

PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

AUTHORITY: NRS 640D.090, NRS 622.510 & Senate Bill 69 of the 2017 Legislative Session

Sec. 1 1. An initial applicant for licensure as a music therapist who is certified as a music therapist by the Certification Board for Music Therapists or its successor organization and holds a corresponding valid and unrestricted license as a music therapist in the District of Columbia or any state or territory of the United States may be issued a license by endorsement if the applicant attests, under penalty of perjury, that he or she:

- (a) Is a citizen of the United States or has the legal right to work in the United States;
- (b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;
- (c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;
- (d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;
- (e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;
and
- (f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States.

Sec. 2 1. If an applicant holds an active license as a music therapist in the District of Columbia or any state or territory of the United States and the applicant was required to be background checked in order to obtain the license, the active license shall serve as proof that the applicant has passed a comparable background check in accordance with subsection 2 (h) of Section 3 of Senate Bill 69 of the Legislative Session.

2. If an applicant does not meet the background check requirement in subsection 1 of Section 2, then an applicant who applies for a music therapist license pursuant to Section 1, must submit a complete set of his or her fingerprints to the Division and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report, pursuant to subsection 2 (h) of Section 3 of Senate Bill 69 of the Legislative Session. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime

listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the Division of whether the applicant has been convicted of such a crime.

3. The Division, upon being informed pursuant to subsection 2 of Section 2 that an applicant applying for a music therapist license pursuant to Section 1, has been convicted of crimes set forth in paragraph (a) of subsection 1 of NRS 449.174:

(a) May revoke, suspend or refuse to renew the license or may deny the application; or

(b) If the applicant has notified the Division pursuant to subsection 5 that the licensee or applicant is challenging the accuracy of information provided by the Division, the Division may suspend the license or deny the application pending the resolution of the challenge.

4. If the Central Repository for Nevada Records of Criminal History determines that a background investigation of an applicant for a music therapist license pursuant to Section 1 cannot be completed and therefore, is an undetermined result because pertinent information is missing, the Division shall send a notice to the licensee or applicant that he or she must submit a challenge to the Repository of the undetermined result within 10 days. The licensee or applicant must:

(a) Submit the missing information to the Central Repository for Nevada Records of Criminal History within 30 days after receipt of the notice; or

(b) Submit satisfactory evidence to the Division and Repository that the missing information cannot be obtained.

2. If a background investigation cannot be completed because the licensee or applicant has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct, and there has been no disposition of the matter, the licensee or applicant shall:

(a) Notify the Division immediately upon the scheduling of any judicial proceeding concerning the matter; and

(b) Notify the Division immediately upon the disposition of the matter and forward to the Central Repository for Nevada Records of Criminal History evidence of the disposition of the matter as soon as it is available.

5. As used in this section, "disposition" has the meaning ascribed to it in NRS 179A.050.

5. If a licensee or an applicant for a music therapist license pursuant to Section 1 wishes to challenge the accuracy of the information provided by the Central Repository for Nevada Records of Criminal History because he or she feels the information is not correct, the licensee or applicant must submit a challenge request to the Repository and notify the Division of the challenge within 10 working days after being notified of the results of the background investigation. Except as otherwise provided in subsection 3

(b) of Section 2, the Division shall give the licensee or applicant not less than 30 days after the Division receives notice of the challenge to provide satisfactory evidence to the Division that the information is incorrect before suspending the license or denying the application.

Sec. 3 An active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran pursuant to NRS 622.510 who holds a valid and unrestricted license as a music therapist that is not recognized by this State and who is certified as a music therapist by the Certification Board for Music Therapists or its successor organization may be issued a license through reciprocity.

Sec. 4 An applicant who applies for a license as a music therapist pursuant to Section 1 must provide the name of the state or territory of the United States in which the applicant holds a valid music therapist license and the license number.

Sec. 5 The Division may deny an application or suspend or revoke a license if it is discovered an applicant willingly provided false information during the licensure application process.

Sec. 6 The Division may request any supporting documents required to ensure the provisions of Sections 1 to 5 are met.