

# NOTICE OF INTENT TO ACT UPON A REGULATION

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## Notice of Hearing for the Adoption of proposed Regulations of the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers

The Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers will hold a public hearing November 15, 2019 at 2:00 pm. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations pertaining to Chapter 640 & 640B of the Nevada Administrative Code.

**DATE & TIME: November 15, 2019 @ 2:00 p.m.**

**Public Access Locations with Videoconference:**

**University of Nevada Reno**

1664 N. Virginia Street  
System Computing Services  
Room #47  
Reno, Nevada 89557

**University of Nevada Las Vegas**

4505 S. Maryland Parkway  
System Computing Services  
Room #304 & Room #306  
Las Vegas, Nevada 89154

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The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R-054-19.

- 1) What is the need for and purpose of the proposed regulation or amendment?

*The regulation is necessary to comply with the provisions of Senate Bill (SB) 186 of the 2019 Legislative Session. SB186 added Dry Needling to the Practice Act of physical therapists and athletic trainers. The purpose of the regulation is to adopt regulations establishing the qualifications a physical therapist or athletic trainer must obtain before he or she is authorized to perform dry needling.*

- 2) What are the terms of substance of the proposed regulation?

*The proposed regulations will revise Chapter 640 and Chapter 640B of the Nevada Administrative Code, providing provisions for the following:*

- a. Qualifications a physical therapist or athletic trainer must obtain before he or she is authorized to perform dry needling.*
- b. Procedures concerning the handling of needles used to perform dry needling.*
- c. Procedures to ensure that a physical therapist or athletic trainer does not engage in needle retention.*

- 3) What is the estimated economic effect of the regulation on the business which it is to regulate and on the public?

- a. Physical Therapists*
  - i. Physical therapist who are approved to practice dry needling may have more*

*opportunities in the public market.*

*b. Public*

- i. Consumers who wish to receive dry needling treatment from physical therapists may have a larger marketplace from which to select services.*

4) What is the anticipated adverse impact, if any?

*a. Physical Therapists*

- i. No adverse impact is anticipated by this regulation.*

*b. Public*

- i. No adverse impact is anticipated by this regulation.*

5) Do other regulations address the same problem(s)?

*No.*

6) Are alternate forms of regulation sufficient to address the problem(s)?

*No.*

7) What value does the regulation have to the public?

*The regulation provides standards of care and training and education qualification for the delivery of dry needling skilled intervention, to help maintain the highest standards for public safety.*

8) What is the anticipated cost of the regulation, both direct and indirect?

*The Board anticipates no additional costs, either directly or indirectly.*

9) Does the regulation establish a new fee or increase an existing fee?

*The regulation does not establish a new fee or increase an existing fee.*

10) Provide a statement which identifies the methods used by the agency in determining the impact of the proposed regulation on a small business, prepared pursuant to subsection 3 of NRS 233B.0608.

*During the multi-year process of establishing regulatory provisions for the education and training of physical therapists practicing dry needling, the Board solicited and considered input in determining educational and training requirements, economic impacts, and benefits to the public. The Board also conducted surveys of licensed physical therapist. Further, the Board created an Advisory Committee comprised of representatives of the oriental medicine community, the nursing community and the physical therapy community. Copies of meeting agendas, meeting minutes, proposed regulations, notices of workshop and notices of intent to act were posted and provided to persons who were known to have an interest in the subject. These documents were also made available pursuant to the provisions of chapters 233B and 241 of Nevada Revised Statutes.*

- 11) Provide a description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency.

*There are no other local, state or federal regulations that overlap or duplicate the regulation. SB186 required the State Board of Athletic Trainers to also adopt regulations establishing the qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling. The Nevada Physical Therapy Board and the State Board of Athletic Trainers collaborated on proposed regulations to revise Chapter 640 and Chapter 640B of the Nevada Administrative Code, satisfying both Board's requirements under SB186.*

- 12) If the regulation is required pursuant to federal law, provide a citation and description of the federal law.

*The regulation is not required pursuant to federal law.*

- 13) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, provide a summary of such provisions.

*There are no federal regulations that address the requirements in the regulation.*

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Persons wishing to comment upon the proposed action the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Nevada Physical Therapy Board  
3291 N. Buffalo Road, Suite 100  
Las Vegas, NV 89129  
(702) 876-5535  
Email: [ptapplication@govmail.state.nv.us](mailto:ptapplication@govmail.state.nv.us)

Nevada State Board of Athletic Trainers  
P.O. Box 34296  
Reno, NV 89533-4296  
(775) 787-2636  
Email: [atrainner@nsbat.nv.gov](mailto:atrainner@nsbat.nv.gov)

Written submissions must be received on or before 4:00 pm, November 12, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers may proceed immediately to act upon written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Nevada Physical Therapy Board, 3291 N. Buffalo Road, Suite 100, Las Vegas, NV 89129, the Nevada State Board of Athletic Trainers, P.O. Box 34296, Reno, NV 89533-4296, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during

business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to member of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

- The Office of the Attorney General, 100 North Carson Street, Carson City, Nevada, 89701.
  - The Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada 89701.
  - University of Nevada Reno, Cashell Fieldhouse, 1664 N. Virginia Street, Reno, NV 89557.
  - University of Nevada Reno, System Computing Services, 1664 N. Virginia Street, Reno, NV 89557.
  - University of Nevada Las Vegas, Lied Athletic Complex, 4505 Maryland Pkwy, Las Vegas, NV.
  - State of Nevada, Department of Administration Public Notice Website (NV.GOV)
  - Nevada Legislature, Calendar of Meetings: <https://www.leg.state.nv.us/App/Calendar/A/>
  - The Nevada State Board of Athletic Trainer's website: <http://nevadaathletictrainers.nv.gov>
  - Nevada Physical Therapy Board website: [www.ptboard.nv.gov](http://www.ptboard.nv.gov)
  - Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, NV 89511.
  - The State of Nevada Public Notice Website, [www.nv.gov](http://www.nv.gov).
  - Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.
  - Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701.
  - College of So. NV, PTA Program, 6375 W. Charleston Blvd, Sort WA 158, Las Vegas, NV 89146.
  - Pima Medical Institute, PTA Program, 3333 E. Flamingo Road, Las Vegas, NV 89121.
  - St. Mary's Regional Medical Center, 235 W. Sixth Street, 4<sup>th</sup> Floor PT Lounge, Reno, NV 89523.
  - Carrington College, Attn: Laura Cerame, 5740 S Eastern Ave #140, Las Vegas, NV 89119.
  - Nevada Physical Therapy Association (NPTA), <http://www.nvapta.org/>
  - Nevada State Legislature Website: [www.leg.state.nv.us](http://www.leg.state.nv.us).
  - State of Nevada Website: <https://notice.nv.gov>.
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## NEVADA COUNTY PUBLIC LIBRARIES

<p>Carson City Library 9000 North Roop Street Carson City, Nevada 89701-3101 <a href="mailto:Posting@carsoncitylibrary.org">Posting@carsoncitylibrary.org</a></p>	<p>Lincoln County Library 63 Main Street Pioche, Nevada 89043 Fax: (775) 962-5244</p>
<p>Churchill County Library 553 S. Main Street Fallon, Nevada 89406-3306 <a href="mailto:dfwargo@churchillcontylibrary.org">dfwargo@churchillcontylibrary.org</a></p>	<p>Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399 Fax: (775) 463-6646</p>
<p>Storey County Treasurer and Clerk's Office Drawer D Virginia City, Nevada 89440 Fax: (775) 847-0921</p>	<p>Mineral County Public Library P.O. Box 1390 Hawthorne, Nevada 89415 Fax: (775) 945-0703</p>
<p>Douglas County Public Library 1625 Library Lane Minden, Nevada 89423-0337 Fax: (775) 782-5754</p>	<p>Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419 Fax: (775) 273-0421</p>
<p>Nevada State Library, Archives, and Public Records 100 North Stewart St., Carson City, NV 89701 Fax: 775-684-3330 <a href="mailto:jholt@admin.nv.gov">jholt@admin.nv.gov</a></p>	<p>Nevada State Legislature 401 S. Carson St., Carson City, NV 89701 Fax: 775-684-6705 c/o Legislative Police <a href="mailto:Meghan.egli@lcb.state.nv.us">Meghan.egli@lcb.state.nv.us</a></p>
<p>Washoe County Library 301 South Center St., Reno, NV 89505 Fax: 775-327-8390 <a href="mailto:library-postinggroup@washoecounty.us">library-postinggroup@washoecounty.us</a></p>	<p>Clark County Library 1401 E. Flamingo Rd., Las Vegas, NV 89119 <a href="mailto:scottslvccld.org">scottslvccld.org</a> or <a href="mailto:balseran@lvccld.org">balseran@lvccld.org</a> or <a href="mailto:okabayashij@lvccld.org">okabayashij@lvccld.org</a></p>
<p>Elko County Library, Elko <a href="mailto:pdunn@elkocountynv.net">pdunn@elkocountynv.net</a> or <a href="mailto:krkincai@elkocountynv.net">krkincai@elkocountynv.net</a></p>	<p>Battle Mountain Branch Library (Lander County) 625 South Broad Street Battle Mountain, Nevada 89820 Fax: (707) 269-1900 or (707) 269-7062</p>
<p>Eureka County Library 10190 Monroe Street Eureka, Nevada 89316</p>	<p>Tonopah Public Library (Nye County) P.O. Box 449 Tonopah, Nevada 89049 Fax: (775) 482-5143</p>
<p>Humboldt County Library 85 East 5<sup>th</sup> Street Winnemucca, Nevada 89445-3095 Fax: (775) 623-6438</p>	<p>White Pine County Library 950 Campton Street Ely, Nevada 89301 Fax: (775) 289-3640</p>
<p>Esmeralda County Library Corner of Crook &amp; 4<sup>th</sup> Street P.O. Box 430 Goldfield, Nevada 89013-0430</p>	

Date: October 12, 2019