

PROPOSED REGULATION OF THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS

NAC 640.020 Application for license.

- 1. NO CHANGES
- 2. Each applicant must attach to the application his official transcript *in a sealed envelope* from a school of physical therapy or request that the school mail the transcript directly to the Board.
- 3. Each applicant must request the Federation of State Boards of Physical Therapy to ~~mail~~ *provide* directly to the Board the scores which he received on the examination required by NRS 640.080.
- 4. Each applicant, *who is licensed or has been* licensed in *any* another state or territory applying for a license in this state must provide to the Board proof of his licensure in ~~that~~ *those* states or ~~territory~~ *territories*. The applicant must request that the licensing board of the *each* state or territory where he is licensed, *or has been licensed*, mail directly to the Board proof of his licensure in ~~that~~ states or ~~territory~~ *territories*.

~~5. If an applicant's name has been changed since attending school and the change resulted from a court decree, the applicant must attach a copy of that decree 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.~~

NAC 640.025 Schedule of fees. The following fees are established:

- 1. NO CHANGES
- 2. NO CHANGES
- 3. General:
 - (a) List of business addresses of licensees..... \$~~25~~\$50
 - (b) List of business addresses of licensees on mailing labels.. ~~100~~150
 - (c) Change of name on a license..... ~~25~~ 50
 - (d) Dishonored check..... ~~25~~ 50
 - (e) Duplicate of ~~lost~~ *parchment* license..... 25
 - (f) Duplicate of renewal certificate..... 25*
 - (g) Course review fee..0 -5.9 units \$10.00; 6-10.9 units \$30.00; 11-15 units. \$50.00*
 - (h) Copy of the minutes of a Board meeting on tape.....25.*

NAC 640.040 Examination of applicants.

- 1. NO CHANGES
- 2. 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~~.
- 3. NO CHANGES
- 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.

5. In an attempt to ensure the familiarity of all practitioners with the Board's regulations and statutes, the Board shall, in its discretion, administer a jurisprudence examination to all applicants, whether new or renewing, and may, in its discretion, administer a jurisprudence examination to licensees subject to disciplinary proceedings.

NAC 640.055 Change of name; issuance of duplicate license.

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. *The Board will issue a new license upon payment of the appropriate fee.*

NAC 640.061 Notification of address for delivery of notice.

1. NO CHANGES
2. A licensee shall notify the Board, *in writing*, of any change in his residential address or *primary* professional address within 30 days after the change.
3. NO CHANGES
4. As used in this section, "*primary* professional address" means the ~~[place]~~ *physical address* where a licensee practices physical therapy or carries out any other activities relating to physical therapy *for the majority of his working hours within a consecutive 30 day period.*

NAC 640.070 Graduation from school in foreign country.

1. An applicant for licensure who has graduated from a school in another country that is not accredited by the *Commission on Accreditation of the* American Physical Therapy Association must:

(a) Submit an evaluation from ~~[a-service]~~ *the Foreign Credentialing Commission of Physical Therapy* 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* 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 current or previous licensure to practice as a physical therapist without limitation in the country in which he was trained *unless the applicant was not eligible for licensure due to being a citizen of the United States at the time of his graduation;*

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]~~ *the Educational Testing Service*~~[s]~~ *and;*

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

~~[(3)2]~~ His successful completion of the Test of English as a Foreign Language administered by ~~[TOEFL/TSE]~~ *the Educational Testing Service.*

NAC 640.080 Qualifications for exemption from licensing during clinical training for student of physical therapy.

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]~~ *define* “student of physical therapy” ~~[to include:]~~ *as*

~~[(a) A]~~ *a* student 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.]~~

NAC 640.090 Qualifications for exemption from licensing during clinical training for student enrolled in program to become physical therapist’s assistant.

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]~~ *define* “student” ~~[to include:]~~ *as*

~~[(a) 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 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.]~~

NAC 640.400 General requirements.

1. NO CHANGES
2. NO CHANGES

3. *A physical therapist or physical therapist's assistant may not use the same course towards his annual requirement within a three year period.*

4. NO CHANGES

5. NO CHANGES

NAC 640.410 Recognition of providers of continuing education.

1. Any school accredited by ~~[a national organization recognized by the Board]~~ *the Commission on Accreditation of the American Physical Therapy Association* 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. All other persons seeking recognition by the Board as a provider of continuing education must apply to the Board. The application will be granted if the Board finds that the applicant is competent to provide continuing education. The Board will notify the applicant in writing of its decision within 90 days after receipt of the application.

~~[NAC 640.440 Submission of information by provider of approved course. Each provider of an approved course shall, within 60 days after completion of the course or training, submit to the Board the following information:~~

- ~~—1. The name of each participant.~~
- ~~—2. The date, time and location of the presentation.~~
- ~~—3. The number of hours awarded for units of continuing education.~~
- ~~—4. A brief description of the course, including the objective of the presentation.~~
- ~~—5. The general format of the presentation.]~~

NAC 640.450 Application for approval of course.

1. A person *and or entity* ~~[who seeks]~~ *seeking* approval for any course of study, training or material must submit an application to the Board *along with the appropriate fee*. The Board will submit the application to the Advisory Committee on Continuing Education for its evaluation. The Board will review the application and the Committee's evaluation and notify the person of its decision to grant or deny approval of the course of study, training or material within 90 days after the application was submitted to the Board. If it grants approval, the Board will designate the number of units of continuing education for which the course of study or training is approved. Approval may be granted for the current calendar year and the succeeding licensure year which ends July 31, if the material and instruction remain substantially the same.

2. An application for approval must include:

(a) A copy of the certificate of completion to be issued to each participant who completes the course of study or training;

(b) A description of the information to be presented in the course of study or training;

(c) Biographical information on the instructor of the course;

(d) An outline of the topics to be presented in the course of study or training and the time allocated to each topic; ~~[and]~~

(e) A statement of the objectives of the course of study or training~~[;]~~;

(f) The number of units sought; and

(g) A post-test for any course which is not a live lecture, seminar or class.

NAC 640.470 Form of course of study or training; award of units to instructor.

1. A course of study or training for continuing education may consist of lectures, seminars, classes, 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 videotape.]~~ 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.]~~

NAC 640.500 List of approved courses. A list of all currently approved courses of study or training and materials is available from the Board upon request *or may be obtained from the Board's website.*

NAC 640.510 Verification of continuing education requirements.

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, *on an original form*, a signed, written statement in substantially the following language for each year since his last renewal:...

NAC 640.560 Display of license; practice under name on license.

1. A licensee shall prominently display the *current* license issued to him by the Board, ~~[or a copy of that license, at each place where he is employed or practices physical therapy]~~ *at his primary professional address* during the hours the place is open for business.

2. *A licensee shall prominently display a copy of his current license at all secondary locations when he is present.*

3. NO CHANGES

NAC 640.592 Supervision of physical therapist's assistant.

1. NO CHANGES

(a) NO CHANGES

(b) ~~[Shall accompany the physical therapist's assistant on the first treatment of the patient;]~~ *Shall formulate and document, on each patient's record, the treatment program goals and plan based upon the evaluation. This information shall be communicated verbally, or in writing, by the supervising physical therapist to the physical therapist's assistant prior to initiation of treatment by the physical therapist's assistant.*

(c) NO CHANGES

(d) Shall provide the required treatment and reevaluate the patient not less than every sixth day of treatment or within ~~[14]~~ *21* days ~~[after the last treatment and evaluation performed by the physical therapist]~~, whichever occurs first; and

(e) Shall provide ~~[the final treatment to a patient before the patient is discharged]~~ *a discharge evaluation based upon patient availability.*

NAC 640.594 Supervision of unlicensed person; limitation on number of persons supervised.

1. NO CHANGES

2. NO CHANGES

- (a) NO CHANGES
- (b) NO CHANGES
- (c) NO CHANGES

(d) Two graduates of physical therapy at the same time.

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

NAC 640.595 Physical therapist's technicians. *1.* For the purposes of regulating the use of a physical therapist's technician in a physical therapist's practice, the Board will consider any aide or other unlicensed person who performs treatments related to physical therapy which have been directed by a physical therapist, regardless of the title or designation assigned by his employer, to be a physical therapist's technician.

2. The physical therapist's technician may not: (a) change any treatment; (b) perform evaluative and assessment procedures or (c) alter the plan of care or goals.

3. The physical therapist's technician shall have documented evidence of sufficient in-service training to assure safe performance of the duties assigned for patient care.

4. The physical therapist's technician may transcribe, record, or copy treatment documentation generated by a physical therapists licensee only when signed by a licensed physical therapist.

5. The physical therapist's technician shall not perform any activity which requires the unique skills, knowledge and judgment of a physical therapist.

6. These provisions shall not pertain to a person enrolled in a program of physical therapy approved by the Board.

NAC 640.610 Records; confidentiality.

1. In addition to the requirements set forth in chapter 629 of NRS, ~~A~~ a licensee shall:

(a) NO CHANGES

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

(c) Ensure that all such records are clear, legible, complete and accurate, including an original, legible signature or authenticated electronic signature of the licensee.

2. NO CHANGES

(a) With the written consent of the patient, or;

(b) Upon written request from the patient's attorney along with a release signed by the patient or the patient's parent or legal guardian, or;

(c) When the patient is a minor and the parent or legal guardian of the child requests such records in writing.

~~(b)~~*d* In response to a subpoena issued by the Board;

~~(c)~~*e* Pursuant to an order of a court of competent jurisdiction; or

~~(d)~~*f* 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 must provide medical records within five business days upon receipt of a written request from the patient or the patient's representative as referred to in Section 2 or in response to a subpoena issued by the Board.

~~[3]~~ 4. 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]~~ 5. A licensee shall not falsify a record of health care of a patient.

NAC 640.670 Interpretation of statutory terms. For the purposes of NRS 640.160:

1. NO CHANGES

2. NO CHANGES

3. A licensee is "professionally incompetent" if he:

(a) NO CHANGES

(b) NO CHANGES.

(c) Is found by the Board to be an impaired practitioner. Impaired practitioner is defined as any person recognized by this Board who uses any controlled substance, dangerous drug, as defined in NRS 454, or intoxicating liquid to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license. [reference NRS 640.160(2)]

4. NO CHANGES

NAC 640.680 Entry into ~~[business relationship]~~ group practice not prohibited. NRS 640.160 does not prohibit two or more physical therapists from entering into a ~~[business relationship]~~ group practice as defined by NRS 439B.425(5) unless one or more of them is a party to a preexisting contract or arrangement that would otherwise be prohibited by NRS 640.160.