

LCB File No. R153-98

**PROPOSED REGULATION OF THE
STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

Proposed changes to NAC 640.070, as follows:

1. An applicant for licensure who has graduated from a school in another country shall:
 - (a.) Submit an evaluation from a service for the evaluation of credentials approved by the board which states that the applicant's education is equivalent in content to an accredited educational program for physical therapy in the United States;
 - (b.) Submit proof satisfactory to the board of his licensure to practice as a physical therapist without limitation in the country in which he was trained; and
 - (c.) Unless the native language of the country of origin is English and he or she has graduated from a physical therapy program which was conducted in English, [D]demonstrate proficiency in the English language by submitting proof of:
 - (1) His successful completion of the Test of Spoken English [for Professionals administered by TOEFL/TSE Services with a minimum overall comprehensibility score of 240 and a minimum score of 2.4 in each of the respective parts of the test covering pronunciation, grammar and fluency];
 - (2) His successful completion of the Test of Written English [administered by TOEFL/TSE Services with a minimum passing score of 4.5]; and
 - (3) His successful completion of the Test of English as a Foreign Language [administered by TOEFL/TSE Services with a minimum overall passing score of 560 and a minimum passing score of 56 in each of the respective parts of the test covering:
 - (I) Listening comprehension;
 - (II) Structure and written expression; and
 - (III) Vocabulary and reading comprehension.]

Proposed changes to NAC 640.080 Student of Physical Therapy, as follows:

1. For the purposes of qualifying for the exemption from licensing during clinical training provided by subsection 2 of NRS 640.120, the board will interpret "student of physical therapy" to include:
 - (a) A student enrolled in a curriculum of physical therapy approved by the board.
 - (b) A person who:
 - (1) Has applied for licensure as a physical therapist;
 - (2) Meets the requirements of subsections 1 and 2 of NRS 640.080;
 - (3) Has qualified for and registered to take the [first available] examination for licensing [following] within 60 days of his graduation; and
 - (4) Has not previously failed an examination for licensure as a physical therapist.
2. The provisions of paragraph (b) of subsection 1 apply to a person:

(a) From the date of his graduation from the course of study approved by the board until the date on which [the next available] his or her scheduled examination for licensing of a physical therapist is administered [in Nevada]; and

(b) If the person takes the examination, from the date of the examination to the date on which the person receives his license or is notified by the board that he failed to pass the examination.

Proposed changes to NAC 640.090 Student of Physical Therapy, as follows:

1. For the purposes of qualifying for the exemption from licensing during clinical training set forth in NRS 640.275, the board will interpret “student” to include:

(a) A student enrolled in a curriculum approved by the board for a physical therapist’s assistant.

(b) Except as otherwise provided in subsection 2, a person who:

(1) Has applied for licensure as a physical therapist’s assistant;

(2) Meets the requirements of subsections 1 to 4, inclusive, of NRS 640.230 and the provisions of NRS 640.240;

(3) Has qualified for and registered to take the [first available] examination for licensing [following] within 60 days of his graduation; and

(4) Has not previously failed an examination for licensure as a physical therapist’s assistant.

2. The provisions of paragraph (b) of subsection 1 apply to a person:

(a) From the date of his graduation from the course of study approved by the board until the date on which [the next available] his or her scheduled examination for licensing of a physical therapist’s assistant is administered [in Nevada]; and

(b) If the person takes the examination, from the date of the examination to the date on which the person receives his license or is notified by the board that he failed to pass the examination.

Proposed changes to NAC 640.400 as follows:

1. Except as otherwise provided in subsections 3, 4 and 5, every physical therapist or physical therapist’s assistant shall complete 1.5 units of an approved course for continuing education within the year immediately preceding his application for the extension of his license.

2. The board will not approve as training for continuing education experience acquired in fields [other than] unrelated to the practice of physical therapy.

3. A person who is initially licensed as a physical therapist or physical therapist’s assistant between February 1 and July 31, is not required to complete the requirements for continuing education for the period of licensing which ends on July 31 of that year.

4. A physical therapist or physical therapist’s assistant who is licensed between August 1 and January 31, shall complete the requirements for continuing education before his license is

extended. The number of units of continuing education required to be earned must be computed on the basis of .125 units for each month he was licensed during that year.

5. A physical therapist or physical therapist's assistant who graduated from a school in which he completed a curriculum of physical therapy approved by the board and who is licensed by the board within 12 months immediately preceding the date for the extension of his license is not required to complete the requirements for continuing education for the year in which the initial license is issued.

6. The board will audit a selected number of renewed licenses as deemed appropriate by the board.

Proposed changes to NAC 640.470, as follows:

1. A course of study or training for continuing education may consist of lectures, seminars, classes, examinations for certification recognized by the American Physical Therapy Association, or correspondence courses. Presentations may be live or by audio or video tape. The content of the course may be studied privately or in groups.

2. The board may award units of continuing education to an instructor of any such course of study or training.

Proposed changes to 640.510, as follows:

A licensed physical therapist or physical therapist's assistant shall retain [a certificate of completion awarded for completing] documentation verifying completion of a course of study or training for continuing education for 4 years after completion of the course or training. A copy of the [certificate] documentation must be submitted to the board upon request to verify his completion of the course of study or training. Documentation shall include the name of the provider, course title, instructor or instructors and their backgrounds, topics, goals and objectives, time schedule, date, location and certificate of completion.

Proposed changes to NAC 640.550:

1. Maintain and calibrate his equipment which is used in a program of physical therapy in accordance with the recommendations of the manufacturer of the equipment.

2. Not use his professional relationship with a patient to further his own personal, religious, political or business interest.

3. Not disparage the qualifications of any colleague, except as otherwise provided in subsection 7.

4. Not diagnose, prescribe for, treat or advise a patient on any problem outside his field of the practice of physical therapy.

5. Base his practice upon the educational requirements adopted by the board.

6. Keep current with the emerging knowledge in the field of physical therapy.

7. Report to the board any unlicensed, unauthorized, unqualified or unethical practice of physical therapy by another person.
8. Comply with all of the provisions of the statutes and regulations governing the practice of physical therapy as set forth in this chapter and in chapter 640 of NRS.
9. Shall cooperate with the board in its investigation of compliance with this chapter. Failure to do so will result in disciplinary action.

Proposed changes to NAC 640.592, as follows:

1. A physical therapist who supervises a physical therapist's assistant who provides treatment to a patient:
 - (a) Shall contact the patient initially to evaluate the patient and write a plan of care for that patient.
 - (b) Shall accompany the physical therapist's assistant on the first treatment of the patient.
 - (c) Must be accessible for communication by telephone during the time that the physical therapist's assistant is treating the patient.
 - (d) Shall provide the required treatment and reevaluate the patient no less than every sixth treatment day [that is administered by the physical therapist's assistant] or within 14 days after the last treatment and evaluation performed by the physical therapist, whichever comes first.
 - (e) Shall provide the final treatment to a patient before the patient is discharged [to another physical therapist].
2. A physical therapist who supervises a physical therapist's assistant pursuant to subsection 1 shall make a record of each reevaluation of the patient conducted by the physical therapist in accordance with paragraph (d) of subsection 1. The record must include, but not be limited to:
 - (a) A functional assessment of the patient;
 - (b) A review of the daily activities performed by the patient;
 - (c) A reassessment of the plan of care, including short-term and long-term goals; and
 - (d) A reassessment of the resources used by the physical therapist's assistant.

Proposed changes to NAC 640.596, as follows:

1. A physical therapist's assistant shall not:
 - (a) Perform any activity which requires the unique skills, knowledge and judgment of a physical therapist, whether or not the activity is delegated to him by the physical therapist.
 - (b) Perform any procedures or activities of physical therapy on more than two patients at the same time during the time the supervising physical therapist is not on the premises.
 - (c) Have less than [1 year] 2000 hours of experience as a physical therapist's assistant during which the supervising physical therapist is on the premises when any procedures or activities of physical therapy are performed by the physical therapist's assistant, before working in any setting without such supervision.
 - (d) Engage in the clinical supervision of other individuals, except as part of a program approved by the Board for the education of physical therapist's assistants.

2. A physical therapist's assistant is subject to disciplinary action if he performs any activity in violation of this section.

Proposed changes to NAC 640.610

1. A licensee shall maintain in a secure and confidential manner any record of a patient which shows a medical problem of the patient or the scope of the treatment of the patient administered by the licensee.

2. Except as otherwise provided by law, a licensee may not release a record of a patient which is confidential, or any information contained therein, except:

- (a) With the written consent of the patient;
- (b) In response to a subpoena issued by the board;
- (c) Pursuant to an order of a court of competent jurisdiction; or
- (d) When there is a clear and immediate danger to the patient, another person or to society.

If there is such a danger, a disclosure may be made to an appropriate member of the family of the patient, another provider of health care, or an appropriate agent of the Federal Government, the state, a political subdivision of the state or a law enforcement agency, when acting in his official capacity.

3. A licensee shall inform his patient of any regulation or statute which governs the confidentiality of communications between the patient and the physical therapist.

4. A licensee shall not falsify a record of health care of a patient [to indicate:

- (a) The presence of the licensee at a time when he is not in attendance treating a patient; or
- (b) That therapeutic procedures were performed by the licensee which he has not performed].

5. Failure of a licensee to provide health care records to a patient as required by chapter 629 of the Nevada Revised Statutes shall subject the licensee to disciplinary action.

Proposed Regulation language for Emergency Temporary License:

1. The board may, in its discretion, temporarily license as a physical therapist on the payment of the required fee, an applicant for licensure who is a physical therapist licensed and in good standing under the laws of another state or territory, if the requirements for licensure of the physical therapist in the state or territory in which the applicant was licensed were at the date of his licensure substantially equal to the current requirements in Nevada and a licensed physical therapist is not reasonably available in a medically underserved area of the state, as defined by the Office of Rural Health of the University of Nevada School of Medicine.