

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will hold a public workshop in accordance with NRS 241.020, to consider amendments to Nevada Administrative Code (NAC) Chapter 640 & Chapter 640B.

DATE & TIME: July 26, 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 #306 (Room #304 overflow)
Las Vegas, Nevada 89154

The purpose of the workshop is to solicit comments from interested persons on proposed regulation regarding Dry Needling by the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board. The proposed changes will revise Chapter 640 and Chapter 640B of the Nevada Administrative Code and are being proposed in accordance with Senate Bill 186 of the 2019 Legislative Session. After receiving public comment, the Nevada State Board of Athletic Trainers and the Nevada may vote to amend its proposed regulation draft and send it to the Legislative Counsel Bureau for review and drafting.

The proposed regulations provide provisions for the following:

- A. Qualifications an athletic trainer or a physical therapist 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 an athletic trainer or physical therapist does not engage in needle retention.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Nevada State Board of Athletic Trainers
P.O. Box 34296
Reno, NV 89533-4296
(775) 787-2636

Nevada Physical Therapy Board
3291 N. Buffalo Road, Suite 100
Las Vegas, NV 89129
(702) 876-5535

A reasonable fee for copying may be charged.

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>
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- Nevada Physical Therapy Board website: 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.
 - 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 Southern Nevada, PTA Program, 6375 W. Charleston Blvd, Sort WA 158, Las Vegas, NV 89146.
 - Pima Medical Institute, PTA Program, Attn: Rebecca Cheema, 3333 E. Flamingo Road, Las Vegas, NV 89121.
 - St. Mary's Regional Medical Center, 235 W. Sixth Street, 4th 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.
 - State of Nevada Website: <https://notice.nv.gov>.
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Date: July 11, 2019



**Nevada Administrative Code 640B PROPOSED ADDITIONS OF NEW PROVISIONS,
Proposed Language 7.11.2019**

CHAPTER 640B – ATHLETIC TRAINERS

Chapter 640B of NAC is hereby amended by adding thereto the provisions set forth as sections 7 through 11 of this regulation according Nevada Senate Bill 186, latest bill text (enrolled):

CHAPTER.....

AN ACT relating to professions; expanding the scope of practice of physical therapy and athletic training to include the performance of dry needling under certain circumstances; requiring the Nevada Physical Therapy Board and the Board of Athletic Trainers to adopt regulations relating to dry needling; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of: (1) physical therapists by the Nevada Physical Therapy Board; and (2) athletic trainers by the Board of Athletic Trainers. (Chapters 640 and 640B of NRS) Existing law: (1) authorizes the Nevada Physical Therapy Board to adopt regulations to carry out its powers and duties relating to physical therapy; and (2) requires the Board of Athletic Trainers to adopt regulations to carry out its powers and duties relating to athletic training. (NRS 640.050, 640B.260) **Sections 6 and 11** of this bill require the Nevada Physical Therapy Board and the Board of Athletic Trainers to adopt regulations establishing the qualifications a physical therapist or an athletic trainer, as applicable, must obtain before he or she is authorized to perform dry needling. **Sections 6 and 11** require these qualifications to include the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the appropriate Board. **Sections 6 and 11** further require the appropriate Board to adopt regulations establishing procedures: (1) concerning the handling of needles used to perform dry needling, including procedures for the disposal of a needle after a single use; and (2) to ensure that a physical therapist or athletic trainer does not engage in needle retention. **Sections 3 and 9** of this bill prohibit a physical therapist or an athletic trainer who is qualified to perform dry needling from inserting the same needle more than once during the performance of dry needling. **Sections 2 and 8** of this bill define “dry needling,” and **sections 5 and 10** of this bill include dry needling in the scope of practice of physical therapy for qualified physical therapists and athletic trainers.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “Dry needling”:

1. Means a skilled technique performed by a physical therapist using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.



2. Does not include:

- (a) *The stimulation of an auricular point;*
- (b) *The stimulation of sinus points or other nonlocal points to treat underlying organs;*
- (c) *Needle retention; or*
- (d) *The teaching or application of acupuncture.*

Sec. 3. *A physical therapist who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050 shall not insert the same needle more than one time during the performance of dry needling.*

Sec. 4. NRS 640.011 is hereby amended to read as follows:

640.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 640.013 to 640.026, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 640.024 is hereby amended to read as follows:

640.024 “Practice of physical therapy”:

1. Includes:

(a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;

(b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; ~~and~~

(c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy ~~and~~; *and*

(d) The performance of dry needling, if a physical therapist is qualified to do so pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050.

2. Does not include:

(a) The diagnosis of physical disabilities;

(b) The use of roentgenic rays or radium;

(c) The use of electricity for cauterization or surgery; or

(d) The occupation of a masseur who massages only the superficial soft tissues of the body.

Sec. 6. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall:

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

(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist



assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

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

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

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

(a) Issuance and display of licenses.

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

3. *The Board shall adopt regulations establishing:*

(a) The qualifications a physical therapist must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

(b) Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

(c) Procedures to ensure that a physical therapist does not engage in needle retention.

4. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.

~~[4.]~~ 5. The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.

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

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

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

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



~~[6.]~~ 7. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~[7.]~~ 8. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 7. Chapter 640B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. “Dry needling”:

1. Means a skilled technique performed by an athletic trainer using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.

2. Does not include:

(a) The stimulation of an auricular point;

(b) The stimulation of sinus points or other nonlocal points to treat underlying organs;

(c) Needle retention; or

(d) The teaching or application of acupuncture.

Sec. 9. *An athletic trainer who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260 shall not insert the same needle more than one time during the performance of dry needling.*

Sec. 9.5. NRS 640B.005 is hereby amended to read as follows:

640B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640B.011 to 640B.120, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 640B.090 is hereby amended to read as follows:

640B.090 1. “Practice of athletic training” means:

(a) The prevention, recognition, assessment, management, treatment, disposition or reconditioning of the athletic injury of an athlete:

(1) Whose condition is within the professional preparation and education of the licensed athletic trainer; and

(2) That is performed under the direction of a physician;



(b) The organization and administration of programs of athletic training;

(c) The administration of an athletic training room;

(d) The provision of information relating to athletic training to members of the public;

(e) The performance of dry needling under the direction of a physician, if an athletic trainer is qualified to do so pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260; or

~~[(e)]~~ (f) Any combination of the activities described in paragraphs (a) to ~~[(d)]~~ (e), inclusive.

2. The term does not include the diagnosis of a physical disability, massaging of the superficial soft tissues of the body or the use of X-rays, radium or electricity for cauterization or surgery.

Sec. 11. NRS 640B.260 is hereby amended to read as follows:

640B.260 The Board shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by NRS 640B.310 and 640B.320. ~~[(f)]~~

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization. ~~[(f)]~~

3. The standards of practice for athletic trainers. ~~[(f)] and [(g)]~~

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

5. The qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

6. Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

7. Procedures to ensure that an athletic trainer does not engage in needle retention.

