

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R124-21**

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, fax and email to persons who were known to have an interest in changes to NAC 640 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, <https://ptboard.nv.gov>, mailed to county libraries in Nevada, the Nevada State Library and Archives Administrator and posted at the following locations:

Notice of this hearing was posted at the following public locations:

- State Capitol Building, 1<sup>st</sup> & 2<sup>nd</sup> Floors, 101 North Carson Street
- Nevada Legislative Building, 401 South Carson Street, Carson City, NV 89701
- Nevada State Library, 100 N. Stewart Street, Carson City, NV 89701
- Nevada State Business Center, 3300 W. Sahara Ave., LV, NV 89102
- Grant Sawyer State Office Building, 555 E. Washington Ave, LV, NV 89101
- Nevada Physical Therapy Board, 3291 N. Buffalo Dr. St 100, LV, NV 89129

Notice of this hearing was posted on the following website(s):

- <https://ptboard.nv.gov>
- <https://notice.nv.gov/>
- <https://www.leg.state.nv.us/App/Notice/A/>

Interested persons can obtain a copy of the summary of the public response to the proposed regulation from the Nevada Physical Therapy Board, 3291 N. Buffalo Drive, Suite 100, Las Vegas, Nevada 89129, 702-876-5535, or email to [aramirez@govmail.state.nv.us](mailto:aramirez@govmail.state.nv.us).

**3. The number of persons who:**

- a) **Attended each hearing:** 11/12/2021 – 43; 12/5/2022 – 44

- b) **Testified at each hearing:** 11/12/2021 – 4; 12/5/2022 – 17
  - c) **Submitted to the agency written comments:** 17
4. A summary of written public comments, names, and name of entity or organization represented, for persons identified above in #4, as provided to the agency, is attached as Exhibit A & Exhibit B. Written public comments are provided in their entirety in Exhibit C.
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. Pursuant to NRS 233B.0608 (2)(a), the Nevada Physical Therapy Board requested input from stakeholders, small businesses, and licensees that are likely to be affected by the proposed regulations. Small Business Impact Questionnaires were sent to approximately 3,100 licensees of the Nevada Physical Therapy Board and the state chapter of the American Physical Therapy Association, with proposed changes to NAC 640, on September 20, 2021, October 20, 2021, and on July 22, 2022. The Board continued to accept input on the impact of the proposed regulation on small businesses through December 5, 2022. The questionnaire contained the following questions:

- a) How many employees are currently employed by your business?
- b) Will a specific regulation have an adverse economic effect upon your business?
- c) Will the regulation(s) have any beneficial effect upon your business?
- d) Do you anticipate any indirect adverse effects upon your business?
- e) Do you anticipate any indirect beneficial effects upon your business?

**Summary of responses.**

Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes – 5 No – 1 Unknown - 0	Yes – 1 No – 5 Unknown - 0	Yes – 5 No – 1 Unknown - 0	Yes – 1 No – 5 Unknown - 0

Number of Respondents out of 3,100	Adverse economic effect	Beneficial effect	Indirect adverse effects?	Indirect beneficial effect?
6	5	1	5	1

A copy of this summary of the response to the proposed regulation may be obtained from the Nevada Physical Therapy Board, 3291 N. Buffalo Drive, Suite 100, Las Vegas, Nevada 89129, 702-876-5535, or email to [aramirez@govmail.state.nv.us](mailto:aramirez@govmail.state.nv.us).

**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 on December 5, 2022, with no additional changes, after consideration of public comment. The agency concluded that the proposed regulations would produce a negligible impact on small businesses due to restrictions on the use of unlicensed technicians. Additionally, the Board concluded that there would be no adverse impact from a fee increase covering the review and approval process for continuing education courses.

**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 case must include:**

- a) Both adverse and beneficial effects; and**
- b) Both immediate and long-term effects.**

Adverse and beneficial effects on small businesses:

The adopted regulation restricts the use of aides or other unlicensed persons who perform treatments related to physical therapy. This is expected to have an adverse effect on businesses who utilize unlicensed personnel versus paying higher salaries to skilled, licensed personnel. However, less than one percent of licensees and small businesses indicated that the regulation would have an adverse economic effect immediate and long-term. Beneficial effects include the removal of barriers to full time employment for physical therapist assistants.

Adverse and beneficial effects on the public:

The adopted regulation is not expected to have an adverse effect on the public. Consumers of physical therapy services will receive immediate and long-term benefits from increased access to care and public protection and safety.

**8. The estimated cost to the agency for enforcement of the proposed 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 government agency regulations that the proposed regulation duplicates.

**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.**

The regulation does not include new fees. The regulation includes the following fee adjustments. The Board projects a net increase in revenue of approximately \$5,000 which will be used to help fund the implementation and support of a comprehensive continuing education compliance tool that will present licensees with a searchable course database of approved providers and courses and streamline the Boards audit process for verifying license renewal requirements.

- Fee Reduction: List of primary professional addresses of licensees from \$50 to \$25.
- Fee Reduction: Reinstatement of an expired PT license from \$300 to \$150.
- Fee Reduction: Reinstatement of an expired PTA license from \$200 to \$100
- Fee Increase: Requests to consider approval of a program of continuing competency pursuant to subsection 4 of NRS 640.150.
  - Programs worth 0 – 5.9 units- increase from \$10 to \$50.
  - Programs worth 6 – 10.9 units – increase from \$30 to \$50.

# EXHIBIT A

## SUMMARY OF WRITTEN PUBLIC COMMENTS RECEIVED TO NEVADA PHYSICAL THERAPY BOARD PROPOSED CHANGES TO NAC 640

DATE REC'D	RECEIVED FROM	COMMENT SUMMARY
5/7/2021	Jenelle Lauchman, PT, DPT, OCS Rehab Director Sports Plus Physical Therapy (702) 278-5847	<ul style="list-style-type: none"> <li>Request removal of annual from all fees.</li> <li>Request deletion of STG requirements</li> <li>Request discussion on keeping supervision ratios to 4, but allowing this to be fluid of no more than 2 techs but allowing those who do not use techs to supervise up to 4 PTAs.</li> </ul>
10/26/2021	Karen Siran-Loughery, Karen.siran@gmail.com	<ul style="list-style-type: none"> <li>Support removal of the 2000-hour requirement</li> </ul>
10/28/2021	Jenelle Lauchman, PT, DPT, OCS Rehab Director Sports Plus Physical Therapy (702) 278-5847	<ul style="list-style-type: none"> <li>Provided the FSBPT Jurisdiction Licensure Reference Guide – Topic: PT Supervision Ratios</li> </ul>
12/30/2021	Leslie Adrian Director of Professional Standards Federation of State Boards of Physical Therapy (703) 299-3100 x 233 ladrian@fsbpt.org	<ul style="list-style-type: none"> <li>Consideration of addition to the proposed amendment. Request that FSBPT be considered as one of the entities that do not have to pay the CE provider approval fee.</li> </ul>
2/14/2022	Michael McKay, PT, DPT ATI Physical Therapy	<ul style="list-style-type: none"> <li>Concerns relating to the use of therapy aides administering skilled intervention.</li> <li>The new language would reduce the support for physical therapists in NV by rehab techs, ultimately increasing the tasks that would need to be carried out by the licensed provider.</li> <li>The result of decreased support staff would have 3 impacts on the NV communities. <ul style="list-style-type: none"> <li>Reduced access to care.</li> <li>Decreased jobs for residents of NV.</li> <li>Decreased job experience for future physical therapists.</li> </ul> </li> </ul>
7/20/2022	<b>Brian Evans</b> The Perkins Company <a href="tel:775-636-0051">775-636-0051</a> brian@theperkinsco.com	<ul style="list-style-type: none"> <li>Submitted recommended changes to the proposed language contained in NAC 640.595.</li> </ul>

7/27/2022	Dr. Andrea Avruskin, PT, DPT Clinical Director (ACCE) PIMA Medical Institute 333 Eash Flamingo Road Las Vegas, NV 89121 (702) 399-0668 aavruskin@pmi.edu	<ul style="list-style-type: none"> <li>Small Business Impact Statement: A licensing board should not modify proposed or current regulations to appease or lessen profit effects on any business. The Board's vital function is to protect the public from treatment from unqualified persons.</li> </ul>
8/3/2022	Clay Lovro PT, DPT ATI Physical Therapy (702) 734-2732	<ul style="list-style-type: none"> <li>Small Business Impact Statement: Proposed changes will impact our ability to utilize rehab techs. These changes will reduce patient access to care and reduce the quality of care.</li> </ul>
8/11/2022	Benjamin Buenaventura Jr., PT ATI Physical Therapy (702) 258-9381	<ul style="list-style-type: none"> <li>Small Business Impact Statement: There is no benefit to limiting the tasks that techs can provide to a therapist. The proposed changes in NAC 640.595 will decrease aspiring therapist experience and exposure to the field thereby decreasing interest in the field which will severely affect the demand/supply of PTs in the future.</li> </ul>
8/12/2022	Belinda Garey, Owner & Occupational Therapist Motivated Kids Therapy 3199 E. Warm Springs Rd, Suite 200 Las Vegas, NV 89120 (702) 998-1793 belinda@motivatedkidstherapy.com	<ul style="list-style-type: none"> <li>Request termination of the 2000-hour direct supervision requirement.</li> </ul>
8/15/2022	Catherine Gallogly, PT, DPT New Century Rehab ATI Physical Therapy (720) 384-6701	<ul style="list-style-type: none"> <li>Small Business Impact Statement: Without the use of a rehab technician, it is likely that I, as a PT, would help 50-75% of the caseload that I currently oversee. The business would decrease revenue and more importantly, less patients would have access to care.</li> <li>I also believe the rehab tech position helps patients gain independence in their exercise programs faster.</li> </ul>
8/15/2022	Matt Smith, PT, PT Smith Therapy Partners (208) 899-3724 msmith@stplv.com	<ul style="list-style-type: none"> <li>The proposed changes to NAC 640.595 will have direct and indirect</li> </ul>

		economic effects on our business. Without the use of technicians, we would lose 2 patient visits per day per physical therapist x 29 therapists = 1,183,200 dollars in revenue.
8/15/2022	John Lyons, PT Lyons Physical Therapy (775) 771-2237 <a href="mailto:jlyons4980@gmail.com">jlyons4980@gmail.com</a>	<ul style="list-style-type: none"> <li>Small Business Impact Statement: Limiting the scope of PT Technicians will cause us to use PTAs instead of PT techs. It will cost \$62,000 yr (on average).</li> </ul>
8/15/2022	Melissa Turner PTA <a href="mailto:Missy.kuhn@gmail.com">Missy.kuhn@gmail.com</a>	<ul style="list-style-type: none"> <li>Request termination of the 2000-hour direct supervision requirement</li> </ul>
8/15/2022	Gina Mcdade, PTA College of So. Nevada	<ul style="list-style-type: none"> <li>Request termination of the 2000-hour direct supervision requirement.</li> <li>Elevated indemnity issue.</li> </ul>
10/7/2022	Dr. Nancy Heuer, PT, DPT Motivated Kids Therapy 3199 E. Warm Springs Road, Suite 200 Las Vegas, NV 89120 (605) 880-2119 <a href="mailto:Heuer045@umn.edu">Heuer045@umn.edu</a>	<ul style="list-style-type: none"> <li>Request termination of the 2000-hour direct supervision requirement.</li> </ul>
10/24/2022	<b>Brian Evans</b> The Perkins Company <a href="tel:775-636-0051">775-636-0051</a> <a href="mailto:brian@theperkinsco.com">brian@theperkinsco.com</a>	<ul style="list-style-type: none"> <li>Submitted recommended changes to the proposed language contained in NAC 640.595.</li> </ul>
11/18/2022	Dr. Andrea Avruskin, PT, DPT Clinical Director (ACCE) PIMA Medical Institute 333 Eash Flamingo Road Las Vegas, NV 89121 (702) 399-0668 <a href="mailto:aavruskin@pmi.edu">aavruskin@pmi.edu</a>	<ul style="list-style-type: none"> <li>Suggestions for grammar and DEI purposes.</li> <li>Suggestions to stay consistent with 640.595.6.c., remove physical therapy technicians, as they should not be providing treatment intervention or care.</li> </ul>
11/21/2022	Steve Yasmer, PT Mager, Therapy Services Carson Tahoe Health (775) 445-5756	<ul style="list-style-type: none"> <li>Oppose the requirement for 1.5 hours of annual education in the areas of diversity, equity, inclusion, or social justice.</li> </ul>

# EXHIBIT B

## SUMMARY OF VERBAL PUBLIC COMMENTS RECEIVED TO NEVADA PHYSICAL THERAPY BOARD PROPOSED CHANGES TO NAC

640

DATE REC'D	RECEIVED FROM	COMMENT SUMMARY
11/12/2021 Public Workshop	Jenelle Lauchman, PT, DPT, OCS Rehab Director Sports Plus Physical Therapy (702) 278-5847	<ul style="list-style-type: none"> <li>I would like the Board to consider changing the supervision ratios to three physical therapist assistants, one technician, two students, and two graduates. I feel that since we're changing the definitions of what technicians can do, one should be quite sufficient. But allowing us more licensed staff would help us be able to get to patients in a timely manner.</li> </ul>
11/12/2021 Public Workshop	Branden Godin, PT <a href="mailto:Bgodin@nevada.unr.edu">Bgodin@nevada.unr.edu</a> (775) 223-8231	<ul style="list-style-type: none"> <li>I want to support Jenelle's changes on increasing total supervision to four and three on the PTA's. But I would like to comment on leaving the rehab technician provision at two, to allow places that don't have the ability to staff three PTA's to still have the extra resource to provide access to patients and delegate activities to.</li> <li>Dr. Godin asked if the provision for standards of conduct for the practice of physical therapy could fall under possible review for adding Nevada as a compact state.</li> </ul>
11/12/2021 Public Workshop	Chad Bible, PT 5008 Chappellet Dr. Sparks, NV 89036 (775) 762-2099 <a href="mailto:chad.bible@icloud.com">chad.bible@icloud.com</a>	<ul style="list-style-type: none"> <li>Question and comment on skilled intervention.</li> </ul>
11/12/2021 Public Workshop	Karen Siran-Loughery <a href="mailto:Karen.siran@gmail.com">Karen.siran@gmail.com</a>	<ul style="list-style-type: none"> <li>I fully support/am in favor of the Nevada Physical Therapy Board removing the 2000- hour requirement for graduated, licensed physical therapist assistants.</li> </ul>



DATE REC'D	RECEIVED FROM	COMMENT SUMMARY
12/5/2022 Public Hearing	Susan Priestman, President APTA NV Board No contact information was provided.	<ul style="list-style-type: none"> <li>The association members are in favor of the adoption of the regulations.</li> <li>They would like to see these regulations adopted without further delay.</li> </ul>
12/5/2022 Public Hearing	Wade Myer-Chief Compliance ATI Physical Therapy No contact information was provided.	<ul style="list-style-type: none"> <li>Comments have been submitted to the Board with a proposal for changes to language that relates to skilled intervention and would like clarity around that language, the language of the utilization of physical therapy techs, and the continued use of Physical therapy techs.</li> </ul>
12/5/2022 Public Hearing	Keith McKeever Program Director Pima Medical Institute PTA program No contact information was provided.	<ul style="list-style-type: none"> <li>In favor of and support of the proposed changes</li> <li></li> </ul>
12/5/2022 Public Hearing	Heidi Streeter Director Northern Nevada Medical Center- Outpatient Therapy No contact information was provided.	<ul style="list-style-type: none"> <li>Addressed the language that goes with the changes in Section 69 regarding Tech usage. Feel that Techs are appropriate and important to maintain the quality of care as physical therapists.</li> </ul>
12/5/2022 Public Hearing	Mike McKay Director ATI Physical Therapy in the Las Vegas area No contact information was provided.	<ul style="list-style-type: none"> <li>Provided comments relating to the use of the term skilled intervention. We are not looking to expand or modify the usage of technicians. More as to what they're allowed to do, and the definition of skilled intervention.</li> </ul>
12/5/2022 Public Hearing	Andrea Avruskin Current Clinical Director Pima Medical Institute PTA program No contact information was provided.	<ul style="list-style-type: none"> <li>Expressed support on the use of office personnel and PT Techs for patient transport, room set up, and re-supply of the clinic. Support keeping all treatment of patients to licensed personnel only. This is for the safety of the patients and to preserve insurance reimbursements so that they can be reassured that all treatments are being provided by licensed individuals.</li> </ul>
12/5/2022 Public Hearing	Brandon Godin, PT No contact information was provided.	<ul style="list-style-type: none"> <li>Voiced support for the removal of the 2000-hour rule for PTAs, as well as the use of PT Techs. Support staff is vital and the support from Techs especially in rural communities.</li> </ul>
12/5/2022 Public Hearing	Sean Ellis, PT No contact information was provided.	<ul style="list-style-type: none"> <li>Has been practicing in the field for over thirty years. Feels that it is an important decision to define the rules as skilled intervention and knowing when to stop and public safety. Thinks that there is a risk of having no supervision for the entry-level physical therapist assistant out of school. This runs a risk of having unintended consequences</li> </ul>

		and a risk to public safety.
12/5/2022 Public Hearing	Lou Hillegass, PT No contact information was provided.	<ul style="list-style-type: none"> <li>Clarify the use of Technicians. Supports the minor edits put forth by Wade Myer and Mike McKay. Clarify the intervention that the technician can be part of. In support of the use of technicians in patient care. Looking forward to practicing in less of a grey area.</li> </ul>
12/5/2022 Public Hearing	Chelsey Koehler, Director Fyzical Therapy and Balance Centers No contact information was provided.	<ul style="list-style-type: none"> <li>Agree that Technicians should not be involved in any aspect of skilled patient care, especially billable patient care. This is a safety concern. To provide best practice a licensed PT or PTA should be readily available. Billable time equals skilled care. In considering the long-term effects of utilizing technicians, this can harm the clinics that want to focus on the quality of care rather than the quantity of care.</li> </ul>
12/5/2022 Public Hearing	Brandon Smith Atena Claims No contact information was provided.	<ul style="list-style-type: none"> <li>As a public member reading through these changes it appears that the Board is moving in the proper direction to ensure that only skilled licensed professionals are handling patients. With regards to the use of technicians, I refer you to your APTA doctrine stating that only licensed Physical Therapist Assistants may provide adjunct therapy to the Physical Therapist.</li> </ul>
12/5/2022 Public Hearing	Richard Perkins, Lobbyist ATI Physical Therapy No contact information was provided.	<ul style="list-style-type: none"> <li>Wanted to bring attention to the length it has taken to get these regulations back from the LCB. Stated that he has discussed this with the LCB Legal Division, specifically with Angela Hartzler who indicated that if the Board has clarifying language that those would not have to be sent to the LCB for further review. Unless there are significant changes, these would not have to be sent back.</li> </ul>
12/5/2022 Public Hearing	Sarah Cronk, Student Physical Therapist No contact information was provided.	<ul style="list-style-type: none"> <li>Agreed with Chelsey Koehler's comment. Worked as a former technician at a high-volume clinic and was given more responsibility than she should have been given. Now that she knows more about Physical Therapy and all that is involved in patient care. She feels it was not safe for patient care, She feels she may have had a poor effect on some of the patient care that was given.</li> </ul>
12/5/2022 Public Hearing	James Mortenson Regional Director Fyzical Therapy and Balance Center No contact information was provided.	<ul style="list-style-type: none"> <li>Agrees with the regulations and asked that clarity be given as to what skilled care is. Agrees that there is a role for technicians in clinics.</li> </ul>

12/5/2022 Public Hearing	Lakayka Griggs PIMA PTA Student No contact information was provided.	<ul style="list-style-type: none"> <li>Working as a Tech and moving into the field of physical therapy, she did things she shouldn't have done as a tech. She questions some of the things she did with patients in the past.</li> </ul>
12/5/2022 Public Hearing	Debby Dieter, PT, Board Investigator (702) 876-5535 <a href="mailto:d.dieter@govmail.state.nv.us">d.dieter@govmail.state.nv.us</a>	<ul style="list-style-type: none"> <li>25% of investigations have to do with Tech interactions with patients and Techs providing services that are being billed for. There is a concern that patients are not sure who their therapists are at times due to clinicians not wearing proper badges that identify them by their name and not their job position. Clarification of practice for techs is very important for public safety and quality of care.</li> </ul>
12/5/2022 Public Hearing	Chad Bible, PT, Board inspector (775) 762-2099 <a href="mailto:chad.bible@icloud.com">chad.bible@icloud.com</a>	<ul style="list-style-type: none"> <li>Agreed with what Debby Dieter had to say. Has run into situations at high-volume clinics where Techs have been providing treatment to patients. The Board regulations will bring clarification as to what clinicians can and cannot do. According to the U.S. Bureau of labor statistics, PT Aides can assist in the following: cleaning the treatment area, setting up equipment, washing linens, helping patients move to and from the treatment area, and clerical tasks. This does not suggest treatment of any kind. These regulations moving forward are very important for the public protection and safety of those in Nevada being treated.</li> </ul>



August 12, 2022

Dear Nevada Physical Therapy Board and Legislators,

My name is Belinda Garey owner and occupational therapist with Motivate Kids Therapy. We serve children ages 0-18 years old, providing occupational, speech and physical therapy in a clinic-based setting.

I am reaching out regarding PT Board approved changes to NAC 640, eliminating direct supervision of PTA graduates requiring 2,000 hours. I first reached out regarding these changes in December 2021 and was informed it could take up to 6 months. Unfortunately, it has taken much longer than that and it is affecting the employment of my therapists and disrupting the ability to provide ongoing physical therapy services to our patients. As a result of this delay in adopting the proposed changes, all children currently receiving physical therapy at our clinic will no longer be able to continue receiving services as of September 1, 2022. The current supervising PT is no longer available and unless another PT is hired before August 31<sup>st</sup> with exact same hours as our PTA all patients receiving physical therapy services at our clinic will no longer be able to be treated.

I request that you place this item into motion immediately and adopt these changes to prevent from further disruption of therapy services to patients and prevent therapists from losing their employment.

Thank you for considering this request to expedite the adoption of the proposed revisions to NAC 640. Please feel free to contact me if you have any further questions regarding my concerns.

Sincerely,

Belinda Garey  
Owner & Occupational Therapists  
belinda@motivatedkidstherapy.com

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Las Vegas, NV 89120  
Ph: (702) 998-1793  
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RECEIVED  
FEB 14 2022  
NV PT Board

Jan. 17, 2022

**Re: Proposed Revisions to Section 640 of the Nevada Administrative Code**

To whom it may concern;

I am writing on behalf of New Century Rehabilitation, LLC dba ATI Physical Therapy, who currently employs over 75 licensed Physical Therapists and Physical Therapist Assistants in the state of Nevada.

Upon review of the proposed changes to Chapter 640 of the Nevada Administrative Code regarding the practice of physical therapy, we have concerns specifically as it relates to the use of therapy aides administering skilled intervention.

The proposed changes in NAC 640.595 Physical Therapist technicians create uncertainty related to the use of a rehab aide. As it relates to 6.b.iv, the following language update is provided:

"May assist the physical therapist or physical therapist assistant, under the immediate supervision of the physical therapist, in performing a specific therapy service; however, the technician can never provide any skilled intervention".

Skilled intervention is then defined in 6.c as:

- i. Advise, teach or instruct patients concerning their condition or disability
- ii. Carry out testing or evaluation procedures
- iii. Make any notations in documents regarding patient care or clinical treatment with the exception of basic data recording in an exercise log or flow sheet.
- iv. An *activity* which requires licensure under this chapter
- v. An *activity* which requires the exercise of the professional judgment of the physical therapist or physical therapist assistant.
- vi. The interpretation of referrals, screenings, assessments, evaluations, or reassessments.
- vii. The development or modification of therapeutic exercise programs, treatment plans, or discharge plans

The points iv and v which identify 'an activity' is general and could be potentially interpreted a wide number of ways, possibly indicating a reduced ability by the physical therapist to utilize rehab technicians in the execution of care with patients. It is our understanding that this new language would reduce the support for physical therapists in NV by rehab technicians, ultimately increasing the tasks that would need to be carried out by the licensed provider.



The result of decreased support staff would have 3 impacts on the NV communities.

1. Reduced access to care.
2. Decreased jobs for residents of NV.
3. Decreased job experience for future physical therapists.

NV currently is last in the nation for physical therapists per capita. Currently patients who require physical therapy services must wait days in excess to other states in order to receive PT. This additional wait has the potential to result in increased opioid use, increased healthcare costs, and increased time for individuals to return to work. As it is the mission of the NV PT board to 'protect and promote the health and safety of Nevadans' this change in practice act would require physical therapists to do basic tasks with patients resulting in increased burden on the provider and reduced ability to maintain current patient access. This interpretation is resultant from the broad language of 6.c.v.

A reduction in ability to delegate basic care would reduce the need for a rehab technician in physical therapy clinics. This would likely result in the job loss of hundreds of Nevadans. Currently the rehab technician job employs multiple people in hundreds of outpatient physical therapy practices across NV.

Finally, the rehab technician position is one that provides young adults seeking a profession in physical therapy experience and training required to get into physical therapy school as well as give quality care as a licensed professional later on. Reducing their participation in patient care creates a barrier to entry to physical therapy school. While this barrier can be overcome through volunteer experience, the inability of students to have a working internship means a delay in timing of becoming a PT, in turn contributing to the continued problem of reduced access to care.

We would welcome continued engagement on this matter as the Board meetings provided limited dialogue regarding these changes and feel that the full scope of the impact was not vetted prior to the language update. We would be happy to discuss further, in order to provide a unified solution that would be in the best interest of patients, the NV communities, and physical therapy providers.

We are committed to quality care for the residents of Nevada and will continue to ensure that all patients receive treatment in a safe and effective manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McKay", written over a light blue horizontal line.

Michael McKay PT, DPT  
District Director  
ATI Physical Therapy



5/7/21

SMALL BUSINESS IMPACT STATEMENT ON PROPOSED REGULATION CHANGES NEVADA PHYSICAL  
THERAPY BOARD

1. Page 15 Sec 22 and all other areas that list fees- Requesting the removal of annual from all fees. It was discussed prior about the possibility of going to multi-year licensure to allow for more flexibility and productivity of board staff and this change would allow for this discussion to continue.
2. Page 8-sec 11- 1d- Requesting the deletion of STG requirement as this places an extra administration burden on documentation. Only insurance require this. Most of my client are seen for less that 4 weeks or less that 6 vista so extra step that's not needed so it should be case based not regulation.
3. Page 38- sec 49- 2- requesting discussion on changing regulation to keeping the supervision of 4 but allowing for this to be fluid of no more than 2 tech but allowing for those of us who do not use techs to supervise upto 4 PTAs. This would allow us the be able to treat our clients in a more ethical manner and provide more care for our clients. As the board is striving for evidence based and skilled care this change would allow business to achieve this and remain solvent. (I am not sure why a PT needs more than 1 tech so if need a limit it should be on those extenders not PTAs.)
4. Page 39- Sec 50- 1 -In some cased Techs are ATC which are a licensed person so how by listing unlicensed how will these individuals be monitored when "working" under a PT?

Thank you for the consideration of these change.

Jenelle Lauchman, PT, DPT, OCS  
Board-Certified Clinical Specialist in Orthopedic Physical Therapy  
Licence # 1847  
Cell: 702-278-5847  
[jenelle.dpt@gmail.com](mailto:jenelle.dpt@gmail.com)  
Rehab Director Sports Plus Physcial Therapy  
Payment Chair NV Physical Therapy Assoc.

Comments rec'd from Brian Evans, Perkins Co. 7/20/2022  
Discussed at the 7/22/2022 Board Meeting

PROPOSED CHANGES TO CURRENT PROPOSED REGULATIONS OF THE NEVADA PT BOARD

*\*Note, the plan language below represents the current proposed replacement language to NAC 640.595, and the redline changes represent our recommended changes to the proposed replacement language.*

NAC 640.595 Physical therapist's technicians. (NRS 640.050)

1. Notwithstanding the definition provided in NRS 640.016, physical therapist technicians are also known as, but not limited to: technicians (techs), rehabilitation (rehab) aides, or rehabilitation technicians (rehab techs).
2. A physical therapist technician shall work under the immediate supervision of a physical therapist at all times in NRS 640.016.
3. The physical therapist is responsible for:
  - a. The conduct, training, and actions of a physical therapist technician
  - b. Documenting competency of all activities performed by the physical therapist technician.
4. A physical therapist technician must be properly identified by a name tag, which includes the physical therapist technician's name and job title.
5. The Board will consider any technician aide or person not licensed pursuant to NRS Chapter 640 who performs services related to physical therapy which have been directed by a physical therapist to be a physical therapist technician. All of these persons must be represented as a physical therapist technician.
6. A physical therapist may delegate the following to a physical therapist technician:
  - a. Routine tasks related to:
    - i. The cleanliness and maintenance of equipment and the physical plant; and
    - ii. The management of the business aspects of the practice, including scheduling appointments and filling out insurance forms; and
  - b. Such other assignments with respect to patient care as may be specifically made by the physical therapist, including:
    - i. Positioning the patient;
    - ii. Assisting with the undressing and dressing of the patient;
    - iii. Transport of patients, records, equipment, and supplies in accordance with established policies and procedures;
    - iv. May assist the physical therapist or physical therapist assistant, under the immediate supervision of the physical therapist, in performing a specific therapy service; the physical therapist technician should have received on the job training in those tasks specifically related

Commented [EK1]: We believe this may be a bad reference and intended to reference 640.016

Deleted: 2



to the therapy service; in addition, direction should specify patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.

**Commented [EK2]:** Richard, FYI, this standard is consistent with other state regulations, such as Wisconsin

c. A licensed physical therapist shall not authorize or permit a physical therapist technician to engage in any of the following activities:

**Deleted:** however, the technician can never provide any skilled intervention

i.

**Deleted:** skilled intervention. Skilled intervention shall be

Carry out testing or evaluation procedures;

**Deleted:** defined as

ii.

**Deleted:** Advise, teach or instruct patients concerning their condition or disability;

An activity which requires licensure under this chapter;

**Deleted:** ii.

**Deleted:** i

iii. An activity which requires the exercise of the professional judgment of the physical therapist or physical therapist assistant;

**Deleted:** Make any notations in documents regarding patient care or clinical treatment with the exception of basic data recording in an exercise log or flow sheet;

iv. The interpretation of referrals, screenings, assessments, evaluations, or reassessments;

**Deleted:** iv.

v. The development or modification of therapeutic exercise programs, treatment plans, or discharge plans.

**Deleted:** v

**Deleted:** i

**Deleted:** ii

**Question 1.** Please provide the following information:

<b>NAME:</b>	Andrea Avruskin PT DPT		
<b>ORGANIZATION:</b>	Pima Medical Institute	<b>DATE:</b>	7/27/22
<b>CONTACT INFO:</b>	aavruskin@pmi.edu		

**Question 2.** How many employees are currently employed by your business?

- ☒ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

**Question 3:** Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☐ Yes  
☐ No

Explain: A Licensing Board should not modify proposed or current regulations to appease or lessen profit effects on any business. The Board's vital function is to protect the public from treatment from unqualified persons.

**Question 4:** Will the regulation(s) have any beneficial effect upon your business?

If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☐ No

Explain: Licensing Boards are formed to protect the public from unsafe treatment --not to consider the effects of their regulations on business' profit or ease of function.

Question 5: Do you anticipate any indirect adverse effects upon your business?

- ☐ Yes  
☐ No

Explain: Certain PT practice owners in NV have skirted and abused the law for decades simply to increase their profit margin and sellability to larger corporations. They degraded insurance company reimbursement rates for all PTs because services were, and are, being provided by persons not licensed as PTs or PTAs.  
The NV PT Board needs to protect the public from receiving physical therapy treatment from anyone not licensed as a PT or PTA.

Question 6: Do you anticipate any indirect beneficial effects upon your business?

- ☐ Yes  
☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Comments:

The APTA states that the only person who can assist the PT in providing PT services is a PTA.

It's time for the PT Board to put a stop to the degradation of value and effectiveness of PT services caused by use of persons not licensed as PTs or PTAs for treatment of patients.

The NV PT Board needs to protect the public from any PT interventions given by persons not licensed as a PT/PTA.

Use of persons not licensed as a PT/PTA is a strategy by a business to reduce costs and increase profitability. It is a fraud on the general public.

The PT Board should prohibit anyone except licensed PT/PTAs from providing any PT services, treatments or interventions in whole or any part, including set-up, which certainly does require the knowledge and training of a licensed person, ( despite those who say otherwise, in order to use lower-paid persons). We need to protect the public from shoddy care, profit-seeking owners/managers, and further loss of reimbursement value.

\_\_\_\_\_  
Signature

**Andrea  
Avruskin**

Digitally signed by Andrea  
Avruskin  
DN: cn=Andrea Avruskin, o,  
ou, email=aavruskin@pml.edu,  
c=US  
Date: 2022.07.27 21:47:36  
-07'00'

**Question 1.** Please provide the following information:

<b>NAME:</b>	Clay Louvo		
<b>ORGANIZATION:</b>	ATI Physical Therapy	<b>DATE:</b>	8/3/22
<b>CONTACT INFO:</b>	702-734-2732		

**Question 2.** How many employees are currently employed by your business?

- ☐ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

**Question 3:** Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☐ Yes  
☐ No

Explain: \_\_\_\_\_

**Question 4:** Will the regulation(s) have any beneficial effect upon your business?

If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☐ No

Explain: \_\_\_\_\_

**Question 5: Do you anticipate any indirect adverse effects upon your business?**

- ☐ Yes  
☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Question 6: Do you anticipate any indirect beneficial effects upon your business?**

- ☐ Yes  
☐ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Comments:**

Proposed changes will impact our ability to utilize rehab  
techs. These changes will ① Reduce patient access to care.  
② Reduce quality of care.

Clay Duan  
Signature

Question 1. Please provide the following information:

NAME:	Benjamin G. DAVENPORT JR. PT.	
ORGANIZATION:	ATI PHYSICAL THERAPY	DATE: 8/11/22
CONTACT INFO:	702 258-9381	

Question 2. How many employees are currently employed by your business?

- ☒ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

Question 3: Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☒ Yes  
☐ No

Explain: The proposed changes in NAC 640.595

Question 4: Will the regulation(s) have any beneficial effect upon your business?

If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☒ No

Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Question 5: Do you anticipate any indirect adverse effects upon your business?

- ☒ Yes  
☐ No

Explain: Decreasing a technicians ability to help a therapist will  
decrease the community's access to care, which is already  
an ongoing healthcare crisis in Nevada.

Question 6: Do you anticipate any indirect beneficial effects upon your business?

- ☐ Yes  
☒ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Comments:

There is no benefit to limiting the tasks a tech  
can provide to a therapist. The proposed changes in NAC 640.595  
will decrease aspiring therapists' experience & exposure to the field  
thereby decreasing interest in the field which will severely affect  
the demand/supply of PT's in the future.

B. Long  
Signature

RECEIVED

AUG 15 2022

NV PT Board

Question 1. Please provide the following information:

NAME: Catherine Gallogly

ORGANIZATION: New Century Rehab  
ATI Physical Therapy

CONTACT INFO: (720) 384-6701  
catherine.gallogly@atipt.com

DATE: 13 AUG 2022

Question 2. How many employees are currently employed by your business?

- ☒ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

Question 3: Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☒ Yes  
☐ No

Explain: Without the use of a rehab technician, it is likely that I, as a PT, would help 50-75% the caseload that I currently oversee. I do not have access to specific dollar amounts, but know that the business would decrease revenue & more importantly, less

Question 4: Will the regulation(s) have any beneficial effect upon your business? Patients would have access to care.  
 If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☒ No

Explain: Employing less technicians would likely result in seeing fewer patients. In order to see the same number of patients, either existing clinicians would seek wage compensation, or more clinicians would need to be employed, both costing the company more than the technicians originally employed, & again, likely serving fewer patients.



Question 5: Do you anticipate any indirect adverse effects upon your business?

- ☒ Yes  
☐ No

Explain: I suspect quality of patient care would decrease, which could also result in poorer patient outcomes. The care is not only important for the patient, but also for the PT as well as the referring provider / surgeons.

Question 6: Do you anticipate any indirect beneficial effects upon your business?

- ☐ Yes  
☒ No

Explain: The only benefit I could hypothesize would assume. Clinicians would treat fewer patients each day, which may decrease risk of burnout. But this is at the cost of fewer patients being served in a community that is already at a disadvantage with access to care.

Other Comments:

The rehab technician position, as it stands, is a fantastic opportunity for individuals to experience careers in PT/PTA to help decide future career paths, or to aid in an applicant's chances of being accepted into PT/PTA programs. I also believe that the rehab technician position helps patients gain independence in their exercise programs faster. Patients trust

Orthomicallogy, PT, DPT  
 Signature

the rehab techs to teach them exercises, but patients then do not rely on their therapist too heavily, & can more quickly feel confident in their ability to independently manage their conditions.

**RE: PTA 2002 hours, elevated indemnity**

Neena Laxalt <nlaxalt@msn.com>

Mon 8/15/2022 1:09 PM

To: Mcdade, Gina <Regina.McDade@CSN.EDU>

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Gina,

Thank you for your email. I will forward to the Board to address your concerns. As well, I would suggest contacting your state association for assistance. I am not aware of a PTA specific association, but there is a Nevada Pt Association.

Best,

Neena Laxalt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Mcdade, Gina" <Regina.McDade@CSN.EDU>

Date: 8/15/22 12:53 PM (GMT-08:00)

To: nlaxalt@msn.com

Subject: PTA 2002 hours, elevated indemnity

Hi Neena.

My name is Gina McDade and I am the ACCE for the PTA Program at CSN. I got your email from Kat Joines, I hope you don't mind my reaching out to speak with you regarding the current issue of the 2000 hours direct supervision.

I know that this issue has been on the books, for some time now, to be withdrawn and is supposed to be going before the Board or the legislature sometime soon for finalization. I wonder if you can expand on that for me with when that meeting will be and if it is open for public comment, or if letters can be presented for the record if the meeting is not open for comment.

Over the course of the past few years, I have been contacted by many of our community physical therapists, as well as PTA's, asking for information regarding the removal of the 2000 hour direct supervision clause from our practice act. The PTA's are eager to get it finalized, but the PT's/OT's (business owners) are becoming more eager to see it gone, as well.

The impact this requirement is having on staffing and business success is becoming more negative and I just received letters from 2 such individuals who want their concerns to be heard. I have PTA's losing jobs because the PT's are reducing hours from full to part-time and the supervision is lost along with the job.

Is there anything we can do to get this moving forward at a faster pace? This issue has been before the Board and legislature for a very long time and we are hoping there is a light at the end of the tunnel sooner than later. Any insight you have that I can pass to my graduates and to our community therapists, is greatly appreciated.

The other subject I wanted to ask about was elevated indemnity. CSN lost the educational contract with HSA Hospitals last Fall because HSA desires the current indemnity, which is now set at 1 mil/3 mil, to be elevated to 2

mil/5 mil. policies. Because legislature sets this amount, our educational hands are tied for these clinical placements, which are required by accrediting bodies in order to have our program. My understanding is that the contract UNLV has with HCA will expire in October. They will face the same issue I am having with a lack of placement availability with hospital, or in-patient sites, in order to meet the required placement criteria for graduation. This issue affects every health care program at our schools and will not be limited to physical therapy and physical therapist assistant; it will affect nursing, radiology, physician, etc. It appears we have no lobby trying to help get this issue resolved. I have lost 3 hospital sites with the absence of 1 single contract! If the other hospitals should decide to seek the same, we will be dead in the water for in-patient placements. Our program will fail. There has to be a way to get this before legislation so we can start the discussion. To my knowledge, it isn't being discussed at this time.

I have reached out to Charles, to Kat, Lisa Taylor at UNLV, and to Sue Sherman trying to find a way to get information and help. Do you have any insight to this issue? Is there someone specifically we collectively need to go to? On this subject, too, any insight and help will be greatly appreciated. Thank you so much for your time with these issues.

I have attached the recent letters I have received for your regard.

*Have A Wonderful Day!*

*Gina McDade PTA ACCE*



Physical Therapist Assistant Program  
College of Southern Nevada  
702-651-5586 (O)  
702-358-2285 (Cell)

Question 1. Please provide the following information:

NAME:	John Lyons		
ORGANIZATION:	Lyons Physical Therapy	DATE:	8/15/22
CONTACT INFO:	JLyons4980@gmail.com		

Question 2. How many employees are currently employed by your business?

- ☒ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

Question 3: Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☒ Yes  
☐ No

Explain: Limiting the scope of P.T. technicians will cause us to

use PTA instead of P.T. technicians. It will cost > \$62,000/year based on PTA costing \$10/HR more (on average) than P.T. technician.

Question 4: Will the regulation(s) have any beneficial effect upon your business?

If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☒ No

Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Question 5: Do you anticipate any indirect adverse effects upon your business?

- ☒ Yes  
☐ No

Explain: Quality of care could become worse as  
owners cannot afford to hire + pay more PTA  
instead of PT techs.

Question 6: Do you anticipate any indirect beneficial effects upon your business?

- ☐ Yes  
☒ No

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Comments:

There should not be any changes made to the scope  
of P.T. technicians. Techs are necessary in outpatient  
facilities especially with Nevada being one of, if not  
the worst state, for insurance reimbursement.

  
Signature

**Question 1.** Please provide the following information:

<b>NAME:</b>	Matt Smith		
<b>ORGANIZATION:</b>	Smith Therapy Partners	<b>DATE:</b>	8/15/22
<b>CONTACT INFO:</b>	msmith@stplv.com		

**Question 2.** How many employees are currently employed by your business?

- ☒ 1 - 150  
☐ 151 or more

If more than 150 employees, you will not need to answer the rest of the questions. Please EMAIL, MAIL, or FAX the questionnaire to the above address. If less than 150, please continue with the remaining questions.

**Question 3:** Will a specific regulation have an adverse economic effect upon your business?

If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

- ☒ Yes  
☐ No

Explain: The proposed changes to NAC 640.595 will have direct and indirect economic effects on our business. Without the use of technicians, we would lose 2 patient visits per day per physical therapist x 29 therapists = \$1,183,200 dollars in revenue.

**Question 4:** Will the regulation(s) have any beneficial effect upon your business?

If so, please include any cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount if applicable.

- ☐ Yes  
☒ No

Explain: This will have negative impact with the shortage of PTs and PTAs we will not be able to replace that revenue in a timely manner. In addition, PTs and PTAs are more expensive and have a long term effect on profitability and access to care.

Question 5: Do you anticipate any indirect adverse effects upon your business?

☒ Yes  
☐ No

Explain: Decreased revenue and increased expenses.

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Question 6: Do you anticipate any indirect beneficial effects upon your business?

☐ Yes  
☒ No

Explain:

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Other Comments:


The state has failed to demonstrate any harm to the public with use of therapy technicians. The new regulations will decrease access to care for the public, thus causing harm.

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Signature



August 15, 2022

Dear Nevada Physical Therapy Board and Nevada Legislators,

My name is Melissa Turner and I am writing in regards to the changes proposed for NAC 640. I graduated from College of Southern Nevada in Spring of 2021 with my Physical Therapy Assistant (PTA) degree. I passed my board exam in April and received my PTA license from the board after graduating in June 2021.

The proposed changes were open for public comment in November 2021 before submitting to the Legislative Counsel Bureau. I reached out to the Executive Director at the Nevada Physical Therapy Board in November, who stated the expected time of processing would take 4-6 months. This was nine months ago. Each time I follow up on the status of the process it continues to be delayed.

These delays are heavily impacting my employer (Motivated Kids Therapy), myself, and our physical therapy clients. My supervising PT works at the clinic 4 days/week and this has limited me from being able to work/offer a full time schedule for our clients. I have been financially affected and several clients have been affected by the lack of being able to provide services full time and the changes continue to be delayed. These limitations have also prevented me from being able to accrue my 2,000 hours that is typically accrued in a 1 year full time work period.

Not only has the delay limited me being able to work full time at my clinic, now it is currently affecting my ability to stay employed at my current place of employment. My supervising PT has notified us that her last day will be August 31. Without the current NAC 640 limitations I would be able to stay on as the PTA and provide services while we search for a new qualified PT. However, with the NAC 640 as it currently is, I am unable to continue my employment due to not having a PT and the clinic will be unable to provide physical therapy services to our clients that need these services.

The purpose of attending an accredited PTA program, passing a board licensing exam, and completing clinical rotations should assure that I am competent and prepared to work as a PTA. The mission of the Nevada Physical Therapy Board states it "protects and promotes the health and safety of Nevadans by pursuing the highest quality of physical therapy practice through education, communication, licensing, legislation, regulation, and enforcement". However, delaying these changes any longer is affecting the clients that need these services and making it more difficult for licensed individuals to provide these services. I respectfully ask that these changes are no longer delayed, so that PTA's proven to be qualified are no longer at risk for losing their jobs, no longer limited in their providing services, and clients are no longer negatively impacted.

Thank you for your time and consideration. Please feel free to contact me if you have any questions.

Thank you,

*Melissa Turner*

Melissa Turner  
Physical Therapy Assistant  
[missy.kuhn@gmail.com](mailto:missy.kuhn@gmail.com)



**Fwd: NV PTA Direct Supervision Requirement**

UMN &lt;heuer045@umn.edu&gt;

Tue 10/18/2022 2:48 PM

To: Muriel Morin-Mendes &lt;ptapplication@govmail.state.nv.us&gt;

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I spoke with you on the phone earlier regarding the following email that was sent to the executive director. If you could please print it out along with the attached PDF and pass along to him that would be greatly appreciated.

Thank you so much!

-Nancy

Begin forwarded message:

**From:** Nancy Heuer <heuer045@umn.edu>**Date:** October 7, 2022 at 08:33:00 PDT**To:** pted@govmail.state.nv.us**Subject: NV PTA Direct Supervision Requirement**

Hello,

I have attached a letter of consideration regarding waiving the 2000 hour direct supervision requirement for a PTA that works under me who is close to completion.

Thank you for your time and consideration on this matter.

Sincerely,

Nancy Heuer, PT, DPT  
Physical Therapist

To whom it may concern:

I am writing to request early termination of the 2000-hour direct supervision requirement for physical therapy assistant Melissa Turner (License #A1397). Melissa has currently completed 1600 hours of direct supervised treatment at Motivated Kids Therapy.


There is currently a shortage of physical therapists with thousands of job openings nationwide. I have numerous contacts locally and in other states who are all in need of pediatric therapists. Our company has been looking for a physical therapist for months but despite the combined efforts of connecting with DPT programs, online job boards and reaching out to connections, we have been unable to find another physical therapist. The restriction of Melissa requiring direct supervision greatly impacts our patients and our ability to provide the best possible care to patients and their families. Unfortunately, it also prohibits some patients from receiving PT services. It is also a disservice to our families to have to cancel Melissa's patients whenever I am unable to work due to appointments, emergencies, etc.

Melissa is a great asset to the physical therapy profession and goes above and beyond her role within appropriate boundaries as a PTA. She demonstrates an unparalleled level of professionalism, expertise, and critical thinking skills within her scope of practice and is continuously striving to advance her knowledge and abilities to provide better patient care and outcomes. She has a great work ethic, collaborates effectively with other disciplines, and works diligently to provide high quality physical therapy services.

I take my role as Melissa's supervisor very seriously and would not be making this request were I not completely confident in Melissa's abilities to perform her job effectively within her scope of practice and without direct supervision. Additionally, the board approved to eliminate the 2000-hour requirement for physical therapy assistants in NAC 640.596 at their board meeting on November 12, 2021. Waiving the remainder of Melissa's direct supervision hours would positively impact patient care and allow us to better serve patients and families in the Las Vegas Valley and surrounding areas.

Thank you so much for your time and consideration.

Please do not hesitate to reach out to me directly if you have any further questions regarding this request.

 PT, DPT  
Dr. Nancy Heuer, Physical Therapist, DPT  
Motivated Kids Therapy  
3199 E. Warm Springs Road  
Suite 200  
Las Vegas, NV 89120  
[heuer045@umn.edu](mailto:heuer045@umn.edu)  
Direct Line: 605-880-2119

**PROPOSED CHANGES TO CURRENT PROPOSED REGULATIONS OF THE NEVADA PT BOARD**

***\*Note, the plan language below represents the current proposed replacement language to NAC 640.595, and the redline changes represent our recommended changes to the proposed replacement language.***

**NAC 640.595 Physical therapist's technicians. (NRS 640.050)**

1. Notwithstanding the definition provided in NRS 640.016, physical therapist technicians are also known as, but not limited to: technicians (techs), rehabilitation (rehab) aides, or rehabilitation technicians (rehab techs).
2. A physical therapist technician shall work under the immediate supervision of a physical therapist at all times in NRS 640.016.
3. The physical therapist is responsible for:
  - a. The conduct, training, and actions of a physical therapist technician
  - b. Documenting competency of all activities performed by the physical therapist technician.
4. A physical therapist technician must be properly identified by a name tag, which includes the physical therapist technician's name and job title.
5. The Board will consider any technician aide or person not licensed pursuant to NRS Chapter 640 who performs services related to physical therapy which have been directed by a physical therapist to be a physical therapist technician. All of these persons must be represented as a physical therapist technician.
6. A physical therapist may delegate the following to a physical therapist technician:
  - a. Routine tasks related to:
    - i. The cleanliness and maintenance of equipment and the physical plant; and
    - ii. The management of the business aspects of the practice, including scheduling appointments and filling out insurance forms; and
  - b. Such other assignments with respect to patient care as may be specifically made by the physical therapist, including:
    - i. Positioning the patient;
    - ii. Assisting with the undressing and dressing of the patient;
    - iii. Transport of patients, records, equipment, and supplies in accordance with established policies and procedures;
    - iv. May assist the physical therapist or physical therapist assistant, under the immediate supervision of the physical therapist, in performing a specific therapy service; the physical therapist technician should have received on the job training in those tasks specifically related

to the therapy service; in addition, direction should specify patient related tasks, including dosage, magnitude, repetitions, settings, length of time, and any other parameters necessary for the performance of the patient related tasks.

*c. On each date of service, a physical therapist shall;*

*i. Determine, based on a patient's acuity and treatment plan, whether it is appropriate to use a physical therapy technician to perform a selected treatment intervention or physical therapy task for the patient; and*

*ii. If so determined, document each therapeutic intervention or physical therapy task that may be performed by a physical therapist technician, including but not limited to, data recording in an exercise log or flow sheet.*

**d. A licensed physical therapist shall not authorize or permit a physical therapist technician to engage in any of the following activities:**

**i.**

**Carry out testing or evaluation procedures;**

**ii.**

**An activity which requires licensure under this chapter;**

**iii. An activity which requires the exercise of the professional judgment of the physical therapist or physical therapist assistant;**

**iv. The interpretation of referrals, screenings, assessments, evaluations, or reassessments;**

**v. The development or modification of therapeutic exercise programs, treatment plans, or discharge plans.**

*e. When patient related tasks are provided to a patient by a physical therapist technician, the physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress.*

**From:** Karen Siran-Loughery <karen.siran@gmail.com>  
**Sent:** Tuesday, October 26, 2021 4:57 PM  
**To:** Charles Harvey  
**Subject:** removing the PTA 2000 hour requirement from NAC 640

Dear Mr. Harvey:

I would like to submit a public comment that I fully support/am in favor of the Nevada Physical Therapy Board removing the 2000 hour requirement for Graduated, licensed, physical therapist assistants that is currently in the NAC 640 but is proposed to be removed.

Please remove this part of the NAC.

I believe that PTAs do not need an additional 2000 hours of direct supervision under a PT after they have

1. been accepted into a fully accredited limited entry PTA program
2. completed/graduated from that PTA program including didactic education and clinical affiliation experiences, especially considering they do a minimum 2 full time, 8 week, clinical experiences with a fully licensed physical therapists totalling 640 hour
3. take and pass a national exam that tests their competence to practice as a licensed physical therapist assistant
4. become licensed after fulfilling all these requirements

I believe that by completing 1. through 4. above they have more than sufficiently demonstrated their ability to **COMPETENTLY** practice as a licensed therapist assistant **WITHOUT** doing 2000 more hours under direct PT supervision.

Thank you for your time and thoughtfulness in this matter.

Respectfully,

Karen Siran-Loughery

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**From:** Jenelle Lauchman <jenelle.dpt@gmail.com>  
**Sent:** Thursday, October 28, 2021 7:04 PM  
**To:** Charles Harvey  
**Subject:** Jurisdiction Licensure Reference Guide | Topic: PT Supervision Ratios

Charles,  
Is it too late to submit this for the NAC workshop in November for discussion on supervision.

<https://www.fsbpt.net/lrg/Home/SupervisionRatio> and [Jurisdiction Licensure Reference Guide](#) | Topic: Supervision Levels by Setting (fsbpt.net)

## The Federation of State Boards of Physical Therapy

### Jurisdiction Licensure Reference Guide

Topic: PT Supervision Ratios

Use regions/landmarks to skip ahead to chart

## Types of personnel in the supervision ratio

Long description.

No description available.

Structure.

Pie chart with 5 slices.

Chart graphic.

Types of personnel in the supervision ratio  
Temporary License: 10  
PTA: 32  
PTA: 32  
Aide: 22  
Supervised Clinical Practice: 5  
Student: 12

### SUMMARY

Supervision Ratio	38
No Supervision Ratio	15

### PT SUPERVISION RATIOS

Search:

State	Supervision Ratio	Personnel Included in the Supervision Ratio				
		PTAs	Aides	Students	Temporary License	Supervise
Alabama	No Supervision Ratio					
Alaska	3 (Reference)	Yes	Yes	Yes	Yes	Yes
Arizona	3 (Reference)	Yes	Yes	Yes	Yes	Yes
Arkansas	No Supervision Ratio					
California	2 PTAs + 1 aide (Reference)	Yes	Yes			
Colorado	4 (Reference)	Yes	Yes	Yes		
Connecticut	No Supervision Ratio					
Delaware	2 (Reference)	Yes				
District of Columbia	3 (Reference)	Yes	Yes	Yes	Yes	
Florida	No Supervision Ratio (Reference)					
Georgia	2 (Reference)		Yes			Yes
Hawaii	3 (Reference)	Yes		Yes	Yes	
Idaho	2 PTA / 3 PTs (Reference)	Yes	Yes	Yes		



State	Supervision Ratio	Personnel Included in the Supervision Ratio				
		PTAs	Aides	Students	Temporary License	Supervise
Illinois	No Supervision Ratio					
Indiana	3 (Reference)	Yes				
Iowa	2 (Reference)	Yes				
Kansas	4 (Reference)	Yes				
Kentucky	4 (Reference)	Yes	Yes			
Louisiana	5 (Reference)	Yes	Yes	Yes	Yes	Yes
Maine	No Supervision Ratio					
Maryland	No Supervision Ratio					
Massachusetts	Professional Judgment (Reference)					
Michigan	4 (Reference)	Yes				
Minnesota	2 (Reference)	Yes				
Mississippi	4 (Reference)	Yes		Yes		
Missouri	4 (Reference)	Yes				
Montana	2 (Reference)	Yes	Yes	Yes		

State	Supervision Ratio	Personnel Included in the Supervision Ratio				
		PTAs	Aides	Students	Temporary License	Supervise
Nebraska	2 (Reference)	Yes				
Nevada	3 (Reference)	Yes	Yes	Yes	Yes	
New Hampshire	No Supervision Ratio					
New Jersey	2 (Reference)	Yes				
New Mexico	3 (Reference)	Yes	Yes		Yes	
New York	No Supervision Ratio					
North Carolina	4 (Reference )					
North Dakota	3 (Reference)	Yes	Yes			
Ohio	No Supervision Ratio					
Oklahoma	No Supervision Ratio					
Oregon	2 (Reference)		Yes			
Pennsylvania	No Supervision Ratio					
Puerto Rico	No Supervision Ratio					
Rhode Island	No Supervision Ratio					

State	Supervision Ratio	Personnel Included in the Supervision Ratio				
		PTAs	Aides	Students	Temporary License	Supervise
South Carolina	3 (Reference)	Yes				
South Dakota	2 (Reference)	Yes				
Tennessee	3 (Reference)	Yes	Yes			
Texas	Professional Judgment (Reference)	Yes	Yes			
Utah	3 (Reference)	Yes	Yes			
Vermont	3 (Reference)	Yes	Yes	Yes	Yes	
Virgin Islands	2 (Reference)		Yes			
Virginia	3 (Reference)			Yes		Yes
Washington	No Supervision Ratio					
West Virginia	4 (Reference)	Yes	Yes		Yes	
Wisconsin	4 (Reference)	Yes	Yes		Yes	
Wyoming	5 (Reference)	Yes	Yes			

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Thanks,

Jenelle Lauchman, PT, DPT  
Board-Certified Clinical Specialist in Orthopaedic Physical Therapy  
Manager of Outpatient Therapy Valley Health Speciality Hospital  
APTA Nevada- Payment Chair  
Cell: 702-278-5847

*Great leaders are like the best conductors- the reach beyond the notes to reach the magic in the players- Lee*

**From:** Andrea Avruskin <aavruskin@pmi.edu>  
**Sent:** Thursday, November 17, 2022 3:16 PM  
**To:** April Ramirez <aramirez@govmail.state.nv.us>  
**Subject:** Suggestions for edits to NAC changes

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

I read through the proposed NAC changes, and have some suggestions for revisions. Some suggestions are for grammar or DEI purposes.

Others are to make wording more consistent and less confusing. I hope you will consider using some of these suggestions.

Sincerely,  
Andrea Avruskin

#### SUGGESTIONS FOR CORRECTIONS

1. **NAC 640.008** Line 3-4 the direction or assistance provided to a student of physical therapy or physical therapy assistant program  
Change to

the direction or assistance provided to a student of physical therapy or physical therap~~ist~~ assistant program

2. **NAC 640.510** 1. Each physical therapist or physical therapist assistant must certify completion of the required competence units specified in NAC 640.400 in his or her renewal application  
Change to

1. Each physical therapist or physical therapist assistant must certify completion of the required competence units specified in NAC 640.400 in ~~his or her~~ the renewal application

3. **NAC 640.550** 4. Not diagnose, prescribe for, and treat or advise a patient on any problem outside related to licensee's field of the practice of physical therapy.

Change to

4. Not diagnose (**physical therapist only**), prescribe for (**physical therapist only**), and treat or advise a patient on any problem outside ~~related to the~~ licensee's ~~field-scope~~ of ~~the~~ practice of physical therapy.

4. **NAC 640.590** 4 d. Instruct physical therapist assistants and technicians regarding: i. The specific program of treatment intervention of a patient; ii. Any precaution to be taken to protect a patient; iii. Any special problems of a patient; iv. Any procedure which should not be administered to a patient; v. Any other information required to treat a patient; e. Not delegate, other than to another physical therapist, the planning of an initial program of treatment intervention and any subsequent planning of a program of treatment intervention based on the results of tests and evaluations on a patient.

*Suggestion: Remove "technician" from this section, as physical therapy technicians should not allowed to administer any skilled intervention treatment per 640.595.6.c.*

Change to:

4 d. Instruct physical therapist assistants ~~and technicians~~ regarding: i. The specific program of treatment intervention of a patient; ii. Any precaution to be taken to protect a patient; iii. Any special problems of a patient; iv. Any procedure which should not be administered to a patient; v. Any other information required to treat a patient; ~~e.~~ **vi.** Not delegate, other than to another physical therapist, the planning of an initial program of treatment intervention and any subsequent planning of a program of treatment intervention based on the results of tests and evaluations on a patient.

5. **NAC 640.590** 5. For each patient on each date of service, a physical therapist shall provide all of the treatment intervention that requires the education, skills, and knowledge of a physical therapist and shall determine the use of physical therapist assistants or physical therapy technicians to ensure that the delivery of care that is safe, effective, and efficient.

*Suggestion: To stay consistent with 640.595.6.c., remove physical therapy technicians, as they should not be providing treatment intervention or care.*

Change to:

5. For each patient on each date of service, a physical therapist shall provide all of the treatment intervention that requires the education, skills, and knowledge of a physical therapist and shall determine the use of physical therapist assistants ~~or physical therapy technicians~~ to ensure that the delivery of care that is safe, effective, and efficient.

6. **NAC 640.595** 1. Notwithstanding the definition provided in NRS 640.0216, physical therapist technicians are also known as, but not limited to: technicians (techs), rehabilitation (rehab) aides, or rehabilitation technicians (rehab techs)

5. The Board will consider any technician aide or person not licensed pursuant to NRS Chapter 640 who performs services related to physical therapy which have been directed by a physical therapist to be a physical therapist technician. All of these persons must be represented as a physical therapist technician

6.b.iv. May assist the physical therapist or physical therapist assistant, under the immediate supervision of the physical therapist, in performing a specific therapy service; however, the technician can never provide any skilled intervention.

6. c. A licensed physical therapist shall not authorize or permit a physical therapist technician to engage in any skilled intervention. Skilled intervention shall be defined as: i. Advise, teach or instruct patients concerning their condition or disability; ii. Carry out testing or evaluation procedures; iii. Make any notations in documents regarding patient care or clinical treatment with the exception of basic data recording in an exercise log or flow sheet; iv. An activity which requires licensure under this chapter; v. An activity which requires the exercise of the professional judgment of the physical therapist or physical therapist assistant; vi. The interpretation of referrals, screenings, assessments, evaluations, or reassessments; vii. The development or modification of therapeutic exercise programs, treatment plans, or discharge plans

*Comment: "Skilled intervention" is the same as "treatment". All treatment application requires skill, training, AND licensure. If we say that some things do not, we are saying that they are unskilled tasks and therefore insurance companies will not reimburse for these activities, because it does not take skilled intervention. To preserve our value to insurance companies and the public, and assure the public of the safe application of all treatment interventions, we should ensure that both the public and insurance companies know every part of every treatment is skilled intervention and requires a licensed person to apply it. The language of this section 6c conflicts with 6 b iv, and at the very least, is confusing and may be misinterpreted by clinical facilities in order to use unlicensed labor to give care and to maximize profits.*

Changes needed:

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The **application**, development or modification of therapeutic exercise programs, **treatment interventions**, treatment plans, or discharge plans

--



**Dr. Andrea Avruskin PT, DPT, ATC, LAT**

**Clinical Director (ACCE)**

3333 East Flamingo Road

Las Vegas, Nevada 89121

TEL: 702-399-0668 |

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*Students are the future of our profession*

The Physical Therapist Assistant (PTA) program at Pima Medical Institute, Las Vegas campus is accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE), [1111 North Fairfax Street, Alexandria, Virginia 22314](https://www.captet.org/); telephone: 703-706-3245; email: [accreditation@apta.org](mailto:accreditation@apta.org); website: [www.captetonline.org](http://www.captetonline.org).

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The **application**, development or modification of therapeutic exercise programs, **treatment interventions**, treatment plans, or discharge plans

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**Dr. Andrea Avruskin PT, DPT, ATC, LAT**

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FW: Comment for public hearing December 5, 2022

Yasmer, Steve <steve.yasmer@carsontahoe.org>

Mon 11/21/2022 2:33 PM

To: April Ramirez <aramirez@govmail.state.nv.us>

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

I respectfully submit the following:

- I oppose the proposed change to NAC 640.400 requiring 1.5 hours of yearly education in the areas of diversity, equity, inclusion or social justice. NV law requires all health care workers to complete 8 hours of training on this subject which I have recently done. The proposed change to NAC 640.400 is redundant to state law and places undue burden on PTs/PTAs.

Thank you for the opportunity to submit this comment.

Happy Monday!

Steve

**Steve Yasmer, P.T.**

Manager, Therapy Services

CPI, Nonviolent Crisis Intervention Instructor

A.L.I.C.E. Certified Instructor

**Carson Tahoe Health**

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[www.carsontahoe.com/connect]



**Proposed amendment to NAC 640.410**

Leslie Adrian &lt;LAdrian@aon.fsbpt.org&gt;

Thu 12/30/2021 8:46 AM

To: Charles Harvey &lt;pted@govmail.state.nv.us&gt;

**WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Happy New Year Charles! I hope this email finds you doing well and that you enjoyed the holidays.

We were doing our usual review of proposed laws and regs and came across one in Nevada that I wanted to discuss. I wanted to reach out to see if you might consider an addition to the proposed amendment to NAC 640.410 (below). FSBPT has been offering CEUs for our webinars and larger meetings for attendees for a few years now. Although FSBPT doesn't offer much CE, we'd like the Board to potentially consider us as one of the entities who don't have to pay the CE provider approval fee in section 3. Because we don't have many offerings, I think FSBPT is not top of mind when thinking about providers of continuing competence activities.

If you want to discuss further or want me to submit this request via a different means, please let me know.

Thank you

Leslie

**NAC 640.410 Providers of continuing ~~education~~ *competence*: Recognition by Board.**[\(NRS 640.050, 640.150, 640.280\)](#)

~~3. 1. All other persons seeking recognition by the Board as a provider of continuing ~~education~~ *competence* must apply to the Board. The application will be granted if the Board finds that the applicant is competent to provide continuing ~~education~~ *competence*. For applications submitted directly to the Board, the Board will notify the applicant in writing of its decision within 90 days after receipt of the application.~~

2. The Board may deny or withdraw recognition if it finds that a provider of continuing ~~education~~ *competence* has:

- (a) Failed to furnish a course of study or training as advertised;
  - (b) Engaged in any misleading or deceptive practice; or
  - (c) Failed to comply with any provision of this chapter or [chapter 640](#) of NRS.
- (Added to NAC by Bd. of Phys. Therapy Exam'rs, eff. 10-17-86; A by R059-06, 9-18-2006)

~~3. The Board may waive those fees referenced NAC 640.025 (4) for the following providers:~~

- ~~(a) Any school accredited by the CAPTE which offers instruction in the field of physical therapy will be considered as a recognized provider of continuing education without applying to the Board for approval.~~
- (b) American Physical Therapy Association (APTA) and its academies and chapters*

Leslie Adrian, PT  
DPT, MPA



**Director of Professional Standards**  
**Federation of State Boards of Physical Therapy**  
124 S. West Street, 3<sup>rd</sup> floor  
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703-299-3100 ext 233  
ladrian@fsbpt.org