

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R053-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 640B.

1. A clear and concise explanation of the need for the adopted regulation.

This adopted regulation is necessary to comply with recent statutory changes, specifically with the provisions of Senate Bill (SB) 186 of the 2019 Legislative Session, which added dry needling to the practice acts of athletic trainers and physical therapists. The adopted regulation protects the public by establishing the qualifications an athletic trainer or physical therapist must obtain before he or she is authorized to perform dry needling.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of dry needling, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Athletic Trainers: <http://nevadaathletictrainers.nv.gov/>; faxed or mailed to county libraries in Nevada; and posted at the following locations:

Office of the Attorney General 100 North Carson Street Carson City, Nevada, 89701	University of Nevada Reno Cashell Fieldhouse 1664 N. Virginia Street Reno, NV 89557
Nevada State Library and Archives 100 North Stewart Street Carson City, Nevada 89701	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/	Nevada State Board of Athletic Trainer's website: http://nevadaathletictrainers.nv.gov
Nevada Physical Therapy Board website: www.ptboard.nv.gov	Office of the Attorney General 5420 Kietzke Lane, Ste 202 Reno, NV 89511
Grant Sawyer Building 555 E. Washington Avenue Las Vegas, Nevada 89101	Office of the Attorney General 100 North Carson Street, Carson City, NV 89701

State of Nevada Public Notice Website: www.nv.gov	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 th 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

After passage of Senate Bill (SB) 186 of the 2019 Nevada Legislative Session, a joint workshop was held with the Nevada Physical Therapy Board on July 26, 2019, to provide comments on dry needling by physical therapists and athletic trainers in NAC 640 and NAC 640B. The minutes of the workshops held on July 26, 2019, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Then on October 15, 2019, the Executive Secretary issued a Notice of Intent to Act Upon a Regulation, receiving and considering public comments and input for inclusion in the proposed amendments during the hearing held on November 15, 2019.

Copies of meeting agendas, meeting minutes, proposed regulations, workshop notices 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.

A copy of the summary of the public response to the proposed regulation may be obtained from the Nevada State Board of Athletic Trainers, P.O. Box 34296, Reno, NV, 89533, or via email at atrainner@nsbat.nv.gov.

3. The number persons who:

- a. **Attended each hearing**
 July 26, 2019: 23
 November 15, 2019: 17
- b. **Testified at each hearing**
 July 26, 2019: 4
 November 15, 2019: 2
- c. **Submitted to the agency written comments**
 July 26, 2019: 3
 November 15, 2019: 2

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted on November 15, 2019 by the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board after review, discussion and consideration of comments and input received from interested persons on the proposed dry needling regulation. The Boards received comments relating to qualifications, training hour requirements, and needle retention.

A change was made to ensure that an athletic trainer does not engage in needle retention and to conform with the Physical Therapy Board's regulation.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each must include:

a. Both adverse and beneficial effect on businesses:

No adverse or beneficial economic effect on businesses is anticipated by the proposed regulation. To date, the Board has not received any comments from businesses in writing or at any of its hearings regarding any anticipated economic effect, either adverse or beneficial.

b. Both adverse and beneficial effect on the public:

No adverse or beneficial economic effect on the public is anticipated from the proposed regulation. The Board anticipates that the regulation will provide beneficial effects on the public through the establishment of professional standards of training and education qualifications for dry needling to help maintain the highest standards for public safety.

c. Both immediate and long-term effects on the public:

The proposed regulation does not have an anticipated immediate or long-term economic effect on the public. Public safety benefits to the public will be immediate and continue for the long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other state or government 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, the name of the regulating federal agency.**

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

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

There are no federal regulations that apply.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increases an existing fee.

EXHIBIT A – MEETING ATTENDEES/PARTICIPANTS

July 26, 2019	
Name	Sherise Smith
<input type="checkbox"/> <i>Title</i>	Chair
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Brian Fearnley
<input type="checkbox"/> <i>Title</i>	Vice-Chair
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Jennifer Nash
<input type="checkbox"/> <i>Title</i>	Secretary/Treasurer
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Rebecca Cheema
<input type="checkbox"/> <i>Title</i>	PTA Board Member
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Eathan O’Bryant
<input type="checkbox"/> <i>Title</i>	Public Member
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Charles D. Harvey
<input type="checkbox"/> <i>Title</i>	Executive Director
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Sarah Bradley
<input type="checkbox"/> <i>Title</i>	Senior Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 684-1213
<input type="checkbox"/> <i>Entity/Organization</i>	Attorney General’s Office
Name	Nikki Rossetta
<input type="checkbox"/> <i>Title</i>	Intern

<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 684-1213
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Attorney General's Office
Name	
Muriel Morin Mendes	
<input type="checkbox"/> <i>Title</i>	Licensing Coordinator
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	
Debra Dieter	
<input type="checkbox"/> <i>Title</i>	Board Investigator
<input type="checkbox"/> <i>Business Address</i>	7570 Norman Rockwell Lane, Suite 230
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	
Jeremy Haas	
<input type="checkbox"/> <i>Title</i>	Chair
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	
Tedd Girouard	
<input type="checkbox"/> <i>Title</i>	Vice-Chair
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	
Keoni Kins	
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	
Michelle Cothrun	
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	
Mark D'Anza	
<input type="checkbox"/> <i>Title</i>	Athletic Trainer
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided

Name	Mike Sepiol
<input type="checkbox"/> <i>Title</i>	President
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Athletic Trainers Association
Name	Sean Ellis
<input type="checkbox"/> <i>Title</i>	Physical Therapist
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Ashley Reagor
<input type="checkbox"/> <i>Title</i>	Physical Therapist
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Action Therapeutics
Name	Jennifer Tucker
<input type="checkbox"/> <i>Title</i>	Physical Therapist
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Peds Academy
Name	Nicole Lang
<input type="checkbox"/> <i>Title</i>	Doctor of Physical Therapy
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Desert View Home Health Care / Secretary – Nevada Physical Therapy Association
Name	Chris Frehner
<input type="checkbox"/> <i>Title</i>	Director of Rehabilitation Services
<input type="checkbox"/> <i>Telephone Number</i>	(702) 383-2236
<input type="checkbox"/> <i>Business Address</i>	1800 W. Charleston Blvd, Las Vegas NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 383-2236
<input type="checkbox"/> <i>Email</i>	Christopher.frehner@umcsn.com
<input type="checkbox"/> <i>Entity/Organization</i>	University Medical Center

Name	Maggie Tracey
<input type="checkbox"/> <i>Title</i>	Chair, Doctor of Oriental Medicine
<input type="checkbox"/> <i>Telephone Number</i>	(702) 675-5326
<input type="checkbox"/> <i>Business Address</i>	3191 E. Warm Springs Road, Las Vegas NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 675-5326
<input type="checkbox"/> <i>Email</i>	omboardexecutivedirector@gmail.com
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Oriental Medicine
Name	Megan Clowers
<input type="checkbox"/> <i>Title</i>	Doctor of Oriental Medicine, Acupuncturist
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Michael J. Wilden
<input type="checkbox"/> <i>Title</i>	Lobbyist for PT Association
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	631 N. Stephanie Street, Ste 202, Henderson NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 238-5286
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	The Perkins Company

November 15, 2019	
Name	Sherise Smith
<input type="checkbox"/> <i>Title</i>	Chair
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Brian Fearnley
<input type="checkbox"/> <i>Title</i>	Vice-Chair
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Jennifer Nash
<input type="checkbox"/> <i>Title</i>	Secretary/Treasurer
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Eathan O'Bryant
<input type="checkbox"/> <i>Title</i>	Public Member
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV

<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Charles D. Harvey
<input type="checkbox"/> <i>Title</i>	Executive Director
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Sarah Bradley
<input type="checkbox"/> <i>Title</i>	Senior Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 684-1213
<input type="checkbox"/> <i>Entity/Organization</i>	Attorney General's Office
Name	Michael Detmer
<input type="checkbox"/> <i>Title</i>	Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	555 E. Washington Ave, Las Vegas NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 486-3355
<input type="checkbox"/> <i>Entity/Organization</i>	Attorney General's Office
Name	Muriel Morin Mendes
<input type="checkbox"/> <i>Title</i>	Licensing Coordinator
<input type="checkbox"/> <i>Business Address</i>	3291 N. Buffalo Dr., Ste 100, Las Vegas, NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Neena Laxalt
<input type="checkbox"/> <i>Title</i>	Lobbyist
<input type="checkbox"/> <i>Business Address</i>	10883 Rushing Flume Drive, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 762-1864
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Jeremy Haas
<input type="checkbox"/> <i>Title</i>	Chair
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Tedd Girouard
<input type="checkbox"/> <i>Title</i>	Vice-Chair
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Keoni Kins
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636

<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Frank Sakelarios
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Michelle Cothrun
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	P.O. Box 34296, Reno NV
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Louis Hillegass
<input type="checkbox"/> <i>Title</i>	Physical Therapist
<input type="checkbox"/> <i>Telephone Number</i>	(702) 682-7226
<input type="checkbox"/> <i>Business Address</i>	7301 Peak Drive #105, Las Vegas, NV 89128
<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 256-9738
<input type="checkbox"/> <i>Email</i>	loupt@cox.net
<input type="checkbox"/> <i>Entity/Organization</i>	ATI Physical Therapy
Name	Nicole Lang
<input type="checkbox"/> <i>Title</i>	Doctor of Physical Therapy
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Desert View Home Health Care / Secretary – Nevada Physical Therapy Association
Name	Matt Biancuzzo
<input type="checkbox"/> <i>Title</i>	Athletic Trainer
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Kirk Satchler
<input type="checkbox"/> <i>Title</i>	Physical Therapist
<input type="checkbox"/> <i>Telephone Number</i>	(775) 762-9428
<input type="checkbox"/> <i>Business Address</i>	720 Robb Drive, suite 103, Reno NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-3733
<input type="checkbox"/> <i>Email</i>	kirk@perpft.com
<input type="checkbox"/> <i>Entity/Organization</i>	Performance Physical Therapy, Inc.

EXHIBIT B – MEETING MINUTES

**MINUTES OF THE PUBLIC MEETING AND WORKSHOP FOR THE
NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)**

DATE: **July 26, 2019**

LOCATIONS:

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

1. Meeting called to order by NSBAT Chairman, Jeremy Haas at 2:03PM. Introduction of members to determine the presence of a quorum:

Board Members in Attendance - Nevada State Board of Athletic Trainers: Jeremy Haas, Chairman; Tedd Girouard, Vice Chair; Keoni Kins, Board Member.

Board Members in Attendance – Nevada Physical Therapy Board: Sherise Smith, Chairman; Brian Fearnley, Vice-Chairperson. **Members in Attendance via Telephone:** Jennifer Nash, Secretary/ Treasurer; Rebecca Cheema, PTA; Eathan O’Bryant, Public Member.

Staff in Attendance – Nevada State Board of Athletic Trainers: Michelle Rodda Cothrun, Executive Secretary; Sarah Bradley, Senior Deputy Attorney General; Nikki Rossetta, Intern- Attorney General’s Office.

Staff in Attendance – Nevada Physical Therapy Board: Charles Harvey, Executive Director; Muriel Morin Mendes, Licensing Coordinator; Deborah Dieter, Board Investigator; Sarah Bradley, Senior Deputy Attorney General; Nikki Rossetta, Intern - Attorney General’s Office.

Public Members in Attendance – Southern Nevada: Mark D’Anza, Licensed Athletic Trainer; Mike Sepiol, President Nevada Athletic Trainers Association; Sean Ellis, Physical Therapist; Ashley Reagor, Physical Therapist; Jennifer Tucker; Nicole Lang; Chris Frehner.

Public Members in Attendance – Northern Nevada: Maggie Clowers, Oriental Medicine Doctor; Maggie Tracey, Oriental Medicine Doctor; Mike Wilden, Perkins Group, Lobbyist for PT Association; Robert Conatser, Licensed Athletic Trainer.

2. Pledge of Allegiance

3. Introduction of workshop process Sarah Bradley explains that we are here to take public comment on the requirement that both Boards have to draft regulation regarding dry needling. The process includes today's workshop to receive public comments regarding proposed language, discussion and hopefully the finalization of a draft. After we have a draft regulation, they get submitted to the Legislative Counsel Bureau. The LCB attorney will draft it, and also give us an "R" number which is a tracking number for regulations. They are supposed to provide the draft within 30 days and send it back to each Board. We will then notice for a Public Hearing. For members of the public in attendance, there is more than one chance to participate in this process. This is the first public meeting regarding regulations. There will be a Public Hearing once we get the draft back from LCB. Both Boards will review the drafts and the comments received at the public hearing and possibly adopt the regulations. It then goes back to the LCB to be voted on by the legislative commission. As you can see, it is not a quick process. We won't have regulations in place overnight. It takes at least 30 days for the drafting. Once we get it back, we have to notice it for 30 days. We would be doing really well if we had regulations in place by December/January. If you are here from the public, you can sign in and provide your email address to receive copies of notices for future meetings. Both Boards will accept written comments at the public hearing, so if you can't attend in person or others are interested, you can submit written comments. The nice thing about the public hearing is that we will have a written draft from the LCB that you can review and provide more substantive comments at to the public hearing.

4. Public Comment

Northern Nevada Public Comment: NSBAT Executive Secretary, Michelle Cothrun, received two written public comments and read them into the record.

1. From: Steve McCauley, Legislative Chairman for the Nevada Athletic Trainers Association.

Dear members of the Nevada State Board of Athletic Trainers:

My name is Steve McCauley and I am the Legislative Chairman for the Nevada Athletic Trainers Association. It is a pleasure to submit this testimony for this public hearing on the proposed regulation regarding Dry Needling. I will introduce suggestions in the subsequent paragraphs regarding the proposed changes to NRS 640B in accordance with Senate Bill 186 of the 2019 Legislative Session.

- A. Qualifications: SB186 states that the qualifications must include without limitation successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. The sum of current commercial education and training available does not meet the 150 hours of training and education required by SB186. I propose that Athletic Trainers who currently provide dry needling therapy prior to July 1, 2019 be granted approval to continue to offer dry needling therapy if they demonstrate 150 hours of service in the provision of Dry Needling and are endorsed by a Nevada State licensed physician. In addition, these individuals would be eligible to receive authority from the State Board of Athletic Trainers to provide didactic education to newly certified and educated Athletic Trainers of a board approved course in dry needling for the purposes of satisfying the 150 hours of didactic training and education required.

- B. The policy and procedures governing the handling, disposal and retention of dry needles must be provided to the State Board of Athletic Trainers as a requirement before that Athletic Trainer is granted a dry needling privilege. This policy and procedure must be endorsed by a Nevada state licensed physician.

One final note on legislative intent related to both Chapter 640 and 640B. In Chapter 640B, an Athletic Trainer's scope of practice requires direction from a licensed physician. Chapter 640 does not include that requirement. It is therefore important to consider the physician's approval when developing guidelines for granting an Athletic Trainer privileges, which as stated previously is not a requirement in Chapter 640 governing Physical Therapists.

Sincerely, Steve McCauley

2. From: Cirque Du Soleil Entertainment Group

To Whom It May Concern,

Please find our testimony in support of dry needling, as well as our concerns regarding the recent proposal by the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board. On our second page, we have summarized our understanding of dry needling through the help of the NATA and APTA.

Testimony: Performance Medicine Therapists at Cirque Du Soleil's Resident Shows Division in Las Vegas work daily to keep our artists healthy through the rigorous physical demands of high show volume and extensive training hours required to maintain advanced acrobatic skills. Our staff, both Athletic Trainers and Physical Therapists, utilize dry needling for preventative and therapeutic purposes, and have been trained in these techniques through reputable educational institutes. There is significant scientific evidence to support the efficacy of this type of treatment in the management of neuromusculoskeletal conditions when performed by Athletic Trainers and Physical Therapists. At Cirque Du Soleil, our Therapists and artists have come to rely on dry needling as a valuable adjunct to our injury management techniques, improving the time to resolution for an injury and minimizing the impact of injury and disability for the artists and the show.

Concerns: We agree in the proposal that only Athletic Trainers and Physical Therapists who are properly trained in this treatment technique should be administering to patients. However, the educational requirements currently proposed for dry needling are unclear, and do not match the standards set in neighboring state regulations. We would like further clarification as to what is considered "150 hours of didactic education and training in dry needling approved by the Board." Most reputable educational institutions offer courses in dry needling that are 25 to 30 hours with lecture and lab components taught at a low instructor to student ratio. We are concerned that the 150 hours of didactic education proposed is high, particularly as our Therapists have accumulated hundreds of treatment hours over their years of practice, in addition to maintaining compliance with rigorous continuous education

standards set by their state, national and international regulatory boards.

Summarization of Dry Needling: Dry Needling is defined as the insertion of solid filiform needles into muscles, ligaments, tendons, subcutaneous fascia, scar tissue and bones for the purpose of reducing pain, muscle tension and facilitating accelerated return to activity. Research has shown that this treatment stimulates a physiological response resulting in vasodilation and pain modulation at the local, segmental and systemic levels. These studies have established that dry needling treatment delivered by Athletic Trainers and Physical Therapists is effective in the management of pain and neuromusculoskeletal dysfunction, and that targeting trigger points and non-trigger point tissue is effective in decreasing pain and disability.

Evidence Supporting Dry Needling: Provided references of seven (7) articles. (End of letter)

Nevada Physical Therapy Board Chairman Sherise Smith then confirms with Charles Harvey, Executive Director, that the Board had not received any written comments as of 12:00 pm on 7/26/2019.

Southern Nevada Public Comment:

1. Mike Sepiol, President Nevada Athletic Trainers Association - I guess my comment and concern is how we are going to have these 150 hours of didactics measured, who is doing it and how we are submitting them to the board.
2. Sean Ellis, physical therapist - Our post graduate education should meet most of these already expected hours suggested. Once they receive their Doctor of Physical Therapy or athletic training degree, most "didactic" level training should already be learned in school. The expectation beyond that should be more on the specific skill set for that tool using dry needling. Myself, I took 50 hours of continuing education with all of my post graduate education and years of experience in addition to that, made me more than qualified to continue to perform dry needling. I think most of us feel that our graduate or entry level education meets most of the qualifications for hours proposed.

5. The Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will receive comments and input from interested persons regarding proposed regulation regarding Dry Needling. 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 Physical Therapy Board may vote to amend its proposed regulation draft and send it to the Legislative Counsel Bureau for review and drafting. (For Possible Action) 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.**

Nevada Physical Therapy Board Chairman Smith directed the discussion of Item 5. Drafts of the proposed regulation for Physical Therapists were distributed to workshop attendees. Both Boards worked off of the Physical Therapy Board's original draft that went through a previous Public Workshop. The draft has been updated with the new mandates from SB186. The Dry Needling definition from NRS 640 is the definition that comes straight out of SB186. There will be some differences for professional standards of care, training and education qualifications for delivery of dry needling skilled intervention for the Athletic Trainers. Chair Smith reads through the proposed regulation (attached).

Discussion on the meaning of the word "Didactic". Senior Deputy AG Bradley states that the Merriam Webster Dictionary provides the definition of didactic as: designed or intended to teach, so it has to be hours where the intention is to teach someone.

Discussion on the administration of Professional Standards of Care, Training and Education Qualifications, completion of previously accepted coursework written and practical exams, and the 30-day period for current Dry Needling practitioners to submit information to the Boards. Nevada Physical Therapy Board Chairman Smith mentions that licensees are mandated to keep copies of their course certifications for three (3) years and the Board retain three (3) years of renewals in their files. The Board is creating an attestation for licensees to affirm that the course information they have provided is true.

Nevada State Board of Athletic Trainers Chairman Haas states that the proposed regulations are a good starting point and he did not have any problems with it.

Nevada Physical Therapy Board Chairman Smith walked the Boards through a section by section review, seeking comment on each section of the proposed regulation, and identifying differences that are needed by the PT Board and Athletic Trainers Board

6. The Nevada State Board of Athletic Trainers will review, discuss and possibly approve proposed regulation regarding Dry Needling (For Possible Action).

Keoni Kins motions to approve the proposed regulation regarding Dry Needling with the changes noted. Jeremy Haas seconds and the motion passes unanimously.

7. The Nevada Physical Therapy Board will review, discuss and possibly approve proposed regulation regarding Dry Needling (For Possible Action).

Sherise Smith motions to approve the proposed regulation regarding Dry Needling with the changes noted. Brian Fernley seconds and the motion passes unanimously.

8. Public Comment

Maggie Tracey, President Nevada State Board of Oriental Medicine discusses clean needle technique training, number of hours required of post graduate coursework, and states that bruising was listed as a risk on the Dry Needling Consent to Treat Form. Bruising should not be common during dry needling. There is no further public comment.

9. Adjournment (For Possible Action) Meeting adjourned at 3:08 pm.

**Proposed New Regulation related to
Dry Needling
CHAPTER 640B—Athletic Trainers**

Professional Standards of Care, Training and Education Qualifications for Delivery of Dry Needling Skilled Intervention:

- A. An athletic trainer shall meet the qualifications established in subsection (C) before providing the skilled intervention “dry needling”.*
- B. Before engaging in dry needling, an athletic trainer must submit documented proof of compliance with the qualifications listed in subsection (C) to the Board. [Note to LCB drafter: please give all current dry needling practitioners 30 days to submit information to the Board.]*
- C. Course content that meets the didactic education and training qualifications for dry needling must include a total of 150 hours, of which 25 hours must be post graduate coursework as outlined below. Up to 125 hours may be obtained from coursework during a graduate program of study approved by the Board. Didactic education and training shall encompass each of the following:*
- 1. The course content shall be approved by one or more of the following entities prior to the course(s) being completed by the athletic trainer.*
 - a. Board of Certification for the Athletic Trainer (BOC);*
 - b. Commission on Accreditation of Athletic Training Education (CAATE); or*
 - c. The Nevada State Board of Athletic Trainers.*
 - 2. The course content shall include the following components of education and training:*

- a. *Sterile needle procedures to include one of the following standards:*
 - i. *The U.S. Centers For Disease Control and Prevention, or*
 - ii. *The U.S. Occupational Safety and Health Administration*
 - b. *Anatomical Review,*
 - c. *Blood Borne Pathogens*
 - d. *Contraindications and indications for “dry needling”,*
- D. The course content required in subsection (C) of this Section pertaining to the minimum of 25 post graduate hours shall include, but is not limited to, passing of both a written examination and practical examination before completion of the course content. Practice application course content and examinations shall be done in person to meet the qualifications of the post graduate hours.*
- E. The standard of care for the intervention “dry needling” includes, but is not limited to the following:*
- a. *Dry Needling shall be performed using a single-use, single-insertion sterile needle.*
 - b. *Dry Needling shall not include needle retention. The definition of needle retention is a needle being retained after the athletic trainer is no longer working on that area of the body. Needles shall not be retained once an individual procedure is completed and must be disposed of appropriately at the end of each individual procedure.*
 - c. *“Dry needling” cannot be delegated to any assistive personnel, including a student athletic trainer or graduate student athletic trainer.*
 - d. *An athletic trainer who performs “dry needling” shall obtain informed consent including written documentation from each patient who will receive “dry needling” before the athletic trainer performs “dry needling” on that patient. The informed consent must be documented and shall include, at a minimum, a consent form that includes the following:*
 - i. *The patient’s signature;*
 - ii. *The risks and benefits “dry needling”;*
 - iii. *Definition of “dry needling” and description of treatment*

Proposed New Regulation related to Dry Needling

CHAPTER 640 - PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

Dry Needling Definition (as in NRS 640):

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.*
- 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.*

Professional Standards of Care, Training and Education

Qualifications for Delivery of Dry Needling Skilled Intervention:

- A. A physical therapist shall meet the qualifications established in subsection (C) before providing the skilled intervention “dry needling”.*
- B. Before engaging in dry needling, a physical therapist must submit documented proof of compliance with the qualifications listed in subsection (C) to the Board.*

Note to LCB drafter: please give all current dry needling practitioners 30 days to submit information to the Board.

C. Course content that meets the didactic education and training qualifications for dry needling must include a total of 150 hours, of which 25 hours must be post graduate coursework as outlined below. Up to 125 hours may be obtained from coursework during a graduate program of study in physical therapy. Didactic education and training shall encompass each of the following:

- 1. The course content shall be approved by one or more of the following entities prior to the course(s) being completed by the physical therapist.*
 - a. Commission on Accreditation In Physical Therapy Education (this*

- includes graduate coursework while in a physical therapy graduate program),*
- b. American Physical Therapy Association,*
 - c. The ACCC Committee of the Nevada Physical Therapy Board.*
- 2. The course content shall include the following components of education and training:*
- a. Sterile needle procedures to include one of the following standards:*
 - i. The U.S. Centers For Disease Control And Prevention, or*
 - ii. The U.S. Occupational Safety And Health Administration*
 - b. Anatomical Review,*
 - c. Blood Borne Pathogens*
 - d. Contraindications and indications for “dry needling”,*
- E. The course content required in subsection (C) of this Section pertaining to the minimum of 25 post graduate hours shall include, but is not limited to, passing of both a written examination and practical examination before completion of the course content. Practice application course content and examinations shall be done in person to meet the qualifications of the post graduate hours.*
- F. The standard of care for the intervention “dry needling” includes, but is not limited to the following:*
- a. Dry Needling shall be performed using a single-use, single-insertion sterile needle.*
 - b. Dry Needling shall not include needle retention. The definition of needle retention is a needle being retained after the physical therapist is no longer working on that area of the body. Needles shall not be retained once an individual procedure is completed and must be disposed of appropriately at the end of each individual procedure.*
 - c. “Dry needling” cannot be delegated to any assistive personnel, including physical therapist assistants, students of physical therapy or physical therapist technicians.*
 - d. A physical therapist who performs “dry needling” shall obtain informed consent*
including written documentation from each patient who will receive “dry needling” before the physical therapist performs “dry needling” on that patient. The informed consent must be documented and shall include, at a minimum, a consent form that includes the following:
 - i. The patient’s signature;*
 - ii. The risks and benefits of “dry needling”;*
 - iii. Definition of “dry needling” and description of treatment*

**MINUTES OF THE PUBLIC HEARING FOR THE
ADOPTION OF PROPOSED REGULATIONS FOR THE
NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)**

DATE: **November 15, 2019**

LOCATIONS:

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
Rooms #304 & #306
Las Vegas, Nevada 89154

10. Meeting called to order at 2:05 p.m. by Nevada Physical Therapy Board Chair Sherise Smith. Introduction of members to determine the presence of a quorum:

Board Members in Attendance - Nevada State Board of Athletic Trainers: Jeremy Haas, Chairman; Tedd Girouard, Vice Chair; Keoni Kins and Frank Sakelarios, Board Members

Board Members in Attendance – Nevada Physical Therapy Board: Sherise Smith, Chair; Brian Fearnley, Vice-Chair; Eathan O’Bryant, Public Member; Jennifer Nash, Secretary/ Treasurer

Staff in Attendance – Nevada State Board of Athletic Trainers: Sarah Bradley, Senior Deputy Attorney General, and Michelle Cothrun, Board Executive Secretary

Staff in Attendance – Nevada Physical Therapy Board: Charles Harvey, Executive Director; Neena Laxalt, Lobbyist; Deborah Dieter, Investigator; Muriel Morin-Mendes, Licensing Coordinator; Sarah Bradley, Senior Deputy Attorney General; Michael Detmer, Deputy Attorney General

Public Members in Attendance – Southern Nevada: Nicole Lang, PT; Louis Hillegass, PT; Matt Biancuzzo, AT

Public Members in Attendance – Northern Nevada: None

11. Pledge of Allegiance

12. Purpose of hearing, introduction and explanation of proposed regulation, and procedure for taking oral comments. Chair Sherise Smith explains that this hearing is for both Boards to take public comment regarding the regulation draft prepared by the LCB. The public comment will be taken prior to the Boards deliberating and approving or not approving the final form of the regulation. If approved, the final form will be sent to the LCB by the beginning of the year. Chair Smith asks Senior Deputy Attorney General Sarah Bradley if she has anything to add to the procedure.

Sarah begins by stating that this is the last step for public comment. The Boards will consider any comments today, including any submitted written comment. The Boards will vote to possibly adopt the

regulation. Before the regulation becomes effective, the approved draft will need to be heard before the Legislative Commission. Sarah ends by encouraging anyone to provide their comment.

- 13. Public Comment.** Since there are no members of the public in the North, Chair Sherise Smith asks for public comment from those attending in the South.

A. Louis Hillegass, PT.

Mr. Hillegass reads highlights of his comment into the record and provides a written copy of his full comment. A copy of his written comment is attached.

B. Kirk Satchler, PT.

Executive Director Harvey reads written comment provided by Mr. Satchler into the record. A copy of his written comment is attached.

No further public comment.

- 14. The Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will receive comments and input from interested persons on proposed regulations regarding Dry Needling. The proposed regulation 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 on its regulation draft as prepared by the Legislative Counsel Bureau (LCB Files R053-19 & R054-19), the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board may vote to adopt or amend its regulation. (For Possible Action)**

The proposed regulations provide provisions for the following:

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

Senior Deputy Attorney General Bradley advises both Boards to fully consider the public comments and decide whether or not those comments merit any change to the proposed regulation. Members discuss the public comments provided by Mr. Hillegass regarding the qualifications a physical therapist or athletic trainer must obtain before he or she is authorized to perform dry needling. They also discuss the requirement of 150 hours of didactic training. Chair Smith explains that since the hour requirement is mandated by statute, the two Boards worked together to come up with a reasonable way to meet the hourly requirement with a combination of 125 hours undergraduate and 25 hours of post-graduate coursework. Both Boards tried to satisfy the educational requirement in a reasonable way.

Members also discuss the public comments provided by Mr. Satchler regarding needle retention. Chair Smith clarifies that the specification that an athletic trainer or physical therapist must not

engage in needle retention was mandated by statute and cannot be altered. She explains the work done during the legislative session and the joint public hearings to come up with the current definition of needle retention. She reads the limits stated in the statute. Jeremy Haas adds that the definition of needle retention as written complies with the statute and yet is broad enough not to be too restrictive. The Boards agree that they are comfortable with the definition as written.

Chair Smith discusses two different forms that the Nevada Physical Therapy Board will be working on. These include an educational form that licensees will have to complete to show how they meet the training hour requirements, and an attestation form for licensees who may not have their certificates of education. Licensees are only required to keep these records for four years, although they may be able to contact their provider to obtain copies. This form would also apply to licensees currently practicing dry needling who may have received training eight or nine years ago and do not have copies of their certificates. These licensees will be able to attest under penalty of perjury that the training information they are providing is true and accurate. Sarah Bradley advises board members that if a licensee provides false information and it is discovered, they will be investigated and disciplined. There is no further discussion.

15. The Nevada State Board of Athletic Trainers will review, discuss and possibly adopt or amend proposed regulation regarding Dry Needling (LCB File No. R053-19). (For Possible Action). Chair Smith asks if someone from the Athletic Trainers Board would like to motion. Tedd Girouard motions to approve the proposed regulation regarding Dry Needling, in regard to LCB File #R053-19. Jeremy Haas seconds the motion. The motion passes unanimously.

16. The Nevada Physical Therapy Board will review, discuss and possibly adopt or amend proposed regulation regarding Dry Needling (LCB File No. R054-19). (For Possible Action). Chair Sherise Smith motions to adopt the regulation in LCB File #R054-19, regarding Dry Needling. Eathan O'Bryant seconds the motion. Motion passes unanimously.

17. Public Comment. None.

18. Adjournment (For Possible Action) Chair Smith adjourns the meeting at 2:30p.m.

Copies of proposed regulations, LCB File Nos. R053-19 and R054-19, are attached, after Items 4.A and 4.B.

ITEM 4.A Public Comment
Louis Hillegass, PT



November 15, 2019

Nevada Physical Therapy Board
Nevada State Board of Athletic Trainers

Dear Board members,

The following is a response from ATI Physical Therapy to the request for information as it relates to dry needling and proposed changes to revise Chapter 640 and Chapter 640B of the Nevada Administrative Code. In the published Notice of Intent to Act Upon a Regulation (October 10, 2019), the following are discussed as proposals to the regulations:

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

The following comments are provided to assist in the commentary related to this topic and context to the practice of dry needling.

- 1) Physical therapists and athletic trainers are highly trained individuals that complete a number of competencies during their education to become licensed healthcare providers. The Federation or State Boards of Physical Therapy (FSBPT) conducted an *Analysis of Competencies for Dry Needling by Physical Therapists* in July 2015 that included the following comment;

"86% of the knowledge requirements needed to be competent in dry needling is acquired during the course of PT clinical education, including knowledge related to evaluation, assessment, diagnosis and plan of care development, documentation, safety, and professional responsibilities."

As such, we would support the requirement to obtain additional knowledge related to the practical application of dry needling. Other states have adopted specific hour requirements for licensed physical therapists to perform this technique. For example, Maryland has defined the requirements as follows:

In order to perform dry needling, a physical therapist shall have at least 80 total hours of instruction, which includes:

- (1) A total of at least 40 hours of instruction in the following dry needling-specific course content areas:
 - (a) Theory and application of dry needling;
 - (b) Dry needling technique, including spine and extremities;
 - (c) Dry needling indications and contraindications;
 - (d) Infection control, the Occupational Safety and Health Administration's



- Bloodborne Pathogen Protocol, and safe handling of needles;
- (e) Emergency preparedness and response procedures related to complications associated with dry needling; and
- (f) Appropriate documentation of dry needling; and
- (2) At least 40 hours of practical, hands-on instruction in the application and technique of dry needling, under the supervision of a licensed health care practitioner competent in dry needling procedures who has:
 - (a) Completed the requisite course work under §A(1) of this regulation; and
 - (b) Practiced dry needling for at least 5 years.
- B. The instruction required under §A(1) of this regulation shall be provided by a continuing education course sponsored by the:
 - (1) American Physical Therapy Association;
 - (2) The APTA of Maryland; or
 - (3) The Federation of State Boards of Physical Therapy.

This is one example of how the practical application can be addressed through a curriculum that also includes supervision by another provider in order to assess the physical therapist's capacity to demonstrate the technique in a skilled fashion. We believe this is one way and understand that other states have modeled similar methodologies that may include supervision of a specified number of procedures, a different amount of hours or a limitation on who may obtain the knowledge (must have practiced a certain length of time prior to completion of additional coursework/requirements). As it relates to physical therapists, supporting a competency that addresses these items is critical for those practicing dry needling.

To address dry needling by athletic trainers, while there may be similar initial training related to anatomy/physiology, kinesiology and assessment of musculoskeletal conditions, we are unaware of any current states that have included dry needling in the scope of practice for licensed provider. The National Athletic Trainers' Association has published the following:

"Currently, there is no profession-wide standard that defines athletic trainer competence in dry needling. Prior to performing dry needling, athletic trainers must ensure their state practice act does not prohibit them from performing dry needling as part of the athletic training plan of care. Additionally, athletic trainers must satisfy any requisite educational and training necessary to provide dry needling. Athletic trainers may have to produce evidence of appropriate training and demonstrate knowledge and competency in dry needling."

To support the process of athletic trainers utilizing dry needling, it is our stance that additional parameters above those identified in our previous commentary would be necessary. This would need to include additional curriculum related to both the principles of the technique as well as the practical application. The competencies as set forth by FSBPT could be utilized as a reference and basis to help develop this material.



2) Procedures related to the handling of needles is critical to the safety of both the practitioner as well as the patient. We believe that those Individuals who have been granted the capacity to conduct dry needling would need to be compliant with the Needlestick Safety and Prevention Act. The Occupational Safety and Health Administration is responsible for oversight of these provisions and has provided the necessary guidance as it relates to the handling of needles. It is our opinion that these standards would need to be in place for all licensed providers that are able to handle needles.

3) As stated above, compliance with the Needlestick Safety and Prevention Act would need to be the standard for prevention against licensed clinicians who may consider retaining needles. An entity providing these services should ensure that staff are knowledgeable in bloodborne pathogens, infection control and safe handling. Clinic locations should have the appropriate equipment to capture and remove needles so that this may occur after each usage with individual patients. Lastly, parameters should be in place to discipline Individuals, who upon investigation, have been determined to be out of compliance.

Thank you for the opportunity to discuss our thoughts and recommendations as it relates to dry needling and the revision of Chapter 640 and Chapter 6408 of the Nevada Administrative Code. The safety of patients is critical to the success of licensed providers such as physical therapists and athletic trainers. By clearly defining the scope of practice for these individuals, it helps to promote a compliant environment where providers can address the needs of those seeking care from them.

ITEM 4.B Public Comment
Kirk J. Sachtler, PT

Nevada PT and Athletic Training Board Workshop November 15, 2019

Ladies and Gentlemen of the respective Boards, Good Afternoon!

I would like to comment on the proposed regulations regarding Dry Needling as described in Senate Bill 186.

Please allow me to introduce myself. My name is Kirk Sachtler. I have been a practicing Physical Therapist in Nevada for over 30 years and have been practicing Dry Needling since 2012, when our State Board authorized its use. Prior to that, I studied acupuncture for 15 years. I have a Doctorate in Physical Therapy and am a Board Certified Orthopedic Clinical Specialist, a Board Certified Sports Clinical Specialist, and Certified in Manual Therapy, Strength & Conditioning, and Dry Needling.

I would like to address the 3 aspects of today's workshop:

- 1) Training Qualifications
- 2) Handling Procedures
- 3) Needle Retention definition

- 1) I am in agreement with the 25 hours of in-person graduate level education.
- 2) To the best of my knowledge, training in needle handling procedures and sterile technique is provided in all Dry Needling curricula, and I am in agreement with this requirement, as well as, the requirement to use needles for single use, single insertion only. The scientific evidence regarding the benefit of this is significant.
- 3) Regarding Needle Retention, however, I am quite perplexed. If by "Needle Retention" one means the duration of time a needle is allowed to remain in a patient, this is a concept currently being researched around the world, and one in which there is not yet agreement. Not even among acupuncturists. There are NO Dry Needling programs in the U.S. currently teaching a procedure in which a needle is placed in a patient and then immediately removed. If this becomes the definition, the Nevada PT Board would find itself in conflict with all of the Dry Needling Programs it is simultaneously certifying. I cannot support this definition, which is not backed by any evidence, nor used by any practitioners worldwide. I can only hope that the Board will develop a more flexible and "Therapeutic" definition for the benefit of the citizens of Nevada.

Thank you very much for your time.

Kirk J. Sachtler, PT, DPT, SCS, OCS, CMPT, CSCS, CertDN

**PROPOSED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R053-19

September 23, 2019

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; and (2) dispose of those needles after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, after completing the 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 the didactic education and training in dry needling required pursuant to NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588, and 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 Board of Certification for the Athletic Trainer, 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 the 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 dispose of each needle after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, after completing the procedure;

(c) 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

(d) 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 by not later than 30 days after the effective date of this regulation.

**PROPOSED REGULATION OF THE
NEVADA PHYSICAL THERAPY BOARD**

LCB File No. R054-19

September 24, 2019

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

AUTHORITY: §§1-4, NRS 640.050, as amended by section 6 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1586.

A REGULATION relating to physical therapists; prescribing the training required before a physical therapist 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 Nevada Physical Therapy Board to prescribe by regulation the qualifications required for a physical therapist 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 640.050, as amended by section 6 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1586) **Section 2** of this regulation prescribes the requirements for such didactic education and training.

Existing law requires the Board to prescribe by regulation: (1) procedures concerning the handling of needles used to perform dry needling; and (2) procedures to ensure that a physical therapist does not engage in needle retention. Existing law additionally authorizes the Board to adopt other reasonable regulations to carry out provisions of law governing physical therapy. (NRS 640.050, as amended by section 6 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1586) **Section 3** of this regulation requires a physical therapist to obtain the informed consent of a patient before performing dry needling. **Section 3** also requires a physical therapist who performs dry needling to: (1) use only single-use, single-insertion needles; and (2) dispose of those needles after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, the procedure. **Section 3** additionally prohibits a physical therapist from delegating the performance of dry needling to a person who is not authorized to perform dry needling.

Section 1. Chapter 640 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, a physical therapist must submit to the Board written proof of successful completion of the didactic education and training in dry needling required pursuant to NRS 640.050, as amended by section 6 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1586, and 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 Commission on Accreditation in Physical Therapy Education, or its successor organization, the American Physical Therapy Association, or its successor organization, or the Nevada Physical Therapy Board;

(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 the 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, a physical therapist 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 2 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1585;

(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. A physical therapist who performs dry needling:

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

(b) Shall dispose of each needle after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, after completing the procedure;

(c) Shall not delegate dry needling to a physical therapist assistant, student of physical therapy, physical therapist technician or other person who is not authorized to perform dry needling; and

(d) 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. A physical therapist 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 by not later than 30 days after the effective date of this regulation.