

Board Members

- TINA BAUM, PT, DPT, MSPT, WCS, ATC, CLT
Chairperson
- SHERISE SMITH, PT, MSPT, CBIS
Vice Chair Person
- JAMES MCKIVIGAN, PT, DC, MPA, MA
Secretary/Treasurer
- BRIAN J. FEARNLEY, PT, MPT
Board Member
- ANDREA MENICUCCI, M.S., CCC-SLP
Public Member

STATE OF NEVADA

BRIAN SANDOVAL
Governor



Staff

- LISA O. COOPER
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

Draft Board Meeting Minutes

April 1st & 2nd, 2017

1. **Call to Order:** To determine the presence of a quorum; after determining the presence of a quorum, the meeting was called to order at 9:41 a.m. Saturday, April 1, 2017, by Chairperson Baum.

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

Staff in attendance: Lisa Cooper, Executive Director; Sarah Bradley, Senior Deputy Attorney General.

2. **Pledge of Allegiance**

3. **Public Comment – None**

4. **Review, Discussion, Action of Board Operations and Updates (For Possible Action)**

A. inLumon Contract

Tina Baum, Chairperson, calls item 4 A.

Lisa Cooper reported a meeting took place with inLumon on March 17, 2017; there were 13 points that were outlined for the Board to be able to move forward with the payment of Managed Hosting Service. The main issues we have had are: The back office the staff uses is not working. Reports are not working, the data that we do get out of the system, I am not positive it is correct. The mailing address and the email address may not be correct. We identified that there was an issue with the, “Yes” questions on the renewal system. The verification tab is not completed. The data that is housed in the new system is for renewals only; the staff does not have the ability to enter into new applications. This forces staff to enter the information into the Access system and have inLumon get downloads. All of the corrections should be completed no later than May 1, 2017.

A discussion took place regarding the subscription contract through Board of Examiners.

Currently, the monthly fee for Quick Start is \$995.00; until Managed Hosting is implemented the monthly fee will increase to \$1,575.00. If inLumon does not meet the May 1, 2017, deadline, the Board will pay \$500.00 per month until the new database is completed. With regards to future build out software if deadlines are met Managed Hosting Fee stays the same at \$1,575.00. In the event deadlines are not met, Managed Hosting Fee will reduce to \$500.00 per month.

Motion: Tina Baum made a motion to approve inLumon contract with the following conditions: Quick Start is \$995.00; until Managed Hosting is implemented the monthly fee will increase to \$1,575.00. If inLumon does not meet the May 1, 2017, deadline, the Board will pay \$500.00 per month until the new database is completed. With regards to future build out software if deadlines are met Managed Hosting Fee stays the same at \$1,575.00. In the event deadlines are not met, Managed Hosting Fee will reduce to \$500.00 per month.

Second: Sherise Smith

Motion carries unanimously

B. Nuance Software

Tina Baum, Chairperson, calls item four B.

Lisa Cooper reported the Nuance Software is substantially less than the other software previously quoted, at \$1,058.00 annually for 8 licenses, this is a cost of \$132.25 per license. The Nuance Software will enable the Board Members to electronically sign documents and return them to the staff with little to no effort.

Motion: Tina Baum made a motion to approve the purchase of Nuance software and revisit the need of the software annually.

Second: James McKivigan

Motion carries unanimously

C. Kohn & Company Contract

Tina Baum, Chairperson, calls item four C.

Lisa Cooper reported that in the January 12 & 13, 2017, Board Meeting the Board voted to change the frequency of our Audit from Bi-Annual to Annual. Kohn and Company provided a quote to us for \$5,000.00 per year. I did not contact any other vendors, as Kohen was the Accounting firm that provided our last audit and I wanted to keep some consistency.

Motion: Tina Baum made a motion to approve the Kohn & Company Contract.

Second: James McKivigan

Motion carries unanimously

- D. Select voting delegate, alternate delegate, and administrator for attending the Federation of State Physical Therapy Boards following meetings:
 - i. Leadership Issues Forum (voting delegate and administrator only)
 - ii. Annual Meeting

Tina Baum, Chairperson – Calls item 4 Di.

Delegate to attend the Leadership Issues Forum

Motion: Brian Fearnley made a motion to send Sherise Smith at the Delegate to the Leadership Issues Forum

Second: Tina Baum

Motion carries unanimously

Tina Baum, Chairperson – Calls item 4 D ii.

Motion: James McKivigan made a motion to send two additional Board Members and one staff member (attorney) to the FSBPT Annual Meeting, November 2 to 4, 2017.

Second: Sherise Smith

Motion carries unanimously

- E. Preliminary budget discussion

Tina Baum, Chairperson – Calls item 4 E.

Lisa Cooper reported re: discussion regarding Worker's Compensation and Board Members are covered. Out of State Transportation; we will send 2 additional Board Members and 1 staff member. In State Travel is at a good level. Office supplies will go up due to printing and license issues. I will push that up to \$7,000.00. Bank Fees will go up due to the fee that is charged to the Board for processing credit cards online. Tort Fund is a required fee for liability. Rent, Non-State-owned office. The Reno office lease will end in August if we extend our lease we will receive a 3% increase, we should extend the lease a year and a half. Leasing services should be able to help with the lease in Las Vegas. Outside Legal Counsel and Attorney General's office, we need to shift cases to the AG's office.

No Action Taken

5. Review, Discussion, Action of Nevada Physical Therapy Association Legislative Bill

- A. AB437

Tina Baum, Chairperson – Calls item 5 A.

Lisa Cooper reported re: discussion regarding the language for AB 437, Section 1. Changing NRS 629 from registered to licensed. Section 2. Is updating the definition of "Practice of physical therapy" Section 3. The change in this section is to simplify who is exempt from NRS 640 to include all providers of health care per 629. Section 4. A person who is licensed under NRS 640 shall use PT or physical therapist. A sole proprietorship, LLC or an individual that is not licensed cannot use L.P.T., R.P.T., P.T. or any other insignia indicating or implying they are a licensed physical therapist. If they are found guilty of these, a fine and administrative costs will be assessed. Section 5. Additional unlicensed statues. Section 6. Language regarding an injunction.

No Action Taken

Review, Discussion, and Possible Action regarding Nevada Administrative Code 640. (For Possible Action)

B. The Board will review NAC Chapter 640 and determine if changes or additions are needed.

- i. FSBPT Model Practice Act
- ii. CWT 6
- iii. ACCE White Paper

Please see attached proposed NAC changes.

No Action Taken

6. Report from Board Chair (for possible action)

A. Future Agenda Items

Tina Baum, Chairperson – Calls item 6 A.

Workshop – scheduled for April 22, 2017, and May 20, 2017, starting at 9:00 am, to get input on the first draft of the regulation changes.

Motion: James McKivigan made a motion to approve the dates for the Regulation Workshops in Las Vegas and Reno. Add the Regulation Workshop information to the Newsletter.

Second: Brian Fearnley

Motion carries unanimously

7. Public Comment - None

CHAPTER 640 - PHYSICAL THERAPISTS

GENERAL PROVISIONS

- [640.001](#) Definitions.
- [640.003](#) "Approved course or activity" defined.
- [640.004](#) "Board" defined.
- ~~[640.0045](#) "Hour" defined.~~
- [640.0046](#) "Licensee" defined.
- [640.0048](#) "Provider of health care" defined.
- [640.005](#) "Recognized provider of continuing education competence" defined.
- [640.006](#) "Unit of continuing education competence" defined.
- [640.008](#) "Direct supervision" interpreted.

BOARD OF PHYSICAL THERAPY EXAMINERS

- [640.010](#) [Announcement of meetings; list of licensees.](#)

LICENSING

- [640.020](#) Application for license.
- [640.025](#) Schedule of fees.
- [640.040](#) Examination of applicants.
- [640.050](#) Reinstatement of expired license.
- [640.055](#) Change of name; issuance of duplicate license.
- [640.061](#) Addresses of licensee; delivery of notice by Board.
- [640.070](#) Graduation from school in foreign country.
- ~~[640.080](#) Exemption from licensing during clinical training of student of physical therapy.~~
- [640.085](#) Approval to supervise graduate of physical therapy during temporary exemption from licensing.
- ~~[640.090](#) Exemption from licensing during clinical training of student enrolled in program curriculum to become physical therapist's assistant.~~
- [640.095](#) Temporary license to practice physical therapy.

PRACTICE BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS

- ~~[640.100](#) "Presiding officer" defined.~~
- ~~[640.110](#) Appearance and participation by member of Board's staff.~~
- ~~[640.120](#) Entry of appearance.~~
- ~~[640.130](#) Service of process; withdrawal of attorney.~~
- ~~[640.140](#) Error or defect in pleading or proceeding.~~
- ~~[640.150](#) Form and contents of petition.~~
- [640.160](#) Complaints: Citation of statute, regulation or order; joinder.
- [640.170](#) Complaints: Investigation; report; disposition; decision to proceed with hearing; response to complaint.
- [640.180](#) Motions; oral arguments.
- [640.190](#) Pleadings, motions or other documents: Number of copies; availability to other persons.
- ~~[640.200](#) Service of documents.~~
- ~~[640.210](#) Hearings: Notice.~~
- ~~[640.220](#) Hearings: Failure to appear.~~
- ~~[640.230](#) Hearings: Call to order.~~
- [640.240](#) Hearings: Conduct of parties, counsel and spectators.
- ~~[640.250](#) Hearings: Order of evidence.~~
- ~~[640.260](#) Consolidation of proceedings.~~
- [640.270](#) Stipulations.
- [640.280](#) Briefs: Filing; service.

~~640.290 Informational hearing.~~

~~640.300 Rehearing.~~

[640.310](#) Petition for declaratory order or advisory opinion: Receipt by Board; decision; form.

~~640.320 Copy of declaratory order or advisory opinion sent to petitioner.~~

[640.330](#) Petitions concerning regulations.

[640.340](#) Petition to appear before Board.

CONTINUING ~~EDUCATION~~ COMPETENCE

[640.400](#) General requirements.

[640.410](#) Providers of continuing ~~education~~ competence: Recognition by Board.

[640.420](#) Providers of continuing ~~education~~ competence: Records; certificate of completion.

[640.450](#) Approval of course ~~or activity of study, training or material.~~

[640.460](#) Use of term "recognized provider of continuing ~~education~~ competence"; advertising.

[640.470](#) Form of course ~~or activity of study or training.~~

[640.480](#) Advisory Committee on Continuing ~~Education~~ Competence: Creation; number of members; term.

[640.490](#) Advisory Committee on Continuing ~~Education~~ Competence: Members; duties; quorum.

[640.500](#) List of approved courses ~~or activities of study or training and materials.~~

[640.510](#) Verification of compliance with requirements.

STANDARDS OF CONDUCT

~~640.550 General requirements.~~

[640.560](#) Display of license; practice under name on license.

[640.570](#) Use of license; misrepresentation prohibited.

[640.580](#) Relationship with patient.

~~640.585 Personal responsibility for each patient on treatment intervention schedule.~~

~~640.590 Treatment intervention of patient; delegation of treatment.~~

~~640.592 Supervision of physical therapist's assistant.~~

[640.593](#) Supervision of physical therapist's assistant and student enrolled in curriculum approved by Board for physical therapist's assistant.

[640.594](#) Supervision of unlicensed person; limitation on number of persons supervised.

[640.595](#) Physical therapist's technicians.

[640.596](#) Physical therapist's assistant prohibited from performing certain activities; disciplinary action.

[640.600](#) Termination, withdrawal or interruption of treatment.

[640.610](#) Records; confidentiality.

[640.620](#) Fees and billing.

[640.630](#) Advertising.

[640.640](#) Programs of research.

[640.650](#) Physical therapist's assistants: Inclusion of supervising physical therapist in notations of treatment.

[640.660](#) Violation of provisions constitutes unprofessional conduct.

DISCIPLINARY ACTION

[640.670](#) Grounds: Interpretation of statutory terms.

[640.680](#) Entry into group practice not prohibited.

[640.685](#) Additional grounds.

[640.690](#) Discovery of witnesses and evidence.

[640.695](#) Consideration of cooperation and voluntary disclosure in mitigation of alleged violation.

GENERAL PROVISIONS

NAC 640.001 Definitions. ([NRS 640.050](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 640.003](#) to [640.006](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; 6-11-90; R059-06, 9-18-2006)

NAC 640.003 "Approved course or activity" defined. ([NRS 640.050](#)) "Approved course or activity" means a course or activity of study or training for continuing education competence which is:

1. Offered by a recognized provider of continuing education competence; and
2. Approved by the Board or through an approved agency ~~a~~ for a specific number of units of continuing education competence.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88)

NAC 640.004 "Board" defined. ([NRS 640.050](#)) "Board" means the ~~State Board of Physical Therapy Examiners-~~ Nevada Physical Therapy Board.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86)

~~NAC 640.0045 "Hour" defined. (NRS 640.050) "Hour" means not less than 50 minutes nor more than 60 minutes.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 5-19-88)~~

NAC 640.0046 "Licensee" defined. ([NRS 640.050](#)) "Licensee" means a person licensed as a physical therapist or physical therapist's assistant in accordance with the provisions of this chapter and [chapter 640](#) of NRS.

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R059-06, eff. 9-18-2006)

NAC 640.0048 "Provider of health care" defined. ([NRS 640.050](#)) "Provider of health care" has the meaning ascribed to it in [NRS 629.031](#).

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.005 "Recognized provider of continuing education competence" defined. ([NRS 640.050](#)) "Recognized provider of continuing education competence" means any person or organization recognized by the Board or by ProCert or its successor as competent to provide an approved course or activity.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88)

NAC 640.006 "Unit of continuing education Continuing competence unit" defined. ([NRS 640.050](#)) ~~"Unit of continuing education competence" means 10 hours of instruction in an approved course or activity.~~

Continuing Competence Unit (CCU)

The relative value assigned to continuing competence courses or activities; the value of the unit is based on meeting established criteria.

1. Continuing competence is the lifelong process of maintaining and documenting through on going self-assessment, development, and implementation of a personal learning plan, and subsequent reassessment. ([NAC 640.006](#))

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88)

Revisit

NAC 640.008 "Direct supervision" interpreted. ([NRS 640.050](#), [640.120](#), [640.275](#), [640.290](#))

1. For the purpose of subsection 2 of [NRS 640.120](#), the Board will interpret "direct supervision" to mean the direction or assistance provided to a student of physical therapy by a licensed physical therapist who is present and immediately available on the premises where the clinical training of the student is conducted.
2. For the purpose of subsection 3 of [NRS 640.275](#), the Board will interpret "direct supervision" to mean the direction or assistance provided to a student who is enrolled in a ~~program~~ curriculum to become a physical therapist's assistant by a supervising physical therapist who is present and immediately available on the premises where the clinical training of the student is conducted.

2. For a physical therapist's assistant:	
(a) Initial application for a license.....	\$200
(b) Annual renewal of a license.....	100
(b.1) Prorated fee per month	8.33
(c) Reinstatement Annual Expiration fee of for an expired license.....	200 100
(d) Approval of an applicant to take the examination.....	25
3. General:	
(a) List of business professional addresses of licensees.....	50 25
(b) List of business professional addresses of licensees on mailing labels.....	150
(c) Change of name on a license.....	25
(d) Dishonored check.....	25
(e) Duplicate lost parchment of lost license.....	25
4. For a request to consider approval of a course or activity of study or training for licensed physical therapists pursuant to subsection 4 of NRS 640.150 that is:	
(a) Worth 0-5.9 units.....	\$10
(b) Worth 6-10.9 units.....	30
(c) Worth 11 or more units.....	50

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 5-19-88; A 6-11-90; 11-19-92; 3-28-95; R035-00, 1-5-2001; R111-02, 1-24-2003; R059-06, 9-18-2006)

New Language

Pursuant to NRS 640.150 and NRS 640.280 the Board Establishes a \$150.00 as the annual expiration fee for physical therapist and \$100.00 as the annual expiration fee for physical therapist assistant.

NAC 640.040 Examination of applicants. ([NRS 640.050](#), [640.080](#), [640.100](#), [640.230](#))

1. The Board will use the examination ~~prepared~~ provided by the Federation of State Boards of Physical Therapy or its successor. ~~a professional examination service retained by the Board in the examination of an applicant for a license as a physical therapist or a physical therapist's assistant.~~
2. In addition to the examination used pursuant to subsection 1, the Board may administer an examination that tests the familiarity of an applicant with the laws and regulations relevant to the practice of physical therapy in this State.
3. To be eligible to take the examinations, an applicant must file a completed application with the ~~Executive Director of~~ the Board office.
4. The applicant must achieve a passing score on each examination before he or she will be licensed.
- ~~5. If the applicant fails an examination once, he or she may retake it upon payment of the fee for the examination.~~

[Bd. of Phys. Therapy Exam'rs, Reg. entitled "Examination," eff. 4-11-80]—(NAC A 11-30-81; 10-17-86; 9-10-87; 5-19-88; 6-11-90; 3-28-95; R111-02, 1-24-2003; R059-06, 9-18-2006; R107-10, 10-15-2010)

NAC 640.050 Reinstatement of expired license. ([NRS 640.050](#), [640.150](#), [640.280](#))

1. To reinstate a license which has expired for less than 2 years, an applicant must:
 - (a) Complete an application for reinstatement provided by the Board;
 - (b) Submit any additional information requested by the Board;
 - (c) Pay the ~~appropriate~~ annual renewal fee for each year; ~~and~~
 - (d) Pay the annual expiration fee for each year; and
 - ~~(d)~~ (e) Meet with the Board if it so requests.
2. If a person's license has expired for 2 years or more, the person must reapply as if he or she were a new applicant.

[Bd. of Phys. Therapy Exam'rs, §§ 1 & 2 of Reg. entitled "Lapsed Licenses," eff. 4-11-80]—(NAC A 6-11-90; 3-28-95; R111-02, 1-24-2003)

NAC 640.055 Change of name; issuance of duplicate license. ([NRS 640.050](#))

1. If a physical therapist or a physical therapist's assistant changes his or her name after his or her license is issued, he or she must submit, within 30 days after the change, proof satisfactory to the Board that his or her name was legally changed. If the change of name resulted from marriage or a court decree, a copy of the marriage certificate or court decree must be submitted to the Board. The Board will issue an updated license upon payment of the appropriate fee.

2. A physical therapist or physical therapist's assistant who has lost his or her initial parchment license or is otherwise not in possession of his or her license may request in writing from the Board a duplicate license. The Board will issue a duplicate license upon payment of the appropriate fee.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 6-11-90; 3-28-95; R111-02, 1-24-2003; R059-06, 9-18-2006)

NAC 640.061 Addresses of licensee; delivery of notice by Board. (NRS 640.050)

1. Each licensee shall file, in writing, his or her current residential address and professional address with the Board.

2. A licensee shall notify the Board, in writing, of any change in his or her residential mailing address or primary professional address within 30 days after the change. ~~For the purpose of this subsection, the Board will consider a change in the primary professional address of a licensee to have occurred upon any change in the primary location at which the licensee works, including, without limitation, the cessation of the licensee's primary employment and the securing of new primary employment.~~

3. If the Board is required by law or the provisions of this chapter to deliver any notice by mail to a licensee, the mailing of the notice shall be deemed valid and complete if it is mailed to the last residential address of the licensee which was filed with the Board in accordance with this section.

4. As used in this section, "primary professional address" means the physical address where a licensee practices physical therapy or carries out any other activities relating to physical therapy for the majority of his or her working hours within a consecutive 30-day period.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R111-02, 1-24-2003; R059-06, 9-18-2006; R107-10, 10-15-2010)

NAC 640.070 Graduation from a non-accredited school in foreign country. (NRS 640.050, 640.140, 640.270)

1. An applicant for licensure who has graduated from a school ~~in another country~~ that is not accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association must:

(a) Submit an evaluation from the Foreign Credentialing Commission on Physical Therapy which must:

- (1) Indicate that the ~~current edition of A Coursework Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States~~, published by the Federation of State Boards of Physical Therapy and adopted by reference pursuant to subsection 2, was used to prepare the evaluation; and
- (2) State that the education of the applicant is equivalent in content to an accredited educational ~~program curriculum~~ for physical therapy in the United States;

(b) Submit proof satisfactory to the Board of his or her current or previous licensure to practice as a physical therapist without limitation in the country in which he or she was trained, unless the applicant was not eligible for licensure in that country because he or she was a citizen of the United States at the time of his or her graduation from a ~~program curriculum~~ of physical therapy; and

(c) Unless the native language of the applicant is English and he or she has graduated from a ~~program curriculum~~ of physical therapy that was conducted in the English language, demonstrate proficiency in the English language by submitting proof of:

- (1) His or her successful completion of the Test of Spoken English administered by the Educational Testing Service; and
- (2) His or her successful completion of the Test of English as a Foreign Language administered by the Educational Testing Service.

(3) Successful completion is considered the following scores on one exam:

- (a) Reading 21
- (b) Listing 18
- (c) Speaking 26
- (d) Writing 24

2. The Board hereby adopts by reference the most current edition of The Coursework Tools published by the Federation of State Boards of Physical Therapy. ~~A Course Work Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States, fourth edition, November 2001,~~

For Physical Therapist Assistant, the Coursework Tool (PTA-Tool 2) and for Physical Therapists Coursework Tool (CWT-6) and any subsequent editions published by the ~~Foreign Credentialing Commission on Physical Therapy,~~ the Federation of State Boards of Physical Therapy unless the Board gives notice that the most recent revision is not suitable for this State pursuant to subsection 3. A copy of the publication may be obtained, without charge, from the Federation of State Boards of Physical Therapy ~~Foreign Credentialing Commission on Physical Therapy, 509 Wythe Street, Alexandria, Virginia 22314 9998, by telephone at (703) 684-8406~~ [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) ~~Help@fcept.org or by facsimile: (703) 684-8715.~~

3. The Board will review each revision of the publication adopted by reference pursuant to subsection 2 to ensure its suitability for this State. If the Board determines that the revision is not suitable for this State, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 2.
4. If an applicant for licensure graduated from a school in another country and holds an H-1B Visa, the Board will notify the United States Citizenship and Immigration Services of the Department of Homeland Security if the applicant fails the national licensing examination.
5. If a licensee graduated from a school in another country and holds an H-1B Visa, the Board will notify the United States Citizenship and Immigration Services of the Department of Homeland Security if the Board takes disciplinary action against him or her.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86; A 6-11-90; 11-19-92; R153-98, 12-18-98; R035-00, 1-5-2001; R111-02, 1-24-2003; R059-06, 9-18-2006)

~~NAC 640.080 Exemption from licensing during clinical training of student of physical therapy. (NRS 640.050, 640.120) For the purposes of qualifying for the exemption from licensing during clinical training provided pursuant to subsection 2 of NRS 640.120, the Board will interpret "student of physical therapy" to mean a student enrolled in a curriculum of physical therapy approved by the Board.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 5-27-92; A by R153-98, 12-18-98; R059-06, 9-18-2006)~~

NAC 640.085 Approval to supervise graduate of physical therapy during temporary exemption from licensing. (NRS 640.050, 640.120)

1. A physical therapist shall not supervise a graduate of physical therapy pursuant to [NRS 640.120](#) without the approval of the Board.
2. A physical therapist who wishes to apply for such approval must submit to the Board, on a form provided by the Board, a separate request for approval for each location at which the graduate of physical therapy will provide physical therapy services.
3. Any approval granted by the Board applies only to the supervision of the graduate of physical therapy at the specified location by the physical therapist to whom the approval is granted and does not authorize the supervision of the graduate of physical therapy at any other location or by any other physical therapist.

The graduate is responsible for ensuring the following:

A primary supervisor and a secondary supervisor and no more than two locations.

To change a supervisor is to provide documentation from the facility that the supervisor has transferred departments, job duties or terminated employment with the facility.

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R107-10, eff. 10-15-2010)

New Language

1. The Board may approve a student of physical therapy or a student of physical therapy assistant to sit for the exam provided by the Federation of State Boards Physical Therapy, after completion of didactic portions of curriculum before graduation.
2. A license will not be issued until application is complete.
3. An application is deemed complete when all requirements of NAC 640.020 are satisfied.

~~NAC 640.090 Exemption from licensing during clinical training of student enrolled in program curriculum to become physical therapist's assistant. (NRS 640.050, 640.275) For the purposes of qualifying for the exemption from licensing during clinical training provided pursuant to subsection 3 of NRS 640.275, the Board will interpret "student" to mean a student enrolled in a curriculum approved by the Board for a physical therapist's assistant.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 3-28-95; A by R153-98, 12-18-98; R059-06, 9-18-2006)~~

NAC 640.095 Temporary license to practice physical therapy. (NRS 640.050) The Board will issue a temporary license to practice physical therapy to an applicant if it determines that:

1. The applicant will practice physical therapy in a medically underserved area of this State, as defined by the Officer of Rural Health of the University of Nevada School of Medicine; and
2. The applicant meets the requirements set forth in [NRS 640.140](#).

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R153-98, eff. 12-18-98)

PRACTICE BEFORE THE BOARD OF PHYSICAL THERAPY EXAMINERS

New Provision #1: The Board will hold disciplinary hearings and other proceedings in a manner consistent with NRS Chapter 622A.

~~NAC 640.100 "Presiding officer" defined. (NRS 640.050) As used in NAC 640.100 to 640.340, inclusive, "presiding officer" means:~~

- ~~1. A member of the Board or a panel who presides at a hearing; or~~
- ~~2. A hearing officer.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~NAC 640.110 Appearance and participation by member of Board's staff. (NRS 640.050) The members of the Board's staff may appear at any proceeding and participate as a party.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~NAC 640.120 Entry of appearance. (NRS 640.050) A party who has not previously entered an appearance may do so at the beginning of a hearing, or at any time designated by the presiding officer, by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.130 Service of process; (NRS 640.050)

1. Except as otherwise provided in subsection 3, every notice, decision, advisory opinion, declaratory order or other document to be served by the Board will be served by mail or delivery in person at the last known home address of the person on record with the Board. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

2. Every document required to be served by a party must be served by mail or delivery in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.
3. Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served thereafter upon the party must be served upon his or her attorney and such service is, for all purposes, valid service upon the party represented.
4. Attorneys, licensees, and other parties appearing before the Board should mail or personally deliver all documents or pleadings to the Board office 7 days prior to the proceeding to which they relate.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

~~**NAC 640.130— Service of process; withdrawal of attorney. (NRS 640.050)**~~

- ~~—1. If a party is represented by an attorney, any document other than a complaint or a notice of hearing, which is required to be served upon any party, must be served upon his or her attorney. Service on the attorney is service upon the party.~~
- ~~—2. If a party is not represented by an attorney, service by mail must be made to the last known address of the party.~~
- ~~—3. An attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board, hearing officer or panel, and all parties to the proceeding of his or her withdrawal.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~**NAC 640.140— Error or defect in pleading or proceeding. (NRS 640.050)**—The presiding officer shall, at every stage of any proceeding, disregard any error or defect in the pleading or proceeding which does not affect the substantial rights of the parties.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.150 Form and contents of petition. (NRS 640.050) The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

1. A petition for a declaratory order or an advisory opinion must be in writing on a form prescribed by the Board.

New Provision #2 Draft of declaratory order or advisory opinion by member of Board; notice to petitioner. (NRS 233B.120, 640.050)

1. If the Board grants a petition pursuant to subsection 4 of NAC 640.310, the Board will issue a declaratory order or advisory opinion. The Chairperson or other presiding officer shall assign one member of the Board to write the declaratory order or advisory opinion. The member so assigned has 30 days within which to submit to the Board the final draft, after reviewing comments by all members of the Board on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completing his or her draft of the declaratory order or advisory opinion, the assigned member shall submit it to the Board for final approval at the next regularly scheduled meeting of the Board. The declaratory order or advisory opinion must be approved by a majority of the members of the Board who are present at the meeting.
2. After the Board renders its declaratory order or advisory opinion, the Board will give notice of it to the petitioner.

~~A petition for affirmative relief, a declaratory order or an advisory opinion must be in writing, contain the petitioner's full name and mailing address and be signed by the petitioner.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

New Provision #3 Compliance with declaratory order or advisory opinion required. (NRS 640.050) A petitioner shall comply with the provisions of a declaratory order or advisory opinion issued by the Board.

NAC 640.160 Complaints:

~~—NAC 640.160— Complaints: Citation of statute, regulation or order; joinder. (NRS 640.050, 640.161)~~

~~—1.— Any statute, regulation or order referred to in a complaint must be accompanied by a complete citation to that statute, regulation or order.~~

~~—2.— Two or more persons filing a complaint with the Board may join in one complaint if their complaints are against the same person and deal substantially with the same violation of chapter 640 of NRS or of this chapter.~~

1. A complaint may be filed by any person, including, without limitation, another licensee, the Executive Director, the Board or any of the Board's members, staff or investigators and must allege one or more of the grounds for disciplinary action set forth in NRS 640.160.
2. Except as otherwise provided in subsection 5:
 - (a) Each complaint must contain a statement of facts showing that a provision of this chapter or Chapter 640 of NRS has been violated;
 - (b) Each complaint must be sufficiently detailed to enable the respondent to prepare a defense; and
 - (c) All applicable statutes and regulations or orders of the Board must be cited in the complaint, together with the date on which the act or omission is alleged to have occurred.
3. If more than one cause of action is alleged, each cause of action must be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal substantially with the same violation of law, or of a regulation or order of the Board.
4. A complaint must be filed with the Board, at the office of the Board, on a form prescribed by the Board and, except as otherwise provided in subsection 5, must be signed and verified by the complainant.
5. The Board may accept written anonymous complaints. If the Executive Director or his or her designee determines that an anonymous complaint filed with the Board contains sufficient information that indicates a violation of this chapter or Chapter 640 of NRS has likely occurred, the complaint will be investigated pursuant to subsection 2 of NAC 640.170.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

NAC 640.170 Complaints: Investigation; report; disposition; decision to proceed with hearing; response to complaint. (NRS 640.050, 640.161)

~~1.— Upon receipt of a complaint filed against a licensee pursuant to NRS 640.161, the Executive Director of the Board shall designate an investigator employed by the Board to conduct an investigation of the complaint. Upon completing the investigation, the investigator shall submit a written report of his or her investigation to the Executive Director, including any records, documents or other information discovered during the investigation.~~

~~—2.— The Executive Director shall designate a member of the Board to review the report. The member of the Board may conduct a further investigation of the complaint if he or she considers such investigation necessary. Upon completing a review of the report, the member shall submit a written recommendation to the Board concerning the disposition of the complaint. The member may not vote at any hearing concerning the complaint.~~

~~—3.— If the Board, after reviewing a complaint, decides to proceed with a hearing, it will send a copy of the complaint to each person against whom the complaint is made. A response to the complaint must be filed within 20 days after receipt of the complaint.~~

1. Upon the receipt of a complaint submitted pursuant to subsection 4 of NAC 640.160, the Executive Director or his or her designee shall review the complaint to determine whether the matter is proper for administrative review and whether the complaint alleges sufficient information to warrant an investigation and is not a frivolous complaint.

2. If the Executive Director or his or her designee determines pursuant to subsection 1 of this section or subsection 5 of NAC 640.160 that a complaint should be investigated, the Executive Director or his or her designee shall assign the complaint to a staff investigator for a report on the allegations of the complaint. The Executive Director or his or her designee shall provide written notice of the complaint to the licensee identified in the complaint unless the Executive Director or his or her designee determines that such notice will impede or otherwise interfere with the investigation. The investigator shall investigate the complaint and report his or her findings, including, without limitation, whether the investigator recommends that the Board commence an administrative hearing on the complaint, to the Executive Director or his or her designee as quickly as feasible but not later than 90 days after receipt of the complaint.
3. After receiving the investigator's report, the Executive Director or his or her designee shall forward the report to a Board Member for review.
4. The Board Member and the Executive Director or his or her designee shall determine whether there are sufficient facts to warrant an administrative hearing.
5. If it is determined that there are sufficient facts to warrant an administrative hearing, the Executive Director or his or her designee shall notify the Board to set the matter for an administrative hearing.
6. If the Board Member and the Executive Director or his or her designee determine that there are not sufficient facts to warrant an administrative hearing, the complaint will be dismissed at the next available Board Meeting without further action.
7. The Executive Director or his or her designee shall notify the licensee identified in the complaint of the decision whether the Board has set the matter for an administrative hearing or whether the complaint is dismissed.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86; A by R111-02, 1-24-2003; R107-10, 10-15-2010)

~~**NAC 640.180 Motions; oral arguments. (NRS 640.050)**~~

~~1. Unless it is made during a hearing, a motion must be made in writing. Each written motion must state the relief sought and the grounds for the motion.~~

~~2. A party opposing a motion may file with the Board a written response to it and serve a copy of the response on the party making the motion. The party who made the motion may file with the Board a written reply to the response and serve a copy of the reply on the party making the response.~~

~~3. If the Board requires oral argument, it will set a date and time for hearing the argument.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.190 Pleadings, motions or other documents: Number of copies; availability to other persons. (NRS 640.050) Except for a complaint filed with the Board pursuant to NAC 640.160(4), an original and eight legible copies of each pleading, motion or other document related to the proceeding must be filed with the Board office 7 business days prior to the proceeding.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

~~(NRS 640.050) Except for a complaint, an original and seven legible copies of each pleading, motion or other document related to the proceeding must be filed with the Board. The person filing any pleading or motion with the Board shall make a copy of it available to any other person who the Board determines is affected by the proceeding and who desires a copy.~~

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

~~**NAC 640.200 Service of documents. (NRS 640.050)** Except for a complaint and the notice of a hearing, every document required to be served by or upon the Board or other party must be served personally or by mail. Service by mail shall be deemed complete when the document, properly addressed and stamped, is deposited in the United States mail.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.210 Hearings: Notice.** (NRS 640.050) — Except for the notice of hearing on a complaint, the Board will serve notice of a hearing at least 20 days before the day of the hearing. Any hearing which has been continued may be reconvened after a notice of at least 3 days.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.220 Hearings: Failure to appear.** (NRS 640.050)~~

~~— 1. — If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board will hear the testimony of the witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.~~

~~— 2. — If a person fails to appear for a hearing or to request a continuance of a hearing, the person may, within 15 days after the date originally set for the hearing, apply to the Board to reopen the proceedings. If the Board finds sufficient cause, it will set a new time and place for the hearing. Any witness who has previously testified may be required by the Board to appear at the second hearing.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.230 Hearings: Call to order.** (NRS 640.050) — The presiding officer shall call the proceeding to order, take the appearances and act upon any pending motions or petitions. The parties may then make opening statements.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.240 Hearings: Conduct of parties, counsel and spectators. (NRS 640.050) **At a hearing before the Board, all parties, their counsel and any spectator** All parties to hearings and other proceedings, their counsel and spectators shall conduct themselves in a respectful manner.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

~~— **NAC 640.250 Hearings: Order of evidence.** (NRS 640.050)~~

~~— 1. — In a hearing before the Board, evidence will be heard in the following order:~~

~~— (a) For an application or petition:~~

~~— (1) The applicant or petitioner.~~

~~— (2) A member of the Board's staff.~~

~~— (3) A party protesting the application or petitioner.~~

~~— (4) Rebuttal by applicant or petitioner.~~

~~— (b) For a complaint:~~

~~— (1) The complainant.~~

~~— (2) The respondent.~~

~~— (3) Rebuttal by complainant.~~

~~— (4) Rebuttal by respondent.~~

~~— 2. — The presiding officer may:~~

~~— (a) Modify the order of presentation for good cause; and~~

~~— (b) Allow the parties to make closing statements.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.260 Consolidation of proceedings.** (NRS 640.050) — The presiding officer may consolidate two or more proceedings if it appears that the issues are substantially the same and the interests of the parties will not be prejudiced by the consolidation.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.270 Stipulations.** (NRS 640.050) — With the approval of the presiding member of the Board, the parties may stipulate to any fact at issue, either by a written stipulation introduced in evidence as an exhibit or by an oral statement shown upon the record. The presiding officer member may require proof of the facts to which the parties stipulated.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~— **NAC 640.280 Briefs: Filing; service.** (NRS 640.050) — The Board may request that briefs be filed require the parties before the Board draft and file briefs in a specified proceeding within a specified time. A brief must be served upon all parties to the proceeding.~~

~~— (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~—NAC 640.290 Informational hearing. (NRS 640.050) The Board may hold an informational hearing to mediate a controversy between two licensees or a licensee and a member of the Board's staff.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

~~—NAC 640.300 Rehearing. (NRS 640.050)~~

~~—1. Within 15 days after the Board has made a decision or issued an order, a party aggrieved by the decision may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing. The Board will consider this petition within 30 days after receiving it. If no action is taken by the Board within the 30-day period, the petition shall be deemed denied.~~

~~—2. The Board, on its own motion, may order a rehearing of its decision if its original decision was based on mistake or fraud.~~

~~—3. The filing of a petition for a rehearing does not relieve the parties from complying with the original decision, unless the Board expressly so provides.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.310 Petition for declaratory order or advisory opinion: Receipt by Board; decision; form. (NRS 640.050)

~~1. If a petition for a declaratory order or an advisory opinion is received at least 10 days before the next regularly scheduled meeting of the Board, the Board will place the matter on the agenda for that meeting. If the petition is not received before that date, the petition will be placed on the agenda for the following meeting.~~

~~—2. If the Board grants the petition, it will issue its declaratory order or advisory opinion within 120 days. The Board may schedule a hearing on the petition before issuing its decision.~~

~~—3. A petition for a declaratory order or an advisory opinion must be in writing.~~

1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion and possible action at the next available scheduled meeting of the Board.

2. If the petition is received within 40 days before the next available Board meeting, the petition may be placed on the agenda for discussion and possible action at the following meeting.

3. At a meeting at which a petition has been placed on the agenda for discussion and possible action, the Board will consider any information relevant to the petition, including, without limitation:

(a) Oral or written testimony; and

(b) Any other evidence.

4. After consideration of the information relevant to the petition, the Board will grant or deny the petition.

5. If the Board denies the petition, no further action will be taken.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

~~—NAC 640.320 Copy of declaratory order or advisory opinion sent to petitioner. (NRS 640.050) A copy of the declaratory order or advisory opinion rendered by the Board will be sent to the petitioner.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)~~

NAC 640.330 Petitions concerning regulations. (NRS 640.050) ~~A petition for the adoption, amendment or repeal of a regulation must be in writing.~~

1. Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:

(a) The name and address of the petitioner;

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.
4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 40 days after the date on which the petitioner filed the petition.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

NAC 640.340 Petition to appear before Board. (NRS 640.050)

- ~~—1. Any person may petition the Board to appear and be heard on any matter within the jurisdiction of the Board. The petition must contain a brief summary of the subject matter and the reason for bringing the matter before the Board.~~
- ~~—2. Upon receipt of the petition, a member of the Board, as designated by the presiding officer, shall evaluate the petition to determine whether it requires a formal hearing and whether a special meeting of the Board must be called for such a hearing.~~
- ~~—3. If the petition states a:~~
- ~~—(a) Ground for the revocation or suspension of a license or the probation of a licensee, the Board will inform the petitioner of the requirements for filing a formal complaint.~~
- ~~—(b) Matter which is not a ground for the revocation or suspension of a license or the probation of a licensee, the matter will be placed on the agenda of the next regularly scheduled meeting.~~

A person may petition to appear and be heard on any matter within the jurisdiction of the Board, as follows:

1. The petitioner must submit the petition to the Board in writing on a form prescribed by the Board. The petition must contain a brief summary of the subject matter and contain the reasons for bringing the matter before the Board.
2. The petition must be received by the Board at least 40 business days before the meeting at which the petitioner wishes to be heard, but the Executive Director may waive this time requirement.
3. Upon receipt of the petition, the Executive Director or his or her designee or any member of the Board may make an initial evaluation to determine whether the subject of the petition is within the jurisdiction of the Board.
4. If the Executive Director, his or her designee or a member of the Board determines that the petition submitted pursuant to subsection 1 presents grounds for a disciplinary action involving a fine, the revocation or suspension of a license, or the probation of a licensee, the Executive Director will deny the petition and instruct the petitioner to file a formal complaint. The Executive Director shall notify the petitioner of the requirements for making the complaint.
5. If the Executive Director, his or her designee or a member of the Board determines that there is no possibility for a fine, the revocation or suspension of a license, or the probation of a licensee, and if the item is a subject within the jurisdiction of the Board, the matter stated in the petition will be placed on the agenda as an item of new business for discussion and action.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-23-86)

New Provision #4: Official notice of Board. (NRS 640.050) In addition to the facts mentioned in subsection 5 of NRS 233B.123, the Board may take official notice of regulations, official reports, decisions, orders, standards or records of the Board, of any other regulatory agency of the State of Nevada or of any court of record.

CONTINUING EDUCATION COMPETENCE

NAC 640.400 General requirements. (NRS 640.050, 640.150, 640.280)

1. Except as otherwise provided in subsections 3, 4 and 5, every physical therapist or physical therapist's assistant must complete 15 continuing competence units of an approved course or activity within the year immediately preceding his or her application for the renewal of his or her license, ~~of which not more than 8 units may be completed in nonclinical courses or activities.~~

2. The Board will not approve continuing **competence units** ~~as training for education experience~~ acquired in fields that it determines are unrelated to the practice of physical therapy.

~~3.— A person who is initially licensed as a physical therapist or physical therapist’s assistant between February 1 and July 31 is not required to complete the requirements for continuing education for the period of licensing on July 31 of that year.~~

~~4. A physical therapist or physical therapist’s assistant who is licensed between August 1 and January 31 must complete the requirements for continuing education competence before his or her license is renewed. The number of units of continuing education competence to be earned must be computed on the basis of 1.25 units for each month he or she was licensed during that year.~~

~~—5.— A physical therapist or physical therapist’s assistant who graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board and who is licensed by the Board within 12 months immediately preceding the date for the renewal of his or her license is not required to complete the requirements for continuing education competence for the year in which the initial license is issued.~~

6. Continuing **education competence hours**— **units** earned through completing a specific course or activities may be counted only once toward the units of continuing **education competence** required by this section during a 3-year period, even if the licensee completes that course or activities more than once during that 3-year period.

(Added to NAC by Bd. of Phys. Therapy Exam’rs, eff. 10-17-86; A 5-19-88; 6-11-90; 3-28-95; R153-98, 12-18-98; R111-02, 1-24-2003; R059-06, 9-18-2006)

NAC 640.410 Providers of continuing **education competence: Recognition by Board. ([NRS 640.050](#), [640.150](#), [640.280](#))**

1. Any school accredited by the Commission on Accreditation in Physical Therapy **Education competence** of the American Physical Therapy Association which offers instruction in the field of physical therapy will be considered as a recognized provider of continuing **education competence** without applying to the Board for approval. Any course or activity approved by ProCert or its successor organization is approved by the Board for continuing competence units. All other persons seeking recognition by the Board as a provider of continuing **education competence** must apply to the Board or agency recognized by the Board. The application will be granted if the Board finds that the applicant is competent to provide continuing **education competence**. ~~For applications submitted directly to the Board, the Board will notify the applicant in writing of its decision within 90 days after receipt of the application.~~

2. The Board may deny or withdraw recognition if it finds that a provider of continuing **education competence** has:

- (a) Failed to furnish a course of study or training as advertised;
- (b) Engaged in any misleading or deceptive practice; or
- (c) Failed to comply with any provision of this chapter or [chapter 640](#) of NRS.

(Added to NAC by Bd. of Phys. Therapy Exam’rs, eff. 10-17-86; A by R059-06, 9-18-2006)

NAC 640.420 Providers of continuing **education competence: Records; certificate of completion. ([NRS 640.050](#), [640.150](#), [640.280](#))** All providers of continuing **education competence** recognized by the Board shall:

1. Keep a record of:

- (a) The attendance of each physical therapist and physical therapist’s assistant;
- (b) The course or activity of study or training in which each physical therapist and physical therapist’s assistant participated; and
- (c) The units of continuing **education competence** granted to the physical therapist and physical therapist’s assistant.

The records must be maintained for at least 4 years after completion of the course or activity or training.

2. Furnish to each physical therapist or physical therapist’s assistant who completes a course or activity of study or training a certificate of completion which contains the following information:

- (a) The name of the physical therapist or physical therapist's assistant.
- (b) The name of the provider of the course or activity of study or training.
- (c) A description of the course or activity of study or training.
- (d) The number of units of continuing education competence completed.
- (e) The date of completion of the course or activity of study or training.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; 6-11-90; 3-28-95)

NAC 640.450 Approval of course, or activity of study approved by the Board, training or material.
(NRS 640.050, 640.150, 640.280)

1. A provider of continuing education competence who seeks approval from the Board pursuant to NAC 640.410 (1) for any course or activity of study, training or material must submit an application, including the appropriate fee, to the Board. The Board will submit the application to the Advisory Committee on Continuing Education competence for its evaluation. The Board will review the application and the Committee's evaluation and notify the person of its decision to grant or deny approval of the course or activity of study, training or material within 90 days after the application was submitted to the Board. If it grants approval, the Board will designate the number of units of continuing education competence for which the course or activity, of study or training is approved. Approval may be granted for the current calendar year and the succeeding licensure year. ~~which ends July 31, if the material and instruction remain substantially the same.~~

2. An application for approval must include:

- (a) A copy of the certificate of completion to be issued to each participant who completes the course or activity of study or training;
- (b) A description of the information to be presented in the course or activity of study or training;
- (c) Biographical information on the instructor of the course or activity;
- (d) An outline of the topics to be presented in the course or activity of study or training and the time allocated to each topic;
- (e) A statement of the objectives of the course or activity of study or training;
- (f) The number of units the course or activity of study or training is worth; and
- (g) For any course which is not a live lecture, seminar or class, an examination to be administered following the course.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; 6-11-90; R059-06, 9-18-2006)

NAC 640.460 Use of term "recognized provider of continuing education competence"; advertising.
(NRS 640.050, 640.150, 640.280)

1. A person shall not use the term "recognized provider of continuing education competence" unless the person has been recognized as such by the Board pursuant NAC 640.410 (1).

2. A provider of an approved course or activity may include in its advertising, announcements and other promotional materials, the following:

This course or activity has been approved by the ~~State Board of~~ Nevada Physical Therapy Board Examiners for units of continuing education competence.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88)

~~NAC 640.470 Form of course or activity of study or training. (NRS 640.050, 640.150, 640.280) A course or activity of study or training for continuing education competence may consist of lectures, seminars, classes, correspondence courses, activities or completion of an examination for certification that is approved by the American Physical Therapy Association. The content of the course or activity may be studied privately or in groups.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; R153-98, 12-18-98; R059-06, 9-18-2006)~~

NAC 640.480 Advisory Committee on Continuing Education Competence: Creation; number of members; term. (NRS 640.050, 640.150, 640.280) The Advisory Committee on Continuing Education

Competence is hereby created. The Committee consists of not less than ~~five~~ **three** and not more than ~~seven~~ **five** members appointed by the Board for a term of 2 years.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88)

NAC 640.490 Advisory Committee on Continuing ~~Education~~ Competence: Members; duties; quorum. (NRS 640.050, 640.150, 640.280)

1. The Advisory Committee on Continuing ~~Education~~ Competence will be composed of the following members:

(a) A member of the Board.

(b) Not more than ~~three~~ **two** members representing the northern district and not more than ~~three~~ **two** members representing the southern district as follows:

(1) At least one member representing physical therapists who are in private practice.

(2) At least one member representing physical therapists who work in hospitals.

(3) At least one member representing physical therapists who work primarily with children, in a school district or in the area of home health.

2. Each member of the Committee must be licensed as a physical therapist in this State. ~~at the time of his or her appointment.~~

3. The Committee shall:

(a) Select a Chair and Vice Chair;

(b) Recommend to the Board criteria for evaluating any material or course, ~~activity of study~~ or training for continuing ~~education~~ competence;

(c) Evaluate the course ~~or activity or training and the material~~ based on the criteria approved by the Board, and recommend, ~~within 60 days after receipt of an application for approval,~~ to the Board the number of continuing competence units to be awarded. ~~for its final decision, the accreditation of a course or activity of study or training or material and the number of units of continuing education competence to be awarded; and~~

(d) Advise the Board on all matters relating to continuing ~~education~~ competence.

~~4. A quorum of the Committee is four members, at least one of whom must be the Chair or Vice Chair.~~

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; 11-19-92)

NAC 640.500 List of approved courses, or activities ~~of study or training and materials~~. (NRS 640.050, 640.150, 640.280) A list of all currently approved continuing competence courses or activities ~~of study or training and materials~~ is available from the Board upon request or may be obtained on the Board's Internet-website ~~maintained by the Board~~ <http://ptboard.nv.gov/>.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; R059-06, 9-18-2006)

NAC 640.510 Verification of compliance with requirements. (NRS 640.050, 640.150, 640.280)

~~1. Except as otherwise provided in subsection 2, a physical therapist or physical therapist's assistant who wishes to renew his or her license and who is required to complete continuing education competence pursuant to NAC 640.400 must submit to the Board, on an original form, a signed, written statement in substantially the following language for each year since his or her last renewal:~~

-

~~I,, hereby certify to the State Board of Physical Therapy Examiners that I have obtained units of an approved course or activity for continuing education competence during the period August 1,, through and including July 31,~~

~~Dated this day of,~~

-

.....
Signature of Physical Therapist or
Physical Therapist's Assistant

1. Each physical therapist or physical therapist assistant must certify completion of the required competence units specified in NAC 640.400 in his or her renewal application.

~~—2.— In lieu of submitting a written certification to the Board pursuant to subsection 1, a licensee who chooses to renew his or her license using the Internet website of the Board may provide a substantially similar certification to the Board on that website.~~

~~3.~~ 2. A licensed physical therapist or physical therapist's assistant shall retain a certificate of completion issued to him or her pursuant to [NAC 640.420](#) or other documentation, approved by the Board, of his or her completion of a course ~~or activity of study or training~~ for continuing ~~education~~ ~~competence~~ for 4 years after completion of the course ~~or activity or training~~. A copy of the certificate or other documentation must be submitted to the Board upon request to verify the completion of the course ~~or activity~~ of study or training.

~~—4.~~ 3. The Board will conduct random audits of physical therapists and physical therapist's assistants who have renewed their licenses to ensure compliance with the requirements of this section and [NAC 640.400](#).

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A 5-19-88; 6-11-90; 3-28-95; R153-98, 12-18-98; R059-06, 9-18-2006; R107-10, 10-15-2010)

STANDARDS OF CONDUCT

NAC 640.550 General requirements. ([NRS 640.050](#)) A licensee shall:

1. Maintain and calibrate his or her equipment which is used in a program of physical therapy in accordance with the recommendations of the manufacturer of the equipment.

2. Not use his or her professional relationship with a patient to further the licensee's own personal, religious, political or business interest.

3. Not disparage the qualifications of any colleague, except as otherwise provided in subsection 7.

4. Not diagnose, prescribe for, ~~or treat~~ ~~or advise~~ a patient on any problem outside the licensee's field of the practice of physical therapy.

5. Base his or her practice upon the educational requirements adopted by the Board.

6. Keep current with the emerging knowledge in the field of physical therapy.

7. Report to the Board any unlicensed, unauthorized, unqualified, unethical ~~or unprofessional~~ practice of physical therapy by another person.

8. Comply with all of the provisions of the statutes and regulations governing the practice of physical therapy as set forth in this chapter and in [chapter 640](#) of NRS.

9. Cooperate with the Board in an investigation relating to the licensee's compliance with the provisions of the statutes and regulations governing the practice of physical therapy as set forth in this chapter and in [chapter 640](#) of NRS.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R153-98, 12-18-98)

New Language

A licensee must protect patients by following infection control guidelines promulgated by the CDC, thereby preventing risk of transmission of infectious disease. Except for good cause, a knowing failure to follow these guidelines is grounds for disciplinary action.

NAC 640.560 Display of license; practice under name on license. ([NRS 640.050](#), [640.110](#), [640.260](#))

1. A licensee shall ~~prominently~~ display his or her ~~the original~~ current license in all locations where he or she works in a place that is easily visible or readily accessible by the public. ~~issued to him or her by the Board at the licensee's primary professional address during the hours the place is open for business.~~ If a licensee works in the field, a copy of his or her license (printed or electronic) must be readily accessible to present to the public if requested.

2. The Board will interpret A ~~licensee shall prominently display a copy of his or her current license at all other~~ locations which is accessible to the public as used in [NRS 640.110](#) (3) to mean a prominent display. ~~where the licensee practices physical therapy when he or she is present at such location.~~

3. A licensee shall not practice physical therapy under any name other than the name on his or her license.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R111-02, 1-24-2003; R059-06, 9-18-2006)

NAC 640.570 ~~Use of license;~~ misrepresentation prohibited. (NRS 640.050)

1. ~~A licensee shall not: use his or her license to:~~
 - ~~—(a) Support any claim, promise, or guarantee concerning the success of the a treatment intervention the licensee administers; or~~
 - ~~—(b) Imply that he or she has competence in a profession other than the practice of physical therapy.~~
2. A licensee shall not misrepresent his or her:
 - (a) Professional qualifications;
 - (b) Affiliations;
 - (c) Licenses; or
 - (d) The licenses or professional qualifications of:
 - (1) The institutions and organizations with which he or she is associated; or
 - (2) Any person whom the licensee supervises in the course of his or her professional duties.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.580 Relationship with patient. (NRS 640.050) A licensee:

1. Shall treat a patient with professional skill and competence.
2. Shall not practice, condone, facilitate or collaborate in any type of discrimination toward a patient based on the patient's:
 - (a) Race;
 - (b) Color;
 - (c) Sex;
 - (d) Age;
 - (e) Religion;
 - (f) National origin;
 - (g) Mental or physical disability; or
 - (h) Sexual orientation.
3. Shall not misrepresent to a patient the efficacy of his or her treatment **intervention** of the patient or the results to be achieved by a course of treatment **intervention** of physical therapy.
4. Shall inform his or her patient of any risk to the patient that may be associated with the proposed treatment **intervention** of physical therapy.
5. Shall seek the advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the patient.
6. Shall not engage in sexual activities with a patient unless there was a preexisting sexual relationship with that person. The Board will presume that there is a violation of this subsection if the sexual relationship and activity begins during the course of treatment **intervention** of the patient or within 6 months after the termination of the professional relationship with the patient.
7. ~~Shall not suggest to a patient who is referred to the licensee by~~ Shall not engage in inappropriate behaviors including but not limited to: use of foul language, comments of a sexual nature, or other disparaging comments. ~~one provider of health care that he or she seek the treatment intervention of another provider of health care without first consulting the referring provider of health care. If there is no referring provider of health care or if the patient does not wish to return to the referring provider of health care, a list containing the names of at least three other providers of health care may be offered to the patient by the licensee.~~

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R111-02, 1-24-2003)

~~**NAC 640.585 Personal responsibility for each patient on treatment intervention schedule. (NRS 640.050)**—A physical therapist retains personal responsibility for each patient listed on the treatment intervention schedule of the physical therapist for the duration of the period covered~~

by that schedule, notwithstanding the employment of any other physical therapist at the same location.

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs by R107-10, eff. 10-15-2010)~~

~~**NAC 640.590 Treatment of patient; delegation of treatment. (NRS 640.050)**~~

~~—1. A physical therapist shall supervise any program of treatment which is delegated to a physical therapist's assistant.~~

~~—2. A physical therapist shall:~~

~~—(a) Interpret the record of a patient who is referred to the physical therapist by a provider of health care;~~

~~—(b) Perform the initial evaluation of a patient and identify any problem of the patient;~~

~~—(c) Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;~~

~~—(d) Determine the appropriate portion of the program of treatment to be delegated to a physical therapist's assistant;~~

~~—(e) Delegate the treatment to be administered by the physical therapist's assistant to a patient;~~

~~—(f) Instruct the physical therapist's assistant regarding:~~

~~—(1) The specific program of treatment of a patient;~~

~~—(2) Any precaution to be taken to protect a patient;~~

~~—(3) Any special problem of a patient;~~

~~—(4) Any procedure which should not be administered to a patient;~~

~~—(5) The proper methods for documenting the treatment that is administered to the patient; and~~

~~—(6) Any other information required to treat a patient;~~

~~—(g) Review the program of treatment of a patient in a timely manner;~~

~~—(h) Document the goal of treatment of a patient;~~

~~—(i) Revise the plan of care when indicated;~~

~~—(j) Review the documentation of the treatment that is administered to a patient by a physical therapist's assistant during periodic reviews of the patient and make note of those reviews in the evaluation or reassessment of the patient;~~

~~—(k) Provide for case management and dissemination of any written and oral reports; and~~

~~—(l) Perform the final evaluation upon the discharge of the patient from the care of the physical therapist to terminate a program of treatment unless the treatment is terminated by a patient or a referring provider of health care.~~

~~—3. A physical therapist shall not delegate to a person who is less qualified than a physical therapist any program of treatment which requires the unique skills, knowledge and judgment of a physical therapist.~~

~~—4. A physical therapist shall not delegate the following duties to a physical therapist's assistant or a person who is not licensed by the Board:~~

~~—(a) Any activity which requires the unique skills, knowledge and judgment of a physical therapist; and~~

~~—(b) The planning of an initial program of treatment and any subsequent program of treatment based on the results of tests performed on a patient.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A 12-27-93; 3-28-95)~~

Patient Care Management

All physical therapy patients must have a physical therapist of record. The physical therapist of record is the physical therapist who performed the initial evaluation of the patient unless, otherwise specified by the facility. The physical therapist of record may be transferred to another physical therapist through documentation in the patient record.

A. A physical therapist of record is fully responsible for managing all aspects of the physical therapy care of each patient. A physical therapist of record shall provide:

1. The initial evaluation, determination of physical therapy diagnosis, prognosis, and plan of

- treatment intervention and documentation of each encounter with each patient;
- 2. Periodic reevaluation and documentation of each patient;
- 3. The documented discharge of the patient, and final evaluation including the patient's response to treatment intervention at the time of discharge, based upon the availability of the patient.
- 4. Instruct the physical therapist assistant regarding:
 - a. The specific program of treatment intervention of a patient;
 - b. Any precaution to be taken to protect a patient;
 - c. Any special problem of a patient;
 - d. Any procedure which should not be administered to a patient;
 - e. The proper methods for documenting the treatment intervention that is administered to the patient; and
 - f. Any other information required to treat a patient;

[new language]

A physical therapist shall not delegate, other than to another physical therapist, the planning of an initial program of treatment intervention and any subsequent planning of a program of treatment intervention based on the results of tests and evaluations on a patient.

The physical therapist is responsible for the conduct, training, and actions of a physical therapist technician.

B. For each patient on each date of service, a physical therapist shall provide all of the treatment intervention that requires the education, skill, and knowledge of a physical therapist and shall determine the appropriate use of a physical therapist assistants to ensure that the delivery of care that is safe, effective and efficient.

1. A physical therapist assistant shall work under a physical therapist's supervision. A physical therapist assistant shall document the care he/she provides.
2. A physical therapist assistant is required to wear a name tag that identifies his or her as a physical therapist assistant. ~~designation.~~
3. A physical therapist assistant shall not supervise any person providing physical therapy care.
4. The physical therapist of record will review the physical therapist assistant's treatment intervention documentation, provide the required treatment intervention and reevaluation of the patient not less than every seventh treatment intervention ~~or at least once every~~ 21-calendar day, whichever occurs first, and as based on the availability of patient. A physical therapist and a physical therapist assistant shall keep accurate documentation and charges for the services provided.
5. Complete documentation of each patient's care will consist of:
 - (a) Initial evaluation
 - (1) History, systems review and tests and measures
 - (2) Synthesis of data to include identification of level of impairment, activity limitations and participation restrictions.
 - (3) Predicted level of improvement
 - (4) Short and long term goals, treatment intervention and proposed frequency and duration and discharge plans
 - (b) Daily notes

- (1) Patient reports, interventions, response to interventions, factors that modify frequency or intensity of interventions, progression within the plan of care and the plan for the next visit.
- (c) Re-evaluation
 - (1) Includes data from repeated or new examination elements and is provided to evaluate progress and to modify or redirect intervention
- (d) Discharge
 - (1) Summarizes progression towards goals and discharge instructions.

“Physical therapy technician” means an unlicensed person trained by and/or under the direction of a physical therapist who performs designated and supervised limited activities related to physical therapy services.

Physical therapy technicians are also known as, but not limited to: technicians (techs), rehabilitation (rehab) aides, or rehabilitation technicians (rehab techs).

A physical therapy technician shall work under the immediate supervision of the physical therapist of record at all times.

The physical therapy technician may assist the physical therapist in the following activities:

1. Carry out established procedures for the care of equipment and supplies.
2. Prepare, maintain, and clean up treatment areas and maintain a supportive area.
3. Transport patients, records, equipment, and supplies in accordance with established policies and procedures.
4. Assemble and disassemble equipment and accessories.
5. Therapy techs may assist the physical therapist or physical therapist assistant, under the immediate supervision of the physical therapist, in performing a specific therapy service; however, the technician can never independently provide the service.
6. All physical therapy technicians shall wear an identification badge identifying them as a physical therapist technician and they shall not use any term that implies they are a licensed physical therapist or a licensed physical therapist assistant.
7. Basic data recording in an exercise log or flow sheet.
8. Massage therapists, exercise physiologists, athletic trainers or other persons who may have technical or professional education or training, but **and** who are functioning to assist the physical therapist, are considered physical therapy technicians and must be represented as such.

~~— NAC 640.592 — Supervision of physical therapist’s assistant. (NRS 640.050, 640.290)~~

~~— 1. A physical therapist who supervises a physical therapist’s assistant who provides treatment intervention to a patient:~~

~~— (a) Shall contact the patient initially to evaluate the patient and write a plan of care for that patient.~~

~~— (b) Shall formulate and document, on the medical record of the patient, the treatment intervention goals and plan of care for the patient based upon the evaluation. This information must be communicated verbally or in writing by the supervising physical therapist to the physical therapist’s assistant before initiation of treatment intervention by the physical therapist’s assistant.~~

(c) Must be accessible for communication by telephone during the time that the physical therapist’s assistant is treating the patient, if the physical therapist’s assistant has at least 2,000 hours of experience as a physical therapist’s assistant.

~~— (d) Shall provide the required treatment intervention and reevaluate the patient not less than every seventh day of treatment or within 21 days, whichever occurs first.~~

~~— (e) Shall provide an evaluation before the patient is discharged, based upon the availability of the patient.~~

~~—2. A physical therapist who supervises a physical therapist's assistant pursuant to subsection 1 shall make a record of each reevaluation of the patient conducted by the physical therapist in accordance with paragraph (d) of subsection 1. The record must include, but not be limited to:~~

~~—(a) A functional assessment of the patient;~~

~~—(b) A review of the daily activities performed by the patient;~~

~~—(c) A reassessment of the plan of care, including short term and long term goals; and~~

~~—(d) A reassessment of the resources used by the physical therapist's assistant.~~

~~(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 12-27-93; A 3-28-95; R153-98, 12-18-98; R111-02, 1-24-2003; R059-06, 9-18-2006)~~

NAC 640.593 Supervision of physical therapist's assistant and student enrolled in curriculum approved by Board for physical therapist's assistant. (NRS 640.050, 640.290)

1. A physical therapist's assistant may participate in the clinical instruction of a student who is enrolled in a curriculum approved by the Board for a physical therapist's assistant if the physical therapist's assistant and the student are under the direct supervision of a licensed physical therapist.

2. As used in this section, "direct supervision" means the direction or assistance provided to a licensed physical therapist's assistant and such a student by a licensed physical therapist who is present and immediately available on the premises where the physical therapy is performed.

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R111-02, eff. 1-24-2003)

NAC 640.594 – Needs to be discussed and reworked. Review other states supervision, how the Board feel about multiple locations and supervision ratio, Inpatient/outpatient,

NAC 640.594 Supervision of unlicensed person; limitation on number of persons supervised. (NRS 640.050, 640.290, 640.310)

1. Except as otherwise provided in [NRS 640.310](#), a physical therapist supervising a person who is not licensed pursuant to the provisions of [chapter 640](#) of NRS must be physically present and immediately available on the premises when any procedures or activities of physical therapy are performed by that person.

2. A physical therapist may not supervise more than:

(a) Two physical therapist's assistants at the same time.

(b) Two physical therapist's technicians at the same time.

(c) Two students of physical therapy at the same time.

(d) Two graduates of physical therapy at the same time.

(e) If supervising any combination of graduates of physical therapy, students of physical therapy, physical therapist's assistants and physical therapist's technicians, a combined total of three such persons at the same time.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 12-27-93; A 3-28-95; R111-02, 1-24-2003; R059-06, 9-18-2006)

NAC 640.595 Physical therapist's technicians. (NRS 640.050) For the purposes of regulating the use of a physical therapist's technician in a physical therapist's practice, the Board will consider any aide or other unlicensed person who performs treatments related to physical therapy which have been directed by a physical therapist, regardless of the title or designation assigned by his or her employer, to be a physical therapist's technician.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 3-28-95)

NAC 640.596 Physical therapist's assistant prohibited from performing certain activities; disciplinary action. (NRS 640.050)

1. A physical therapist's assistant shall not:

(a) Perform any activity which requires the unique skills, knowledge and judgment of a physical therapist, whether or not the activity is delegated to him or her by the physical therapist.

(b) Perform any procedures or activities of physical therapy on more than two patients at the same time during the time the supervising physical therapist is not on the premises.

~~(c) Have less than 2,000 hours of experience as a physical therapist's assistant during which the supervising physical therapist is on the premises when any procedures or activities of physical therapy are performed by the physical therapist's assistant, before working in any setting without such supervision.~~

(d) Supervise another physical therapist's assistant or a physical therapist's technician in the performance of a treatment related to physical therapy.

2. A physical therapist's assistant is subject to disciplinary action if he or she performs any activity in violation of this section.

3. 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 NAC by Bd. of Phys. Therapy Exam'rs, eff. 12-27-93; A 3-28-95; R153-98, 12-18-98)

NAC 640.600 Termination, withdrawal or interruption of treatment intervention. (NRS 640.050) A licensee:

1. Shall terminate his or her treatment intervention of a patient and his or her professional relationship with a patient when the treatment intervention and relationship are no longer required or no longer serve the needs of the patient.

2. Shall not withdraw his or her treatment intervention of a patient precipitously on his or her own accord, and shall make reasonable efforts to minimize any adverse effects of such withdrawal on the patient.

3. Who anticipates the termination or interruption of treatment intervention of a patient shall:

(a) Notify the patient promptly of the termination or interruption of the treatment intervention;

(b) Seek the transfer or referral of the patient to another physical therapist for treatment intervention; or

(c) Seek the continuation of treatment intervention in relation to the needs of the patient.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.610 Records; confidentiality. (NRS 640.050)

1. A licensee shall:

(a) Maintain in a secure and confidential manner and as required by 629.051 any record of a patient which shows a medical problem of the patient or the scope of the treatment of the patient administered by the licensee;

(b) ~~Within 72 hours~~ By the end of the third business day after providing treatment intervention to a patient, indicate in the record of the patient the treatment intervention that was provided; and

(c) Ensure that the record of each patient is clear, legible, complete and accurate, and that the record includes an original, legible signature or authenticated electronic signature of the licensee.

2. Except as otherwise provided by law, a licensee may not release a record of a patient which is confidential, or any information contained therein, except:

(a) With the written consent of the patient;

(b) If the patient is a minor, with the written consent of the parent or legal guardian of the patient;

(c) Upon written request from the attorney of a patient if the written request is accompanied by a release signed by the patient or the parent or legal guardian of the patient, as applicable;

(d) In response to a subpoena issued by the Board;

(e) Pursuant to an order of a court of competent jurisdiction; or

(f) If there is a clear and immediate danger to the patient, another person or to society. If there is such a danger, a disclosure may be made to an appropriate member of the family of the patient, another provider of health care, or an appropriate agent of the Federal Government, the State, a political subdivision of the State or a law enforcement agency, when acting in his or her official capacity.

3. A licensee shall provide medical records within the time provided in NRS 629.061 (2). ~~5 business days after receipt of a written request received pursuant to subsection 2.~~ Any fees charged for production of records must be in accordance with NRS 629.061(4).

4. A licensee shall inform his or her patient of any regulation or statute which governs the confidentiality of communications between the patient and the physical therapist.

5. A licensee shall not falsify a record of health care of a patient.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R153-98, 12-18-98; R111-02, 1-24-2003; R059-06, 9-18-2006)

NAC 640.620 Fees and billing. (NRS 640.050) A licensee shall:

~~1. Make arrangements for the payment of fees for the treatment intervention at the beginning of the therapeutic relationship with a patient.~~

2. Charge for his or her treatment **intervention** an amount which represents a reasonable fee for the treatment **intervention**.

3. Not engage in any misleading or deceptive billing practice.

4. Make billing information available to the patient upon the request of the patient.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.630 Advertising. (NRS 640.050) A licensee shall not advertise treatment **intervention** by the use of physical therapy or equipment used in the practice of physical therapy in such a manner that the advertising:

1. Contains a testimonial or endorsement by another person;

2. Implies that the physical therapist has skill which is superior to that of another physical therapist;

3. Holds the physical therapist out as a specialist unless the licensee is certified as a specialist. ~~by an organization recognized by the Board;~~

4. Makes any false claim about the efficacy or value of the treatment **intervention** the licensee administers; or

5. Is false, deceptive or misleading in regard to the fee which is charged or the terms of any credit for the treatment **intervention** administered.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.640 Programs of research. (NRS 640.050)

1. A licensee shall obtain the voluntary and informed consent of a prospective participant in a program of research before engaging in the program of research.

2. A licensee shall not penalize a person for his or her refusal to participate in a program of research.

3. A licensee engaging in a program of research shall:

(a) Protect a participant in the program from any unwarranted physical or mental discomfort, distress or harm;

(b) Treat information obtained from a participant or learned about a participant through the program as confidential information; and

(c) Take credit for the work the licensee is actually doing in the program and give credit to another person for any contribution made by that person to the program of research.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

NAC 640.650 Physical therapist's assistants: Inclusion of supervising physical therapist in notations of treatment **intervention. (NRS 640.050, 640.290)** A physical therapist's assistant shall include in the notation of each treatment **intervention** with which he or she is involved the name of the physical therapist **of record** who is responsible for the supervision of the physical therapist's assistant.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A 3-28-95; A by R107-10, 10-15-2010)

NAC 640.660 Violation of provisions constitutes unprofessional conduct. (NRS 640.050, 640.160) The violation of any of the provisions of [NAC 640.550](#) to [640.650](#), inclusive, by a licensee constitutes unprofessional conduct.

Knowingly filing a frivolous complaint may be deemed unprofessional conduct by the Board.

LCB NOTE - Please make sure that patient care management is included.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)

DISCIPLINARY ACTION

NAC 640.670 Grounds: Interpretation of statutory terms. (NRS 640.050, 640.160) For the purposes of [NRS 640.160](#):

1. "Gross negligence" means conduct which constitutes an extreme departure from the standard of care required of a licensee under the circumstances and which proximately causes damage to a patient.
2. "Malpractice" means conduct which falls below the standard of care required of a licensee under the circumstances ~~and which proximately causes damage to a patient.~~
3. A licensee is "professionally incompetent" if he or she:
 - (a) Lacks the knowledge, skill or ability to discharge a professional obligation, or discharges a professional obligation while impaired; or
 - (b) Consistently uses a procedure or treatment **intervention** which constitutes a departure from the prevailing standard of the acceptable practice of physical therapy.
4. "Unearned fee" means any contract or arrangement entered into by a licensee to provide a person with a credit, gratuity, commission, professional discount or wage in consideration for the referral of a patient by that person to the physical therapist.

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R059-06, 9-18-2006; R107-10, 10-15-2010)

NAC 640.680 Entry into group practice not prohibited. (NRS 640.050) The provisions of [NRS 640.160](#) do not prohibit two or more physical therapists from entering into a group practice unless one or more of them is a party to a preexisting contract or arrangement that would otherwise be prohibited by [NRS 640.160](#).

(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90; A by R059-06, 9-18-2006)

NAC 640.685 Additional grounds. (NRS 640.050)

1. In addition to the grounds set forth in subsection 2 of [NRS 640.160](#), the Board may take disciplinary action against a licensee if it determines that the licensee:

- (a) Failed to retain, furnish a copy of or make available the health care records of a patient as required pursuant to [NRS 629.051](#), [629.061](#) and [629.065](#);
- (b) Failed voluntarily to report to the Board his or her addiction to the use of a controlled substance;
- (c) Failed voluntarily to report to the Board within 30 days any judgment or settlement in an amount of \$5,000 or more entered against or agreed to by the licensee on a claim involving malpractice; or
- (d) Is an impaired practitioner.

2. As used in this section:

- (a) "Dangerous drug" has the meaning ascribed to it in [NRS 454.201](#).
- (b) "Impaired practitioner" means a licensee who uses any controlled substance, dangerous drug or intoxicating liquid to an extent or in a manner which is dangerous or injurious to another person or which impairs the ability of the licensee to conduct the practice authorized by his or her license.

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R153-98, eff. 12-18-98; A by R107-10, 10-15-2010)

~~**NAC 640.690 Discovery of witnesses and evidence. (NRS 640.050)**~~

~~1. No less than 10 days before a disciplinary action is scheduled for hearing, any party to the action may serve upon any other party to the action a written demand for:~~

- ~~(a) Copies of all documents reasonably available to the other party which are anticipated to be used in support of that party's position; and~~
- ~~(b) A written list of persons whom the other party reasonably anticipates will testify at the disciplinary hearing, which identifies each person by name and address, and includes a general description of the subject matter of that person's testimony.~~

~~2. The party receiving such a demand shall respond to the person making the demand within 5 days after receiving the demand.~~

~~3. The party receiving such a demand shall promptly deliver to the party making the demand any new pertinent document to be used at the hearing or the name, address and anticipated testimony of any person not included on the original list.~~

~~—4.— Failure to comply with this section may result in the exclusion of any undisclosed document or witness at the time of the hearing.~~

~~—(Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 6-11-90)~~

NAC 640.695 Consideration of cooperation and voluntary disclosure in mitigation of alleged violation. ([NRS 640.050](#)) In any disciplinary action brought against a licensee, the Board will consider in mitigation of an alleged violation the cooperation of and voluntary disclosure of information by the licensee in the investigation of the alleged violation.

(Added to NAC by Bd. of Phys. Therapy Exam'rs by R107-10, eff. 10-15-2010)

New language

Provisional License

Pursuant to NRS 640.146 (5)

1. The Board may grant a provisional license to an applicant who applied under the provision of NRS 640.146 upon receipt of a completed application. A provisional license is valid for 90 days from the date of issuance and may be renewed once upon good cause shown.
2. Granting of a provisional license does not constitute a decision on the applicants underlying application or require the Board to grant an unrestricted license.
3. Once the Board has made a decision on the underlying application the provisional license is no longer valid.
4. For purposes of this regulation a complete application constitutes submission to the Board of all items contained in NRS 640.146 (2)