

**NRS 449.174 437.400 Additional Grounds for denial, suspension or revocation of license of a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician to operate certain facility, hospital, agency, provide services or programs inside or outside of the home.**

1) — 1. In addition to the grounds listed in NRS 449.160, ~~the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:~~ The Division may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst, certificate as a state certified behavior interventionist or registration as a registered behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the Division finds by a preponderance of the evidence that:

a) — (a) The applicant or licensee has been convicted of:

(1) — (1) Murder, voluntary manslaughter or mayhem;

(2) — (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) — (3) ~~SS~~Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) — (4) ~~PP~~Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) — (5) A crime involving domestic violence that is punished as a felony;

(6) — (6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) — (7) Abuse or neglect of a child or contributory delinquency;

(8) — (8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(1) — (9) Abuse, neglect, exploitation, isolation or abandonment of children, older persons, or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(9)

(10) A violation of any provision of NRS 422.450 to 422.590, inclusive; — (10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(12) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(13) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

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— (11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

— (12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

— (13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

— (14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

~~(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;~~

~~b) —(b) The licensee has, in violation of [NRS 449.125](#), continued to employ a person who has been convicted of a crime listed in paragraph (a); or~~

~~c) —(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, ~~hospital, agency, or program or home~~ provides residential services to children, ~~is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility;~~; or~~

~~d) The applicant or licensee has been convicted of a crime or felony relating to the practice of applied behavioral analysis~~

~~(1) 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.~~

~~(2) Been convicted of violating any of the provisions of NRS [616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive.~~

~~(3) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.~~

~~(4) Except as otherwise provided in [NRS 437.060](#) and [437.070](#), aided or abetted practice as a behavior analyst, assistant behavior analyst, state certified behavior interventionist or registered behavior technician by a person who is not licensed, certified or registered, as applicable, by the Division.~~

~~(5) Made any fraudulent or untrue statement to the Division.~~

~~(6) Violated a regulation adopted by the Board.~~

~~(7) 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 or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.~~

~~(8) Failed to report to the Division 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.~~

~~(9) 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.~~

~~(10) Performed or attempted to perform any professional service while impaired by alcohol or drugs or by a mental or physical illness, disorder or disease.~~

~~(11) Engaged in sexual activity with a patient or client.~~

~~(12) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.~~

~~(13) Been convicted of submitting a false claim for payment to the insurer of a patient or client.~~

~~(14) Operated a medical facility, as defined in [NRS 449.0151](#), at any time during which:~~

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

~~(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to [NRS 449.160](#).~~

~~2) —2.— In addition to the grounds listed in [NRS 449.160](#), the Division may suspend or revoke the license of a licensee to operate an agency ~~and/or to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a peer support recovery organization~~ if the licensee has, in violation of [NRS 449.125](#), continued to employ a person who has been convicted of a crime listed in paragraphs (a) ~~or (d)~~ of subsection 1.~~

~~3) —3.— As used in this section:~~

~~a) —(a)— “preponderance of the evidence” has the meaning ascribed to it in [NRS 233B.0375](#).~~

~~b) “Domestic violence” means an act described in [NRS 33.018](#).~~

~~(b) “Facility, hospital, agency, or program or home” has the meaning ascribed to it in [NRS 449.119](#).~~

~~(c) “Medicaid” has the meaning ascribed to it in [NRS 439B.120](#).~~

~~(d) “Medicare” has the meaning ascribed to it in [NRS 439B.130](#).~~

~~(Added to NRS by [1997, 444](#); [A 1999, 1948](#); [2005, 2171](#); [2007, 652, 2401](#); [2009, 506](#); [2013, 2895](#); [2015, 839, 2166, 2176](#); [2017, 1909](#))~~

~~c)~~

**NRS 437.410 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline and certain supporting documentation deemed public records. [Effective January 1, 2019.]**

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

(a) Administer a public reprimand.

(b) Limit the person’s practice.

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

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

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

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

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

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

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

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

2. The Division shall not administer a private reprimand.

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

(Added to NRS by 2017, 4231, effective January 1, 2019)

**NRS 437.415 Suspension of license, certificate or registration for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license, certificate or registration. [Effective January 1, 2019, and until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

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

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

(Added to NRS by 2017, 4232, effective January 1, 2019)