

Nevada Physical Therapy Board

Nevada Revised Statutes Chapter 640

Board members (NRS 640.030)—The Board consists of five members, appointed by the Governor, as follows:

- Three members who are licensed physical therapists in Nevada;
- One member who is a licensed physical therapist assistant in Nevada; and
- One member who represents the general public.

In addition, Section 1.2 of Senate Bill 437 (Chapter 300, *Statutes of Nevada 2017*) provides the Board may select any person to serve as a nonvoting advisory member of the Board.

The Governor may remove any voting member of the Board for cause, pursuant to statute.

Powers and duties of the Board—The Board:

- Shall enforce the provisions of Chapter 640;
- Shall evaluate applicants and issue licenses;
- Shall investigate complaints and discipline licensees;
- Shall forward to law enforcement any substantiated information concerning a person who practices as a physical therapist or physical therapist assistant without a license;
- Shall approve a school or program of professional education for physical therapists and physical therapist assistants if the school is accredited by an agency recognized by the Board;
- May delegate to a hearing officer or panel its authority to take disciplinary action, including imposing and collecting fines, provided that a fine imposed by the Board must be deposited in the State General Fund, while a fine imposed by a hearing officer or panel may be deposited to the credit of the Board; and
- May issue a license by endorsement.

Operations of the Board—The Board:

- Must comply with Chapter 241 (“Meetings of State and Local Agencies”) of NRS and conduct its meetings accordingly;
- May receive a salary of not more than \$150 per day;

- May maintain offices in as many locations as it finds necessary; and
- May employ attorneys, investigators, consultants, and support personnel.

Background

Legislation:

- 1955—Assembly Bill 180 (Chapter 364, *Statutes of Nevada*)—Created the State Board of Physical Therapy Examiners, consisting of three members appointed by the Governor, who are registered physical therapists; provided the Governor must select appointees from a list submitted by the Nevada Physical Therapy Association; and provided initial registration qualifications included completion of a nursing program or physical education program and an approved course in physical therapy;
- 1957—AB 49 (Chapter 52, *Statutes of Nevada*)—Revised the Board by increasing the number of members from three to five;
- 1971—SB 613 (Chapter 538, *Statutes of Nevada*)—Enacted the Licensed Physical Therapy Assistant Act;
- 1977—AB 278 (Chapter 530, *Statutes of Nevada*)—Revised the Board by providing that four of the members must be registered physical therapists and one must represent the general public, who is prohibited from participating in the examinations required by the Board;
- 1981—SB 231 (Chapter 480, *Statutes of Nevada*)—Expanded the powers of the Board; provided rules for procedures and added grounds for disciplinary action by the Board, including penalties; provided the Governor could remove a Board member for cause; and eliminated nursing and physical education programs as approved educational preparation;
- 1993—AB 513 (Chapter 610, *Statutes of Nevada*)—Provided for the regulation of physical therapist's technicians; and
- 2003—SB 310 (Chapter 213, *Statutes of Nevada*)—Revised the Board to provide that the representative of the general public could not be a licensed physical therapist, physical therapist's assistant or physical therapist's technician, or a relative.

Legislative history—The following legislative histories have been compiled and are available on the website of the Research Library:

- AB 278 [Part 1](#), [Part 2](#), and [Part 3](#) (1977)—Sponsored by the Assembly Committee on Government Affairs;
- [SB 231](#) (1981)—Sponsored by the Senate Committee on Commerce and Labor; and

- [AB 513](#) (1993)—Sponsored by the Assembly Committee on Commerce.

In addition, the bill pages for the following legislation are available on the Legislature's website:

- [SB 310](#) (2003)—Sponsored by Senator Maggie Carlton.

Reports to the Legislature—No reports to the Legislature are required pursuant to NRS 640.

NRS 622.100 requires a report to the Director of the Legislative Counsel Bureau (LCB) including information relating to licensing and disciplinary actions. (Senate Bill 69 [Chapter 518, *Statutes of Nevada 2017*] revised the reporting provisions.)

Records held by the LCB—The following is a publication held by the Research Library:

- Referral for Profit (Exhibit), *Nevada Physical Therapy Association, 1989*.

Current contact—Charles Harvey, Executive Director

Website—<http://ptboard.nv.gov/>

W181184

CHAPTER.....

AN ACT relating to physical therapy; changing the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board; authorizing the Board to appoint nonvoting advisory members to the Board; authorizing the Board to issue citations for certain violations; changing the designation of physical therapists' assistants and physical therapists' technicians; revising the membership and duties of the Board; requiring the Board to elect certain officers annually; amending provisions governing the supervision and authorized activities of physical therapist technicians; revising provisions governing the supervision of physical therapist assistants; exempting certain providers of health care from the provisions governing the practice of physical therapy; revising terminology concerning the education of physical therapists and physical therapist assistants; combining similar provisions governing physical therapists and physical therapist assistants; authorizing the licensure by endorsement of physical therapist assistants; removing the requirement that the Board administer an examination to applicants for a license as a physical therapist; revising provisions prohibiting the use of certain names, titles and initials related to the practice of physical therapy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Board of Physical Therapy Examiners to regulate physical therapists and physical therapist assistants. (NRS 640.030) **Section 29** of this bill repeals the requirement of existing law that the Board itself examine applicants for licensure as physical therapists, but **sections 10 and 23** of this bill leave in place existing requirements that applicants for licensure as physical therapists or physical therapist assistants pass an examination designated by the Board. (NRS 640.080, 640.230) **Section 1.5** of this bill changes the name of the Board to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations.

Sections 1.2 and 4 of this bill authorize the Board to appoint nonvoting advisory members. Additionally, **section 4**: (1) revises the membership of the Board to include a physical therapist assistant; and (2) clarifies that the Board is subject to the provisions of law governing meetings of public bodies. **Section 5** of this bill requires the Board to elect new officers annually and specifies the officers whom the Board is required to elect. **Section 6** of this bill clarifies that only voting members of the Board are entitled to compensation. **Section 7** of this bill revises the duties of the Board. **Section 9** of this bill removes a requirement that the Board deposit administrative fines with the State Treasurer for credit in the State General



- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
- (aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or
- (bb) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 1.1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. *The Board may, by majority vote, select any person, including, without limitation, a physical therapist or physical therapist assistant, to serve as an advisory member of the Board. The Board shall prescribe the term and duties of any advisory member it selects pursuant to this section. An advisory member may not vote on any matter before the Board. Advisory members serve without compensation.*

Sec. 1.3. *1. After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:*

(a) Subsection 3 of NRS 640.110;



(b) Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or

(c) Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.

2. A citation issued pursuant to this section may include, without limitation, an order to:

(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:

(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and

(2) Specifically describe the corrective action to be taken.

(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.

(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed \$150.

3. Any administrative fine imposed pursuant to this section must be:

(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than \$100 or more than \$500;

(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than \$250 or more than \$1,000; and

(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.

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

Sec. 1.4. *1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to section 1.3 of this act, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. The Board may, for good cause shown, extend the time to submit a request for a hearing.*



2. *If the person to whom a citation is issued files a timely written request for a hearing to contest the citation:*

(a) *The Board shall provide notice of and conduct the hearing in accordance with this chapter and the provisions of chapters 233B and 622A of NRS governing the adjudication of contested cases.*

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

(1) *The facts forming the basis for the determination that the licensee has committed an act which constitutes a violation of a provision described in section 1.3 of this act;*

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

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

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

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

3. *If a person to whom a citation is issued pursuant to section 1.3 of this act does not file timely a written request for a hearing to contest the citation, the citation shall be deemed a final order of the Board and any assessed fine deemed due and payable and any corrective action deemed required.*

4. *For the purposes of this section, a citation issued pursuant to section 1.3 of this act shall be deemed to have been received by a person:*

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

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

Sec. 1.5. NRS 640.013 is hereby amended to read as follows:

640.013 “Board” means the ~~{State Board of}~~ Nevada Physical Therapy ~~{Examiners-}~~ Board.

Sec. 1.6. NRS 640.016 is hereby amended to read as follows:

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

Sec. 1.7. NRS 640.021 is hereby amended to read as follows:

640.021 “Physical therapist” means a person who is licensed *as such* in accordance with the provisions of this chapter.



Sec. 1.8. NRS 640.0213 is hereby amended to read as follows:

640.0213 “Physical ~~{therapist’s}~~ *therapist* assistant” means a person who assists in the practice of physical therapy under the supervision of a licensed physical therapist and who is licensed under the provisions of this chapter. ~~{The term is synonymous with “physical therapist assistant.”}~~

Sec. 1.9. NRS 640.0216 is hereby amended to read as follows:

640.0216 “Physical ~~{therapist’s}~~ *therapist* technician” means an unlicensed person who performs certain limited activities at the direction of the physical therapist.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 640.026 is hereby amended to read as follows:

640.026 “Supervising physical therapist” means a physical therapist who supervises a physical ~~{therapist’s}~~ *therapist* assistant ~~{or}~~, a physical ~~{therapist’s}~~ *therapist* technician ~~{-}~~, *a student who is completing a program for physical therapists or physical therapist assistants or a graduate of such a program.*

Sec. 3. NRS 640.029 is hereby amended to read as follows:

640.029 **1.** This chapter does not apply to ~~{an occupational therapist, occupational therapy assistant or athletic trainer}~~ *a provider of health care* who:

~~{1-}~~ **(a)** Is licensed to practice in this state;

~~{2-}~~ **(b)** Practices within the scope of that license; and

~~{3-}~~ **(c)** Does not *use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise* represent that he or she is a physical therapist or physical ~~{therapist’s}~~ *therapist* assistant, or that he or she practices physical therapy.

2. *As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 4. NRS 640.030 is hereby amended to read as follows:

640.030 **1.** The ~~{State Board of}~~ *Nevada* Physical Therapy ~~{Examiners,}~~ *Board*, consisting of five members appointed by the Governor, *and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act*, is hereby created.

2. The Governor shall appoint:

(a) ~~{Four}~~ *Three* members who are licensed physical therapists in the State of Nevada.

(b) *One member who is a licensed physical therapist assistant in the State of Nevada.*

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



(1) A physical therapist ~~[.] or~~ a physical ~~[therapist's]~~ *therapist* assistant ; ~~[or a physical therapist's technician.]~~ or

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

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

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

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

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

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

Sec. 5. NRS 640.035 is hereby amended to read as follows:

640.035 ~~[The]~~ *At the first meeting of each fiscal year, the* Board shall elect a Chair ~~[and other officers]~~ , *a Vice Chair and a Secretary-Treasurer* from among its members.

Sec. 6. NRS 640.045 is hereby amended to read as follows:

640.045 1. Each *voting* member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 7. NRS 640.050 is hereby amended to read as follows:

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

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

(b) Evaluate the qualifications and determine the eligibility of an applicant for 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's~~ **therapist** assistants and physical ~~therapist's~~ **therapist** technicians.

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

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

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

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

~~—(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.]~~ , **including, without limitation, any disciplinary proceedings.**

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

5. The Board may:

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

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

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

6. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to



the provisions of this chapter practices physical therapy or as a physical ~~{therapist's}~~ *therapist* assistant and inspect ~~{it}~~ *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's}~~ *therapist* assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. 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. 8. NRS 640.060 is hereby amended to read as follows:

640.060 For the ~~{purpose}~~ *purposes* of NRS 640.080 ~~{,}~~ *and 640.230*, the Board shall approve any school or ~~{educational curriculum}~~ *program of professional education for physical therapists and physical therapist assistants* taught at a school if the school is accredited by an accrediting agency recognized by the Board.

Sec. 9. NRS 640.070 is hereby amended to read as follows:

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

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

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

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



State of Nevada

Physical Therapy Board

SUNSET REVIEW REPORT

Report prepared for the
Sunset Subcommittee of the
Legislative Commission
2017 – 2018 Interim

Board Members

SHERISE SMITH, PT, MSPT, CBIS
Chairperson

BRIAN J. FEARNLEY, PT, MPT
Vice Chairperson

JAMES MCKIVIGAN, PT, DC, MPA, MA
Secretary/Treasurer

REBECCA CHIEEMA, PT
Board Member

EATHAN O'BRYAN
Public Member

STATE OF NEVADA

BRIAN SANDOVAL
Governor



BOARD OF PHYSICAL THERAPY

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

Staff

CHARLES D. HARVEY, MPA
Executive Director

MURIEL MORIN-MENDES
Licensing Coordinator

CHELSEA WILSON
Administrative Assistant

DANIELLE DEVINE
Administrative Assistant

April 2, 2018

Ms. Carol Stonefield, Chief Principal Research Analyst
Research Division
Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701-4747

Dear Ms. Stonefield,

In response to the Legislative Commission's Sunset Subcommittee Chairwoman Bustamante Adams' letter dated January 3, 2018, please find the requested documentation from the Nevada Physical Therapy Board.

The attached documents are indexed according to the order of the Sunset Committee Review Form. Should Chairwoman Bustamante Adams or any other member of the Sunset Committee have questions or concerns that we can address prior to the April 23, 2018 meeting, please do not hesitate to contact me at (702) 835-5535 or pted@govmail.state.nv.us.

Sincerely,


Charles D. Harvey
Executive Director

cc: Sherise Smith, Chair Nevada Physical Therapy Board

ENCLOSURES

Physical Therapy Board

Sunset Review

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Follow these instructions when filling out the form:

1. Download the form to your personal computer.
2. Complete the downloaded form using Adobe Reader.
3. Save the completed form to your personal computer.
4. Then send the saved form and any additional documents in PDF format to cstonefield@lcb.state.nv.us

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

as required by Nevada Revised Statutes 232B.230



Board or commission name:

Nevada Physical Therapy Board

Members' names with expiration date of term, and indicate the number of vacancies:

1. Sherise R. Smith, Chairperson, Term: 11/01/2014 to 10/31/2017, 11/01/2017 to 10/31/2020
2. Brian J. Fearnley, Vice Chairperson, Term: 12/16/2015 to 10/31/2018
3. James McKivigan, Secretary/Treasurer, Term: 4/22/2013 to 10/31/2015, 11/01/2015 to 10/31/2018
4. Rebecca Cheema, PT, Term: 3/19/2018 to 10/31/2020
5. Eathan O'Bryant, Public Member, Term: 3/19/2018 to 10/31/2019

Physical address:

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

Mailing address:

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

Web site address (if any):

<http://ptboard.nv.gov/Home/>

Web site developer (if not EITS, please indicate if EITS approved the web site):

EITS

Executive director's name and contact information:

Charles D. Harvey, MPA, Executive Director
7570 Norman Rockwell Lane, Suite 230, Las Vegas, NV 89143
(702) 876-5535
pted@govmail.state.nv.us

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):

Muriel Morin-Mendes, Licensing Coordinator, full-time; Chelsea Wilson, Administrative Assistant, part-time; Danielle Devine, Administrative Assistant, part-time; Deborah Dieter, PT, Inspector, part-time; Vacant, Inspector, part-time.

Days and hours of operation:

Monday – Friday: 8:30 a.m. to 4:00 p.m. open to the public

Created by what authority:

NRS 640.050. The first Board was appointed by Governor Charles Russell in November 1955 to be effective January 1, 1956.

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 640.050

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

LCB File No.	Date of Adoption
R107-10	10/15/2010
R059-06	09/18/2006
R111-02	01/24/2003
R035-00	01/05/2001
R153-98	12/18/1998

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None

Governing structure of the board or commission pursuant to statute:

Five (5) Board Members pursuant to NRS 640.030
1. The Nevada Physical Therapy Board, consisting of five members appointed by the Governor, and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act, is hereby created.

Duties of the board or commission:

The Board is responsible for examining and licensing qualified physical therapists and qualified physical therapist assistants in the State of Nevada. Duties include:

1. Enforce the provisions of NRS 640 and the regulations adopted by the Board;
2. Adopt regulations necessary to carry out the provisions of NRS 640;
3. Prepare and maintain a record of its proceedings, including any administrative proceedings;
4. Investigate complaints received by the Board against any person registered pursuant to NRS 640; or unauthorized practice of physical therapy;

Statement of the objectives and programs of the board or commission:

Statutory Objective: License and regulate the practice of physical therapy to protect the safety and well-being of the public.

Administrative Objective: Be responsive, effective and efficient in its operations and communications with applicants, licensees, stakeholders and the public; adhere to all statutory administrative requirements in operations, record keeping and reporting of Board activities and regulatory matters.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Itemized list of services offered by the board or commission:

The Board's administrative office is located in Las Vegas Nevada, which provides public accessibility to general information and response to telephone, electronic and walk in inquiries regarding the Board's licensing and renewal requirement. Services offered by the Board include but are not limited to:

1. Review and processing of applications for licensure as a physical therapist or physical therapist assistant;
2. Authorization for examination upon meeting the examination requirements;
3. On-line annual license renewal with credit card payment option;

Dates of the immediately preceding six meetings and the online location where the minutes can be found:

1. April 6, 2018, Board Meeting & Public Workshop
2. March 20, 2018, Advisory Committee on Dry Needling Meeting
3. March 12, 2018, Advisory Committee on Continuing Competency Meeting

Statutory tax exemptions, abatements, or money set aside for the board or commission:

As a state agency, the board is not charged sales tax pursuant to NRS 372.325. In accordance with NRS 640.070, all fees and other monies received by the Board are deposited and expended solely for the purposes of administration of NRS Chapter 640 and Nevada Administrative Code 640. Money set aside for the board is comprised of fees in excess of expenses which are retained for future needs of the Board.

Description of the manner in which the board or commission is funded, including all funding sources:

The Board is funded solely through fees collected for licensure and regulation of physical therapist and physical therapist assistants. No funding is received from the State's general fund. All fees charged by the Board are listed on the Board website, http://ptboard.nv.gov/Licensure/Fee_Schedule/.

Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:

All forms are available for downloading from the Board website, <http://ptboard.nv.gov/Forms/Home/>. Fingerprint Cards are not available to be downloaded.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

The Board has no recommendation for consolidation with another board or commission.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

The Board has been effective in accomplishing its purpose to license and regulate the practice of physical therapy and protect the safety and well-being of the consumer of physical therapy. However, we embrace a continuous improvement mindset to achieve best practices.

The Board has identified some areas that are in need of improvement. We are systematically working towards completion of these tasks, which include: modernizing and

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

The Board is undertaking a comprehensive review, update and revision to Nevada Administrative Code Chapter 640 in its entirety. In April 2018, the Board conducted its second public workshop to receive input on proposed changes to the NAC 640 to support the existing statutes of NRS 640. The purpose of the workshops was to solicit comments and input from interested persons. Recommendations for changes to NAC 640 include:

o General provisions – definitions

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
6. A copy of the most recent strategic plan of the board or commission.

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license, certificate, registration, permit, or other similar authorization issued by the board or commission.
2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.
3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.
4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how frequently an equivalent license, certificate, registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

LCB (01/18)

Please submit this form and any additional documents electronically in PDF format to: cstonefield@lcb.state.nv.us.

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Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission
as required by Nevada Revised Statutes 232B.230

Board or commission name: Nevada Physical Therapy Board

Members' names with expiration date of term, and indicate the number of vacancies:

1. Sherise R. Smith, Board Chairperson
PT, MSPT, CBIS
Term: 11/01/2014 to 10/31/2017
11/01/2017 to 10/31/2020
2. Brian J. Fearnley, Vice Chairperson
PT, MPT
Term: 12/16/2015 to 10/31/2018
3. James McKivigan, Secretary/Treasurer
PT, DC, MPA, MA
Term: 4/22/2013 to 10/31/2015
11/01/2015 to 10/31/2018
4. Rebecca Cheema, Board Member
PT
Term: 3/19/2018 to 10/31/2020
5. Eathan O'Bryant, Public Member
Term: 3/19/2018 to 10/31/2019

Physical address: 7570 Norman Rockwell Lane, Suite 230, Las Vegas, NV 89143

Mailing address: 7570 Norman Rockwell Lane, Suite 230, Las Vegas, NV 89143

Web site address (if any): <http://ptboard.nv.gov/Home/>

Web site developer: EITS

Executive director's name and contact information:

Charles D. Harvey, MPA, Executive Director

7570 Norman Rockwell Lane, Suite 230, Las Vegas, NV 89143
(702) 876-5535
pted@govmail.state.nv.us

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary).

Muriel Morin-Mendes, Licensing Coordinator, full-time
Chelsea Wilson, Administrative Assistant, part-time
Danielle Devine, Administrative Assistant, part-time
Deborah Dieter, PT, Inspector, part-time
Vacant, PT, Inspector, part-time

Days / hours of operation: Monday – Friday: 8:30 a.m. to 4:00 p.m. open to the public

Created by what authority: NRS 640.050. The first Board was appointed by Governor Charles Russell in November 1955, to be effective January 1, 1956.

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 640.050

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

LCB File No.	Date of Adoption
R107-10	10/15/2010
R059-06	09/18/2006
R111-02	01/24/2003
R035-00	01/05/2001
R153-98	12/18/1998

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None

Governing structure of the board or commission pursuant to statute:

Five (5) Board Members pursuant to NRS 640.030

1. The Nevada Physical Therapy Board, consisting of five members appointed by the Governor, and any nonvoting advisory members appointed by the Board pursuant to section 1.2 of this act, is hereby created.
2. The Governor shall appoint:
 - a. Three members who are licensed physical therapists in the State of Nevada.
 - b. One member who is a licensed physical therapist assistant in the State of Nevada.
 - c. One member who is a representative of the general public. This member must not be:
 - 1) A physical therapist, a physical therapist assistant or a physical therapist technician; or
 - 2) The spouse or the parent or child, by blood, marriage or adoption, of a physical therapist or a physical therapist assistant.
3. No member of the Board may serve more than two consecutive terms.
5. A majority of the voting members of the Board constitutes a quorum.

Duties of the board or commission:

The Board is responsible for examining and licensing qualified physical therapists and qualified physical therapist assistants in the State of Nevada. Duties include:

1. Enforce the provisions of NRS 640 and the regulations adopted by the Board;
2. Adopt regulations necessary to carry out the provisions of NRS 640;
3. Prepare and maintain a record of its proceedings, including any administrative proceedings;
4. Investigate complaints received by the Board against any person registered pursuant to NRS 640; or unauthorized practice of physical therapy;
5. Prosecute disciplinary matters as needed.

Statement of the objectives and programs of the board or commission:

Statutory Objective: License and regulate the practice of physical therapy to protect the safety and well-being of the public.

Administrative Objective: Be responsive, effective and efficient in its operations and communications with applicants, licensees, stakeholders and the public; adhere to all statutory administrative requirements in operations, record keeping and reporting of Board activities and regulatory matters.

Itemized list of services offered by the board or commission:

The Board's administrative office is located in Las Vegas Nevada, which provides public accessibility to general information and response to telephone, electronic and walk in inquiries regarding the Board's licensing and renewal requirement. Services offered by the Board include but are not limited to:

1. Review and processing of applications for licensure as a physical therapist or physical therapist assistant;
2. Authorization for examination upon meeting the examination requirements;
3. On-line annual license renewal with credit card payment option;
4. Public listing of licensed physical therapist and physical therapist assistants;
5. Answering routine questions related to NRS and NAC 640, and the practice of the profession;
6. Receipt and investigation of consumer complaints and referral to appropriate local or state agency or board;
7. Keeping current with changes in the regulatory environment through active participation in our national organization, the Federation of State Boards of Physical Therapy.

8. Providing education and outreach efforts to consumers, students, licensees, and other stakeholders regarding licensing, laws, regulatory changes, and compliance with the safe and competent practice of physical therapy.

Dates of the immediately preceding six meetings and the online locations where the minutes can be found:

- | | |
|---------------------|---|
| 1. April 6, 2018 | Board Meeting & Public Workshop |
| 2. March 20, 2018 | Advisory Committee on Dry Needling Meeting |
| 3. March 12, 2018 | Advisory Committee on Continuing Competency Meeting |
| 4. February 9, 2018 | Board Meeting |
| 5. February 7, 2018 | Board Meeting |
| 6. February 6, 2018 | Advisory Committee on Dry Needling Meeting |

Online location:

<http://ptboard.nv.gov/About/Meetings/2018/2018/>

Statutory tax exemptions, abatements, or money set aside for the board or commission:

As a state agency, the board is not charged sales tax pursuant to NRS 372.325. In accordance with NRS 640.070, all fees and other monies received by the Board are deposited and expended solely for the purposes of administration of NRS Chapter 640 and Nevada Administrative Code 640. Money set aside for the board is comprised of fees in excess of expenses which are retained for future needs of the Board.

Description of the manner in which the board or commission is funded, including all funding sources:

The Board is funded solely through fees collected for licensure and regulation of physical therapists and physical therapist assistants. No funding is received from the State's general fund. All fees charged by the Board are listed on the Board website, http://ptboard.nv.gov/Licensure/Fee_Schedule/.

Please identify any forms required by the board or commission to be used by members of the public which are not available for downloading from the web site of the board or commission:

All forms are available for downloading from the Board website, <http://ptboard.nv.gov/Forms/Home/>. Fingerprint Cards are not available to be downloaded.

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

The Board has no recommendation for consolidation with another board or commission.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

The Board has been effective in accomplishing its purpose to license and regulate the practice of physical therapy and protect the safety and well-being of the consumer of physical therapy. However, we embrace a continuous improvement mindset to achieve best practices.

The Board has identified some areas that are in need of improvement. We are systematically working towards completion of these tasks, which include: modernizing and updating of policy and procedural manuals, applications, educational resources, involvement with stake holders, investigation/inspection department, staff training, etc.

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

The Board is undertaking a comprehensive review, update and revision to Nevada Administrative Code Chapter 640 in its entirety. In April 2018, the Board conducted its second public workshop to receive input on proposed changes to the NAC 640 to support the existing statutes of NRS 640. The purpose of the workshops was to solicit comments and input from interested persons. Recommendations for changes to NAC 640 include:

- General provisions – definitions
- Announcement of meetings
- Licensing
- Professional standards

- Continuing competence
- Standards of conduct
- Disciplinary action

If additional space is necessary, please attach additional pages and refer to the attachments on the form. Please include with this form:

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Physical Therapy Board

Attachment 7: **Fee Structure**

Physical Therapist Application

Description		Fee
Application Fee	\$	300.00
Fingerprint Fee	\$	36.25
Exam Processing Fee (if applying via examination)	\$	25.00
National Exam Fee (payable to the FSBPT)	\$	400.00

Physical Therapist Assistant Application

Description		Fee
Application Fee	\$	200.00
Fingerprint Fee	\$	36.25
Exam Processing Fee (if applying via examination)	\$	25.00
National Exam Fee (payable to the FSBPT)	\$	400.00

Physical Therapy Board

Attachment 7: **Fee Structure** (Cont'd)

Other Fees

Description		Fee
Change of Name	\$	25.00
Duplicate of Lost License	\$	25.00
Business Addresses on Labels	\$	150.00
Business Addresses on Paper	\$	50.00
Business Address List via Email	\$	50.00
Licensure List	\$	50.00
Annual Renewal PT	\$	150.00
Late Annual Renewal PT	\$	150.00
Annual Renewal PTA	\$	100.00
Late Annual Renewal PTA	\$	100.00

Physical Therapy Board

Attachment 8: Fee Comparison - Neighboring States

	NV	CA	AZ	NM	OR	UT	ID
<u>Board Structure:</u> Independent Board (IB) or Combined Board (CB)	IB	IB	IB	CB	IB	CB	CB
FEES							
PT Application	300.00	300.00	260.00	250.00	190.00	70.00	70.00
PTA Application	200.00	300.00	160.00	200.00	190.00	60.00	65.00
Change of Name	25.00	•	•	25.00	48.00	10.00	10.00
Duplicate / Lost License	25.00	50.00	10.00	25.00	25.00	10.00	10.00
Annual Renewal PT	150.00	N/A	N/A	N/A	N/A	N/A	25.00
Annual Renewal PTA	100.00	N/A	N/A	N/A	N/A	N/A	20.00
Biennial Renewal PT	N/A	300.00	160.00	160.00	170.00	47.00	N/A
Biennial Renewal PTA	N/A	300.00	55.00	120.00	170.00	47.00	N/A
Late Renewal PT	150.00	150.00	80.00	250.00	50.00	•	35.00
Late Renewal PTA	100.00	150.00	27.50	200.00	50.00	•	35.00

- Information unavailable at time of report

Physical Therapy Board

Attachment 9: **Fee Comparison - Nevada Boards**

	PHYSICAL THERAPISTS	ATHLETIC TRAINERS	MASSAGE THERAPISTS	OCCUPATIONAL THERAPISTS
Application/License	300.00	300.00	300.00	250.00
Annual Renewal	150.00	150.00	200.00	175.00
Reinstatement of Expired License	300.00	300.00	500.00	200.00