

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

LCB File No. R153-98

September 24, 1998

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

AUTHORITY: §§2-6, NRS 640.050; §§7 and 8, NRS 640.050 and 640.150; §§9-13, NRS 640.050.

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

Sec. 2. *The board will issue a temporary license to practice physical therapy to an applicant if it determines that:*

1. The applicant will practice physical therapy in a medically underserved area of this state, as defined by the officer of rural health of the University of Nevada School of Medicine; and

2. The applicant meets the requirements set forth in NRS 640.140.

Sec. 3. *In addition to the grounds set forth in subsection 2 of NRS 640.160, the board may take disciplinary action against a licensee if it determines that the licensee failed to retain, furnish a copy of or make available the health care records of a patient as required pursuant to NRS 629.051, 629.061 and 629.065.*

Sec. 4. NAC 640.070 is hereby amended to read as follows:

640.070 1. An applicant for licensure who has graduated from a school in another country [~~shall:~~] *must:*

(a) Submit an evaluation from a service for the evaluation of credentials approved by the board which states that the [applicant's] education *of the applicant* 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) [Demonstrate] *Unless the native language of the applicant is English and he has graduated from a program of physical therapy that was conducted in the English language, 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.]

2. If an applicant for licensure graduated from a school in another country and holds an H-1B Visa, the board will notify the Immigration and Naturalization Service of the United States Department of Justice if the applicant fails the national licensing examination.

3. If a licensee graduated from a school in another country and holds an H-1B Visa, the board will notify the Immigration and Naturalization Service of the United States Department of Justice if the board takes disciplinary action against him.

Sec. 5. NAC 640.080 is hereby amended to read as follows:

640.080 1. For the purposes of qualifying for the exemption from licensing during clinical training provided [by] *pursuant to* 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] *Except as otherwise provided in subsection 2, 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 registered to take [the first available] *an* examination for [licensing following] *licensure as a physical therapist within 60 days after* 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] examination for [licensing of] *licensure as* a physical therapist *that he is scheduled to take* 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.

Sec. 6. NAC 640.090 is hereby amended to read as follows:

640.090 1. For the purposes of qualifying for the exemption from licensing during clinical training [set forth in] *provided pursuant to subsection 3 of* 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 registered to take [the first available] *an* examination for [licensing following] *licensure as a physical therapist’s assistant within 60 days after* 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] examination for [licensing of] *licensure as* a physical therapist’s assistant *that he is scheduled to take* 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.

Sec. 7. NAC 640.400 is hereby amended to read as follows:

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

2. The board will not approve as training for continuing education experience acquired in fields [other than] *that it determines are 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] *must* complete the requirements for continuing education before his license is [extended.] *renewed*. 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]

renewal of his license is not required to complete the requirements for continuing education for the year in which the initial license is issued.

Sec. 8. NAC 640.470 is hereby amended to read as follows:

640.470 1. A course of study or training for continuing education may consist of lectures, seminars, classes [**or**] , correspondence courses [.] *or completion of an examination for certification that is approved by the American Physical Therapy Association.* 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.

Sec. 9. NAC 640.510 is hereby amended to read as follows:

640.510 1. *A physical therapist or physical therapist's assistant who wishes to renew his license and who is required to complete continuing education pursuant to NAC 640.400, must submit to the board a signed, written statement in substantially the following language for each year since his last renewal:*

I,, hereby certify to the state board of physical therapy examiners that I have obtained units of an approved course for continuing education during the period August 1,, through and including July 31,

Dated this day of,

.....
*Signature of Physical Therapist or
Physical Therapist's Assistant*

2. A licensed physical therapist or physical therapist's assistant shall retain a certificate *of completion issued to him pursuant to NAC 640.420 or other documentation, approved by the board*, of *his* completion [*awarded for completing*] *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 *or other documentation* must be submitted to the board upon request to verify his completion of the course of study or training.

3. *The board will conduct random audits of physical therapists and physical therapist's assistants who have renewed their licenses to ensure compliance with the requirements of NAC 640.400 and this section.*

Sec. 10. NAC 640.550 is hereby amended to read as follows:

640.550 A licensee shall:

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. Cooperate with the board in an investigation relating to his compliance with 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.

Sec. 11. NAC 640.592 is hereby amended to read as follows:

640.592 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] *not* less than every sixth *day of* treatment [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 [.] ; *and*

(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.

Sec. 12. NAC 640.596 is hereby amended to read as follows:

640.596 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) Supervise another physical therapist's assistant or a physical therapist's technician in the performance of a treatment related to physical therapy.

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

3. As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.

Sec. 13. NAC 640.610 is hereby amended to read as follows:

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.]