

## Board Members

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ANDREA MENICUCCI, M.S., CCC-SLP  
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## STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*



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*Executive Director*

MURIEL MORIN-MENDES  
*Licensing Coordinator*

CHELSEA VENTURINO  
*Administrative Assistant*

## BOARD OF PHYSICAL THERAPY EXAMINERS

7570 Norman Rockwell Lane, Suite 230  
Las Vegas, NV 89143

### Board Meeting Minutes

November 8, 2016

- 
- 1. Call to Order:** Roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 5:05 p.m. Tuesday, November 8th, by Chairperson Baum.

**Board Members in attendance:** Tina Baum, PT, DPT, WCS, ATC, CLT, Chairperson; Sherise Smith, PT, MSPT, CBIS Vice Chairperson; James McKivigan, DC, PT, MPA, MA, Secretary/Treasurer; Brian Fearnley, MPT, Board Member

**Staff in attendance:** Lisa Cooper, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Chelsea Venturino, Administrative Assistant; Sarah Bradley, Senior Deputy Attorney General

- 2. Pledge of Allegiance**
- 3. Public Comment** – None
- 4. Review, Discussion and Approval of Additional Language for the 2017 Legislative session (For Possible Action)**

Chairperson, Tina Baum called item number four.

**NRS 640.013 “Board” defined.** “Board” means the ~~State Board of Physical Therapy Examiners~~. *Nevada Physical Therapy Board*.

(Added to NRS by [1971, 1124](#))

**No changes to language**

**NRS 640.016 “Immediate supervision” defined.** “Immediate supervision” means that a person is present *on site* and immediately available within the treatment area to give aid, direction and instruction to the person he or she is supervising.

(Added to NRS by [1993, 2543](#))

**Motion:** Tina Baum made a motion to add the language “on site” to NRS 640.016.

**Seconded:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.026 “Supervising physical therapist” defined.** “Supervising physical therapist” means a physical therapist who supervises *a student or graduate of an approved physical therapy or physical therapy assistant program* or a physical therapist’s assistant *or physical therapist’s technician.*

(Added to NRS by [1989, 1574](#); A [1993, 2544](#))

**Motion:** Brian Fearnley made a motion to approve the changes to NRS 640.026 defining Supervising physical therapist means a physical therapist who supervises a physical therapist assistant, *student or graduate of an approved physical therapy program, physical therapist assistant program* or physical therapist technician.

**Seconded:** Sherise Smith

**Motion Passes Unanimously**

**NRS 640.029 Applicability of chapter.** This chapter does not apply to ~~[an occupational therapist, occupational therapy assistant or athletic trainer who]~~ *a Provider of Health Care as defined in NRS 629.021 who:*

1. Is licensed to practice in this state;
2. Practices within the scope of that license; and
3. Does not represent that he or she is a physical therapist or physical therapist’s assistant, or that he or she practices physical therapy.

(Added to NRS by [1991, 991](#); A [1993, 2544](#); [2003, 904](#))

**No changes to language**

**NRS 640.030 Creation; number, appointment, qualifications, terms and removal of members; quorum; civil liability.**

1. The ~~State Board of Physical Therapy Examiners~~ *Nevada Physical Therapy Board*, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

- (a) ~~Four~~ *Three* members who are licensed physical therapists in the State of Nevada.
- (b) *One member who is a licensed physical therapist assistant or a physical therapist in the State of Nevada.*

~~(b)~~(c) One member who is a representative of the general public. This member must not be:

(1) A physical therapist, a physical therapist’s assistant ~~or a physical therapist’s technician~~; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist, a physical therapist’s assistant. ~~or a physical therapist’s technician.~~

3. No member of the Board may serve more than two consecutive terms.

4. The Governor may remove any member of the Board for any reason. ~~incompetency, neglect of duty, gross immorality or malfeasance in office.~~

5. A majority of the members of the Board constitutes a quorum *of three members.*

6. No member of the Board may be held liable in a civil action for any act which he or she has performed in good faith in the execution of his or her duties under this chapter.

*7. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that Chapter.*

[Part 3:364:1955] — (NRS A 1957, 77; [1977, 1257](#); [1981, 933](#); [1989, 1574](#); [2003, 1196](#))

**No changes to language**

**NRS 640.035 Election of officers.** The Board shall elect a Chair and other officers from among its members.

(Added to NRS by [2007, 1846](#))

1. The Board may, by majority vote, select one or more persons including, without limitation; a physical therapist, a physical therapist assistant, or a member of the public, to serve as an advisory member of the Board. The terms and scope of the advisory members will be determined by the board. An advisory member may not vote on any matter before the Board.

### No changes to language

#### NRS 640.050 Powers and duties.

1. The Board shall: ~~examine and license qualified physical therapists and qualified physical therapist's assistants.~~

(a) *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*

(b) *Evaluate the qualifications and determine the eligibility of an applicant for the license as a physical therapist assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant.*

(c) *Investigate any complaint filed with the Board against a licensee; and*

(d) *Unless the Board determines that the extenuating circumstances exist, forward the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy without the appropriate license issued pursuant to the provisions of this chapter.*

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) ~~Treatments and other regulated procedures~~ *Limited activities* which may be performed by physical therapist's technicians

### No changes to language

3. The Board shall ~~keep a record of its proceedings~~ *prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings.* ~~and a register of all persons licensed under the provisions of this chapter. The register must show:~~

~~(a) The name of every living licensee.~~

~~(b) The last known place of business and residence of each licensee.~~

~~(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.~~

4. ~~During September of every year in which renewal of a license is required, †~~ The Board shall ~~compile~~ *maintain* a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished. *The licensee list available to the public shall include:*

(a) *Every living licensee name*

(b) *The last known primary business address*

(c) *The license number*

(d) *The date the license was issued.*

5. *A licensee address may be deemed confidential by the Board for good cause.*

~~5.~~ 6. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

[Part 3:364:1955] + [4:364:1955] — (NRS A 1963, 157; [1971, 1126](#); [1981, 934](#); [1989, 1575](#); [1993, 2544](#); [2013, 2240](#))

**No changes to language**

**NRS 640.070 Deposit of fees; expenses; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.**

1. All fees collected under this chapter must be deposited by the Board in banks, credit unions or savings and loan associations in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of [chapter 622A](#) of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions or savings and loan associations in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit the money collected from the imposition of administrative fines ~~with the State Treasurer for credit~~ to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

[13:364:1955] — (NRS A 1963, 158; [1983, 1541](#); [1993, 2545](#); [1999, 1535](#); [2005, 781](#))

**Motion:** Sherise Smith made a motion to approve removing "with the State Treasurer for credit."

**Second:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.090 Application: Contents; fee; fingerprints.**

1. Unless he or she is entitled to licensure under [NRS 640.120](#), [640.140](#), [640.145](#) or [640.146](#), a person who desires to be licensed as a physical therapist must:

(a) ~~Apply to the Board, in writing, on a form furnished by the Board;~~ *Complete the application form provided by the Board.*

(b) Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by [NRS 640.080](#) other than having passed the examination;

(c) Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$300;

(d) Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit other documentation and proof the Board may require; and

(f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to [NRS 640.146](#), the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

[6:364:1955] — (NRS A 1957, 77; [1967, 858](#); [1971, 1126](#); [1981, 935](#); [1989, 1576](#); [1997, 2150](#); [2003, 2861](#); [2005, 2751](#), [2807](#); [2015, 3023, 3901](#))

**Motion:** Sherise Smith made a motion for the change of NRS 640.090 (1) to remove Apply to the Board, in writing, on a form furnished by the Board; to “Complete the application form provided by the Board.”

**Second:** Tina Baum

**Motion Passes Unanimously**

~~**NRS 640.100 — Examination and reexamination of applicants; prohibition on participation in preparing, conducting or grading examination.**~~

~~1. The Board shall examine applicants for licensure as physical therapists at least twice a year at such places as it may determine.~~

~~2. The examination must embrace such subjects as the Board deems necessary to determine the applicant’s qualifications, and the examination must include a written portion.~~

~~3. The Board may charge a fee for examining or reexamining an applicant, based on the Board’s cost.~~

~~4. Before any applicant may take the examination a third time, the applicant must meet with the Board to discuss the possible need for further training or education and must complete any further training or education determined by the Board to be prerequisite.~~

~~5. The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.~~

**No changes to this section**

**NRS 640.110 Issuance and display of license; fee for replacement of lost license or to change name.**

1. The Board ~~shall~~ *may* license as a physical therapist each applicant who proves to the satisfaction of the Board his or her qualifications for licensure.

2. The Board ~~shall~~ *may* issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

3. Each physical therapist shall display his or her current license in a location which is accessible to the public.

4. The Board may charge a fee, not to exceed \$25, ~~to replace a lost license or to change a name on a license.~~

[11:364:1955] — (NRS A 1959, 194; [1967, 858](#); [1981, 935](#); [1987, 852](#); [1989, 1576](#))

**Motion:** Sherise Smith made a motion to remove “to replace a lost license or” from NRS 640.110 (4)

**Second:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.120 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.**

1. The Board may issue, without examination, a license to practice physical therapy for a period not to exceed 6 months to any person who meets the qualifications set forth in [NRS 640.080](#), except subsection 3 thereof, upon certification that the person has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency. Issuance of the temporary license is subject to such fees, not to exceed \$100, and conditions as the Board may require.

2. A student ~~of~~ *enrolled in an entry-level professional education program approved by the Board who is satisfying supervised clinical education requirements related to the person’s physical therapist education while under onsite supervision of a physical therapist* is not required to be licensed. ~~during his or her clinical training. if the work is done under the direct supervision of a licensed physical therapist.~~

3. A person who has applied for licensure as a physical therapist and who meets the qualifications set forth in [NRS 640.080](#), except subsection 3 thereof, is temporarily exempt from licensure and may practice physical therapy during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to [NRS 640.100](#);

(c) The person has not previously failed an examination for licensure as a physical therapist;

(d) The person practices physical therapy under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy during the period of the temporary exemption.

4. The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he or she may practice physical therapy under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his or her title or professional credentials any words, letters or insignia except for the words “graduate of physical therapy.”

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist.

[8:364:1955] — (NRS A [1967, 858](#); [1979, 714](#); [1981, 936](#); [1989, 1577](#); [2005, 695](#))

**Motion:** Tina Baum made a motion to approve the change of NRS 640.120 (2) to include the definition of a student.

**Second:** James McKivigan

**Motion Passes Unanimously**

~~**NRS 640.140 Licensing of physical therapist licensed in another state or territory. The Board may, in its discretion, license as a physical therapist, without**~~

~~examination, on the payment of the required fee, an applicant for licensure who is a physical therapist registered under the laws of another state or territory, if the requirements for licensure of physical therapists in the state or territory in which the applicant was licensed were at the date of licensure substantially equal to the current requirements of this state.~~

~~—[9:364:1955]— (NRS A 1989, 1577)~~

### **No changes to this section**

### **NRS 640.145 Expedited license by endorsement: Requirements; procedure for issuance.**

1. The Board may issue a license by endorsement as a physical therapist *or physical therapist assistant* to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist *or physical therapist assistant* in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or *currently involved in a pending investigation investigated* by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist *or physical therapist assistant*; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in [NRS 640.090](#);

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

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of [NRS 640.090](#) for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist 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 physical therapist *or physical therapist assistant* to the applicant not later than:

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

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, Ë whichever occurs later.

4. A license by endorsement as a physical therapist *or physical therapist assistant* may be issued at a meeting of the Board or between its meetings by the Chair of the Board *or his or her designee*. Such an action shall be deemed to be an action of the Board.

(Added to NRS by [2015, 3022](#))

**Motion:** Sherise Smith made a motion make change to NRS 640.145 (4) to add “or his or her designee”

**Second:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.146 Expedited license by endorsement for active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.**

1. The Board may issue a license by endorsement as a physical therapist *or physical therapist assistant* to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist *or physical therapist assistant* 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 surviving spouse of a veteran.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist *or physical therapist assistant*; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in [NRS 640.090](#);

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

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of [NRS 640.090](#) for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist 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 physical therapist 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 Board receives a report on the applicant’s background based on the submission of the applicant’s fingerprints,  
É whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board *or his or her designee*. Such an action shall be deemed to be an action of the Board.

5. 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 physical therapist in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in [NRS 417.005](#).  
(Added to NRS by [2015, 3900](#))

**Motion:** Sherise Smith made a motion to change NRS 640.146 (4) to include “or his or her designee”

**Second:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.150 Renewal; expiration and reinstatement of license; continuing education competency; regulations; fees.**

1. A license to practice physical therapy expires on ~~[July 31 of each year]~~ *a date established by the Board, which may not be less than one year*. A physical therapist *or physical therapist assistant* may renew a license before its expiration upon:

- (a) Presentation of proof of completion of a program of continuing **education competency** as required by subsection 3;
- (b) Payment of a renewal fee established by the Board; and
- (c) Submission of all information required to complete the renewal.

2. A license that is not renewed *within 30 days after date of expiration expires* ~~[before July 31 of each year expires]~~. An expired license may be reinstated, at the discretion of the Board, upon:

(a) Payment of *a reinstatement fee* ~~the annual renewal fee and the annual expiration fee~~ established by the Board for each year *or a portion thereof that the license is has been* expired; and

(b) *The reinstatement fee is in addition to any other requirements for renewal of a license pursuant to subsection 1.* ~~Submission of all information required to complete the renewal~~

3. The Board shall require licensed physical therapists *and physical therapist assistant* to complete a program of continuing **education competency** as a requirement for the renewal of licenses. The Board shall, by regulation:

*Determine the manner by which the courses of study or training shall be evaluated for continuing competency credit which may include an agency or organization approved by the Board.*

- ~~(a) Prescribe the curriculum;~~
- ~~(b) Approve the courses of study or training; and~~
- ~~(c) Establish the fees,~~

~~for the program.~~

4. The Board may, pursuant to subsection 3, establish a fee of not more than \$150 to consider approval of a course of study or training.

[12:364:1955] — (NRS A 1957, 78; [1967, 859](#); [1981, 936](#); [1985, 1411](#); [1989, 1577](#); [1997, 2150](#); [2005, 696](#), [2752](#), [2807](#))

**Motion:** Sherise Smith made a motion to substitute continuing education for continuing competency in NRS 640.150.

**Second:** Brian Fearnley

**Motion Passes Unanimously**

**NRS 640.230 Qualifications of applicant.** To be eligible for licensing by the Board as a physical therapist’s assistant, an applicant must:

- ~~1.— Be at least 18 years old.~~
- ~~2.~~ 1. Be of good moral character.
- ~~3.— Have graduated from an approved high school.~~

4. 2. Have completed an educational curriculum approved by the Board for a physical therapist's assistant.

5. 3. Pass an examination designated by the Board or be entitled to licensing without examination as provided in [NRS 640.270](#) or [640.275](#).

(Added to NRS by [1971, 1125](#); A [1981, 938](#); [1989, 1580](#); [1993, 2545](#))

#### **No changes to this section**

**NRS 640.250 Application for license: Contents; fees.** Unless he or she is entitled to a license under [NRS 640.270](#), a person who desires to be licensed as a physical therapist's assistant must:

1. ~~Complete the application form provided by the Board. Apply to the Board, in writing, on a form furnished by the Board. The application for licensure as a physical therapist's assistant must also be signed by the supervising physical therapist of the applicant.~~

2. Include in the application evidence, under oath, satisfactory to the Board, that he or she possesses the qualifications required by [NRS 640.230](#) other than having passed the examination.

3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$200.

4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. Submit such documentation and proof as the Board may require.

6. Pay the fee for examination of the applicant as the Board may establish.

7. Submit all other information required to complete the application.

(Added to NRS by [1971, 1125](#); A [1981, 938](#); [1989, 1580](#); [1997, 2150](#); [2003, 2861](#); [2005, 2753, 2807](#))

**Motion:** Andrea Menicucci made a motion to remove from section NRS 640.250 (1) "The application for licensure as a physical therapist's assistant must also be signed by the supervising physical therapist of the applicant."

**Second:** James McKivigan

**Motion Passes Unanimously**

**Motion:** Andrea Menicucci made a motion to amend her motion to remove "Apply to the Board, in writing, on a form furnished by the Board." And change NRS 640.250 (1) to include "Complete the application form provided by the Board"

**Second:** James McKivigan

**Motion Passes Unanimously**

~~**NRS 640.270—Licensing of physical therapist's assistant licensed in another state or territory.** The Board may license as a physical therapist's assistant, without examination, on the payment of the required fee, an applicant who is licensed as a physical therapist's assistant under the laws of another state or territory whose requirements at the date of licensure were substantially equal to the current requirements of this state.~~

**Motion:** Tina Baum made a motion to remove NRS 640.270.

**Second:** James McKivigan

**Motion Passes Unanimously**

**NRS 640.275 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.**

1. The Board may issue, without examination, a temporary license to practice as a physical therapist's assistant to a person who:

- (a) Meets all of the other qualifications of [NRS 640.230](#); and
- (b) Certifies that he or she has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency.

2. The Board may charge a fee, not to exceed \$100, for the issuance of a temporary license.

3. A student ~~who is~~ enrolled in *an entry-level professional education program approved by the Board who is satisfying supervised clinical education requirements related to the person's physical therapy education while under onsite supervision by a physical therapist* ~~a program to become a physical therapist's assistant~~ is not required to be licensed ~~during his or her clinical training. if the work is performed under the direct supervision of a physical therapist.~~

4. A person who has applied for licensure as a physical therapist's assistant and who meets the qualifications set forth in [NRS 640.230](#), except subsection 5 thereof, is temporarily exempt from licensure and may practice as a physical therapist's assistant during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to [NRS 640.230](#);

(c) The person has not previously failed an examination for licensure as a physical therapist's assistant;

(d) The person practices as a physical therapist's assistant under the direct supervision of a supervising physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice as a physical therapist's assistant during the period of the temporary exemption.

5. The temporary exemption authorized by subsection 4 begins on the date on which the Board notifies the person that he or she may practice as a physical therapist's assistant under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:

(a) Shall not use as his or her title or professional credentials the words, letters or insignia "P.T.A." or "Physical Therapist's Assistant," or any other letters, words or insignia indicating or implying that he or she is a licensed physical therapist's assistant.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist's assistant.

(Added to NRS by [1993, 2543](#); A [2005, 697](#))

**Motion:** Tina Baum made a motion to accept amendment of NRS 640.275 (3) to meet the Board's definition of physical therapist assistant.

**Second:** Sherise Smith

**Motion Passes Unanimously**

~~**NRS 640.280—Renewal, expiration and reinstatement of license; continuing education; fees.**~~

~~1.—The license of a physical therapist's assistant expires on July 31 of each year. A physical therapist's assistant may renew a license before its expiration upon:~~

~~(a) Presentation of proof of completion of a program of continuing education as required by subsection 3;~~

~~(b) Payment of the renewal fee established by the Board; and~~

~~(c) Submission of all information required to complete the renewal.~~

~~2.—A license that is not renewed before July 31 of each year expires. The Board may reinstate an expired license upon payment of the annual renewal fee and the annual expiration fee established by the Board for each year the license is expired.~~

~~3.—The Board shall require each physical therapist's assistant to complete a program of continuing education as a prerequisite for the renewal of a license. The Board shall prescribe the curriculum and approve the courses of study or training for that program.~~

~~(Added to NRS by 1971, 1126; A 1981, 939; 1987, 852; 1989, 1581; 1993, 2546; 1997, 2151; 2005, 2753, 2807)~~

**No changes to this section**

**NRS 640.310 Supervision by physical therapist while performing *treatments limited activities as defined by the Board.* ~~related to physical therapy.~~**

1. A physical therapist shall provide immediate supervision of a physical therapist's technician while the technician performs ~~treatments related to physical therapy which have been directed by the physical therapist~~ *limited activities*.

~~2.—As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.~~

(Added to NRS by 1993, 2543)

**No changes to this section**

**NEW LANGUAGE:**

**REMAINDER OF LANGUAGE WILL BE REWORKED FOR THE DECEMBER 1<sup>ST</sup> BOARD MEETING.**

**PROPOSED CITATION LANGUAGE TO ADD TO NRS CHAPTER 640**

**ADDITIONS AND AMENDMENTS**

**NRS 640.050 Powers and duties.**

1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon

application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter **or the regulations of the Board** has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

### **New NRS 640 Provision 1**

**1. When conducting an inspection pursuant to NRS 640.050(6), if a member or agent of the Board, based upon a preponderance of the evidence, has reason to believe that a person has committed an act which constitutes a violation of this chapter or the regulations of the Board, the member or agent of the Board, as appropriate, may issue or authorize the issuance of a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation:**

**(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;**

**(b) An order to pay an administrative fine for each violation; and**

**(c) An order to reimburse the Board for the amount of the expenses incurred to investigate each violation, not to exceed \$150.**

**2. If the citation includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must:**

**(a) State the time permitted for compliance, which must not be less than 15 business days after the date on which the citation is received by the person; and**

**(b) Describe, in specific detail, the action required to be taken.**

**3. If the citation is issued to a licensee and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 640.160, as appropriate for each violation.**

**4. Pursuant to NRS 640.169, if the citation is issued to an unlicensed person and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:**

**(a) For a first violation, must not be less than \$100 and must not be more than \$1,000;**

**(b) For a second violation, must not be less than \$250 and must not be more than \$2,500; and**

**(c) For a third violation and for each additional violation, must not be less than \$500 and must not be more than \$5,000.**

5. *The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.*

6. *The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements, as approved by the Board, within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.*

#### **New NRS 640 Provision 2**

1. *If a person is issued a written administrative citation pursuant to New NRS 640 Provision 1, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:*

(a) *Not later than 30 business days after the date on which the citation is received by the person; or*

(b) *If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.*

2. *If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section:*

(a) *The Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings; and*

(b) *At the hearing, the person may contest, without limitation:*

(1) *The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;*

(2) *The time allowed to take any corrective action ordered;*

(3) *The amount of any administrative fine ordered;*

(4) *The amount of any order to reimburse the Board for the expenses incurred to investigate the violation; and*

(5) *Whether any corrective action described in the citation is reasonable.*

3. *If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.*

4. *For the purposes of this section, a citation shall be deemed to have been received by a person:*

(a) *On the date on which the citation is personally delivered to the person; or*

(b) *If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.*

The Board wanted the language to be re-worded to all allow for citation ability for minor violations only. The Board suggested that regulations be created to ensure a citation would not be reported as a discipline to any data banks. If the citation is brought before the Board in a Citation Appeal, the citation will be considered discipline due to a Board Order.

The Board requested the language be tabled to the December Meeting.

#### **No Action Taken**

**NRS 640.169 Unlawful to practice physical therapy without license; exceptions; penalties.**

1. Except as otherwise provided in [NRS 629.091](#) and [640.120](#), it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. A person who violates the provisions of this subsection is guilty of a gross misdemeanor.

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 1 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue **an administrative** citation to the person in a manner consistent with [New NRS 640 Provision 1](#) and [New NRS 640 Provision 2](#). A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. ~~To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Note to Legislative Counsel Bureau

For consistency, please change all reference to “Physical Therapist’s Assistant to “Physical Therapist Assistant”. The same change would apply to the “Physical Therapist Technician”

Please add Physical Therapist Assistant to all sections where the requirements are the same as Physical Therapist and delete from the PHYSICAL THERAPIST ASSISTANT sections.

#### **5. Review, Discussion, Action of Board Position of Bill Draft Request from the Massage Therapy Board to include Structural Integration as a licensing type (for Possible Action)**

Chairperson, Tina Baum called Item number five.

The Board discussed the BDR presented to them from the Massage Board and requested more information be provided and this topic be set for the December 1, 2016 Board Meeting.

**No action taken on item.**

#### **6. Report from Board Chair (For possible action)**

##### **A. Future Agenda Item/Meetings Schedule**

Next Meeting December 1, 2016, 9:00 am, location UNR & UNLV

Parking tickets for meeting will be required.

Agenda Items – Discussion on open meeting law, minutes, posting on website.

ProCert and how we can be incorporated into regulation.

#### **7. Report from Legal Counsel (non-meeting, attorney client privilege)**

8. Public Comment – None

9. Adjournment 7:52 p.m.