

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

LCB File No. R111-02

August 5, 2002

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

AUTHORITY: §§1-19, 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. 1. *For the purpose of subsection 2 of NRS 640.120, the board will interpret “direct supervision” to mean the direction or assistance provided to a student of physical therapy by a licensed physical therapist who is present and immediately available on the premises where the clinical training of the student is conducted.*

2. For the purpose of subsection 3 of NRS 640.275, the board will interpret “direct supervision” to mean the direction or assistance provided to a student who is enrolled in a program to become a physical therapist’s assistant by a supervising physical therapist who is present and immediately available on the premises where the clinical training of the student is conducted.

3. Except as otherwise provided in paragraph (c) of subsection 1 of NAC 640.592, for the purpose of NRS 640.290, the board will interpret “direct supervision” to mean the direction or assistance provided to a licensed physical therapist’s assistant by a supervising physical therapist who is present and immediately available on the premises where the physical therapy is performed.

Sec. 3. 1. *A physical therapist's assistant may participate in the clinical instruction of a student who is enrolled in a curriculum approved by the board for a physical therapist's assistant if the physical therapist's assistant and the student are under the direct supervision of a licensed physical therapist.*

2. As used in this section, "direct supervision" means the direction or assistance provided to a licensed physical therapist's assistant and such a student by a licensed physical therapist who is present and immediately available on the premises where the physical therapy is performed.

Sec. 4. NAC 640.020 is hereby amended to read as follows:

640.020 1. Each completed application for a license as a physical therapist or a physical therapist's assistant must:

- (a) Include professional references;
- (b) Be accompanied by the appropriate fee; and
- (c) Be notarized.

2. Each applicant must attach to the application his official transcript from a school of physical therapy or request that the school mail the transcript directly to the board.

3. Each applicant must request the ~~[Interstate Reporting Service or the Professional Reporting Service]~~ *Federation of State Boards of Physical Therapy* to mail directly to the board the scores which he received on the examination ~~[prepared by the Professional Examination Service of New York or ASI Assessment Systems, Inc.]~~ *required by NRS 640.080.*

4. Each applicant licensed in another state or territory applying for a license in this state must ~~[attach a copy of his current license from the other state or territory.]~~ *provide to the board proof of his licensure in that state or territory. The applicant must request that the licensing*

board of the state or territory where he is licensed mail directly to the board proof of his licensure in that state or territory.

5. If an applicant's name has been changed since attending school and the change resulted from ~~Ⓕ~~

~~—(a) A] a~~ court decree, the applicant must attach a copy of that decree to his application.

~~[(b) A marriage, the applicant must attach a copy of the marriage license to his application.]~~

6. An applicant for a license as a physical therapist's assistant must submit verification of his employment and supervision by a licensed physical therapist on a form approved by the board.

Sec. 5. NAC 640.025 is hereby amended to read as follows:

640.025 The following fees are established:

1. For a physical therapist:

- (a) Initial application for a license \$300
- (b) Annual renewal of a license 150
- (c) Application for a temporary license 100
- (d) Reinstatement of an expired license 300
- (e) ~~Administration of examination..... 325]~~

Approval of an applicant to take the examination..... 25

2. For a physical therapist's assistant:

- (a) Initial application for a license \$200
- (b) Annual renewal of a license 100
- (c) Reinstatement of an expired license 200
- (d) ~~Administration of examination..... 300]~~

Approval of an applicant to take the examination..... 25

3. General:

(a) List of *business addresses of* licensees \$25

(b) *List of business addresses of licensees on mailing labels* 100

(c) Change of name on a license 25

~~[(e)]~~ (d) Dishonored check 25

~~[(d)]~~ (e) Duplicate of lost license 25

Sec. 6. NAC 640.040 is hereby amended to read as follows:

640.040 1. The board will use the examination prepared by a professional examination service retained by the board in the examination of an applicant for a license as a physical therapist or a physical therapist’s assistant.

2. ~~Examinations will be held at such times and places as the board designates, taking into consideration the number of applicants and the location of the applicants.~~

~~—3.]~~ To be eligible to take the examination, an applicant must file a completed application with the executive secretary of the board at least 30 days before the date of the examination.

~~[4.]~~ 3. The applicant must achieve a passing score on ~~each part of~~ the examination before he will be licensed.

~~[5.]~~ 4. If the applicant fails the examination once, he may retake it on the next scheduled date upon payment of the fee for the examination.

Sec. 7. NAC 640.050 is hereby amended to read as follows:

640.050 1. To ~~renew~~ *reinstate* a license which has ~~lapsed for more than 1 year but~~ *expired for* less than 2 years, an applicant must:

(a) ~~[Update the information on his original application by showing his employment since the date of his original application and bringing other information in the original application up to date;~~

~~—(b) If he is licensed as a physical therapist's assistant, submit verification of his current employment and supervision by a licensed physical therapist on a form approved by the board;~~

~~—(c)] *Complete an application for reinstatement provided by the board;*~~

(b) Submit any additional information requested by the board;

~~[(d)]~~ (c) Pay the appropriate fee; and

~~[(e)]~~ (d) Meet with the board if it so requests.

2. If a person's license has ~~[lapsed]~~ *expired* for 2 years or more, he must reapply as if he were a new applicant.

Sec. 8. NAC 640.055 is hereby amended to read as follows:

640.055 1. If a physical therapist or a physical therapist's assistant changes his name after his license is issued, he must submit, within 30 days after the change, proof satisfactory to the board that his name was legally changed. If the change of name resulted from marriage or a court decree, a copy of the marriage certificate or court decree must be submitted to the board.

2. A physical therapist or physical therapist's assistant who has lost his license *or is otherwise not in possession of his license* may request in writing from the board a duplicate license. The board will issue a duplicate license upon payment of the appropriate fee.

Sec. 9. NAC 640.061 is hereby amended to read as follows:

640.061 1. Each licensee shall file, *in writing*, his ~~[current]~~ residential address and professional address with the board.

2. A licensee shall notify the board of any change in his residential address or professional address within 30 days after the change.

3. If the board is required by law or the provisions of this chapter to deliver any notice by mail to a licensee, the mailing of the notice shall be deemed valid and complete if it is mailed to the last residential address of the licensee which was filed with the board in accordance with this section.

4. As used in this section, “professional address” means the place where a licensee practices physical therapy or carries out any other activities relating to physical therapy.

Sec. 10. 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 *that is not accredited by the American Physical Therapy Association* must:

(a) Submit an evaluation from a service for the evaluation of credentials approved by the board which:

(1) Uses *the edition of A Course Work Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States* ~~[, third edition, March 1999, published by the Federation of State Boards of Physical Therapy,]~~ *adopted by reference pursuant to subsection 2* to prepare such an evaluation; and

(2) States that the 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 ~~[;]~~ *when he applies to the board for a license, or if he is not licensed to practice in the country in which he was trained when he*

applies to the board for a license, submit proof satisfactory to the board that he had been licensed to practice physical therapy in the country in which he was trained; and

(c) 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;

(2) His successful completion of the Test of Written English administered by TOEFL/TSE Services; and

(3) His successful completion of the Test of English as a Foreign Language administered by TOEFL/TSE Services.

2. *The board hereby adopts by reference A Course Work Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States, ~~third edition, March 1999, is hereby adopted by reference.~~ fourth edition, November 2001, and any subsequent edition published by the Foreign Credentialing Commission on Physical Therapy, unless the board gives notice that the most recent revision is not suitable for this state pursuant to subsection 3.* A copy of the publication may be obtained, without charge, from the Foreign Credentialing Commission on Physical Therapy, ~~P.O. Box 25827,~~ *509 Withe Street,* Alexandria, Virginia ~~22313-9998,~~ *22314-9998,* by telephone at (703) 684-8406 or by facsimile at (703) 684-8715.

3. *The board will review each revision to ensure its suitability for this state. If the board determines that the revision is not suitable for this state, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the*

publication of the revision. If, after the hearing, the board does not revise its determination, the board will give notice that the revision is not suitable for this state within 30 days after the hearing. If the board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 2.

4. 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.

~~[4.]~~ 5. 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. 11. 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 pursuant to subsection 2 of NRS 640.120, the board will interpret “student of physical therapy” to ~~include:~~

~~—(a) A] mean a~~ student *who is* enrolled in a curriculum of physical therapy approved by the board.

~~[(b) 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 an examination for 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 examination for licensure as a physical therapist that he is scheduled to take is administered; 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. 12. 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 provided pursuant to subsection 3 of NRS 640.275, the board will interpret “student” to ~~[include:~~

~~—(a) A] mean a~~ student *who is* 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 an examination for 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 examination for licensure as a physical therapist’s assistant that he is scheduled to take is administered; 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. 13. NAC 640.170 is hereby amended to read as follows:

640.170 *1. Upon receipt of a complaint filed against a licensee pursuant to NRS 640.161, the chairman of the board shall designate an investigator employed by the board to conduct an investigation of the complaint. Upon completing the investigation, the investigator shall submit to the chairman of the board a written report of his investigation, including any records, documents or other information discovered during the investigation.*

2. The chairman of the board shall designate a member of the board to review the report. The member of the board may conduct a further investigation of the complaint if he considers such investigation necessary. Upon completing a review of the report, the member shall submit a written recommendation to the board concerning the disposition of the complaint. The member may not vote at any hearing concerning the complaint.

3. If the board, after reviewing a complaint, decides to proceed with a hearing, it will send a copy of the complaint to each person against whom the complaint is made. A response to the complaint must be filed within 20 days after receipt of the complaint.

Sec. 14. 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 must complete 1.5 units of an approved course ~~for continuing education~~ within the year immediately preceding his application for the renewal of his license ~~[.]~~, of which not more than 0.8 units may be completed in nonclinical courses.*

2. The board will not approve as training for continuing education experience acquired in fields 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 must complete the requirements for continuing education before his license is 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 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. 15. NAC 640.560 is hereby amended to read as follows:

640.560 1. A licensee shall prominently display *, during regular business hours,* the license issued to him by the board *, or a copy of the license,* at ~~[the licensee's place of employment or practice.]~~ *each place where he is employed or practices physical therapy.*

2. A licensee shall not practice physical therapy under any name other than the name on his license.

Sec. 16. NAC 640.580 is hereby amended to read as follows:

640.580 A licensee:

1. Shall treat a patient with professional skill and competence.
2. Shall not practice, condone, facilitate or collaborate in any type of discrimination toward a patient based on the patient's:

- (a) Race;
- (b) Color;
- (c) Sex;
- (d) Age;
- (e) Religion;
- (f) National origin; ~~for~~
- (g) Mental or physical ~~handicap~~ *disability; or*
- (h) Sexual orientation.*

3. Shall not misrepresent to a patient the efficacy of his treatment of the patient or the results to be achieved by a course of treatment of physical therapy.

4. Shall inform his patient of any risk to the patient that may be associated with the proposed treatment of physical therapy.

5. Shall seek the advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the patient.

6. Shall not engage in sexual activities with a patient unless there was a preexisting sexual relationship with that person. The board will presume that there is a violation of this subsection if the sexual relationship and activity begins during the course of treatment of the patient or within 6 months after the termination of the professional relationship with the patient.

7. Shall not suggest to a patient who is referred to him by one provider of health care that he seek the treatment of another provider of health care without first consulting the referring provider of health care. If there is no referring provider of health care or if the patient does not wish to return to the referring provider of health care, a list containing the names of at least three other providers of health care may be offered to the patient by the licensee.

Sec. 17. 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 ~~[;]~~, *if the physical therapist's assistant has at least 2,000 hours of experience as a physical therapist's assistant;*

(d) Shall provide the required treatment and reevaluate the patient not less than every sixth day of treatment or within 14 days after the last treatment and evaluation performed by the physical therapist, whichever ~~[comes]~~ *occurs* first; and

(e) Shall provide the final treatment to a patient before the patient is discharged.

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. 18. NAC 640.594 is hereby amended to read as follows:

640.594 1. ~~[A]~~ *Except as otherwise provided in NRS 640.310, a* physical therapist supervising a person who is not licensed pursuant to the provisions of chapter 640 of NRS must

be physically present and immediately available *on the premises* when any procedures or activities of physical therapy are performed by that person.

2. A physical therapist may not supervise more than:

(a) Two physical therapist's assistants at the same time.

(b) Two physical therapist's technicians at the same time.

(c) *Two students of physical therapy at the same time.*

(d) If supervising ~~both~~ *any combination of students of physical therapy*, physical therapist's assistants and physical therapist's technicians, a combined total of three such persons at the same time.

Sec. 19. NAC 640.610 is hereby amended to read as follows:

640.610 1. A licensee shall ~~maintain~~ :

(a) *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 ~~;~~ *and*

(b) *Within 72 hours after providing treatment to a patient, indicate in the record of the patient the treatment provided.*

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~~ *If* 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.