and for
45 treatment of autism spectrum disorders to persons covered by the



1 policy of group health insurance under the age of 18 years or, if
2 enrolled in high school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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

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

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

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

37 6. A policy subject to the provisions of this chapter that is
38 delivered, issued for delivery or renewed on or after January 1,
39 2011, has the legal effect of including the coverage required by
40 subsection 1, and any provision of the policy or the renewal which is
41 in conflict with subsection 1 or 2 is void.

42 7. Nothing in this section shall be construed as requiring an
43 insurer to provide reimbursement to a school for services delivered
44 through school services.

45 8. As used in this section:



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

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

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

(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.

(f) "Licensed 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, who is licensed as an assistant behavior analyst by the 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.

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



(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 NRS 437.050.

(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 NRS 437.055.~~

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

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

Sec. 51. 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 a school for services delivered through school services.

8. As used in this section:

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

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(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 ~~H~~ or registered behavior technician. ~~for 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.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are



1 necessary to develop, maintain and restore, to the maximum extent
2 practicable, the functioning of a person.

3 (f) "Licensed assistant behavior analyst" means a person who
4 holds current certification as a Board Certified Assistant Behavior
5 Analyst issued by the Behavior Analyst Certification Board, Inc., or
6 any successor in interest to that organization, who is licensed as an
7 assistant behavior analyst by the Aging and Disability Services
8 Division of the Department of Health and Human Services and who
9 provides behavioral therapy under the supervision of a licensed
10 behavior analyst or psychologist.

11 (g) "Licensed behavior analyst" means a person who holds
12 current certification as a Board Certified Behavior Analyst issued by
13 the Behavior Analyst Certification Board, Inc., or any successor in
14 interest to that organization and is licensed as a behavior analyst by
15 the Aging and Disability Services Division of the Department of
16 Health and Human Services.

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

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

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

26 (k) "Registered behavior technician" has the meaning ascribed
27 to it in NRS 437.050.

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

31 (m) ~~["State-certified behavior interventionist" has the meaning~~
32 ~~ascribed to it in NRS 437.055.~~

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

36 ~~[(o)]~~ (n) "Treatment plan" means a plan to treat an autism
37 spectrum disorder that is prescribed by a licensed physician or
38 licensed psychologist and may be developed pursuant to a
39 comprehensive evaluation in coordination with a licensed behavior
40 analyst.

41 **Sec. 52.** NRS 695C.1717 is hereby amended to read as
42 follows:

43 695C.1717 1. A health care plan issued by a health
44 maintenance organization must provide coverage for screening for
45 and diagnosis of autism spectrum disorders and for treatment of



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

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

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

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

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

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

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

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

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

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

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

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

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

42 7. Nothing in this section shall be construed as requiring a
43 health maintenance organization to provide reimbursement to a
44 school for services delivered through school services.

45 8. As used in this section:



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

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

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

(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.

(f) "Licensed 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, who is licensed as an assistant behavior analyst by the 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.

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



(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 NRS 437.050.

(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 NRS 437.055.~~

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

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

Sec. 53. 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 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 a school for services delivered through 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 spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(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 ~~H~~ or registered behavior 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.

(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.

(f) “Licensed 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, who is licensed as an assistant behavior analyst by the 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.

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

(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 NRS 437.050.

(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 NRS 437.055.~~

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

~~[(o)]~~ (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a



comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 54. Notwithstanding the amendatory provisions of this act:

1. A state certified behavior interventionist who is certified by the Aging and Disability Services Division of the Department of Health and Human Services before July 1, 2019, shall be deemed to be registered as a registered behavior technician by the Board of Applied Behavior Analysis until January 1, 2020.

2. Any disciplinary or other administrative action taken against a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by the Aging and Disability Services Division of the Department of Health and Human Services before July 1, 2019, remains in effect as if the action had been taken by the Board of Applied Behavior Analysis.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician that is valid on July 1, 2019, and that was issued by the Aging and Disability Services Division of the Department of Health and Human Services:

(a) Shall be deemed to be issued by the Board of Applied Behavior Analysis; 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 July 1, 2019.

Sec. 55. Notwithstanding the amendatory provisions of section 16 of this act transferring authority to adopt regulations prescribing fees for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis, any regulations adopted by the Board of Psychological Examiners pursuant to NRS 641.100 and 641.228, before July 1, 2019, that prescribe fees for the issuance or renewal of the license of a behavior analyst or assistant behavior analyst 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.

Sec. 56. NRS 437.055 is hereby repealed.

Sec. 57. This act becomes effective on July 1, 2019.



TEXT OF REPEALED SECTION

437.055 “State certified behavior interventionist” defined.
“State certified behavior interventionist” means a person who is certified as such by the Division and provides behavioral therapy under the supervision of:

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

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