

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R054-19**

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

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

This adopted regulation is necessary to update the regulations to comply with recent statutory changes.

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 Physical Therapy Board: <http://ptboard.nv.gov/Home/>, 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

During the multi-year process of establishing regulatory provisions for the education and training of physical therapists practicing dry needling, the Board solicited and considered input in determining educational and training requirements, economic impacts, and benefits to the public. The Board conducted a survey of licensed physical therapists to help identify entry-level knowledge, skills, and abilities that are important for competency in dry needling. Data gathered from the board survey was considered along with results of a practitioner survey conducted by the Human Resources Research Organization (HUMRRO) in a report prepared for the Federation of State Boards of Physical Therapy. Further, the Board created an advisory committee to further identify regulations to ensure dry needling is performed competently, safely and within a physical therapist's scope of practice. The advisory committee was comprised of representatives of the physical therapy community, the oriental medicine community, and the nursing community.

On July 6, 2018, a public workshop was held in conjunction with a board meeting to receive comments and input from interested persons regarding proposed regulation regarding dry needling. After passage of Senate Bill (SB) 186 of the 2019 Nevada Legislative Session, a joint workshop was held with the Nevada State Board of Athletic Trainers 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 6, 2018, and July 26, 2019, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on November 15, 2019, the Executive Director issued a Notice of Intent to Act Upon a Regulation, receiving and considering public comments and input for incorporation in the proposed amendments.

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 this summary of the public response to the proposed regulation may be obtained from the Nevada Physical Therapy Board, 3291 N. Buffalo, Dr, Suite 100, Las Vegas, Nevada 89129, 702-876-5535, or email to ptapplication@govmail.state.nv.us.

- 3. The number persons who:**
 - a. Attended each hearing:**
July 6, 2018 – 21 | July 26, 2019 – 23 | November 15, 2019 - 17
 - b. Testified at each hearing:**
July 6, 2018 – 15 | July 26, 2019 – 4 | November 15, 2019 - 2
 - c. Submitted to the agency written comments:**
July 6, 2018 - 0 | 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 permanent regulation was adopted without change on November 15, 2019 by the Nevada Physical Therapy Board and the State Board of Athletic Trainers after review, discussion and consideration of comments and input received from interested persons on proposed dry needling.

The Nevada Physical Therapy Board and State Board Athletic Trainers received comments relating to: qualifications and training requirements, handling procedures and needle retention. After discussion, the Boards determined that the comments did not merit any change to the proposed regulation due to the following:

The proposed regulation adequately addresses each comment received. Dry Needling was added to the Physical Therapy Practice Act in the 2019 Legislative Session 2019 through Senate Bill 186. Existing law requires the Nevada Physical Therapy Board to:

- 1) 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.
- 2) Prescribe by regulation procedures concerning the handling of needles used to perform dry needling
- 3) Prescribe by regulation procedures to ensure that a physical therapist does not engage in needle retention.

The proposed regulation brings compliance with the above-referenced provisions by establishing the qualifications a physical therapist must obtain before he or she is authorized to perform dry needling. Additionally, public comments are resolved in the following sections:

- a. Qualifications a physical therapist or athletic trainer must obtain before he or she is authorized to perform dry needling.
 - ☐ Section 2, Item 2 addresses the didactic education and training requirements of physical therapist performing dry needling.
 - b. Procedures concerning the handling of needles used to perform dry needling.
 - ☐ Section 3, Item 2(b) addresses the handling of needles, requiring a physical therapist who performs dry needling to 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.
 - c. Procedures to ensure that a physical therapist or athletic trainer does not engage in needle retention.
 - ☐ Section 3, Item 2 (a) addresses needle retention, requiring a physical therapist who performs dry needling to use only single-use, single-insertion needles.
- 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:**

The intent of the proposed regulations under R054-19 should have no adverse or beneficial economic effect on businesses that will be subject to the regulation. To date, the Board has not received any comments in writing or at any of its meetings that indicate that the regulations will have any economic effect, either adverse or beneficial.
 - b. **Both adverse and beneficial effect on the public:**

No adverse effects on the public are anticipated from the proposed regulation. The Nevada Physical Therapy Board anticipates that the regulation will provide beneficial effects for the public through the establishment of professional standards of training and education qualifications for the delivery of dry needling skilled intervention, to help maintain the highest standards for public safety.
 - c. **Both immediate and long-term effects on the public:**

This 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 longer 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 the State Board of Athletic Trainers to also adopt regulations establishing the qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling. The Nevada Physical Therapy Board and the State Board of Athletic Trainers collaborated on proposed regulations to revise Chapter 640 and Chapter 640B of the Nevada Administrative Code, satisfying both Board's requirements under SB186.

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 increase an existing fee.

EXHIBIT A – MEETING ATTENDEES/PARTICIPANTS

JULY 6, 2018	
Name	Sherise Smith
<input type="checkbox"/> <i>Title</i>	Chair
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Name	Jim McKivigan
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Rebecca Cheema
<input type="checkbox"/> <i>Title</i>	PTA Board Member
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Charles D. Harvey
<input type="checkbox"/> <i>Title</i>	Executive Director
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Name	Sarah Bradley
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Name	Danielle Devine
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Name	Neena Laxalt
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Name	Debra Dieter
<input type="checkbox"/> <i>Title</i>	Board Investigator

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Name	Susan Fisher
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Name	Maggie Tracey
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Name	Maureen McKenney
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<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	Megan Clowers
<input type="checkbox"/> <i>Title</i>	Doctor of Oriental Medicine
<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	Rachel Kohl
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<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>	Integrative Acupuncture/ President of Nevada Coalition of Acupuncture
Name	Dwayne Steel
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<input type="checkbox"/> <i>Telephone Number</i>	Not provided
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<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	Richard Kyo Mitchell
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<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	Lisa Grant
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Oriental Medicine
Name	Linda Chow
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<input type="checkbox"/> <i>Telephone Number</i>	Not provided
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<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	Setsuko Sage
<input type="checkbox"/> <i>Title</i>	Doctor of Oriental Medicine
<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	Sharon Roth
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<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	Fiona Kelly
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Name	Jenelle Lauchman
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<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided

July 26, 2019	
Name	Sherise Smith
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Name	Brian Fearnley
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Jennifer Nash
<input type="checkbox"/> <i>Title</i>	Secretary/Treasurer
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<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
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<input type="checkbox"/> <i>Business Telephone Number</i>	(702) 876-5535
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Name	Eathan O'Bryant
<input type="checkbox"/> <i>Title</i>	Public Member
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Name	Charles D. Harvey
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Name	Sarah Bradley
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Name	Debra Dieter
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Name	Keoni Kins
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Mark Diansa

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<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
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<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
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<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
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<input type="checkbox"/> <i>Entity/Organization</i>	Desert View Home Health Care / Secretary – Nevada Physical Therapy Association

Name	Chris Frehner
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<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
<input type="checkbox"/> <i>Telephone Number</i>	Not provided
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<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 Wilden
<input type="checkbox"/> <i>Title</i>	Lobbyist for PT Association
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<input type="checkbox"/> <i>Business Address</i>	631 N. Stephanie Street, Ste 202, Henderson NV
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<input type="checkbox"/> <i>Email</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	The Perkins Company

November 15, 2019	
Name	Sherise Smith
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<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Physical Therapy Board
Name	Brian Fearnley
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<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	Michelle Cothrum
<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@perfpt.com
<input type="checkbox"/> <i>Entity/Organization</i>	Performance Physical Therapy, Inc.

EXHIBIT B – MEETING MINUTES

Board Members

STATE OF NEVADA

Staff

SHERISE SMITH, PT, MSPT, CBIS
Chairperson

BRIAN SANDOVAL
Governor

CHARLES D. HARVEY, MPA
Executive Director

BRIAN J. FEARNLEY, PT, MPT
Vice Chairperson

The seal of the State of Nevada is circular, featuring a landscape with a mountain, a river, and a sun. The words "THE GREAT SEAL OF THE STATE OF NEVADA" are inscribed around the border.

MIRIEL MORIN-MENDES
Licensing Coordinator

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

CHELSEA WILSON
Administrative Assistant

REBECCA CHEEMA, PTA
Board Member

DANIELLE DEVINE
Administrative Assistant

EATHAN O'BRYANT
Public Member

BOARD OF PHYSICAL THERAPY

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

BOARD MEETING MINUTES

July 6, 2018

Item 1 - Call to Order/Roll call to determine the presence of a quorum:

The meeting was called to order at 9:02 am by Chairperson Smith.

Board Members in attendance: Sherise R. Smith, PT, MSPT, CBIS, Chairperson; Jim McKivigan, DC, PT, MPA, MA, Secretary/ Treasurer; Rebecca Cheema, PTA.

Staff in attendance: Charles Harvey, Executive Director; Danielle Devine, Administrative Assistant; Debby Dieter, Investigator; Sarah Bradley, Senior Deputy Attorney General; Neena Laxalt, Lobbyist.

Item 2 - Pledge of Allegiance

Item 3 - Public Comment - None

Item 4 - Public Workshop: The Board will receive comments and input from interested persons regarding proposed regulation regarding Dry Needling. After receiving public comment, the Board may vote to amend its proposed regulation draft and send it to the Legislative Counsel Bureau for review and drafting. **(For Possible Action)**

Public members presenting comment and input:

- A. Dr. Maggie Tracey, OMD
- B. Dr. Maureen McKenney, OMD
- C. Dr. Megan Clowers, OMD
- D. Dr. Rachel Kohl, OMD, owner Integrative Acupuncture/President of Nevada Coalition of Acupuncture
- E. Dwayne Steel, OMD
- F. Dr. Richard Kyo Mitchell, OMD
- G. Dr. Lisa Grant, OMD
- H. Dr. Linda Chow, OMD
- I. Dr. Setsuko Sage, OMD
- J. Dr. Sharon Roth, OMD
- K. Dr. Fiona Kelly, OMD

Board Meeting Minutes

July 7, 2018

Page 1 of 5

The following comments and input were provided by members of the oriental medicine community regarding proposed Dry Needling regulations.

- Strongly oppose physical therapist having the legal right to use Dry Needling or acupuncture in their practice.
- Dry Needling definition is too broad and doesn't address exactly what dry needling is.
- Dry needling is an invasive procedure that requires advanced training and certification.
- Lack of standards and specificity in the number of hours of training, experience and certification.
- Public safety concern regarding invasive needling.
- Concern over the legal procedure for creation of new legislation. Request that the Board AG review procedural irregularities to ensure the public workshop is legal.

Chairperson Smith thanked the public for their comments.

Item 5- Review, discuss, amend and approve Board Meeting Minutes (For Possible Action)

A. June 1, 2018

Motion: I move that we approve the board meeting minutes from June 1, 2018 with the edits: Jim McKivigan

Second: Rebecca Cheema

Motion Passes Unanimously

Item 6 - Nevada Physical Therapy Association (NVPTA) Update (For Discussion Only)

Laura Cerame, PTA informed the Board that no update was being provided today.

Item 7- Review and Decision Regarding Pending Licensure Applications. (For Possible Action)

A. Anthony Dalmaso

Chairperson Smith noted that the Board had provided Mr. Dalmaso three opportunities to appear regarding this matter and he had failed to appear at today's meeting. Director Harvey acknowledged that Mr. Dalmaso had been provided written notice prior to each meeting. The Board determined that three attempts were sufficient.

Motion: I make a motion to deny Anthony Dalmaso's application at this time. If he wishes to appear before the Board, he may submit another application: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

B. Mindy Renfro

Director Harvey informed the Board that Ms. Renfro was unable to appear before the Board. She provided notice to the Board office the day before the meeting. It was

determined that the Board would notice Ms. Renfro for a later meeting.

- Item 8-** Ratification of licenses approved and issued by the authority of the Board pursuant to NRS 640.090, NRS 640.146, NRS 640.240, and NRS 640.250 **(For Possible Action)**

Motion: I make a motion that we approve the licenses issued by the authority of the Board pursuant to NRS 640.090, NRS 640.146, NRS 640.240, and NRS 640.250: Jim McKivigan

Second: Rebecca Cheema

Motion Passes Unanimously

- Item 9- Investigation Department**

- A. Review and Discussion of Outstanding Case Status Report (For Possible Action)**

AG Bradley updated the Board about the current case list and the process she and Investigator Dieter are working on regarding the open cases.

- B. Review of Cases Recommended for Dismissal (For Possible Action)**

Three cases were recommended by AG Bradley for dismissal. Those cases being 2017-009, 2017-031, and 2018-09.

Motion: Motion to dismiss 2017-009, 2017-031, and 2018-09 as recommended by Deputy AG Bradley: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

- Item 9-** Investigation Department. Review and Discussion of Outstanding Cases Status Report **(For Possible Action)**

AG Bradley discussed the amount and types of cases the Investigation Department is handling, and recommendation for dismissal of two cases.

Motion: Motion to dismiss 2017-008 and 2017-021 as recommended: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

- Item 10-** Review and discussion on the Physical Therapy Licensure Compact. Report from Senior Deputy Attorney General. Ms. Bradley will discuss her review of the PT Compact and indicate whether or not any items in the compact conflict with Nevada law. Based on Ms. Bradley's review, the Board may vote to pursue legislation to adopt the PT Compact in Nevada law in the next legislative session. **(For Possible Action)**

AG Bradley informed the Board that she was not completely comfortable with the Compact. She voiced a number of concerns including the fact that the Board would have to follow any rules that come from the Compact Committee and the difficult issue about discipline. AG Bradley also raised concern that the board can be assessed a fine for a number of reasons by the compact committee, which are not set amounts. AG

Bradley did not feel comfortable recommending moving forward with the compact at this time. Board Lobbyist Laxalt recommended that AG Bradley draft a letter to the compact committee and then the Board can follow up with a conference call for further clarification.

- Item 11-** Sunset Subcommittee Report. Ms. Laxalt will provide an update to the Board regarding the Sunset Committee's review of the board. Based on comments from the Sunset Committee, Ms. Laxalt recommends that the Board vote to have an annual audit. After Ms. Laxalt's report, the Board may vote to make that change. **(For Possible Action)**

Ms. Laxalt discussed the recommendations presented by the Sunset Subcommittee of the Legislative Commission on April 23, 2018. The Board was informed that the committee did not recommend consolidation or termination of the Nevada Physical Therapy Board at this time.

Motion: Motion to move forward with conducting annual audits: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

- Item 12-** Board Operations/ Report by Executive Director **(For Discussion Only)**

A. Renewals

Director Harvey updated the Board on the status of licensee renewals including a comparison of renewals to date

B. PT Board Website

Director Harvey informed the Board of changes to the Board website designed to update data, forms and information. The Board Office has uploaded a list of Frequently Asked Questions to improve communication and answer common questions. Director Harvey informed the Board that he would like to conduct a survey of PTs and PTAs to better understand what information would be most helpful to licensees.

- Item 13-** Report from Board Chair **(For Discussion Only)**

A. FSBPT Update

Director Harvey and Board Member Cheema discussed their experience at the FSBPT conference in June. They mentioned Nevada being recognized for their work as well as the knowledge gained during this experience. The Board was also informed that Nevada has a new liaison to the FSBPT. Chairperson Smith noted that the NPTE fees will be increasing from \$400 to \$485.

B. Leadership Issues Forum (LIF)

Chairperson Smith informed the Board that she and Director Harvey will be attending the LIF Conference in Arlington, Virginia on July 14-15th.

C. Newsletter

The Summer 2018 Newsletter was sent to inLumon for mass distribution to PTs and PTAs in June 2018. It does not appear that it was mailed out to everyone. Chairperson Smith sent a copy to the Nevada Physical Therapy Association to be distributed on their ListServ. It was mentioned that perhaps board office staff would take charge of the newsletters going forward.

Item 14 - Public Comment

AG Bradley responded to a comment offered during the public workshop. NRS 233B.0608 states that the small business impact statement needs to be made available, which it is when posted with the notice of workshop. A copy is available to anyone who needs it.

A. Susan Fisher, Lobbyist for the Nevada State Board of Oriental Medicine- Question regarding the survey results contained in the Dry Needling Small Business Impact Statement. In your survey results, you have a lot of very specific answers. On the final page of the document, question number 7, you have answer options and response count, including those who skipped the question, but we do not know what the answers were regarding how many hours of training they had received.

Chairperson Smith stated that Director Harvey could respond with an accurate count.

B. Lauren Lamoth- Comment regarding eligibility approval for the NPTE and request for exception due to a processing error.

C. Dwayne Steel, OMD- Comment regarding the Board's apparent disregard for public safety. I think the public workshop today was a public workshop in form but not in substance. There has been an apparent lack of interest in the relevant facts regarding the topics of the public workshop and I find it sickening to be frank.

D. Lisa Grant, OMD - Asked if the Board intends to revise any of the regulations dealing with the medical and ethical concerns raised by public members in the public workshop. In particular, the need for specific guidelines that outline a significant and meaningful amount of training in actual Dry Needling techniques; training requirements for anyone using acupuncture needles to understand clean needle techniques and how to protect public safety in terms of needling technique; acknowledgement that Dry Needling is a technique of acupuncture which should be regulated at a minimum level of educational requirements that medical doctors and the AMA have agreed are necessary to protect public safety.

E. Jennelle Lauchman, PT #- I am a member of the dry needling committee. I wanted to thank the board for its time and input and countless hours that we put forth in the committee to come up with these regulations and I think it is a great first step.

Item 15 - Adjournment

Meeting was adjourned at 10:17 a.m.

Board Members

SHERISE SMITH, PT, MSPT, CHES
Chairperson

BRIAN J. FEARNLEY, PT, MPT
Vice Chairperson

JENNIFER NASH, PT, DPT
Secretary/Treasurer

REBECCA CHEEMA, PTA
Board Member

EATHAN O'BRYANT
Public Member

STATE OF NEVADA
STEVE SISOLAK
Governor



PHYSICAL THERAPY BOARD
3291 North Buffalo Drive, Suite 100
Las Vegas, NV 89129

Staff

CHARLES D. HARVEY, MPA
Executive Director

MURIEL MORIN-MENDES
Licensing Coordinator

CHELSEA WILSON
Administrative Assistant

DANIELLE DEVINE
Administrative Assistant

PUBLIC MEETING AND WORKSHOP MINUTES
July 26, 2019

Item 1 - Call to Order/ Roll call 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 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 Physical Therapy Board: Charles Harvey, Executive Director; Muriel Morin Mendes, Licensing Coordinator; Deborah Dieter, Board Investigator; Sarah Bradley, Senior Deputy Attorney General,

Staff in Attendance – Nevada State Board of Athletic Trainers: Michelle Roda, Executive Secretary; Nikki Rosatta, Intern - Attorney General's Office;

Public Members in Attendance – Southern Nevada: Mark D'Anza, Licensed Athletic Trainer, Nevada Athletic Trainers Association; 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: Megan Clowers, Oriental Medicine Doctor; Maggie Tracey, Oriental Medicine Doctor; Robert Conatser, Licensed Athletic Trainer; Michael Wilden, Perkins Group, Lobbyist for Nevada PT Association.

Item 2 - Pledge of Alligence

Item 3 - Introduction of workshop process

Senior Deputy Attorney General Sarah Bradley provided an overview of the workshop process. We The process includes: The workshop to receive public comments regarding proposed regulations regarding dry needling. The process includes the language;

discussion Finalize a draft. Submit the draft to the Legislative Counsel Bureau. The attorney will draft it and give a tracking number.
Notice for another public hearing once the draft has been received from the LCB. Both board will review the comments
Has to be voted on by legislative commission

Item 4 - Public Comment.

Northern Nevada Public Comment: Executive Secretary Roda 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, according to SB186 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 prior to July 1, 2019, be granted approval to continue to offer dry needling 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.
- C. One final note on legislative intent related to both Chapter 640 and 640B. In Chapter 640B, an athletic trainers 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 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 services, 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 it to its 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 – 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 100s of treatment hours over their years of practice, in addition to maintaining compliance with rigorous education standards by their state, national and international regulatory boards.

Summarization of Dry Needling: Dry needling is defined as the insertion of solid filament 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 fasciculation, pain modulation in the local, segmental and systemic levels. These studies have established that dry needling treatment delivered by

3

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: Referenced seven (7) articles.

Nevada Physical Therapy Board Chairman Smith confirmed with Executive Director Harvey 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

I guess my comment and concern is how we are going to have these 150 hours of didactic's measured, who is doing it and how we are submitting them to the board.

2. Sean Ellis. Our post graduate education should meet most of the hours. The expectation beyond that should be on the specific skill set re

Item 5 - The Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers 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 Physical Therapy Board and the Nevada State Board of Athletic Trainers 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.

Drafts of the proposed regulation for physical therapists were distributed to workshop attendees. Nevada Physical Therapy Board Chairman Smith directed the discussion of this item. This is our original draft went through a previous public workshop. It has been revised with the new language from SB186. Chair Smith read through the proposed regulation (attached).

Senior Deputy AG Bradley discussed the dictionary meaning of the word "Didactic"

Chairman Haas, State Board of Athletic Trainers stated that the proposed regulation was a good starting point and he personally did not have any problems with it.

- Item 6 -** The Nevada State Board of Athletic Trainers will review, discuss and possibly approve proposed regulation regarding Dry Needling (For Possible Action).
- Item 7 -** The Nevada Physical Therapy Board will review, discuss and possibly approve proposed regulation regarding Dry Needling (For Possible Action).
- Item 8 -** Public Comment. None.
- Item 9 -** Adjournment. Meeting adjourned at 3:35 pm.

Board Members

SHERISE SMITH, PT, MSPT
Board Chair
BRIAN J. FEARNLEY, PT, MPT
Board Vice-Chair
JENNIFER NASH, PT, DPT
Board Secretary/Treasurer
VACANT, PTA
Board Member
EATHAN O'BRYANT
Board Public Member

STATE OF NEVADA
STEVE SISOLAK
Governor



PHYSICAL THERAPY BOARD
3291 North Buffalo Drive, Suite 100
Las Vegas, NV 89129

Staff

CHARLES D. HARVEY, MPA
Executive Director
MURIEL MORIN-MENDES
Licensing Coordinator
CHELSEA WILSON
Administrative Assistant
DEBRA DIETER, PT
Board Inspector

**Public Hearing for the Adoption of proposed Regulations of the
Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers**

**MEETING MINUTES
November 15, 2019**

Item 1 - Call to Order/ Roll call to determine the presence of a quorum

Meeting called to order at 2:05 p.m. by Nevada Physical Therapy Board Chair Smith

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

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

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

Staff in Attendance – Nevada State Board of Athletic Trainers: Michelle Cothrun, Executive Secretary

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

Public Members in Attendance – Northern Nevada: None

Item 2 - Pledge of Allegiance

Item 3 - Purpose of hearing, introduction and explanation of proposed regulation, and procedure for taking oral comments.

Item 4 - Public Comment

A. Louis Hillegass, PT.

Mr. Hillegass read his comments into the record and provided a written copy of his comments which are attached.

B. Kirk Satchler, PT.

Mr. Satchler provided written comments which were read into the record by Executive Director Harvey. Copy of written comments is attached.

Item 5 -

The Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers will receive comments and input from interested persons on proposed dry needling regulations. **(For Possible Action)**. 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 and considering public comment, the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers may vote to adopt or amend regulations.

a. The proposed regulations provide provisions for the following:

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

Senior Deputy Attorney General Bradley advised both Boards to fully consider the public comments and decide whether or not those comments merit any change to the proposed regulations. Members discussed 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. Members also discussed the public comments provided by Mr. Satchler regarding needle retention.

Chair Smith discussed 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. Senior Deputy Attorney General Bradley informed board members that if a licensee provides false information and we find out about it, they will be investigated and disciplined.

Item 6 -

The Nevada State Board of Athletic Trainers will review, discuss and possibly adopt or amend proposed regulations regarding Dry Needling **(For Possible Action)**.

Motion: I propose that we approve the proposed regulation regarding Dry Needling, in regard to LCB File #R053-19; Tedd Girouard

Second: Jeremy Haas
Motion passes unanimously

Item 7 - The Nevada Physical Therapy Board will review, discuss and possibly adopt or amend proposed regulations regarding Dry Needling (For Possible Action).

Motion: I proposed that the Nevada Physical Therapy Board adopt the regulation in LCB File #R05-19, regarding Dry Needling; Sherise Smith
Second: Eathan O'Bryant
Motion passes unanimously

Item 8 - Public Comment

None.

Item 9- Adjournment (For Possible Action)

Meeting adjourned at 2:30 p.m.

EXHIBIT C – PUBLIC COMMENT FROM 11/15/2019 HEARING

ITEM 4- Public Comment
A. Louis Hillegass, PT

* www.ATipt.com



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 of 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.

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- 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 be 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 640B 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.

EXHIBIT C – PUBLIC COMMENT FROM 11/15/2019 HEARING

ITEM 4- Public Comment
B. Kirk Satchler, 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~~ Satchler. 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~~ Satchler, PT, DPT, SCS, OCS, CMPT, CSCS, ~~CertDN~~