

**NEVADA STATE BOARD OF ATHLETIC TRAINERS
NOTICE OF PUBLIC HEARING TO REVIEW REGULATIONS**

DATE & TIME: **April 7, 2022 @ 5:00 p.m.**

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

As set forth in **Executive Order 2023-003**, the Board has been directed to review its regulations, Nevada Administrative Code (NAC) Chapter 640B, and identify at least ten (10) regulations recommended for removal. The purpose of this Public Hearing is to: (1) vet the Board’s proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduced or otherwise improved regulations that pertain to the Nevada Administrative Code (NAC) Chapter 640B. Stakeholder input received as a result of this Hearing will be reflected in the Report to the Governor’s Office.

Persons wishing to comment upon the proposed recommended changes, or to propose additional regulatory changes may appear at the scheduled Public Hearing or may address their comments, views, or arguments in written form to the Board of Athletic Trainers. Written submissions must be received on or before **March 31, 2023**, and may be submitted by email to atrainner@nsbat.nv.gov or in hard copy addressed to the Nevada State Board of Athletic Trainers, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. A copy of the Board regulations to be reviewed, NAC 640B and NAC 640B Review Notes Table, are attached hereto and available for viewing or printing on the Board’s website, <https://nevadaathletictrainers.nv.gov/>.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Michelle Cothrun, Executive Secretary at (775) 787-2636 within 72 hours of meeting date and time.

This **Notice of Public Hearing to Review Regulations** has been sent to all licensed athletic trainers and persons on the agency’s mailing list for administrative regulations and has been posted on the Board’s website <https://nevadaathletictrainers.nv.gov/>, the Nevada State Board of Athletic Trainers Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; online at www.leg.state.nv.us; and State of Nevada Public Notice Website: www.nv.gov

Dated: March 7, 2023

NEVADA STATE BOARD OF ATHLETIC TRAINERS AGENDA OF PUBLIC HEARING TO REVIEW REGULATIONS

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PLEASE NOTE: The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter within the Board's jurisdiction and/or authority, whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting may be removed from the meeting. (NRS 241.030(5)(b)) The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

AGENDA

1. Call meeting to order and introduction of members to determine the presence of a quorum.
2. Introduction of workshop process. **(Discussion)**
3. Public comment.

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

4. The Nevada State Board of Athletic Trainers will receive comments and input from interested persons regarding the review of Chapter 640B of the Nevada Administrative Code (NAC) to identify at least ten (10) regulations recommended for removal. In addition, the Board will receive comments and input to (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduce or otherwise improve regulations that pertain to the Nevada Administrative Code (NAC) Chapter 640B. The input received will be reflected in the Report to the Governor's Office. **(For Possible Action)**

5. The Nevada State Board of Athletic Trainers will review, discuss, and possibly approve the Report that will be sent to the Governor's Office. **(For Possible Action)**
6. Public comment.

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

7. Adjournment. **(For Possible Action)**

Pursuant to NRS 241.030 the board may close the meeting to consider the character, misconduct, competence, or health of a person.

Items on the agenda may be taken out of order; items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time.

Action by the Board on any item may be to approve, deny, amend, or table.

The Board may allow for public comments after each agenda item. In consideration of others, please limit your comments to no more than five (5) minutes. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126. Public comment options may include, without limitation, telephonic or email comment. To submit public comment, contact Michelle Cothrun at (775) 787-2636 or atrainner@nsbat.nv.gov.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If accommodations are necessary, please contact Michelle Cothrun, Executive Secretary, at (775) 787-2636 no later than three (3) business days before the meeting. Board meeting correspondence and supporting materials for this public workshop may also be obtained by contacting Michelle Cothrun at (775) 787-2636 or atrainner@nsbat.nv.gov or by visiting <http://nevadaathletictrainers.nv.gov/>

NOTICES FOR THIS MEETING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241.020, ON OR BEFORE THE THIRD WORKING DAY BEFORE THE MEETING, AT THE FOLLOWING LOCATIONS:

*State of Nevada, Department of Administration Public Notice website: <http://notice.nv.gov/>

*The Nevada State Board of Athletic Trainer's website: <http://nevadaathletictrainers.nv.gov/>

*The Board office at 6170 Mae Anne Avenue, Ste 1, Reno, NV 89523-4705

In addition, this notice/agenda was mailed, e-mailed or faxed to groups and individuals as requested.

NEVADA STATE BOARD OF ATHLETIC TRAINERS

NAC 640B REVIEW NOTES

| NAC | Section Title | Priority | Action | Notes/Comments |
|-------------------------|--|----------|-----------------|---|
| NAC 640B.005 | Definitions. | 5 | Delete | The three definitions included are all redundant. |
| NAC 640B.010 | “Board” defined. | 6 | Delete | Redundant – NRS 640B.025 contains same definition. |
| NAC 640B.013 | “License” defined. | 7 | Delete | Redundant – NRS 640B.060 contains same definition. |
| NAC 640B.015 | “Licensee” defined. | 8 | Delete | Redundant – NRS 640B.015 contains same definition. |
| NAC 640B.020 | Interpretation of certain statutory terms. | | Keep | Required by NRS 640B.260(2) |
| NAC 640B.030 | Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. Subsection 1 | | Keep | Required by NRS 640B.260(3) |
| | Subsection 2 | | Review | Is this regulation necessary? |
| NAC 640B.040 | Examination for licensure: Determination of passing grade. | | Keep | Required by NRS 640B.260(1) |
| NAC 640B.050 | Submission of items required for renewal of license. | | Review | Is this regulation necessary? |
| NAC 640B.060 | Fees. For an initial application of a license...\$300 For the renewal of a license... \$150 | | Review/ Keep | Fees for initial license can be reduced and clarified to include without examination. The fees for the renewal of a license can be reduced. The restoration of an |

| | | | | |
|----------------|---|------------|--------|---|
| | For the restoration of an expired license... \$300 For a list of business addresses of licensees...\$25 | | | expired license can be clarified to a flat fee. Currently NRS 640B.410 contradicts NRS 640B.400 (c.2). |
| | For the issuance of a duplicate license...\$25 For a change of name of a license...\$25 For a list of business addresses of licensees on mailing labels ...\$100 For a dishonored check ... \$25 | 1, 2, 3, 4 | Delete | Fees for a duplicate license and change of name are no longer required as printed hard copies of licenses are no longer provided. PDFs of licenses are easily sent to licensees. The fee for a list of business addresses on mailing labels and dishonored checks are no longer necessary. |
| | ADOPTED REGULATION NOT YET CODIFIED | | | |
| R053-19 | Dry Needling regulations | | Keep | Required by NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588. |
| | | | | |

[NAC-640B Revised Date: 7-09]

CHAPTER 640B - ATHLETIC TRAINERS

| | |
|--------------------------|---|
| 640B.005 | Definitions. |
| 640B.010 | “Board” defined. |
| 640B.013 | “License” defined. |
| 640B.015 | “Licensee” defined. |
| 640B.020 | Interpretation of certain statutory terms. |
| 640B.030 | Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. |
| 640B.040 | Examination for licensure: Determination of passing grade. |
| 640B.050 | Submission of items required for renewal of license. |
| 640B.060 | Fees. |

~~—NAC 640B.005 Definitions. (NRS 640B.260) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640B.010, 640B.013 and 640B.015 have the meanings ascribed to them in those sections.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~—NAC 640B.010 “Board” defined. (NRS 640B.260) “Board” means the Board of Athletic Trainers.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006; A by R106-07, 1-30-2008)~~

~~—NAC 640B.013 “License” defined. (NRS 640B.260) “License” means a license to engage in the practice of athletic training issued pursuant to chapter 640B of NRS.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~—NAC 640B.015 “Licensee” defined. (NRS 640B.260) “Licensee” means a person who has been issued a license pursuant to chapter 640B of NRS.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.020 Interpretation of certain statutory terms. (NRS 640B.015, 640B.021, 640B.260) As used in [NRS 640B.015](#) and [640B.021](#):

1. “Amateur athletic organization” means an entity that regulates or sponsors athletic activities by persons who have never accepted money, or who accept money under restrictions specified by a regulatory body, for participating in such athletic activities.
2. “Intercollegiate athletic association” means an entity that regulates or sponsors athletic activities between colleges or universities.
3. “Interscholastic athletic association” means an entity that regulates or sponsors athletic activities between high schools.
4. “Professional athletic organization” means an entity that regulates or sponsors athletic activities by persons who participate in such athletic activities for economic gain.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

NAC 640B.030 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. (NRS 640B.260)

1. The Board hereby adopts by reference the standards of professional practice and the requirements to maintain certification, including, without limitation, any requirements for continuing education, set forth in *Standards of Professional Practice* adopted by the National Athletic Trainers’ Association Board of Certification, Inc. The publication is available, free of charge, from the National Athletic Trainers’ Association Board of Certification, Inc., at the Internet address <http://www.bocatc.org>.

~~—2.—The Board will periodically review the standards and the requirements in the publication described in subsection 1. Within 30 days after each review, the Board will determine whether any change made to the standards or the requirements is appropriate for application in this State. If the Board does not disapprove a change to an adopted standard or requirement within 30 days after each review, the change is deemed to have been approved by the Board.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)~~

NAC 640B.040 Examination for licensure: Determination of passing grade. ([NRS 640B.260](#), [640B.310](#)) The passing grade for the examination required by paragraph (g) of subsection 1 of [NRS 640B.310](#) will be determined by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

~~NAC 640B.050 Submission of items required for renewal of license. (NRS 640B.260, 640B.340, 640B.400) All items required by [NRS 640B.340](#) and [640B.400](#) for the renewal of a license must be received by the Board, or postmarked, not later than June 30 of each year. If the Board does not receive the items, or if the items are not postmarked, on or before June 30, the license expires.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.060 Fees. ([NRS 640B.250](#), [640B.260](#), [640B.410](#))

1. The Board will charge and collect the following fees:

| | |
|---|----------------|
| For an initial application for a license..... | \$300 |
| For the renewal of a license..... | 150 |
| For the restoration of an expired license..... | 300 |
| For the issuance of a duplicate license..... | 25 |
| For a change of name on a license..... | 25 |
| For a list of business addresses of licensees..... | 25 |
| For a list of business addresses of licensees on mailing labels..... | 100 |
| For a dishonored check..... | 25 |

~~2. A fee charged and collected pursuant to this section:~~

~~(a) Must accompany the application or other documentation to which the fee pertains; and~~

~~(b) Is not refundable.~~

(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)

**ADOPTED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R053-19

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

AUTHORITY: §§1-4, NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588.

A REGULATION relating to athletic trainers; prescribing the training required before an athletic trainer is authorized to perform dry needling; prescribing standards of practice for dry needling; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Athletic Trainers to prescribe by regulation the qualifications required for an athletic trainer to perform dry needling. Those qualifications must include the completion of at least 150 hours of certain didactic education and training in dry needling. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 2** of this regulation prescribes the requirements for such didactic education and training.

Existing law requires the Board to prescribe by regulation: (1) the standards of practice for athletic trainers; (2) procedures concerning the handling of needles used to perform dry needling; and (3) procedures to ensure that an athletic trainer does not engage in needle retention. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 3** of this regulation requires an athletic trainer to obtain the informed consent of a patient before performing dry needling. **Section 3** also requires an athletic trainer who performs dry needling to: (1) use only single-use, single-insertion needles; (2) refrain from inserting a needle more than one time or retaining a needle in the body of a patient after completing a procedure; and (3) dispose of those needles after completing a procedure. **Section 3** additionally prohibits an athletic trainer from delegating the performance of dry needling to a person who is not authorized to perform dry needling.

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

Sec. 2. 1. Before performing dry needling, an athletic trainer must submit to the Board written proof of successful completion of at least 150 hours of didactic education and training in dry needling which meets the requirements set forth in this section.

2. The courses taken to satisfy the didactic education and training requirements must:

(a) Be approved by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization, the Commission on Accreditation of Athletic Training Education, or its successor organization, or the Board of Athletic Trainers;

(b) Include instruction concerning:

(1) The use of sterile needles in accordance with standards prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Occupational Safety and Health Administration of the United States Department of Labor;

(2) The aspects of human anatomy relevant to dry needling;

(3) Control of blood-borne pathogens; and

(4) Circumstances under which performing dry needling on a patient may or may not be appropriate;

(c) Except as otherwise provided in paragraph (d), be provided as part of a graduate-level program of study approved by the Board; and

(d) Include at least 25 hours of didactic instruction and training provided through a postgraduate course of study that requires the successful completion of a written examination and a practical examination. Each part of the course, including, without limitation, each examination, must be completed in person.

Sec. 3. 1. *Before performing dry needling, an athletic trainer must obtain a signed form which provides informed consent from the patient. Such a form must include, without limitation:*

(a) The definition of “dry needling” set forth in section 8 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1587;

(b) A description of the particular treatment that will be provided and the risks and benefits of the treatment; and

(c) The signature of the patient.

2. *An athletic trainer who performs dry needling:*

(a) Shall use only single-use, single-insertion sterile needles;

(b) Shall not insert the same needle:

(1) More than one time in a person; or

(2) In more than one person;

(c) Shall not retain a needle in the body of a patient after completing a procedure;

(d) Shall dispose of each needle after completing a procedure;

(e) Shall not delegate dry needling to a student athletic trainer, graduate student athletic trainer or other person who is not authorized to perform dry needling; and

(f) Shall ensure that the form described in subsection 1 is maintained as part of the health care records of the patient pursuant to NRS 629.051.

Sec. 4. An athletic trainer who wishes to perform dry needling after the effective date of this regulation shall submit proof of compliance with the requirements of section 2 of this regulation not later than 30 days after the effective date of this regulation.

