

SENATE BILL NO. 217—SENATOR SEEVERS GANSERT

MARCH 11, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions related to applied behavior analysis. (BDR 54-533)

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

~

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

AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the membership of the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for the licensure and regulation of behavior analysts and
- 2 assistant behavior analysts and the registration and regulation of behavior
- 3 technicians. (Chapter 437 of NRS) Existing law requires the Board of Applied



* S B 2 1 7 *

Behavior Analysis to regulate the practice of applied behavior analysis and authorizes the Board to: (1) examine the qualifications of applicants for licensure or registration and license or register qualified applicants; and (2) revoke or suspend licenses and registrations. Existing law authorizes the Board to delegate certain duties to the Aging and Disability Services Division of the Department of Health and Human Services and requires the Division to collect applications and fees and conduct investigations of licensees and registrants. (NRS 437.130) **Sections 41, 54-56, 58, 59, 61, 63-77, 79-82 and 84** of this bill transfer the responsibilities of the Division concerning the regulation of behavior analysts, assistant behavior analysts and registered behavior technicians to the Board. **Section 45** of this bill authorizes the Board to contract with any appropriate public or private agency, organization or institution to carry out the duties of the Board. **Sections 31, 36, 57, 60, 78, 88-94 and 100** of this bill make various changes to reflect the transfer of duties from the Division to the Board.

Existing law establishes certain requirements governing the operation of licensing boards and the adjudication of contested cases before licensing boards. (Chapters 622 and 622A of NRS) Existing law additionally defines "provider of health care," for the purposes of provisions relating to the healing arts, as a person who practices in a health-related profession listed within the definition. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 12** of this bill includes behavior analysts, assistant behavior analysts and registered behavior technicians within the definition of "provider of health care," which has the effect of making those provisions applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. **Sections 1-23, 27-30, 32, 33, 37-40, 85-87 and 95** of this bill make various changes to: (1) require the Board to operate and adjudicate contested cases in the same manner as other licensing boards; and (2) subject behavior analysts, assistant behavior analysts and registered behavior technicians to similar requirements as those that apply to other providers of health care.

Existing law prescribes the membership of the Board, which is composed of: (1) four members who are behavior analysts; and (2) one member who is a representative of the general public. (NRS 437.100) **Section 53** of this bill replaces one member of the Board who is a behavior analyst with one member who is an assistant behavior analyst. **Section 44** of this bill requires each new member of the Board to complete orientation. **Section 48** of this bill revises the activities that constitute the practice of applied behavior analysis. **Sections 49, 52 and 83** of this bill revise provisions governing the supervision of assistant behavior analysts and registered behavior technicians. **Section 52** also requires a behavior analyst, assistant behavior analyst or registered behavior technician to comply with certain requirements concerning ethics.

Existing law requires: (1) an applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst to be certified as such by the Behavior Analyst Certification Board, Inc.; and (2) an applicant for the issuance or renewal of registration as a registered behavior technician to be registered as such by the Behavior Analyst Certification Board, Inc. (NRS 437.205, 437.225) **Sections 47, 49, 59 and 62** of this bill revise the certifications and registrations required for the issuance or renewal of such a license or registration. **Sections 63 and 64** of this bill: (1) authorize the Board to deny licensure by endorsement as a behavior analyst or assistant behavior analyst to an applicant who has been disciplined by the Behavior Analyst Certification Board, Inc.; and (2) extend the deadline by which the Board must notify an applicant for licensure by endorsement of any additional information required by the Board to consider the application. **Section 67** of this bill authorizes the Board to impose disciplinary action against a licensee or



registrant who has been disciplined by the Behavior Analyst Certification Board, Inc.

Existing law exempts certain persons, including certain persons who provide applied behavior analysis services at a school, from provisions governing the practice of applied behavior analysis. (NRS 437.060) **Section 50** of this bill revises the list of exempted persons to exempt from those provisions: (1) a school employee who provides services to a pupil consistent with the duties of his or her position; and (2) the guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst.

Under existing law, a behavior analyst, assistant behavior analyst or registered behavior technician may be required to take an oral or written examination to determine his or her competence to practice applied behavior analysis if there is a reasonable question as to his or her competence. (NRS 437.450) **Section 76** of this bill authorizes the Board to require a behavior analyst, assistant behavior analyst or registered behavior technician to undergo certain other examinations, including mental and physical examinations, as necessary to determine competence.

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

Section 1. NRS 622.060 is hereby amended to read as follows:
622.060 “Regulatory body” means:

1. Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title **or chapter 437 of NRS**; and

2. Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title **or chapter 437 of NRS**.

Sec. 2. NRS 622.080 is hereby amended to read as follows:

622.080 In regulating an occupation or profession pursuant to this title **or chapter 437 of NRS**, each regulatory body shall carry out and enforce the provisions of this title **or chapter 437 of NRS, as applicable**, for the protection and benefit of the public.

Sec. 3. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title **or chapter 437 of NRS**, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.



3. Notwithstanding the provisions of NRS **437.210**, 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 4. NRS 622.310 is hereby amended to read as follows:

622.310 1. If any provision of this title **or chapter 437 of NRS** requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply:

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, “licensing board” has the meaning ascribed to it in NRS 644A.880.

Sec. 5. NRS 622.330 is hereby amended to read as follows:

622.330 1. Except as otherwise provided in this section, a regulatory body may not enter into a consent or settlement agreement with a person who has allegedly committed a violation of



any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body, unless the regulatory body discusses and approves the terms of the agreement in a public meeting.

2. A regulatory body that consists of one natural person may enter into a consent or settlement agreement without complying with the provisions of subsection 1 if:

(a) The regulatory body posts notice in accordance with the requirements for notice for a meeting held pursuant to chapter 241 of NRS and the notice states that:

(1) The regulatory body intends to resolve the alleged violation by entering into a consent or settlement agreement with the person who allegedly committed the violation; and

(2) For the limited time set forth in the notice, any person may request that the regulatory body conduct a public meeting to discuss the terms of the consent or settlement agreement by submitting a written request for such a meeting to the regulatory body within the time prescribed in the notice; and

(b) At the expiration of the time prescribed in the notice, the regulatory body has not received any requests for a public meeting regarding the consent or settlement agreement.

3. If a regulatory body enters into a consent or settlement agreement that is subject to the provisions of this section, the agreement is a public record.

4. The provisions of this section do not apply to a consent or settlement agreement between a regulatory body and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

Sec. 6. NRS 622.350 is hereby amended to read as follows:

622.350 1. A regulatory body shall not hold a meeting at a location that is outside this State if:

(a) The meeting is subject to the provisions of chapter 241 of NRS; and

(b) During the meeting or any portion of the meeting, the regulatory body conducts any business relating to this title *or chapter 437 of NRS*.

2. The provisions of subsection 1 do not prohibit a member of a regulatory body from attending an educational seminar, retreat for professional development or similar activity that is conducted outside this State.

Sec. 7. NRS 622.360 is hereby amended to read as follows:

622.360 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title *or chapter 437 of NRS*, the regulatory body may require the licensee to submit



1 to the regulatory body a complete set of his or her fingerprints and
2 written permission authorizing the regulatory body to forward the
3 fingerprints to the Central Repository for Nevada Records of
4 Criminal History for submission to the Federal Bureau of
5 Investigation for its report.

6 2. The willful failure of the licensee to comply with the
7 requirements of subsection 1 constitutes an additional ground for the
8 regulatory body to take disciplinary action against the licensee,
9 including, without limitation, suspending or revoking the license of
10 the licensee.

11 3. A regulatory body has an additional ground for taking
12 disciplinary action against the licensee if:

13 (a) The report from the Federal Bureau of Investigation indicates
14 that the licensee has been convicted of an unlawful act that is a
15 ground for taking disciplinary action against the licensee pursuant to
16 this title ~~§~~ *or chapter 437 of NRS*; and

17 (b) The regulatory body has not taken any prior disciplinary
18 action against the licensee based on that unlawful act.

19 4. To the extent possible, the provisions of this section are
20 intended to supplement other statutory provisions governing
21 disciplinary proceedings. If there is a conflict between such other
22 provisions and the provisions of this section, the other provisions
23 control to the extent that the other provisions provide more specific
24 requirements regarding the discipline of a licensee.

25 **Sec. 8.** NRS 622.400 is hereby amended to read as follows:

26 622.400 1. Except as otherwise provided in this section, a
27 regulatory body may recover from a person reasonable attorney's
28 fees and costs that are incurred by the regulatory body as part of its
29 investigative, administrative and disciplinary proceedings against
30 the person if the regulatory body:

31 (a) Enters a final order in which it finds that the person has
32 violated any provision of this title *or chapter 437 of NRS* which the
33 regulatory body has the authority to enforce, any regulation adopted
34 pursuant thereto or any order of the regulatory body; or

35 (b) Enters into a consent or settlement agreement in which the
36 regulatory body finds or the person admits or does not contest that
37 the person has violated any provision of this title *or chapter 437 of*
38 *NRS* which the regulatory body has the authority to enforce, any
39 regulation adopted pursuant thereto or any order of the regulatory
40 body.

41 2. A regulatory body may not recover any attorney's fees and
42 costs pursuant to subsection 1 from a person who was subject to an
43 investigative, administrative or disciplinary proceeding of the
44 regulatory body unless the regulatory body submits an itemized
45 statement of the fees and costs to the person.



3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

(c) Fees for hearing officers and court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) Fees for necessary interpreters at any depositions or hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 9. NRS 622.410 is hereby amended to read as follows:

622.410 A court shall award to a regulatory body reasonable attorney's fees and reasonable costs specified in NRS 18.005 that are incurred by the regulatory body to bring or defend in any action if:

1. The action relates to the imposition or recovery of an administrative or civil remedy or penalty, the enforcement of any subpoena issued by the regulatory body or the enforcement of any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; and

2. The court determines that the regulatory body is the prevailing party in the action.

Sec. 10. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters *437*, 630, 630A, 632 to 641C, inclusive, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal



1 agreement are substantially similar to the corresponding provisions
2 of law in this State.

3 3. A reciprocal agreement entered into pursuant to subsection 1
4 must not authorize a person to practice his or her profession
5 concurrently in this State unless the person:

6 (a) Has an active license to practice his or her profession in
7 another state or territory of the United States.

8 (b) Has been in practice for at least the 5 years immediately
9 preceding the date on which the person submits an application for
10 the issuance of a license pursuant to a reciprocal agreement entered
11 into pursuant to subsection 1.

12 (c) Has not had his or her license suspended or revoked in any
13 state or territory of the United States.

14 (d) Has not been refused a license to practice in any state or
15 territory of the United States for any reason.

16 (e) Is not involved in and does not have pending any
17 disciplinary action concerning his or her license or practice in any
18 state or territory of the United States.

19 (f) Pays any applicable fees for the issuance of a license that are
20 otherwise required for a person to obtain a license in this State.

21 (g) Submits to the applicable regulatory body the statement
22 required by NRS 425.520.

23 4. If the regulatory body enters into a reciprocal agreement
24 pursuant to subsection 1, the regulatory body must prepare an
25 annual report before January 31 of each year outlining the progress
26 of the regulatory body as it relates to the reciprocal agreement and
27 submit the report to the Director of the Legislative Counsel Bureau
28 for transmittal to the next session of the Legislature in odd-
29 numbered years or to the Legislative Committee on Health Care in
30 even-numbered years.

31 **Sec. 11.** NRS 622A.090 is hereby amended to read as follows:

32 622A.090 1. “Regulatory body” means:

33 (a) Any state agency, board or commission which has the
34 authority to regulate an occupation or profession pursuant to this
35 title ~~§~~ *or chapter 437 of NRS; and*

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

39 ~~—(c) The Aging and Disability Services Division of the~~
40 ~~Department of Health and Human Services acting pursuant to~~ *or*
41 ~~chapter 437 of NRS.~~

42 2. The term does not include any regulatory body which is
43 exempted from the provisions of this chapter pursuant to NRS
44 622A.120, unless the regulatory body makes an election pursuant to
45 that section to follow the provisions of this chapter.



Sec. 12. NRS 629.031 is hereby amended to read as follows:
629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractor;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

~~(or)~~

(bb) *A behavior analyst, assistant behavior analyst or registered behavior technician; or*

(cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:



(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 13. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 437, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 14. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records created by the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who is not otherwise licensed pursuant to this title or chapter 437 of NRS and violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than



364 days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not more than \$5,000 for each violation as applied to a patient's entire health care record, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" does not include:

- (a) A facility for hospice care, as defined in NRS 449.0033;
- (b) A facility for intermediate care, as defined in NRS 449.0038;
- (c) A facility for skilled nursing, as defined in NRS 449.0039;
- (d) A hospital, as defined in NRS 449.012; or
- (e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 15. NRS 629.076 is hereby amended to read as follows:
629.076 1. Except as otherwise provided in subsection 3:

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility, wear a name tag which indicates his or her specific licensure or certification.

(d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty, and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or



osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

(e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

3. The provisions of this section do not apply to:

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) "Advertisement" means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.



(b) “Deceptive or misleading information” means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.

(c) “Health care facility” has the meaning ascribed to it in NRS 449.2414.

(d) “Health care professional” means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title ~~H~~ *or chapter 437 of NRS.*

(e) “Medical laboratory” has the meaning ascribed to it in NRS 652.060.

(f) “Osteopathic physician” has the meaning ascribed to it in NRS 633.091.

(g) “Physician” has the meaning ascribed to it in NRS 630.014.

Sec. 16. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and



(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) “Health care facility” means any facility licensed pursuant to chapter 449 of NRS.

(b) “Health care licensing board” means:

(1) A board created pursuant to chapter 437, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 17. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, “board” refers to a board created pursuant to chapter 437, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 18. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;



- (b) Sets a fracture of any bone of any person;
- (c) Prescribes or administers X-ray radiation to any person;
- (d) Prescribes or administers a prescription drug or device or a controlled substance to any person;
- (e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;
- (f) Makes a diagnosis of a medical disease of any person;
- (g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;
- (h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;
- (i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;
- (j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;
- (k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085; ~~for~~
- (l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS ~~for~~; or
- (m) Engages in the practice of applied behavior analysis in violation of chapter 437 of NRS.*
2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:
- (a) The person's name, business address and telephone number;
- (b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;
- (c) The nature of the wellness services to be provided;
- (d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and
- (e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed



providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➤ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.



(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, “wellness services” means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

- (a) Anthroposophy.
- (b) Aromatherapy.
- (c) Traditional cultural healing practices.
- (d) Detoxification practices and therapies.
- (e) Energetic healing.
- (f) Folk practices.
- (g) Gerson therapy and colostrum therapy.
- (h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.
- (i) Herbology and herbalism.
- (j) Reiki.
- (k) Mind-body healing practices.
- (l) Nondiagnostic iridology.
- (m) Noninvasive instrumentalities.
- (n) Holistic kinesiology.

Sec. 19. NRS 637B.080 is hereby amended to read as follows:
637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 437, 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS, and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 20. NRS 640A.070 is hereby amended to read as follows:
640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 437, 630 to 637B, inclusive, 640 or 640B to 641B,



1 inclusive, of NRS, who practices within the scope of that license or
2 certificate.

3 2. Employed by the Federal Government who practices
4 occupational therapy within the scope of that employment.

5 3. Enrolled in an educational program approved by the Board
6 which is designed to lead to a certificate or degree in occupational
7 therapy, if the person is designated by a title which clearly indicates
8 that he or she is a student.

9 4. Obtaining the supervised fieldwork experience necessary to
10 satisfy the requirements of subsection 3 of NRS 640A.120.

11 **Sec. 21.** NRS 640B.145 is hereby amended to read as follows:

12 640B.145 The provisions of this chapter do not apply to:

13 1. A person who is licensed pursuant to *chapter 437 or*
14 chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS,
15 when acting within the scope of that license.

16 2. A person who is employed by the Federal Government and
17 engages in the practice of athletic training within the scope of that
18 employment.

19 3. A person who is temporarily exempt from licensure pursuant
20 to NRS 640B.335 and is practicing athletic training within the scope
21 of the exemption.

22 **Sec. 22.** NRS 644A.880 is hereby amended to read as follows:

23 644A.880 1. If the Board determines that a complaint filed
24 with the Board concerns a matter within the jurisdiction of another
25 licensing board, the Board shall refer the complaint to the other
26 licensing board within 5 days after making the determination.

27 2. The Board may refer a complaint pursuant to subsection 1
28 orally, electronically or in writing.

29 3. The provisions of subsection 1 apply to any complaint filed
30 with the Board, including, without limitation:

31 (a) A complaint which concerns a person who or entity which is
32 licensed, certified or otherwise regulated by the Board or by another
33 licensing board; and

34 (b) A complaint which concerns a person who or entity which is
35 licensed, certified or otherwise regulated solely by another licensing
36 board.

37 4. The provisions of this section do not prevent the Board from
38 acting upon a complaint which concerns a matter within the
39 jurisdiction of the Board regardless of whether the Board refers the
40 complaint pursuant to subsection 1.

41 5. The Board or an officer or employee of the Board is immune
42 from any civil liability for any decision or action taken in good faith
43 and without malicious intent in carrying out the provisions of this
44 section.

45 6. As used in this section, “licensing board” means:



(a) A board created pursuant to chapter 437, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 23. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, “licensing board” means:

(a) A board created pursuant to chapter 437, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 24. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 or chapter 437 of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to



1 act, not amounting to gross negligence, to provide or arrange for
2 further medical treatment for the injured person.

3 2. Any person in this State who acts as a driver of an
4 ambulance or attendant on an ambulance operated by a volunteer
5 service or as a volunteer driver or attendant on an ambulance
6 operated by a political subdivision of this State, or owned by the
7 Federal Government and operated by a contractor of the Federal
8 Government, and who in good faith renders emergency care or
9 assistance to any injured or ill person, whether at the scene of an
10 emergency or while transporting an injured or ill person to or from
11 any clinic, doctor's office or other medical facility, is not liable for
12 any civil damages as a result of any act or omission, not amounting
13 to gross negligence, by that person in rendering the emergency care
14 or assistance, or as a result of any act or failure to act, not
15 amounting to gross negligence, to provide or arrange for further
16 medical treatment for the injured or ill person.

17 3. Any person who is an appointed member of a volunteer
18 service operating an ambulance or an appointed volunteer serving
19 on an ambulance operated by a political subdivision of this State,
20 other than a driver or attendant of an ambulance, is not liable for any
21 civil damages as a result of any act or omission, not amounting to
22 gross negligence, by that person whenever the person is performing
23 his or her duties in good faith.

24 4. Any person who is a member of a search and rescue
25 organization in this State under the direct supervision of any county
26 sheriff who in good faith renders care or assistance in an emergency
27 to any injured or ill person, whether at the scene of an emergency or
28 while transporting an injured or ill person to or from any clinic,
29 doctor's office or other medical facility, is not liable for any civil
30 damages as a result of any act or omission, not amounting to gross
31 negligence, by that person in rendering the emergency care or
32 assistance, or as a result of any act or failure to act, not amounting to
33 gross negligence, to provide or arrange for further medical treatment
34 for the injured or ill person.

35 5. Any person who is employed by or serves as a volunteer for
36 a public fire-fighting agency and who is authorized pursuant to
37 chapter 450B of NRS to render emergency medical care at the scene
38 of an emergency is not liable for any civil damages as a result of any
39 act or omission, not amounting to gross negligence, by that person
40 in rendering that care or as a result of any act or failure to act, not
41 amounting to gross negligence, to provide or arrange for further
42 medical treatment for the injured or ill person.

43 6. Any person who:



(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

➤ and who in good faith renders cardiopulmonary resuscitation in accordance with the person's training or the direction, other than in the course of the person's regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

➤ shall be presumed to have acted other than in the course of the person's regular employment or profession.

8. Any person who gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment.



10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 25. NRS 86.555 is hereby amended to read as follows:

86.555 1. Except as otherwise provided by statute, an agency, board or commission that regulates an occupation or profession pursuant to title 54, 55 or 56 *or chapter 437* of NRS may grant a license to a limited-liability company or a foreign limited-liability company if the agency, board or commission is authorized to grant a license to a corporation formed pursuant to chapter 78 of NRS.

2. An agency, board or commission that makes a license available to a limited-liability company or foreign limited-liability company pursuant to subsection 1 shall adopt regulations:

(a) Listing the persons in the limited-liability company or foreign limited-liability company who must qualify for the license or indicating that the agency, board or commission will use other means to determine whether the limited-liability company or foreign limited-liability company qualifies for a license;

(b) Listing the persons who may engage in the activity for which the license is required on behalf of the limited-liability company or foreign limited-liability company;

(c) Indicating whether the limited-liability company or foreign limited-liability company may engage in a business other than the business for which the license is required;

(d) Listing the changes, if any, in the management or control of the limited-liability company or foreign limited-liability company that require notice, review, approval or other action by the agency, board or commission; and

(e) Setting forth the conditions under which a limited-liability company or foreign limited-liability company may obtain a license.

3. An agency, board or commission that adopts regulations pursuant to subsection 2 shall not impose a restriction or requirement on a limited-liability company or foreign limited-liability company which is significantly different from or more burdensome than the restrictions or requirements imposed on a partnership or corporation.

Sec. 26. NRS 200.495 is hereby amended to read as follows:

200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

(a) The act or omission is aggravated, reckless or gross;

(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same



1 circumstances that it is contrary to a proper regard for danger to
2 human life or constitutes indifference to the resulting consequences;

3 (c) The consequences of the negligent act or omission could
4 have reasonably been foreseen; and

5 (d) The danger to human life was not the result of inattention,
6 mistaken judgment or misadventure, but the natural and probable
7 result of an aggravated reckless or grossly negligent act or omission.

8 2. Unless a more severe penalty is prescribed by law for the act
9 or omission which brings about the neglect, a person who commits
10 criminal neglect of a patient:

11 (a) If the neglect results in death, is guilty of a category B felony
12 and shall be punished by imprisonment in the state prison for a
13 minimum term of not less than 1 year and a maximum term of not
14 more than 20 years.

15 (b) If the neglect results in substantial bodily harm, is guilty of a
16 category B felony and shall be punished by imprisonment in the
17 state prison for a minimum term of not less than 1 year and a
18 maximum term of not more than 6 years, or by a fine of not more
19 than \$5,000, or by both fine and imprisonment.

20 (c) If the neglect does not result in death or substantial bodily
21 harm, is guilty of a gross misdemeanor.

22 3. For the purposes of this section, a patient is not neglected for
23 the sole reason that:

24 (a) According to the patient's desire, the patient is being
25 furnished with treatment by spiritual means through prayer alone in
26 accordance with the tenets and practices of a church or religious
27 denomination. Subsection 1 does not authorize or require any
28 medical care or treatment over the implied or express objection of
29 such a patient.

30 (b) Life-sustaining treatment was withheld or withdrawn in
31 accordance with a valid declaration by the patient or his or her agent
32 pursuant to NRS 162A.790.

33 4. Upon the conviction of a person for a violation of the
34 provisions of subsection 1, the Attorney General shall give notice of
35 the conviction to the licensing boards which:

36 (a) Licensed the facility in which the criminal neglect occurred;
37 and

38 (b) If applicable, licensed the person so convicted.

39 5. As used in this section:

40 (a) "Medical facility" has the meaning ascribed to it in
41 NRS 449.0151.

42 (b) "Patient" means a person who resides or receives health care
43 in a medical facility.

44 (c) "Professional caretaker" means a person who:



(1) Holds a license, registration or permit issued pursuant to title 54 or chapter 437 or 449 of NRS;

(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and

(3) Has responsibility to provide care to patients.

↪ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.

Sec. 27. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant



1 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
2 psychologist, marriage and family therapist, clinical professional
3 counselor, clinical alcohol and drug counselor, alcohol and drug
4 counselor, music therapist, athletic trainer, driver of an ambulance,
5 paramedic, licensed dietitian, holder of a license or a limited license
6 issued under the provisions of chapter 653 of NRS , *behavior*
7 *analyst, assistant behavior analyst, registered behavior technician*
8 or other person providing medical services licensed or certified to
9 practice in this State, who examines, attends or treats an older
10 person or vulnerable person who appears to have been abused,
11 neglected, exploited, isolated or abandoned.

12 (b) Any personnel of a hospital or similar institution engaged in
13 the admission, examination, care or treatment of persons or an
14 administrator, manager or other person in charge of a hospital or
15 similar institution upon notification of the suspected abuse, neglect,
16 exploitation, isolation or abandonment of an older person or
17 vulnerable person by a member of the staff of the hospital.

18 (c) A coroner.

19 (d) Every person who maintains or is employed by an agency to
20 provide personal care services in the home.

21 (e) Every person who maintains or is employed by an agency to
22 provide nursing in the home.

23 (f) Every person who operates, who is employed by or who
24 contracts to provide services for an intermediary service
25 organization as defined in NRS 449.4304.

26 (g) Any employee of the Department of Health and Human
27 Services, except the State Long-Term Care Ombudsman appointed
28 pursuant to NRS 427A.125 and any of his or her advocates or
29 volunteers where prohibited from making such a report pursuant to
30 45 C.F.R. § 1321.11.

31 (h) Any employee of a law enforcement agency or a county's
32 office for protective services or an adult or juvenile probation
33 officer.

34 (i) Any person who maintains or is employed by a facility or
35 establishment that provides care for older persons or vulnerable
36 persons.

37 (j) Any person who maintains, is employed by or serves as a
38 volunteer for an agency or service which advises persons regarding
39 the abuse, neglect, exploitation, isolation or abandonment of an
40 older person or vulnerable person and refers them to persons and
41 agencies where their requests and needs can be met.

42 (k) Every social worker.

43 (l) Any person who owns or is employed by a funeral home or
44 mortuary.



(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons



1 in the Office of the Attorney General created pursuant to
2 NRS 228.265.

3 **Sec. 28.** NRS 200.5095 is hereby amended to read as follows:

4 200.5095 1. Reports made pursuant to NRS 200.5093 and
5 200.5094, and records and investigations relating to those reports,
6 are confidential.

7 2. A person, law enforcement agency or public or private
8 agency, institution or facility who willfully releases data or
9 information concerning the reports and investigation of the abuse,
10 neglect, exploitation, isolation or abandonment of older persons or
11 vulnerable persons, except:

12 (a) Pursuant to a criminal prosecution;

13 (b) Pursuant to NRS 200.50982; or

14 (c) To persons or agencies enumerated in subsection 3,
15 ➔ is guilty of a misdemeanor.

16 3. Except as otherwise provided in subsection 2 and NRS
17 200.50982, data or information concerning the reports and
18 investigations of the abuse, neglect, exploitation, isolation or
19 abandonment of an older person or a vulnerable person is available
20 only to:

21 (a) A physician who is providing care to an older person or a
22 vulnerable person who may have been abused, neglected, exploited,
23 isolated or abandoned;

24 (b) An agency responsible for or authorized to undertake the
25 care, treatment and supervision of the older person or vulnerable
26 person;

27 (c) A district attorney or other law enforcement official who
28 requires the information in connection with an investigation of the
29 abuse, neglect, exploitation, isolation or abandonment of the older
30 person or vulnerable person;

31 (d) A court which has determined, in camera, that public
32 disclosure of such information is necessary for the determination of
33 an issue before it;

34 (e) A person engaged in bona fide research, but the identity of
35 the subjects of the report must remain confidential;

36 (f) A grand jury upon its determination that access to such
37 records is necessary in the conduct of its official business;

38 (g) Any comparable authorized person or agency in another
39 jurisdiction;

40 (h) A legal guardian of the older person or vulnerable person, if
41 the identity of the person who was responsible for reporting the
42 alleged abuse, neglect, exploitation, isolation or abandonment of the
43 older person or vulnerable person to the public agency is protected,
44 and the legal guardian of the older person or vulnerable person is



1 not the person suspected of such abuse, neglect, exploitation,
2 isolation or abandonment;

3 (i) If the older person or vulnerable person is deceased, the
4 executor or administrator of his or her estate, if the identity of the
5 person who was responsible for reporting the alleged abuse, neglect,
6 exploitation, isolation or abandonment of the older person or
7 vulnerable person to the public agency is protected, and the executor
8 or administrator is not the person suspected of such abuse, neglect,
9 exploitation, isolation or abandonment;

10 (j) The older person or vulnerable person named in the report as
11 allegedly being abused, neglected, exploited, isolated or abandoned,
12 if that person is not legally incapacitated;

13 (k) An attorney appointed by a court to represent a protected
14 person in a guardianship proceeding pursuant to NRS 159.0485, if:

15 (1) The protected person is an older person or vulnerable
16 person;

17 (2) The identity of the person who was responsible for
18 reporting the alleged abuse, neglect, exploitation, isolation or
19 abandonment of the older person or vulnerable person to the public
20 agency is protected; and

21 (3) The attorney of the protected person is not the person
22 suspected of such abuse, neglect, exploitation, isolation or
23 abandonment; or

24 (l) The State Guardianship Compliance Office created by
25 NRS 159.341.

26 4. If the person who is reported to have abused, neglected,
27 exploited, isolated or abandoned an older person or a vulnerable
28 person is the holder of a license or certificate issued pursuant to
29 chapters 437, 449, 630 to 641B, inclusive, 653 or 654 of NRS, the
30 information contained in the report must be submitted to the board
31 that issued the license.

32 5. If data or information concerning the reports and
33 investigations of the abuse, neglect, exploitation, isolation or
34 abandonment of an older person or a vulnerable person is made
35 available pursuant to paragraph (b) or (j) of subsection 3 or
36 subsection 4, the name and any other identifying information of the
37 person who made the report must be redacted before the data or
38 information is made available.

39 **Sec. 29.** NRS 218G.400 is hereby amended to read as follows:

40 218G.400 1. Except as otherwise provided in subsection 2,
41 each board created by the provisions of NRS 590.485 and chapters
42 437, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654
43 and 656 of NRS shall:

44 (a) If the revenue of the board from all sources is less than
45 \$200,000 for any fiscal year and, if the board is a regulatory body



pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to



1 prepare a balance sheet or have an audit conducted pursuant to this
2 section; and

3 (b) Knowingly fails to prepare the balance sheet or have the
4 audit conducted pursuant to this section or knowingly fails to
5 prepare or maintain the fiscal records that are necessary to prepare a
6 balance sheet or have an audit conducted pursuant to this section.

7 6. In addition to any other remedy or penalty, a person who is
8 guilty of nonfeasance pursuant to this section forfeits the person's
9 state office or employment and may not be appointed to a state
10 office or position of state employment for a period of 2 years
11 following the forfeiture. The provisions of this subsection do not
12 apply to a state officer who may be removed from office only by
13 impeachment pursuant to Article 7 of the Nevada Constitution.

14 **Sec. 30.** NRS 284.013 is hereby amended to read as follows:

15 284.013 1. Except as otherwise provided in subsection 4, this
16 chapter does not apply to:

17 (a) Agencies, bureaus, commissions, officers or personnel in the
18 Legislative Department or the Judicial Department of State
19 Government, including the Commission on Judicial Discipline;

20 (b) Any person who is employed by a board, commission,
21 committee or council created in chapters [437](#), 445C, 590, 623 to
22 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656
23 of NRS; or

24 (c) Officers or employees of any agency of the Executive
25 Department of the State Government who are exempted by specific
26 statute.

27 2. Except as otherwise provided in subsection 3, the terms and
28 conditions of employment of all persons referred to in subsection 1,
29 including salaries not prescribed by law and leaves of absence,
30 including, without limitation, annual leave and sick and disability
31 leave, must be fixed by the appointing or employing authority
32 within the limits of legislative appropriations or authorizations.

33 3. Except as otherwise provided in this subsection, leaves of
34 absence prescribed pursuant to subsection 2 must not be of lesser
35 duration than those provided for other state officers and employees
36 pursuant to the provisions of this chapter. The provisions of this
37 subsection do not govern the Legislative Commission with respect
38 to the personnel of the Legislative Counsel Bureau.

39 4. Any board, commission, committee or council created in
40 chapters [437](#), 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
41 inclusive, 648, 652, 654 and 656 of NRS which contracts for the
42 services of a person, shall require the contract for those services to
43 be in writing. The contract must be approved by the State Board of
44 Examiners before those services may be provided.



5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 31. NRS 287.0276 is hereby amended to read as follows:

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

2. Coverage provided under this section is subject to:

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

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

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

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

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

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

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



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

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

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

25 8. As used in this section:

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

33 (b) “Autism spectrum disorder” has the meaning ascribed to it in
34 NRS 427A.875.

35 (c) “Behavioral therapy” means any interactive therapy derived
36 from evidence-based research, including, without limitation, discrete
37 trial training, early intensive behavioral intervention, intensive
38 intervention programs, pivotal response training and verbal behavior
39 provided by a licensed psychologist, licensed behavior analyst,
40 licensed assistant behavior analyst or registered behavior technician.

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

44 (e) “Habilitative or rehabilitative care” means counseling,
45 guidance and professional services and treatment programs,



1 including, without limitation, applied behavior analysis, that are
2 necessary to develop, maintain and restore, to the maximum extent
3 practicable, the functioning of a person.

4 (f) “Licensed assistant behavior analyst” ~~[means a person who~~
5 ~~holds current certification as a Board Certified Assistant Behavior~~
6 ~~Analyst issued by the Behavior Analyst Certification Board, Inc., or~~
7 ~~any successor in interest to that organization, who is licensed as an~~
8 ~~assistant behavior analyst by the Aging and Disability Services~~
9 ~~Division of the Department of Health and Human Services and who~~
10 ~~provides behavioral therapy under the supervision of a licensed~~
11 ~~behavior analyst or psychologist.] has the meaning ascribed to the~~
12 ~~term “assistant behavior analyst” in NRS 437.005.~~

13 (g) “Licensed behavior analyst” ~~[means a person who holds~~
14 ~~current certification as a Board Certified Behavior Analyst issued by~~
15 ~~the Behavior Analyst Certification Board, Inc., or any successor in~~
16 ~~interest to that organization and is licensed as a behavior analyst by~~
17 ~~the Aging and Disability Services Division of the Department of~~
18 ~~Health and Human Services.] has the meaning ascribed to the term~~
19 ~~“behavior analyst” in NRS 437.010.~~

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

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

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

29 (k) “Registered behavior technician” has the meaning ascribed
30 to it in NRS 437.050.

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

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

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

41 **Sec. 32.** NRS 353.005 is hereby amended to read as follows:

42 353.005 Except as otherwise provided in NRS 353.007, the
43 provisions of this chapter do not apply to boards created by the
44 provisions of NRS 590.485 and chapters 437, 623 to 625A,



1 inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS
2 and the officers and employees of those boards.

3 **Sec. 33.** NRS 353A.020 is hereby amended to read as follows:

4 353A.020 1. The Director, in consultation with the
5 Committee and Legislative Auditor, shall adopt a uniform system of
6 internal accounting and administrative control for agencies. The
7 elements of the system must include, without limitation:

8 (a) A plan of organization which provides for a segregation of
9 duties appropriate to safeguard the assets of the agency;

10 (b) A plan which limits access to assets of the agency to persons
11 who need the assets to perform their assigned duties;

12 (c) Procedures for authorizations and recordkeeping which
13 effectively control accounting of assets, liabilities, revenues and
14 expenses;

15 (d) A system of practices to be followed in the performance of
16 the duties and functions of each agency; and

17 (e) An effective system of internal review.

18 2. The Director, in consultation with the Committee and
19 Legislative Auditor, may modify the system whenever the Director
20 considers it necessary.

21 3. Each agency shall develop written procedures to carry out
22 the system of internal accounting and administrative control adopted
23 pursuant to this section.

24 4. For the purposes of this section, “agency” does not include:

25 (a) A board created by the provisions of NRS 590.485 and
26 chapters [437](#), 623 to 625A, inclusive, 628, 630 to 644A, inclusive,
27 648, 654 and 656 of NRS.

28 (b) The Nevada System of Higher Education.

29 (c) The Public Employees’ Retirement System.

30 (d) The Housing Division of the Department of Business and
31 Industry.

32 (e) The Colorado River Commission of Nevada.

33 **Sec. 34.** NRS 353A.025 is hereby amended to read as follows:

34 353A.025 1. The head of each agency shall periodically
35 review the agency’s system of internal accounting and
36 administrative control to determine whether it is in compliance with
37 the uniform system of internal accounting and administrative control
38 for agencies adopted pursuant to subsection 1 of NRS 353A.020.

39 2. On or before July 1 of each even-numbered year, the head of
40 each agency shall report to the Director whether the agency’s
41 system of internal accounting and administrative control is in
42 compliance with the uniform system adopted pursuant to subsection
43 1 of NRS 353A.020. The reports must be made available for
44 inspection by the members of the Legislature.

45 3. For the purposes of this section, “agency” does not include:



(a) A board created by the provisions of NRS 590.485 and chapters 437, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 35. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 437, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.



4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 36. NRS 422.2719 is hereby amended to read as follows:

422.2719 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of 21 years.

2. A managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division, which provides coverage for outpatient care shall not require a longer waiting period for coverage for outpatient care



1 related to fetal alcohol spectrum disorders than is required for other
2 outpatient care covered by the plan.

3 3. A managed care organization shall cover medically
4 necessary treatment of a fetal alcohol spectrum disorder.

5 4. Treatment of a fetal alcohol spectrum disorder must be
6 identified in a treatment plan and must include medically necessary
7 habilitative or rehabilitative care, prescription care, psychiatric care,
8 psychological care, behavioral therapy or therapeutic care that is:

9 (a) Prescribed for a person diagnosed with a fetal alcohol
10 spectrum disorder by a licensed physician or licensed psychologist;
11 and

12 (b) Provided for a person diagnosed with a fetal alcohol
13 spectrum disorder by a licensed physician, licensed psychologist,
14 licensed behavior analyst or other provider that is supervised by the
15 licensed physician, psychologist or behavior analyst.

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

18 5. Nothing in this section shall be construed as requiring a
19 managed care organization to provide reimbursement to a school for
20 services delivered through school services.

21 6. As used in this section:

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

29 (b) “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 registered behavior technician.

35 (c) “Evidence-based research” means research that applies
36 rigorous, systematic and objective procedures to obtain valid
37 knowledge relevant to fetal alcohol spectrum disorders.

38 (d) “Fetal alcohol spectrum disorder” has the meaning ascribed
39 to it in NRS 432B.0655.

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



(f) “Health maintenance organization” has the meaning ascribed to it in NRS 695C.030.

(g) “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.]~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(h) “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.]~~ *has the meaning ascribed to the term “behavior analyst” in NRS 437.010.*

(i) “Managed care organization” has the meaning ascribed to it in NRS 695G.050.

(j) “Medically necessary” means health care services or products that a prudent physician or psychologist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and which are:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate for the type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient, physician, psychologist or other provider of health care;

(4) Required to improve a specific health condition of the patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(k) “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.

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

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

(n) “Registered behavior technician” has the meaning ascribed to it in NRS 437.050.



(o) “Screening for and diagnosis of fetal alcohol spectrum disorders” means medically appropriate assessments, evaluations or tests to screen and diagnose whether a person has a fetal alcohol spectrum disorder.

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

(q) “Treatment plan” means a plan to treat a fetal alcohol 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. 37. NRS 425.500 is hereby amended to read as follows:

425.500 As used in NRS 425.500 to 425.560, inclusive, unless the context otherwise requires, “agency that issues a professional or occupational license, certificate or permit pursuant to title 54 of NRS” means any officer, agency, board or commission of this State which has the authority to regulate a profession or occupation pursuant to title 54 *or chapter 437* of NRS and which is prohibited by specific statute from issuing or renewing a license, certificate or permit unless the applicant for the issuance or renewal of that license, certificate or permit submits to the officer, agency, board or commission the statement prescribed by the Division pursuant to NRS 425.520.

Sec. 38. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS and:

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

(b) Is in arrears in the payment for the support of one or more children.

➤ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,



1 ↪ the district attorney or other public agency shall request in
2 writing that the master suspend any professional or occupational
3 license, certificate or permit issued pursuant to title 54 *or chapter*
4 *437* of NRS to that person.

5 3. Before a hearing requested pursuant to subsection 2 may be
6 held, the person requesting the hearing and a representative of the
7 enforcing authority must meet and make a good faith effort to
8 resolve the matter.

9 4. If the master receives from a district attorney or other public
10 agency a request to suspend any professional or occupational
11 license, certificate or permit issued pursuant to title 54 *or chapter*
12 *437* of NRS to a person, the master shall enter a recommendation
13 determining whether the person:

14 (a) Has failed to comply with a subpoena or warrant relating to a
15 proceeding to determine the paternity of a child or to establish,
16 modify or enforce an obligation for the support of a child; or

17 (b) Is in arrears in the payment for the support of one or more
18 children.

19 ↪ As soon as practicable after the master enters a recommendation,
20 the district attorney or other public agency shall notify the person by
21 first-class mail of the recommendation of the master.

22 5. If a person requests a hearing within the period prescribed in
23 subsection 2 and meets with the enforcing authority as required in
24 subsection 3, a hearing must be held pursuant to NRS 425.3832. The
25 master shall notify the person of the recommendation of the master
26 at the conclusion of the hearing or as soon thereafter as is
27 practicable.

28 **Sec. 39.** NRS 425.540 is hereby amended to read as follows:

29 425.540 1. If a master enters a recommendation determining
30 that a person who is issued a professional or occupational license,
31 certificate or permit pursuant to title 54 *or chapter 437* of NRS:

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

35 (b) Is in arrears in the payment for the support of one or more
36 children,

37 ↪ and the district court issues an order approving the
38 recommendation of the master pursuant to NRS 425.3844, the court
39 shall provide a copy of the order to all agencies that issue
40 professional or occupational licenses, certificates or permits
41 pursuant to title 54 *or chapter 437* of NRS.

42 2. A court order issued pursuant to subsection 1 must provide
43 that if the person named in the order does not, within 30 days after
44 the date on which the order is issued, submit to any agency that has
45 issued a professional or occupational license, certificate or permit



pursuant to title 54 *or chapter 437* of NRS to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to the person by that agency will be automatically suspended.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 40. NRS 425.560 is hereby amended to read as follows:

425.560 For the purposes of NRS 425.520 to 425.560, inclusive:

1. A person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS is in arrears in the payment for the support of one or more children if:

(a) The person:

(1) Owes a total of more than \$1,000 for the support of one or more children for which payment is past due; and

(2) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(b) The person has failed to provide medical insurance for a child as required by a court order.

2. A person who is in arrears in the payment for the support of one or more children pursuant to subsection 1 may satisfy the arrearage by:

(a) Paying all of the past due payments;

(b) If the person is unable to pay all past due payments:

(1) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(2) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or



(c) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

Sec. 41. 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



1 communication and the coordination of information and any other
2 matters relating to services or programs for persons with disabilities.

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

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

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

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

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

25 (1) The program established pursuant to NRS 427A.791,
26 427A.793 and 427A.795 to provide services for persons with
27 physical disabilities;

28 (2) The programs established pursuant to NRS 427A.800,
29 427A.850 and 427A.860 to provide services to persons with
30 traumatic brain injuries;

31 (3) The program established pursuant to NRS 427A.610 to
32 provide hearing aids to children who are hard of hearing;

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

36 (5) Any state program for independent living established
37 pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation
38 Division of the Department of Employment, Training and
39 Rehabilitation acting as the designated state unit, as that term is
40 defined in 34 C.F.R. § 385.4, or the designated state entity, as that
41 term is defined in 45 C.F.R. § 1329.4, as applicable; and

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

44 (f) Provide information to persons with disabilities on matters
45 relating to the availability of housing for persons with disabilities



1 and identify sources of funding for new housing opportunities for
2 persons with disabilities.

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

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

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

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

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

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

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

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

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

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

39 4. The Division shall ~~be~~:

40 ~~—(a) Administer~~ **administer** the provisions of chapters 435 and
41 656A of NRS. ~~be and~~

42 ~~—(b) Assist the Board of Applied Behavior Analysis in the~~
43 ~~administration of the provisions of chapter 437 of NRS as~~
44 ~~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. 42. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.



4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 437, 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services



1 and the appropriate medical examiner or coroner of the report. If
2 such a report is made to an agency which provides child welfare
3 services, the agency which provides child welfare services shall
4 notify the appropriate medical examiner or coroner of the report.
5 The medical examiner or coroner who is notified of a report
6 pursuant to this subsection shall investigate the report and submit
7 his or her written findings to the appropriate agency which provides
8 child welfare services, the appropriate district attorney and a law
9 enforcement agency. The written findings must include, if
10 obtainable, the information required pursuant to the provisions of
11 subsection 2 of NRS 432B.230.

12 7. The agency, board, bureau, commission, department,
13 division or political subdivision of the State responsible for the
14 licensure, certification or endorsement of a person who is described
15 in subsection 4 and who is required in his or her professional or
16 occupational capacity to be licensed, certified or endorsed in this
17 State shall, at the time of initial licensure, certification or
18 endorsement:

19 (a) Inform the person, in writing or by electronic
20 communication, of his or her duty as a mandatory reporter pursuant
21 to this section;

22 (b) Obtain a written acknowledgment or electronic record from
23 the person that he or she has been informed of his or her duty
24 pursuant to this section; and

25 (c) Maintain a copy of the written acknowledgment or electronic
26 record for as long as the person is licensed, certified or endorsed in
27 this State.

28 8. The employer of a person who is described in subsection 4
29 and who is not required in his or her professional or occupational
30 capacity to be licensed, certified or endorsed in this State must, upon
31 initial employment of the person:

32 (a) Inform the person, in writing or by electronic
33 communication, of his or her duty as a mandatory reporter pursuant
34 to this section;

35 (b) Obtain a written acknowledgment or electronic record from
36 the person that he or she has been informed of his or her duty
37 pursuant to this section; and

38 (c) Maintain a copy of the written acknowledgment or electronic
39 record for as long as the person is employed by the employer.

40 9. Before a person may serve as a volunteer at a public school
41 or private school, the school must:

42 (a) Inform the person, in writing or by electronic
43 communication, of his or her duty as a mandatory reporter pursuant
44 to this section and NRS 392.303;



(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) “Private school” has the meaning ascribed to it in NRS 394.103.

(b) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 43. Chapter 437 of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *The Board shall:*

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. Such orientation must include, without limitation, instruction concerning:

(a) The purpose of the Board and the duties of Board members;

(b) Any applicable laws and regulations, including, without limitation, the provisions NRS 437.400 to 437.490, inclusive, and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Any requirements relating to managing the finances of the Board.

2. Establish policies relating to compensation and reviewing the performance of the staff of the Board.

Sec. 45. *The Board may contract with any appropriate public or private agency, organization or institution in order to carry out the provisions of this chapter. The purposes of such a contract may include, without limitation:*

1. To obtain assistance in processing applications for the issuance or renewal of a license;

2. To obtain technical assistance;

3. To facilitate cooperation with another board or licensing entity in this State or any other jurisdiction;

4. To obtain recommendations to improve and standardize procedures used by the Board; and

5. To obtain assistance in identifying resources for improving the operations of the Board.

Sec. 46. 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 , *or an equivalent credential*, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that



organization, and is licensed as an assistant behavior analyst pursuant to this chapter.

Sec. 47. 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 *or Board Certified Behavior Analyst - Doctoral, or an equivalent credential*, issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst pursuant to this chapter.

Sec. 48. NRS 437.040 is hereby amended to read as follows:

437.040 **1.** “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.}~~ *(a)* The empirical identification of functional relations between environment and behavior; ~~{and~~

~~—2.}~~ *(b)* 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 ~~{.}~~; *and*

(c) The use of interventions based on scientific research and the direct and indirect observation and measurement of relations between environment and behavior.

~~{→}~~ **2.** The term ~~{includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or registered behavior technician.}~~ *does not include diagnosis, psychological testing, psychotherapy, cognitive therapy, psychoanalysis or counseling.*

Sec. 49. NRS 437.050 is hereby amended to read as follows:

437.050 “Registered behavior technician” means a person who:

1. Is certified as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization ~~{.}~~, *or holds an equivalent credential issued by the Behavior Analyst Certification Board, Inc., or its successor organization;*

2. Is registered as such pursuant to this chapter; and

3. ~~{Provides behavioral therapy}~~ *Engages in applied behavior analysis services* under ~~{the}~~ supervision ~~{of:~~

~~—(a) A licensed psychologist;~~

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

~~—(c) A licensed assistant behavior analyst.}~~ *as required by*

NRS 437.505.



Sec. 50. 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 counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug 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, *guardian or caregiver* 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]~~ *An employee of a school district or charter school when providing services to a pupil in a public school in a manner consistent with the [training and experience of the person,] duties of his or her position,*

↪ 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 or registered behavior technician.

Sec. 51. NRS 437.065 is hereby amended to read as follows:

437.065 1. A person is not required to be licensed or registered 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 otherwise separately provide such services directly to natural persons;

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not otherwise



1 separately provide applied behavior analysis services directly to
2 natural persons;

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

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

12 2. A person described in subsection 1:

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

14 (b) Shall not represent or imply that he or she is licensed or
15 registered pursuant to this chapter.

16 **Sec. 52.** NRS 437.075 is hereby amended to read as follows:

17 437.075 1. A licensed behavior analyst or assistant behavior
18 analyst ~~for registered behavior technician~~ shall limit his or her
19 practice of applied behavior analysis to his or her areas of
20 competence, as documented by education, training and experience.

21 2. *A registered behavior technician shall only perform duties*
22 *that his or her supervising behavior analyst or assistant behavior*
23 *analyst has deemed the registered behavior technician competent*
24 *to perform.*

25 3. The Board shall adopt regulations to ensure that licensed
26 behavior analysts and assistant behavior analysts and registered
27 behavior technicians limit their practice of applied behavior analysis
28 to their areas of competence.

29 4. *A licensed behavior analyst or assistant behavior analyst or*
30 *registered behavior technician shall comply with any applicable*
31 *requirements concerning ethics prescribed by the Behavior*
32 *Analyst Certification Board, Inc., or its successor organization.*

33 **Sec. 53.** NRS 437.100 is hereby amended to read as follows:

34 437.100 1. The Board of Applied Behavior Analysis is
35 hereby created.

36 2. The Governor shall appoint to the Board:

37 (a) ~~Four~~ *Three* voting members who are behavior analysts
38 licensed in this State.

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

41 (c) One voting member who is a representative of the general
42 public who is interested in the practice of applied behavior analysis.
43 This member must not be a behavior analyst or assistant behavior
44 analyst, an applicant or a former applicant for licensure as a
45 behavior analyst or assistant behavior analyst, a member of a health



profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.

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

4. The Board shall hold a regular meeting at least once a year. The Board shall hold a special meeting upon a call of the President or upon the request of a majority of the members. A majority of the Board constitutes a quorum.

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

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

Sec. 54. NRS 437.130 is hereby amended to read as follows:

437.130 ~~{1. Except as otherwise provided in subsection 2, the}~~ *The* Board shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~{(a)}~~ 1. Examine and pass upon the qualifications of applicants for licensure and registration ~~{~~

~~{b)}~~;

2. License and register qualified applicants ~~{~~

~~{c)}~~;

3. Revoke or suspend licenses and registrations ~~{}~~ *or impose other disciplinary action;*

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

~~— 3. The Division shall:~~

~~— (a)~~

4. Collect applications and fees and make disbursements pursuant to this chapter; *and*

~~{(b) With the approval of the Board, conduct}~~

5. *Conduct* investigations ~~{of licensees and registrants; and~~
~~— (c) Perform any duty delegated by the Board pursuant to subsection 2.}~~ *related to the duties of the Board under this chapter and take evidence on any matter under inquiry before the Board.*



Sec. 55. NRS 437.140 is hereby amended to read as follows:

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

2. Money received from the licensure of behavior analysts and assistant behavior analysts and registration of registered behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board ~~[for the Division]~~ for purposes relating to the duties of the Board ~~[for the Division]~~ under the provisions of this chapter must be deposited **by the Secretary-Treasurer of the Board** in ~~[a separate account in the State General Fund. The account must be administered by the Division. Money in the account must be expended solely for the purposes of this chapter and does not revert 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.]~~ **a bank, credit union, savings and loan association or savings bank in this State to be expended for payment of compensation and expenses of the members and employees of the Board and for any other necessary purpose in the administration of this chapter.**

Sec. 56. NRS 437.145 is hereby amended to read as follows:

437.145 1. The ~~[Division]~~ **Board** shall make and keep:

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

(b) A register of all licenses and registrations.

(c) A register of all holders of licenses and registrations.

2. ~~[These]~~ **Except as otherwise provided in this section, the records** ~~[must be kept in an office of the Division and, except as otherwise provided in this section,]~~ **described in subsection 1** are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the ~~[Division]~~ **Board** 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,]~~ **Board**, all documents and other information filed with the complaint and all documents and other information compiled as a result of an



1 investigation conducted to determine whether to initiate disciplinary
2 action against a person are confidential, unless the person submits a
3 written statement to the ~~[Division]~~ **Board** requesting that such
4 documents and information be made public records.

5 5. The charging documents filed with the ~~[Division]~~ **Board** to
6 initiate disciplinary action pursuant to chapter 622A of NRS and all
7 other documents and information considered by the ~~[Division and~~
8 ~~the]~~ Board when determining whether to impose discipline are
9 public records.

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

15 **Sec. 57.** NRS 437.150 is hereby amended to read as follows:

16 437.150 ~~[An]~~ **A member**, employee or agent of the ~~[Division]~~
17 **Board** is not liable in a civil action for any act performed in good
18 faith and within the scope of the duties of the ~~[Division]~~ **Board**
19 pursuant to the provisions of this chapter.

20 **Sec. 58.** NRS 437.200 is hereby amended to read as follows:

21 437.200 1. Each person desiring a license as a behavior
22 analyst or assistant behavior analyst or registration as a registered
23 behavior technician must:

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

29 (b) ~~[Except as otherwise provided in subsection 3, as]~~ **As** part of
30 the application and at his or her own expense:

31 (1) Arrange to have a complete set of fingerprints taken by a
32 law enforcement agency or other authorized entity acceptable to the
33 ~~[Division:]~~ **Board**; and

34 (2) Submit to the ~~[Division:]~~ **Board**:

35 (I) A complete set of fingerprints and written permission
36 authorizing the ~~[Division]~~ **Board** to forward the fingerprints to the
37 Central Repository for Nevada Records of Criminal History for
38 submission to the Federal Bureau of Investigation for a report on the
39 applicant's background, and to such other law enforcement agencies
40 as the ~~[Division]~~ **Board** deems necessary for a report on the
41 applicant's background; or

42 (II) Written verification, on a form prescribed by the
43 ~~[Division:]~~ **Board**, stating that the set of fingerprints of the applicant
44 was taken and directly forwarded electronically or by other means to
45 the Central Repository for Nevada Records of Criminal History and



1 that the applicant provided written permission authorizing the law
2 enforcement agency or other authorized entity taking the
3 fingerprints to submit the fingerprints to the Central Repository for
4 Nevada Records of Criminal History for submission to the Federal
5 Bureau of Investigation for a report on the applicant's background,
6 and to such other law enforcement agencies as the ~~[Division]~~ **Board**
7 deems necessary for a report on the applicant's background.

8 2. The ~~[Division]~~ **Board** may:

9 (a) Unless the applicant's fingerprints are directly forwarded
10 pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph
11 (b) of subsection 1, submit those fingerprints to the Central
12 Repository for Nevada Records of Criminal History for submission
13 to the Federal Bureau of Investigation and to such other law
14 enforcement agencies as the ~~[Division]~~ **Board** deems necessary; and

15 (b) Request from each agency to which the ~~[Division]~~ **Board**
16 submits the fingerprints any information regarding the applicant's
17 background as the ~~[Division]~~ **Board** deems necessary.

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

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

27 ~~—(b) It is the policy of the Behavior Analyst Certification Board,~~
28 ~~Inc., or its successor organization, to conduct an investigation into~~
29 ~~the criminal background of an applicant for registration as a~~
30 ~~registered behavior technician or an equivalent credential that~~
31 ~~includes the submission of fingerprints to the Federal Bureau of~~
32 ~~Investigation.~~

33 ~~—4.]~~ An application is not considered complete and received for
34 purposes of evaluation pursuant to subsection 4 of NRS 437.205
35 until the ~~[Division]~~ **Board** receives ~~[-~~

36 ~~—(a) A] a~~ complete set of fingerprints or verification that the
37 fingerprints have been forwarded electronically or by other means to
38 the Central Repository for Nevada Records of Criminal History, and
39 written authorization from the applicant pursuant to this section . ~~[-~~
40 ~~or~~

41 ~~—(b) If the application is for registration as a registered behavior~~
42 ~~technician, the documentation described in subsection 3.]~~

43 **Sec. 59.** NRS 437.205 is hereby amended to read as follows:

44 437.205 1. Except as otherwise provided in NRS 437.215
45 and 437.220, each application for licensure as a behavior analyst



1 must be accompanied by evidence satisfactory to the Board that the
2 applicant:

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

4 (b) Holds current certification as a Board Certified Behavior
5 Analyst *or Board Certified Behavior Analyst - Doctoral, or an*
6 *equivalent credential*, issued by the Behavior Analyst Certification
7 Board, Inc., or any successor in interest to that organization.

8 2. Each application for licensure as an assistant behavior
9 analyst must be accompanied by evidence satisfactory to the Board
10 that the applicant:

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

12 (b) Holds current certification as a Board Certified Assistant
13 Behavior Analyst , *or an equivalent credential*, issued by the
14 Behavior Analyst Certification Board, Inc., or any successor in
15 interest to that organization.

16 3. Each application for registration as a registered behavior
17 technician must contain proof that the applicant is registered as a
18 Registered Behavior Technician, or an equivalent credential, by the
19 Behavior Analyst Certification Board, Inc., or any successor in
20 interest to that organization ~~and~~ *and will be supervised by a person*
21 *authorized by subsection 2 of NRS 437.505 to provide such*
22 *supervision*. The Board shall not require any additional education or
23 training for registration as a registered behavior technician.

24 4. Except as otherwise provided in NRS 437.215 and 437.220,
25 within 120 days after the ~~Division~~ *Board* receives an application
26 and the accompanying evidence, the Board shall:

27 (a) Evaluate the application and accompanying evidence and
28 determine whether the applicant is qualified pursuant to this section
29 for licensure or registration; and

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

32 5. If the Board determines that the qualifications of the
33 applicant are insufficient for licensure or registration, the written
34 statement issued to the applicant pursuant to subsection 4 must
35 include a detailed explanation of the reasons for that determination.

36 **Sec. 60.** NRS 437.207 is hereby amended to read as follows:

37 437.207 1. The Board shall not deny the application of a
38 person for a license as a behavior analyst or assistant behavior
39 analyst or registration as a behavior technician pursuant to NRS
40 437.200 based solely on his or her immigration or citizenship status.

41 2. Notwithstanding the provisions of NRS 437.210, an
42 applicant for a license as a behavior analyst or assistant behavior
43 analyst or registration as a behavior technician who does not have a
44 social security number must provide an alternative personally
45 identifying number, including, without limitation, his or her



individual taxpayer identification number, when completing an application for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician.

3. The Board ~~[and the Division]~~ shall not disclose to any person who is not employed by the Board ~~[or the Division]~~ the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;
- (b) Licensing purposes; and
- (c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Board ~~[or the Division]~~ is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 61. 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 or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the ~~[Division.]~~ **Board.**

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~[Aging and Disability Services Division]~~ **Board** 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]~~ **Board** 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 or registration; or

(b) A separate form prescribed by the ~~[Division.]~~ **Board.**

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the 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}~~ Board 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. 62. 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 or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Board.~~

~~—(b) An~~, *an* applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~{Aging and Disability Services Division}~~ Board 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}~~ Board 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 or registration; or

(b) A separate form prescribed by the ~~{Division}~~ Board.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the 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}~~ Board shall advise the applicant to contact the district attorney or other public



1 agency enforcing the order to determine the actions that the
2 applicant may take to satisfy the arrearage.

3 **Sec. 63.** NRS 437.215 is hereby amended to read as follows:

4 437.215 1. The Board may issue a license by endorsement as
5 a behavior analyst to an applicant who meets the requirements set
6 forth in this section. An applicant may submit to the ~~[Division]~~
7 **Board** an application for such a license if the applicant holds a
8 corresponding valid and unrestricted license as a behavior analyst in
9 the District of Columbia or any state or territory of the United
10 States.

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

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

15 (1) Satisfies the requirements of subsection 1;

16 (2) Has not been disciplined or investigated by the
17 corresponding regulatory authority of the District of Columbia or
18 any state or territory in which the applicant currently holds or has
19 held a license as a behavior analyst ~~[]~~ **or by the Behavior Analyst**
20 **Certification Board, Inc., or its successor organization;** and

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

24 (b) A complete set of fingerprints and written permission
25 authorizing the ~~[Division]~~ **Board** to forward the fingerprints in the
26 manner provided in NRS 437.200;

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

29 (d) The fee prescribed by the Board pursuant to the regulations
30 adopted pursuant to NRS 437.140; and

31 (e) Any other information required by the ~~[Division.]~~ **Board.**

32 3. Not later than ~~[45]~~ **30** business days after the ~~[Division]~~
33 **Board** receives an application for a license by endorsement as a
34 behavior analyst pursuant to this section, the Board shall provide
35 written notice to the applicant of any additional information required
36 by the Board to consider the application. Unless the Board denies
37 the application for good cause, the Board shall approve the
38 application and issue a license by endorsement as a behavior analyst
39 to the applicant not later than:

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

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

44 ➡ whichever occurs later.



Sec. 64. NRS 437.220 is hereby amended to read as follows:

437.220 1. The 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]~~ **Board** 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]~~ **Board** with his or her application:

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

(1) Satisfies the requirements of subsection 1;

(2) 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 ~~[:]~~ **or by the Behavior Analyst Certification Board, Inc., or its successor organization;** and

(3) 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]~~ **Board** 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 Board pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the ~~[Division.]~~ **Board.**

3. Not later than ~~[45]~~ **30** business days after the ~~[Division]~~ **Board** receives an application for a license by endorsement as a behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

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



(b) Ten days after the ~~Division~~ Board 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 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. 65. 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 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~~ Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the ~~Division~~ Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the 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 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 Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(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 shall not adopt regulations requiring a registered behavior technician to receive continuing education.



Sec. 66. NRS 437.335 is hereby amended to read as follows:

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

Sec. 67. NRS 437.400 is hereby amended to read as follows:

437.400 1. The Board may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst 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]~~ **Board** 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 or registered behavior technician by a person who is not licensed or registered, as applicable, pursuant to this chapter.

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

(g) Violated a regulation adopted by the Board.

(h) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or



territory of the United States, the District of Columbia , ~~for~~ a foreign country ~~or~~ *or the Behavior Analyst Certification Board, Inc., or its successor organization,* if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

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

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

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

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

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

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

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

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

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

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

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

Sec. 68. NRS 437.410 is hereby amended to read as follows:

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

(a) Administer a public reprimand.

(b) Limit the person’s practice.

(c) Suspend the person’s license or registration for a period of not more than 1 year.

(d) Revoke the person’s license or registration.

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

(f) Revoke or suspend the person’s license or registration and impose a monetary penalty.



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

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

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

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

2. The Board shall not administer a private reprimand.

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

Sec. 69. NRS 437.415 is hereby amended to read as follows:

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

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

Sec. 70. NRS 437.420 is hereby amended to read as follows:

437.420 1. Service of process made under this chapter must be either upon the person or by registered or certified mail with return receipt requested, addressed to the person upon whom process is to be served at his or her last known address, as indicated on the records of the ~~[Division,]~~ Board, if possible. If personal service cannot be made and if notice by mail is returned



undelivered, the ~~{Division}~~ **Board** shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the person upon whom process is to be served, or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the ~~{Division}~~ **Board**.

Sec. 71. NRS 437.425 is hereby amended to read as follows:

437.425 1. The ~~{Division}~~ **Board** or a *panel of its members or a* hearing officer may ~~{, with the approval of the Board,}~~ issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.

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

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

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

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

↪ and asking for an order of the court compelling the witness to attend and testify before the ~~{Division}~~ **Board or panel** or a hearing officer, or produce the articles as required by the subpoena.

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

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

Sec. 72. NRS 437.430 is hereby amended to read as follows:

437.430 1. The ~~{Division, the}~~ Board or any review panel of a hospital or an association of behavior analysts, assistant behavior analysts or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied



behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the ~~[Division:]~~ **Board**.

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

Sec. 73. NRS 437.435 is hereby amended to read as follows:

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

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

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

Sec. 74. NRS 437.440 is hereby amended to read as follows:

437.440 1. The ~~[Division]~~ **Board** 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]~~ **Board** determines that a person has violated NRS 437.500, the ~~[Division:]~~ **Board:**

(a) May : ~~[-, 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 or registration; and

(2) Issue a citation to the person; and

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

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

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

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

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

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



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

Sec. 75. NRS 437.445 is hereby amended to read as follows:

437.445 1. If the ~~[Division]~~ *Board* 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 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]~~ *Board* 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]~~ *Board* 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 Board shall:]~~ *and either:*

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 76. NRS 437.450 is hereby amended to read as follows:

437.450 1. Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division]~~ *Board* has reason to believe that the conduct of any behavior analyst, assistant behavior analyst 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]~~ *Board* may ~~[with the approval of the Board,]~~ *, to assist the Board or its designee in determining competence,* require the behavior analyst, assistant behavior analyst or registered behavior technician to ~~[take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst or registered behavior technician is competent to practice applied behavior analysis.]~~ *undergo:*

(a) *A mental or physical examination administered by a qualified provider of health care;*

(b) *An examination testing his or her competence to practice applied behavior analysis; or*

(c) *Any other examination designated by the Board to be necessary to determine his or her competence to practice applied behavior analysis.*

2. If an examination is required *by the Board pursuant to subsection 1*, the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst or registered behavior technician being examined.



3. *An applicant or person who holds a license or registration pursuant to this chapter is deemed to consent to submit to an examination required pursuant to subsection 1 when the Board provides a written order for such an examination.*

4. *Any testimony, report or other information of the examining provider of health care received during an examination administered pursuant to subsection 1 is not a privileged communication.*

5. *Except in extraordinary circumstances, as determined by the Board, a behavior analyst, assistant behavior analyst or registered behavior technician who fails to submit to an examination required pursuant to subsection 1 after the Board provides a written order for such an examination shall be deemed to have admitted to the charge of the Board against him or her.*

6. *The Board may require a behavior analyst, assistance behavior analyst or registered behavior technician to pay the cost of an examination administered pursuant to subsection 1.*

7. *As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 77. NRS 437.460 is hereby amended to read as follows:

437.460 Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division]~~ **Board** receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~[Division]~~ **Board** receives the report.

Sec. 78. NRS 437.465 is hereby amended to read as follows:

437.465 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the ~~[Division]~~ **Board** or a hearing officer conducted under the provisions of this chapter:

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

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician is conclusive evidence of its occurrence.

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

Sec. 79. NRS 437.475 is hereby amended to read as follows:

437.475 ~~[(a)]~~ Notwithstanding the provisions of chapter 622A of NRS:

~~[(a)]~~ 1. Pending disciplinary proceedings before the ~~[Division]~~ **Board** or a hearing officer, the court may, upon application by the



~~{Division}~~ **Board** or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

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

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

Sec. 80. NRS 437.480 is hereby amended to read as follows:

437.480 1. The ~~{Division, with the approval of the}~~ **Board** or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing in violation of NRS 437.510 or as a behavior analyst, assistant behavior analyst or registered behavior technician without the proper license or registration.

2. Such an injunction:

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

(b) Does not relieve any person from criminal prosecution for practicing without a license or registration.

Sec. 81. NRS 437.485 is hereby amended to read as follows:

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

Sec. 82. NRS 437.490 is hereby amended to read as follows:

437.490 1. Any person:



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

(b) Whose license or registration has been revoked; or

(c) Who has been placed on probation,

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

2. In hearing the application, the ~~[Division:]~~ *Board:*

(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) 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]~~ *The* Board may deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 83. NRS 437.505 is hereby amended to read as follows:

437.505 1. A licensed assistant behavior analyst shall not ~~[provide]~~ *engage in* or supervise ~~[behavioral therapy]~~ *the practice of applied behavior analysis* except under the supervision of:

(a) A licensed psychologist ~~[:]~~ *who:*

(1) Is certified as a Board Certified Behavior Analyst or Board Certified Behavior Analyst - Doctoral by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, or holds an equivalent credential issued by that organization; and

(2) Has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor; or

(b) A licensed behavior analyst ~~[:]~~ *who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor.*

2. A registered behavior technician shall not ~~[provide]~~ *engage in the practice of applied behavior* ~~[therapy]~~ *analysis* except under the supervision of:

(a) A ~~[licensed]~~ psychologist ~~[:]~~ *described in paragraph (a) of subsection 1;*

(b) A ~~[licensed]~~ behavior analyst ~~[:]~~ *described in paragraph (b) of subsection 1; or*



(c) A licensed assistant behavior analyst ~~who~~ *who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor.*

3. A psychologist, behavior analyst or assistant behavior analyst who provides supervision pursuant to this section must comply with the requirements prescribed by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, concerning supervision.

Sec. 84. 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~~ *Board* in connection with an application for a license or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst 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 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 or registered behavior technician, unless he or she has been issued a license 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 or registered behavior technician unless he or she has been issued a license or registration, as applicable,

↪ is guilty of a gross misdemeanor.

Sec. 85. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter *437*, 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:



(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 86. NRS 449.4329 is hereby amended to read as follows:

449.4329 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of NRS 449.4332;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in subsection 1 of NRS 449.4332; and

(f) If an Internet website has been established pursuant to NRS 439.942:



(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of NRS 449.4332;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 *or chapter 437* of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.



4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is investigated is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of NRS 449.4332 and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a



1 person employed by the temporary employment service is
2 determined to be ineligible to provide services to the intermediary
3 service organization based upon the results of an investigation
4 conducted pursuant to this section.

5 7. Unless a greater penalty is provided by law, a person who
6 willfully provides a false statement or information in connection
7 with an investigation of the background and personal history of the
8 person pursuant to this section that would disqualify the person from
9 employment, including, without limitation, a conviction of a crime
10 listed in subsection 1 of NRS 449.4332, is guilty of a misdemeanor.

11 **Sec. 87.** NRS 686A.315 is hereby amended to read as follows:

12 686A.315 1. If a hospital submits to an insurer the form
13 prescribed by the Director of the Department of Health and Human
14 Services pursuant to NRS 449.485, that form must contain or be
15 accompanied by a statement that reads substantially as follows:

16
17 Any person who misrepresents or falsifies essential
18 information requested on this form may, upon conviction, be
19 subject to a fine and imprisonment under state or federal law,
20 or both.

21
22 2. If a person who is licensed to practice one of the health
23 professions regulated by title 54 *or chapter 437* of NRS submits to
24 an insurer the form commonly referred to as the “HCFA-1500” for a
25 patient who is not covered by any governmental program which
26 offers insurance coverage for health care, the form must be
27 accompanied by a statement that reads substantially as follows:

28
29 Any person who knowingly files a statement of claim
30 containing any misrepresentation or any false, incomplete or
31 misleading information may be guilty of a criminal act
32 punishable under state or federal law, or both, and may be
33 subject to civil penalties.

34
35 3. The failure to provide any of the statements required by this
36 section is not a defense in a prosecution for insurance fraud pursuant
37 to NRS 686A.291.

38 **Sec. 88.** NRS 689A.0435 is hereby amended to read as
39 follows:

40 689A.0435 1. A health benefit plan must provide an option
41 of coverage for screening for and diagnosis of autism spectrum
42 disorders and for treatment of autism spectrum disorders for persons
43 covered by the policy under the age of 18 years or, if enrolled in
44 high school, until the person reaches the age of 22 years.



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

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

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

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

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

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

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

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

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

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

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

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

7. As used in this section:

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



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

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

(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.]~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(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.]~~ *has the meaning ascribed to the term “behavior analyst” in NRS 437.010.*

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

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

Sec. 89. NRS 689A.105 is hereby amended to read as follows:

689A.105 Every insurer under a health insurance contract and every state agency for its records shall accept from:

1. A hospital the Uniform Billing and Claims Forms established by the American Hospital Association in lieu of its individual billing and claims forms.

2. An individual who is licensed to practice one of the health professions regulated by Title 54 *or chapter 437* of NRS such uniform health insurance claims forms as the Commissioner shall prescribe, except in those cases where the Commissioner has excused uniform reporting.

Sec. 90. 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



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

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

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

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

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

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

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

24 7. Nothing in this section shall be construed as requiring an
25 insurer to provide reimbursement to a school for services delivered
26 through school services.

27 8. As used in this section:

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

35 (b) “Autism spectrum disorder” has the meaning ascribed to it in
36 NRS 427A.875.

37 (c) “Behavioral therapy” means any interactive therapy derived
38 from evidence-based research, including, without limitation, discrete
39 trial training, early intensive behavioral intervention, intensive
40 intervention programs, pivotal response training and verbal behavior
41 provided by a licensed psychologist, licensed behavior analyst,
42 licensed assistant behavior analyst or registered behavior technician.

43 (d) “Evidence-based research” means research that applies
44 rigorous, systematic and objective procedures to obtain valid
45 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.]~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(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.]~~ *has the meaning ascribed to the term “behavior analyst” in NRS 437.010.*

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

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



1 **Sec. 91.** NRS 689B.250 is hereby amended to read as follows:
2 689B.250 Every insurer under a group health insurance
3 contract or a blanket accident and health insurance contract and
4 every state agency, for its records shall accept from:

5 1. A hospital the Uniform Billing and Claims Forms
6 established by the American Hospital Association in lieu of its
7 individual billing and claims forms.

8 2. An individual who is licensed to practice one of the health
9 professions regulated by title 54 *or chapter 437* of NRS such
10 uniform health insurance claims forms as the Commissioner shall
11 prescribe, except in those cases where the Commissioner has
12 excused uniform reporting.

13 **Sec. 92.** NRS 689C.1655 is hereby amended to read as
14 follows:

15 689C.1655 1. A health benefit plan must provide coverage
16 for screening for and diagnosis of autism spectrum disorders and for
17 treatment of autism spectrum disorders to persons covered by the
18 health benefit plan under the age of 18 years or, if enrolled in high
19 school, until the person reaches the age of 22 years.

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

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

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

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

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

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

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

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



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

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

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

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

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

8. As used in this section:

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

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

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

(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.]~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(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.]~~ *has the meaning ascribed to the term “behavior analyst” in NRS 437.010.*

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

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

Sec. 93. 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



1 same extent as other medical services or prescription drugs covered
2 by the plan.

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

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

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

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

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

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

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

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

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

34 7. Nothing in this section shall be construed as requiring a
35 health maintenance organization to provide reimbursement to a
36 school for services delivered through school services.

37 8. As used in this section:

38 (a) “Applied behavior analysis” means the design,
39 implementation and evaluation of environmental modifications
40 using behavioral stimuli and consequences to produce socially
41 significant improvement in human behavior, including, without
42 limitation, the use of direct observation, measurement and
43 functional analysis of the relations between environment and
44 behavior.



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

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

(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.]~~ *has the meaning ascribed to the term “assistant behavior analyst” in NRS 437.005.*

(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.]~~ *has the meaning ascribed to the term “behavior analyst” in NRS 437.010.*

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

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

Sec. 94. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

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

3. Coverage provided under this section is subject to:

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

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

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

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

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

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



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

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

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

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

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

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

9. As used in this section:

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

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

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

(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.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005.*

(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.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

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

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

Sec. 95. Section 78 of chapter 588, Statutes of Nevada 2017, at page 4265, is hereby amended to read as follows:

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

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

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



4. Sections 22 and 32 of this act expire by limitation on the date **2 years after** on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

are repealed by the Congress of the United States.

Sec. 96. 1. The terms of the members of the Board of Applied Behavior Analysis appointed to the Board pursuant to subsection 2 of NRS 437.100 who are incumbent on September 30, 2021, expire on that date.

2. On or before October 1, 2021, the Governor shall:

(a) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2022.

(b) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2023.

(c) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2024.

(d) Appoint a member to the Board of Applied Behavior Analysis pursuant to paragraph (b) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2025.

(e) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (c) of subsection 2 of NRS 437.100, as amended by



1 section 53 of this act, to a term that commences on October 1, 2021,
2 and expires on September 30, 2025.

3 **Sec. 97.** On October 1, 2021, the Aging and Disability
4 Services Division of the Department of Health and Human Services
5 shall transfer any money in the account described in subsection 2 of
6 NRS 437.140 to the Board of Applied Behavior Analysis. The
7 Secretary-Treasurer of the Board shall deposit the money as
8 required by NRS 437.140, as amended by section 55 of this act, as
9 soon as practicable on or after October 1, 2021.

10 **Sec. 98.** 1. Any administrative regulations adopted by an
11 officer, agency or other entity whose name has been changed or
12 whose responsibilities have been transferred pursuant to the
13 provisions of this act to another officer, agency or other entity
14 remain in force until amended by the officer, agency or other entity
15 to which the responsibility for the adoption of the regulations has
16 been transferred.

17 2. Any contracts or other agreements entered into by an officer
18 or agency whose name has been changed or whose responsibilities
19 have been transferred pursuant to the provisions of this act to
20 another officer or agency are binding upon the officer or agency to
21 which the responsibility for the administration of the provisions of
22 the contract or other agreement has been transferred. Such contracts
23 and other agreements may be enforced by the officer or agency to
24 which the responsibility for the enforcement of the provisions of the
25 contract or other agreement has been transferred.

26 3. Any action taken by an officer or agency whose name has
27 been changed or whose responsibilities have been transferred
28 pursuant to the provisions of this act to another officer or agency
29 remains in effect as if taken by the officer or agency to which the
30 responsibility for the enforcement of such actions has been
31 transferred.

32 **Sec. 99.** The Legislative Counsel shall:

33 1. In preparing the reprint and supplements to the Nevada
34 Revised Statutes, appropriately change any references to an officer,
35 agency or other entity whose name is changed or whose
36 responsibilities are transferred pursuant to the provisions of this act
37 to refer to the appropriate officer, agency or other entity.

38 2. In preparing supplements to the Nevada Administrative
39 Code, appropriately change any references to an officer, agency or
40 other entity whose name is changed or whose responsibilities are
41 transferred pursuant to the provisions of this act to refer to the
42 appropriate officer, agency or other entity.

43 **Sec. 100.** NRS 437.025, 437.135 and 437.330 are hereby
44 repealed.



1 **Sec. 101.** 1. This section becomes effective upon passage
2 and approval.

3 2. Sections 1 to 36, inclusive, 41 to 61, inclusive, and 63 to
4 100, inclusive, of this act become effective:

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

8 (b) On October 1, 2021, for all other purposes.

9 3. Sections 37 to 40, inclusive, and 62 of this act become
10 effective on the date on which the provisions of 42 U.S.C. § 666
11 requiring each state to establish procedures under which the state
12 has authority to withhold or suspend, or to restrict the use of
13 professional, occupational and recreational licenses of persons who:

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

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

19 ↪ are repealed by the Congress of the United States.

20 4. Sections 37 to 40, inclusive, and 62 of this act expire by
21 limitation on the date 2 years after the date on which the provisions
22 of 42 U.S.C. § 666 requiring each state to establish procedures
23 under which the state has authority to withhold or suspend, or to
24 restrict the use of professional, occupational or recreational licenses
25 of persons who:

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

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

31 ↪ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

437.025 “Division” defined. “Division” means the Aging and Disability Services Division of the Department of Health and Human Services.

437.135 Division authorized to hold hearings, conduct investigations and take evidence with approval of Board. In a manner consistent with the provisions of chapter 622A of NRS and with the approval of the Board, the Division may hold hearings and



conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

437.330 Renewal: Information concerning state business license required; conditions which require denial.

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 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 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.

