

**NEVADA STATE BOARD OF ATHLETIC TRAINERS
&
NEVADA PHYSICAL THERAPY BOARD**

**NOTICE OF PUBLIC MEETING AND
INTENT TO ACT UPON A REGULATION**

NOTICE IS HEREBY GIVEN that the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will hold a joint public hearing November 15, 2019 p.m. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapters 640 & 640B of the Nevada Administrative Code (NAC).

DATE & TIME: **November 15, 2019 @ 2:00 p.m.**

Public Access Locations with Videoconference:

University of Nevada Reno
1664 N. Virginia Street
System Computing Services
Room #47
Reno, Nevada 89557

University of Nevada Las Vegas
4505 S. Maryland Parkway
System Computing Services
Room #304 & #306
Las Vegas, Nevada 89154

PLEASE NOTE: The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter within the Board's jurisdiction and/or authority, whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting may be removed from the meeting. (NRS 241.030(5)(b)) The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

AGENDA

1. Call meeting to order / introduction of members to determine the presence of a quorum.
2. Purpose of hearing, introduction and explanation of proposed regulation, and procedure for taking oral comments.

3. Public Comment

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

4. The Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will receive comments and input from interested persons on proposed regulations regarding Dry Needling. The proposed regulation will revise Chapter 640 and Chapter 640B of the Nevada Administrative Code and are being proposed in accordance with Senate Bill 186 of the 2019 Legislative Session. After receiving public comment on its regulation draft as prepared by the Legislative Counsel Bureau (LCB Files R053-19 & R054-19), the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board may vote to adopt or amend its regulation. **(For Possible Action)**

The proposed regulations provide provisions for the following:

- A. Qualifications an athletic trainer or a physical therapist must obtain before he or she is authorized to perform dry needling.
- B. Procedures concerning the handling of needles used to perform dry needling.
- C. Procedures to ensure that an athletic trainer or physical therapist does not engage in needle retention.

5. The Nevada State Board of Athletic Trainers will review, discuss and possibly approve proposed regulation regarding Dry Needling (LCB File No. R053-19). **(For Possible Action)**.

6. The Nevada Physical Therapy Board will review, discuss and possibly approve proposed regulation regarding Dry Needling (LCB File No. R054-19). **(For Possible Action)**.

7. Public Comment

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

8. Adjournment **(For Possible Action)**

The Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board welcome public comment. Members of the public may make oral comments at this meeting. Persons wishing to comment upon the proposed action the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Nevada Physical Therapy Board
3291 N. Buffalo Road, Suite 100
Las Vegas, NV 89129
(702) 876-5535
Email: ptapplication@govmail.state.nv.us

Nevada State Board of Athletic Trainers
P.O. Box 34296
Reno, NV 89533-4296
(775) 787-2636
Email: atrainner@nsbat.nv.gov

Notice: *Persons with disabilities who require special accommodations or assistance at the workshop should contact the Nevada State Board of Athletic Trainers at (775) 787-2636 or the Nevada Physical Therapy Board office at (702) 876-5535 no later than 3 business days in advance of the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.*

Written submissions must be received on or before 4:00 pm, November 12, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Physical Therapy Board and the Nevada State Board of Athletic Trainers may proceed immediately to act upon written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Nevada Physical Therapy Board, 3291 N. Buffalo Road, Suite 100, Las Vegas, NV 89129, the Nevada State Board of Athletic Trainers, P.O. Box 34296, Reno, NV 89533-4296, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to member of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

- *The Office of the Attorney General, 100 North Carson Street, Carson City, Nevada, 89701.
- *The Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada 89701.
- *University of Nevada Reno, Cashell Fieldhouse, 1664 N. Virginia Street, Reno, NV 89557.
- *University of Nevada Reno, System Computing Services, 1664 N. Virginia Street, Reno, NV 89557.
- *University of Nevada Las Vegas, Lied Athletic Complex, 4505 Maryland Pkwy, Las Vegas, NV.
- *State of Nevada, Department of Administration Public Notice Website (NV.GOV)
- *Nevada Legislature, Calendar of Meetings: <https://www.leg.state.nv.us/App/Calendar/A/>
- *The Nevada State Board of Athletic Trainer's website: <http://nevadaathletictrainers.nv.gov>

Supporting materials for this public workshop may also be obtained by contacting Michelle Cothrun at (775) 787-2636 or atrainner@nsbat.nv.gov or by visiting <http://nevadaathletictrainers.nv.gov/>

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- Nevada Physical Therapy Board website: www.ptboard.nv.gov
 - Office of the Attorney General, 5420 Kietzke Lane, Ste 202, Reno, NV 89511.
 - The State of Nevada Public Notice Website, www.nv.gov.
 - Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.
 - Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701.
 - College of So. NV, PTA Program, 6375 W. Charleston Blvd, Sort WA 158, Las Vegas, NV 89146.
 - Pima Medical Institute, PTA Program, 3333 E. Flamingo Road, Las Vegas, NV 89121.
 - St. Mary's Regional Medical Center, 235 W. Sixth Street, 4th Floor PT Lounge, Reno, NV 89523.
 - Carrington College, Attn: Laura Cerame, 5740 S Eastern Ave #140, Las Vegas, NV 89119.
 - Nevada Physical Therapy Association (NPTA), <http://www.nvapta.org/>
 - Nevada State Legislature Website: www.leg.state.nv.us.
 - State of Nevada Website: <https://notice.nv.gov>.

This notice has been sent to all members of the Nevada State Board of Athletic Trainers, the Nevada Physical Therapy Board, and other interested persons who have requested an agenda from both Boards. Persons who wish to continue to receive an agenda and notice must request so in writing every six months (NRS 241.020).

Supporting material for this public workshop is available at the Nevada Physical Therapy Board administrative office located at 3291 N. Buffalo Drive, Suite 100, Las Vegas, Nevada 89129, or by contacting Muriel Morin-Mendes at the Board office at (702) 876-5535 or email ptapplication@govmail.state.nv.us. Anyone desiring additional information regarding the meeting is invited to contact the Board office.

NEVADA COUNTY PUBLIC LIBRARIES

<p>Carson City Library 9000 North Roop Street Carson City, Nevada 89701-3101 Posting@carsoncitylibrary.org</p>	<p>Lincoln County Library 63 Main Street Pioche, Nevada 89043 Fax: (775) 962-5244</p>
<p>Churchill County Library 553 S. Main Street Fallon, Nevada 89406-3306 dfwargo@churchillcontylibrary.org</p>	<p>Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399 Fax: (775) 463-6646</p>
<p>Storey County Treasurer and Clerk's Office Drawer D Virginia City, Nevada 89440 Fax: (775) 847-0921</p>	<p>Mineral County Public Library P.O. Box 1390 Hawthorne, Nevada 89415 Fax: (775) 945-0703</p>
<p>Douglas County Public Library 1625 Library Lane Minden, Nevada 89423-0337 Fax: (775) 782-5754</p>	<p>Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419 Fax: (775) 273-0421</p>
<p>Nevada State Library, Archives, and Public Records 100 North Stewart St., Carson City, NV 89701 Fax: 775-684-3330 jholt@admin.nv.gov</p>	<p>Nevada State Legislature 401 S. Carson St., Carson City, NV 89701 Fax: 775-684-6705 c/o Legislative Police Meghan.egli@lcb.state.nv.us</p>
<p>Washoe County Library 301 South Center St., Reno, NV 89505 Fax: 775-327-8390 library-postinggroup@washoecounty.us</p>	<p>Clark County Library 1401 E. Flamingo Rd., Las Vegas, NV 89119 scotts@lvccld.org or balseran@lvccld.org or okabayashij@lvccld.org</p>
<p>Elko County Library, Elko pdunn@elkocountynv.net or krkincai@elkocountynv.net</p>	<p>Battle Mountain Branch Library (Lander County) 625 South Broad Street Battle Mountain, Nevada 89820 Fax: (707) 269-1900 or (707) 269-7062</p>
<p>Eureka County Library 10190 Monroe Street Eureka, Nevada 89316</p>	<p>Tonopah Public Library (Nye County) P.O. Box 449 Tonopah, Nevada 89049 Fax: (775) 482-5143</p>
<p>Humboldt County Library 85 East 5th Street Winnemucca, Nevada 89445-3095 Fax: (775) 623-6438</p>	<p>White Pine County Library 950 Campton Street Ely, Nevada 89301 Fax: (775) 289-3640</p>
<p>Esmeralda County Library Corner of Crook & 4th Street P.O. Box 430 Goldfield, Nevada 89013-0430</p>	

Date: October 15, 2019

Proposed regulation, LCB File No. R053-19, is attached.

**PROPOSED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R053-19

September 23, 2019

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

AUTHORITY: §§1-4, NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588.

A REGULATION relating to athletic trainers; prescribing the training required before an athletic trainer is authorized to perform dry needling; prescribing standards of practice for dry needling; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Athletic Trainers to prescribe by regulation the qualifications required for an athletic trainer to perform dry needling. Those qualifications must include the completion of at least 150 hours of certain didactic education and training in dry needling. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 2** of this regulation prescribes the requirements for such didactic education and training.

Existing law requires the Board to prescribe by regulation: (1) the standards of practice for athletic trainers; (2) procedures concerning the handling of needles used to perform dry needling; and (3) procedures to ensure that an athletic trainer does not engage in needle retention. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 3** of this regulation requires an athletic trainer to obtain the informed consent of a patient before performing dry needling. **Section 3** also requires an athletic trainer who performs dry needling to: (1) use only single-use, single-insertion needles; and (2) dispose of those needles after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, after completing the procedure. **Section 3** additionally prohibits an athletic trainer from delegating the performance of dry needling to a person who is not authorized to perform dry needling.

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

Sec. 2. 1. *Before performing dry needling, an athletic trainer must submit to the Board written proof of successful completion of the didactic education and training in dry needling required pursuant to NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588, and which meets the requirements set forth in this section.*

2. The courses taken to satisfy the didactic education and training requirements must:

(a) Be approved by the Board of Certification for the Athletic Trainer, or its successor organization, the Commission on Accreditation of Athletic Training Education, or its successor organization, or the Board of Athletic Trainers;

(b) Include instruction concerning:

(1) The use of sterile needles in accordance with standards prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Occupational Safety and Health Administration of the United States Department of Labor;

(2) The aspects of human anatomy relevant to dry needling;

(3) Control of blood-borne pathogens; and

(4) Circumstances under which performing dry needling on a patient may or may not be appropriate;

(c) Except as otherwise provided in paragraph (d), be provided as part of a graduate-level program of study approved by the Board; and

(d) Include at least 25 hours of the didactic instruction and training provided through a postgraduate course of study that requires the successful completion of a written examination and a practical examination. Each part of the course, including, without limitation, each examination, must be completed in person.

Sec. 3. 1. *Before performing dry needling, an athletic trainer must obtain a signed form which provides informed consent from the patient. Such a form must include, without limitation:*

(a) The definition of “dry needling” set forth in section 8 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1587;

(b) A description of the particular treatment that will be provided and the risks and benefits of the treatment; and

(c) The signature of the patient.

2. *An athletic trainer who performs dry needling:*

(a) Shall use only single-use, single-insertion sterile needles;

(b) Shall dispose of each needle after completing a portion of a procedure performed on a specific area of the body or, if the entire procedure is performed on one area of the body, after completing the procedure;

(c) Shall not delegate dry needling to a student athletic trainer, graduate student athletic trainer or other person who is not authorized to perform dry needling; and

(d) Shall ensure that the form described in subsection 1 is maintained as part of the health care records of the patient pursuant to NRS 629.051.

Sec. 4. An athletic trainer who wishes to perform dry needling after the effective date of this regulation shall submit proof of compliance with the requirements of section 2 of this regulation by not later than 30 days after the effective date of this regulation.