

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

LCB File No. R107-10

640.010 Announcement of meetings; list of licensees. (NRS 640.050)

1. The Executive ~~{Secretary}~~ *Director* of the Board shall announce, pursuant to NRS 241.020, the time and place of each scheduled meeting of the Board.

640.040 Examination of applicants. (NRS 640.050, 640.080, 640.100, 640.230)

1. No change.
2. No change.
3. To be eligible to take the examinations, an applicant must file a completed application with the Executive ~~{Secretary}~~ *Director* of the Board.
4. No change.
5. No change.

640.061 Addresses of licensee; delivery of notice by Board. (NRS 640.050)

1-4 No changes.

5. *As used in this section, “change” means any change to the primary location in which a licensee works, including cessation of primary employment and securing new primary employment.*

640.170 Complaints: Investigation; report; disposition; decision to proceed with hearing; response to complaint. (NRS 640.050, 640.161)

1. Upon receipt of a complaint filed against a licensee pursuant to NRS 640.161, the Board’s ~~{Secretary}~~ *Director* 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 Board’s ~~{Secretary}~~ *Director* a written report of his investigation, including any records, documents or other information discovered during the investigation.

2. The Board’s ~~{Secretary}~~ *Director* 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. No change.

640.510 Verification of compliance with requirements. (NRS 640.050, 640.150, 640.280)

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:

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

The licensee wishing to renew his license may opt to renew his license via the Board's on-line system, attesting to the same information as stated above.

640.596 Physical therapist's assistant prohibited from performing certain activities; disciplinary action. (NRS 640.050)

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 2,000 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.

(e) Assess and interpret the test and measurements of any patients.

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.

640.650 Employment and supervision of physical therapist's assistants. (NRS 640.050, 640.290)

~~[1.—A physical therapist's assistant shall submit verification of his employment and supervision by a licensed physical therapist to the Board within 30 days after a change in his employment or supervision. The verification must be submitted on a form approved by the Board.~~

~~—2.—A physical therapist who is licensed by the Board shall notify the Board within 30 days after the termination of his supervision of a physical therapist's assistant.]~~

A physical therapist's assistant shall note the name of the physical therapist responsible for their supervision within each notation of treatment in which they are involved.

640.670 Grounds: Interpretation of statutory terms. (NRS 640.050, 640.160) For the purposes of NRS 640.160:

1. “Gross negligence” means conduct which constitutes an extreme departure from the standard of care required of a licensee under the circumstances and which proximately causes damage to a patient.
2. “Malpractice” means conduct which falls below the standard of care required of a licensee under the circumstances and which proximately causes damage to a patient.
3. A licensee is “professionally incompetent” if he:
 - (a) Lacks the knowledge, skill or ability to discharge a professional obligation, or discharges a professional obligation while impaired;
 - (b) Consistently uses a procedure or treatment which constitutes a departure from the prevailing standard of the acceptable practice of physical therapy~~[-or]~~.
4. A licensee is an “impaired practitioner” if he:
 - ~~[(e)]~~ Uses any controlled substance, dangerous drug or intoxicating liquid to an extent or in a manner which is dangerous or injurious to another person or which impairs his ability to conduct the practice authorized by his license. As used in this paragraph, “dangerous drug” has the meaning ascribed to it in NRS 454.201.
 - ~~[4.]~~ 5. “Unearned fee” means any contract or arrangement entered into by a licensee to provide a person with a credit, gratuity, commission, professional discount or wage in consideration for the referral of a patient by that person to the physical therapist.

ADDITIONS:

Any licensee who is the subject of a complaint and receives communication from the Board to respond to the allegations per 233B, must respond within 20 days of receipt of the Board’s communications or the Board will proceed without such reply.

Each licensee retains the responsibility for those patients listed on his schedule for the duration of that schedule period, including in facilities that employ several therapists.

A physical therapist who requests to supervise a Graduate of Physical Therapy must submit to the Board a separate request, on a Board issued form, for each physical location where physical therapy services will be provided The approval shall be for the requesting therapist only and shall not be deemed as approval for any other therapists.

A licensee who does not voluntarily report their addiction shall be subject to disciplinary action as authorized under the provisions of NRS 640.160(1).

The Board shall consider in mitigation the disclosure and/or cooperation of a licensee in the investigation of any alleged violation of the Board’s statutes or regulations, if the licensee is implicated in that violation.

Failure of a licensee of this chapter to report any malpractice judgments in excess of \$5,000 to this Board within 30 days may result in disciplinary action by the board per NRS 690.