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FIRST REPRINT

S.B. 258

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; authorizing the Board to delegate certain such responsibilities to the Division; requiring the Division to obtain the approval of the Board to conduct an investigation and perform certain related tasks; requiring continuing education for behavior analysts and assistant behavior analysts to meet nationally recognized standards; 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



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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, 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 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, disburse money and hold disciplinary hearings. **Section 14** of this bill authorizes the Board to delegate those responsibilities to the Division except for making the final determination concerning the suspension or revocation of a license or the imposition of other disciplinary action. **Sections 2, 3 and 8** of this bill make conforming changes. **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 a behavior analyst or assistant behavior analyst to complete continuing education prescribed by the Board. (NRS 437.225) **Section 23** of this bill requires the continuing education prescribed by the Board to be consistent with nationally recognized standards for such continuing education.

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 certain 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.]~~ *pursuant to this chapter.*

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.]~~ *pursuant to this chapter.*

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

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

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

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

437.050 "Registered behavior technician" means a person who ~~is~~:

1. *Is certified as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization;*

2. *Is* registered as such ~~[by the Division]~~ *pursuant to this chapter;* and ~~[provides]~~

3. *Provides* behavioral therapy under the supervision of:

~~[1.]~~ (a) A licensed psychologist;

~~[2.]~~ (b) A licensed behavior analyst; or

~~[3.]~~ (c) A licensed assistant behavior analyst.

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

437.060 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 psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

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



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

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

8. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed 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;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior 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]~~ *pursuant to this chapter* 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.]~~ *pursuant to this chapter.*



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]~~ *pursuant to this chapter* 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.]~~ *pursuant to this chapter.*

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]~~ *Except as otherwise provided in subsection 2, the 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.]~~



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

3 ~~[5.—Collect all fees and make disbursements pursuant to this~~
4 ~~chapter.]~~

5 2. *Except as otherwise provided in this subsection, the Board*
6 *may delegate to the Division, in whole or in part, any duty*
7 *prescribed by subsection 1. The Board must make the final*
8 *determination concerning the suspension or revocation of a*
9 *license or registration or the imposition of any other disciplinary*
10 *action.*

11 3. *The Division shall:*

12 (a) *Collect applications and fees and make disbursements*
13 *pursuant to this chapter;*

14 (b) *With the approval of the Board, conduct investigations of*
15 *licensees and registrants; and*

16 (c) *Perform any duty delegated by the Board pursuant to*
17 *subsection 2.*

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

19 437.135 In a manner consistent with the provisions of chapter
20 622A of NRS ~~[.]~~ *and with the approval of the Board*, the Division
21 may hold hearings and conduct investigations related to its duties
22 under this chapter and take evidence on any matter under inquiry
23 before it.

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

25 437.140 1. The ~~[Division]~~ *Board* shall prescribe, by
26 regulation, fees for the issuance, renewal and reinstatement of a
27 license ~~[,—certificate]~~ or registration and any other services provided
28 by the Division pursuant to this chapter. The ~~[Division]~~ *Board* shall
29 ensure, to the extent practicable, that the amount of such fees is
30 sufficient to pay the costs incurred by the Board and the Division
31 under the provisions of this chapter, including, without limitation,
32 the compensation of the Board prescribed by NRS 437.105, and
33 does not exceed the amount necessary to pay those costs.

34 2. Money received from the licensure of behavior analysts and
35 assistant behavior analysts ~~[,—certification of state-certified behavior~~
36 ~~interventionists]~~ and registration of registered behavior technicians,
37 civil penalties collected pursuant to this chapter and any
38 appropriation, gift, grant or donation received by the Board or the
39 Division for purposes relating to the duties of the Board or the
40 Division under the provisions of this chapter must be deposited in a
41 separate account in the State General Fund. The account must be
42 administered by the Division. Money in the account must be
43 expended solely for the purposes of this chapter and does not revert
44 to the State General Fund. The compensation provided for by this



chapter and all expenses incurred under this chapter must be paid from the money in the account.

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

437.145 1. The Division shall make and keep:

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

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

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

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

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

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

5. The charging documents filed with the Division to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Division *and the Board* when determining whether to impose discipline are public 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 to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

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

3. *An applicant for registration as a registered behavior technician is not required to comply with paragraph (b) of subsection 1 if he or she submits to the Division verification from a supervising psychologist, behavior analyst or assistant behavior analyst that:*

(a) Within 6 months immediately preceding the date on which the application was submitted, the Behavior Analyst Certification Board, Inc., or its successor organization, determined the applicant to be eligible for registration as a registered behavior technician; and

(b) It is the policy of the Behavior Analyst Certification Board, Inc., or its successor organization, to conduct an investigation into the criminal background of an applicant for registration as a



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registered behavior technician or an equivalent credential that includes the submission of fingerprints to the Federal Bureau of Investigation.

4. An application is not considered complete and received for purposes of evaluation pursuant to subsection ~~[5]~~ 4 of NRS 437.205 until the Division receives ~~[a]~~ :

(a) A complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section ~~[1]~~ ;
or

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

Sec. 19. NRS 437.205 is hereby amended to read as follows:
437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the ~~[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 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the ~~[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. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after ~~{receiving}~~ *the Division receives* 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-}~~ 5. 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 corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

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 any state or territory in which the applicant currently holds or has held 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. Not later than 15 business days after ~~receiving~~ *the Division receives* an application for a license by endorsement as a behavior analyst 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 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.

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. Not later than 15 business days after ~~receiving~~ *the Division receives* an application for a license by endorsement as a behavior analyst 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. 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. 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 ~~[off]~~ :

(1) *Of* completion of the requirements for continuing education as set forth in regulations adopted by the ~~Division,~~ *Board*, if applicable; and

(2) *That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; 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.]~~ :

(a) *Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable; and*

(b) *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.~~

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

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

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

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

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

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

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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



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

437.335 1. The license of any behavior analyst or assistant behavior analyst ~~[-, the certificate of a state certified behavior interventionist]~~ or the registration of a registered behavior technician who fails to pay the biennial fee for the renewal of a license ~~[-, certificate]~~ or registration within 60 days after the date it is due is automatically suspended. The ~~[Division]~~ **Board** may, within 2 years after the date the license ~~[-, certificate]~~ or registration is so suspended, reinstate the license ~~[-, certificate]~~ or registration upon payment to the Division of the amount of the then current biennial fee for the renewal of a license ~~[-, certificate]~~ or registration and the amount of the fee for the restoration of a license ~~[-, certificate]~~ or registration so suspended. If the license ~~[-, certificate]~~ or registration is not reinstated within 2 years, the ~~[Division]~~ **Board** may reinstate the license ~~[-, certificate]~~ or registration only if it also determines that the holder of the license ~~[-, certificate]~~ or registration is competent to practice as a behavior analyst, assistant behavior analyst ~~[-, state certified behavior interventionist]~~ or registered behavior technician, as applicable.

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

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

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

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

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

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

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

(e) Except as otherwise provided in NRS 437.060 and 437.070, aided or abetted practice as a behavior analyst, assistant behavior analyst ~~[-, state certified behavior interventionist]~~ or registered behavior technician by a person who is not licensed ~~[-, certified]~~ or



1 registered, as applicable, ~~[by the Division.]~~ *pursuant to this*
2 *chapter.*

3 (f) Made any fraudulent or untrue statement to the Division ~~[~~
4 *or the Board.*

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **Sec. 27.** NRS 437.405 is hereby amended to read as follows:

38 437.405 The Board shall adopt regulations that establish
39 grounds for disciplinary action for a licensed behavior analyst,
40 licensed assistant behavior analyst ~~[, state-certified behavior~~
41 ~~interventionist]~~ or registered behavior technician in addition to those
42 prescribed by NRS 437.400.

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

44 437.410 1. If the Division or a hearing officer appointed by
45 the Division finds a person guilty in a disciplinary proceeding, the



1 Division *shall transmit notice of that finding to the Board. Upon*
2 *receiving such notice, the Board* may:

- 3 (a) Administer a public reprimand.
4 (b) Limit the person's practice.
5 (c) Suspend the person's license ~~[-certificate]~~ or registration for
6 a period of not more than 1 year.
7 (d) Revoke the person's license ~~[-certificate]~~ or registration.
8 (e) Impose a fine of not more than \$5,000.
9 (f) Revoke or suspend the person's license ~~[-certificate]~~ or
10 registration and impose a monetary penalty.
11 (g) Suspend the enforcement of any penalty by placing the
12 person on probation. The ~~[-Division]~~ *Board* may revoke the
13 probation if the person does not follow any conditions imposed.
14 (h) Require the person to submit to the supervision of or
15 counseling or treatment by a person designated by the ~~[-Division.]~~
16 *Board*. The person named in the complaint is responsible for any
17 expense incurred.

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

20 (j) Require the person to pay for the costs of remediation or
21 restitution.

22 2. The ~~[-Division]~~ *Board* shall not administer a private
23 reprimand.

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

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

27 437.415 1. If the Division receives a copy of a court order
28 issued pursuant to NRS 425.540 that provides for the suspension of
29 all professional, occupational and recreational licenses ~~[-~~
30 ~~certificates]~~ and permits issued to a person who is the holder of a
31 license ~~[-certificate]~~ or registration issued pursuant to this chapter,
32 the Division *shall transmit the copy to the Board. The Board* shall
33 deem the license ~~[-certificate]~~ or registration issued to that person to
34 be suspended at the end of the 30th day after the date on which the
35 court order was issued unless the Division receives *and transmits to*
36 *the Board* a letter issued to the holder of the license ~~[-certificate]~~ or
37 registration by the district attorney or other public agency pursuant
38 to NRS 425.550 stating that the holder of the license ~~[-certificate]~~ or
39 registration has complied with the subpoena or warrant or has
40 satisfied the arrearage pursuant to NRS 425.560.

41 2. The ~~[-Division]~~ *Board* shall reinstate a license ~~[-certificate]~~
42 or registration issued pursuant to this chapter that has been
43 suspended by a district court pursuant to NRS 425.540 if the
44 Division receives *and transmits to the Board* a letter issued by the
45 district attorney or other public agency pursuant to NRS 425.550 to



1 the person whose license ~~[, certificate]~~ or registration was suspended
2 stating that the person whose license ~~[, certificate]~~ or registration
3 was suspended has complied with the subpoena or warrant or has
4 satisfied the arrearage pursuant to NRS 425.560.

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

6 437.425 1. The Division or a hearing officer may , *with the*
7 *approval of the Board*, issue subpoenas to compel the attendance of
8 witnesses and the production of books, papers, documents, the
9 records of patients and any other article related to the practice of
10 applied behavior analysis.

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

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

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

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

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

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

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

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

38 437.430 1. The Division, *the Board or* any review panel of a
39 hospital or an association of behavior analysts, assistant behavior
40 analysts ~~[, state-certified behavior interventionists]~~ or registered
41 behavior technicians which becomes aware that any one or a
42 combination of the grounds for initiating disciplinary action may
43 exist as to a person practicing applied behavior analysis in this State
44 shall, and any other person who is so aware may, file a written
45 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]~~; 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 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



1 registered behavior technician to submit to an examination of his or
2 her competency to practice applied behavior analysis, the
3 examination must be conducted and the results obtained within 60
4 days after the ~~[Division or hearing officer]~~ **Board** issues the order.

5 **Sec. 37.** NRS 437.465 is hereby amended to read as follows:

6 437.465 Notwithstanding the provisions of chapter 622A of
7 NRS, in any disciplinary proceeding before the Division or a
8 hearing officer conducted under the provisions of this chapter:

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

12 2. A certified copy of the record of a court or a licensing
13 agency showing a conviction or the suspension or revocation of a
14 license as a behavior analyst or assistant behavior analyst ~~[-~~
15 ~~certificate as a state certified behavior interventionist]~~ or registration
16 as a registered behavior technician is conclusive evidence of its
17 occurrence.

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

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

22 437.470 1. Any person who has been placed on probation or
23 whose license ~~[-, certificate]~~ or registration has been limited,
24 suspended or revoked pursuant to this chapter is entitled to judicial
25 review of the order.

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

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

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

35 437.475 **1.** Notwithstanding the provisions of chapter 622A
36 of NRS:

37 ~~[H-]~~ **(a)** Pending disciplinary proceedings before the Division or
38 a hearing officer, the court may, upon application by the Division or
39 the Attorney General, issue a temporary restraining order or a
40 preliminary injunction to enjoin any unprofessional conduct of a
41 behavior analyst, an assistant behavior analyst ~~[-, a state certified~~
42 ~~behavior interventionist]~~ or a registered behavior technician which
43 is harmful to the public, to limit the practice of the behavior analyst,
44 assistant behavior analyst ~~[-, state certified behavior interventionist]~~
45 or registered behavior technician or to suspend the license to



1 practice as a behavior analyst or assistant behavior analyst ~~[-~~
2 ~~certificate to practice as a state-certified behavior interventionist]~~ or
3 registration to practice as a registered behavior technician without
4 proof of actual damage sustained by any person, this provision being
5 a preventive as well as a punitive measure.

6 ~~[2-]~~ (b) The disciplinary proceedings before the Division or a
7 hearing officer must be instituted and determined as promptly as the
8 requirements for investigation of the case reasonably allow.

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

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

12 437.480 1. The Division, **with the approval of the Board,** or
13 the Attorney General may maintain in any court of competent
14 jurisdiction a suit for an injunction against any person practicing in
15 violation of NRS 437.510 or as a behavior analyst, assistant
16 behavior analyst ~~[-, state-certified behavior interventionist]~~ or
17 registered behavior technician without the proper license ~~[-~~
18 ~~certificate]~~ or registration. ~~[-from the Division.]~~

19 2. Such an injunction:

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

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

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

26 437.485 In addition to any other immunity provided by the
27 provisions of chapter 622A of NRS, the Division, a review panel of
28 a hospital, an association of behavior analysts, assistant behavior
29 analysts ~~[-, state-certified behavior interventionists]~~ or registered
30 behavior technicians, or any other person who or organization which
31 initiates a complaint or assists in any lawful investigation or
32 proceeding concerning the licensure of a behavior analyst or
33 assistant behavior analyst ~~[-, certification of a state-certified behavior~~
34 ~~interventionist]~~ or registration of a registered behavior technician or
35 the discipline of a behavior analyst, an assistant behavior analyst ~~[-, a~~
36 ~~state-certified behavior interventionist]~~ or a registered behavior
37 technician for gross malpractice, repeated malpractice, professional
38 incompetence or unprofessional conduct is immune from any civil
39 action for that initiation or assistance or any consequential damages,
40 if the person or organization acted without malicious intent.

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

42 437.490 1. Any person:

43 (a) Whose practice of applied behavior analysis has been
44 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



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

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

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

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

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

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

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

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

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

40 8. As used in this section:

41 (a) "Applied behavior analysis" means the design,
42 implementation and evaluation of environmental modifications
43 using behavioral stimuli and consequences to produce socially
44 significant improvement in human behavior, including, without
45 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~~ *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 all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) ~~["State-certified behavior interventionist" has the meaning ascribed to it in 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. 47. NRS 427A.040 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

2. The Division shall:

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service 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



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

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

6 (c) "Behavioral therapy" means any interactive therapy derived
7 from evidence-based research, including, without limitation, discrete
8 trial training, early intensive behavioral intervention, intensive
9 intervention programs, pivotal response training and verbal behavior
10 provided by a licensed psychologist, licensed behavior analyst,
11 licensed assistant behavior analyst ~~or~~ **or** registered behavior
12 technician. ~~[or state-certified behavior interventionist.]~~

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

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

21 (f) "Licensed assistant behavior analyst" means a person who
22 holds current certification as a Board Certified Assistant Behavior
23 Analyst issued by the Behavior Analyst Certification Board, Inc., or
24 any successor in interest to that organization, who is licensed as an
25 assistant behavior analyst by the Aging and Disability Services
26 Division of the Department of Health and Human Services and who
27 provides behavioral therapy under the supervision of a licensed
28 behavior analyst or psychologist.

29 (g) "Licensed behavior analyst" means a person who holds
30 current certification as a Board Certified Behavior Analyst issued by
31 the Behavior Analyst Certification Board, Inc., or any successor in
32 interest to that organization, and is licensed as a behavior analyst by
33 the Aging and Disability Services Division of the Department of
34 Health and Human Services.

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

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

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

44 (k) "Registered behavior technician" has the meaning ascribed
45 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. 50. NRS 689B.0335 is hereby amended to read as follows:

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

2. Coverage provided under this section is subject to:

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

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

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

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

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

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to 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



1 rehabilitative care, prescription care, psychiatric care, psychological
2 care, behavioral therapy or therapeutic care that is:

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

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

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

11 6. A policy subject to the provisions of this chapter that is
12 delivered, issued for delivery or renewed on or after January 1,
13 2011, has the legal effect of including the coverage required by
14 subsection 1, and any provision of the policy or the renewal which is
15 in conflict with subsection 1 or 2 is void.

16 7. Nothing in this section shall be construed as requiring an
17 insurer to provide reimbursement to a school for services delivered
18 through school services.

19 8. As used in this section:

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

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

29 (c) "Behavioral therapy" means any interactive therapy derived
30 from evidence-based research, including, without limitation, discrete
31 trial training, early intensive behavioral intervention, intensive
32 intervention programs, pivotal response training and verbal behavior
33 provided by a licensed psychologist, licensed behavior analyst,
34 licensed assistant behavior analyst ~~or~~ **or** registered behavior
35 technician. ~~[or state-certified behavior interventionist.]~~

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

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

44 (f) "Licensed assistant behavior analyst" means a person who
45 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



1 significant improvement in human behavior, including, without
2 limitation, the use of direct observation, measurement and
3 functional analysis of the relations between environment and
4 behavior.

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

7 (c) "Behavioral therapy" means any interactive therapy derived
8 from evidence-based research, including, without limitation, discrete
9 trial training, early intensive behavioral intervention, intensive
10 intervention programs, pivotal response training and verbal behavior
11 provided by a licensed psychologist, licensed behavior analyst,
12 licensed assistant behavior analyst ~~[.]~~ or registered behavior
13 technician. ~~[for state-certified behavior interventionist.]~~

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

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

22 (f) "Licensed assistant behavior analyst" means a person who
23 holds current certification as a Board Certified Assistant Behavior
24 Analyst issued by the Behavior Analyst Certification Board, Inc., or
25 any successor in interest to that organization, who is licensed as an
26 assistant behavior analyst by the Aging and Disability Services
27 Division of the Department of Health and Human Services and who
28 provides behavioral therapy under the supervision of a licensed
29 behavior analyst or psychologist.

30 (g) "Licensed behavior analyst" means a person who holds
31 current certification as a Board Certified Behavior Analyst issued by
32 the Behavior Analyst Certification Board, Inc., or any successor in
33 interest to that organization and is licensed as a behavior analyst by
34 the Aging and Disability Services Division of the Department of
35 Health and Human Services.

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

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

42 (j) "Psychological care" means direct or consultative services
43 provided by a psychologist licensed in the state in which the
44 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. 52. NRS 695C.1717 is hereby amended to read as follows:

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

2. Coverage provided under this section is subject to:

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

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

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

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

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

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

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or



rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

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

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

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

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

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to 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 ~~or~~ **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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

