

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

NOTICE OF PUBLIC MEETING AND WORKSHOP

NOTICE IS HEREBY GIVEN that the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board will hold a joint public workshop in accordance with NRS 241.020, to consider amendments to Nevada Administrative Code (NAC) Chapter 640 & Chapter 640B.

DATE & TIME: **July 26, 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 #306 (Room #304 Overflow)
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. Introduction of workshop process
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 regarding proposed regulation regarding Dry Needling. The proposed changes 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, the Nevada State Board of Athletic Trainers and the Nevada Physical Therapy Board may vote to amend its proposed regulation draft and send it to the Legislative Counsel Bureau for review and drafting. **(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 **(For Possible Action)**.

6. The Nevada Physical Therapy Board will review, discuss and possibly approve proposed regulation regarding Dry Needling **(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 submit written testimony or documentary evidence for the Nevada State Board of Athletic Trainers may submit the material to Michelle Cothrun, Executive Secretary, up until 4:00 pm on July 24, 2019, at the following address:

Nevada State Board of Athletic Trainers
P.O. Box 34296
Reno, NV 89533-4296
atrainner@nsbat.nv.gov

Persons wishing to submit written testimony or documentary evidence for the Nevada Physical Therapy Board may submit the material to Daniel Devine, Administrative Assistant, up until 4:00 pm on July 24, 2019, at the following address:

Nevada Physical Therapy Board
3291 N. Buffalo Road, Suite 100
Las Vegas, NV 89129
D.Devine@govmail.state.nv.us

Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda, and on specific agenda items, if so noted on the agenda. In consideration of others, please limit your comments to no more than three (3) minutes per person. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Boards may refuse to consider public comment regarding that case or proceeding. (NRS 233B.126)

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.

NOTICES FOR THIS MEETING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241 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/>

Nevada Physical Therapy Board 7570 Norman Rockwell Lane, Suite 230 Las Vegas, Nevada 89143 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
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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 Southern Nevada PTA Program 6375 W. Charleston Blvd Sort WA 158 Las Vegas, NV 89146
Pima Medical Institute PTA Program Attn: Rebecca Cheema 3333 E. Flamingo Road Las Vegas, NV 89121	St. Mary's Regional Medical Center 235 W. Sixth Street, 4 th 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.

Proposed text is attached.



**Nevada Administrative Code 640B PROPOSED ADDITIONS OF NEW PROVISIONS,
Proposed Language 7.11.2019**

CHAPTER 640B – ATHLETIC TRAINERS

Chapter 640B of NAC is hereby amended by adding thereto the provisions set forth as sections 7 through 11 of this regulation, according Nevada Senate Bill 186, latest bill text (enrolled):

CHAPTER.....

AN ACT relating to professions; expanding the scope of practice of physical therapy and athletic training to include the performance of dry needling under certain circumstances; requiring the Nevada Physical Therapy Board and the Board of Athletic Trainers to adopt regulations relating to dry needling; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of: (1) physical therapists by the Nevada Physical Therapy Board; and (2) athletic trainers by the Board of Athletic Trainers. (Chapters 640 and 640B of NRS) Existing law: (1) authorizes the Nevada Physical Therapy Board to adopt regulations to carry out its powers and duties relating to physical therapy; and (2) requires the Board of Athletic Trainers to adopt regulations to carry out its powers and duties relating to athletic training. (NRS 640.050, 640B.260) **Sections 6 and 11** of this bill require the Nevada Physical Therapy Board and the Board of Athletic Trainers to adopt regulations establishing the qualifications a physical therapist or an athletic trainer, as applicable, must obtain before he or she is authorized to perform dry needling. **Sections 6 and 11** require these qualifications to include the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the appropriate Board. **Sections 6 and 11** further require the appropriate Board to adopt regulations establishing procedures: (1) concerning the handling of needles used to perform dry needling, including procedures for the disposal of a needle after a single use; and (2) to ensure that a physical therapist or athletic trainer does not engage in needle retention. **Sections 3 and 9** of this bill prohibit a physical therapist or an athletic trainer who is qualified to perform dry needling from inserting the same needle more than once during the performance of dry needling. **Sections 2 and 8** of this bill define “dry needling,” and **sections 5 and 10** of this bill include dry needling in the scope of practice of physical therapy for qualified physical therapists and athletic trainers.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

Sec. 2. “Dry needling”:

1. Means a skilled technique performed by a physical therapist using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.



2. Does not include:

- (a) *The stimulation of an auricular point;*
- (b) *The stimulation of sinus points or other nonlocal points to treat underlying organs;*
- (c) *Needle retention; or*
- (d) *The teaching or application of acupuncture.*

Sec. 3. *A physical therapist who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050 shall not insert the same needle more than one time during the performance of dry needling.*

Sec. 4. NRS 640.011 is hereby amended to read as follows:

640.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 640.013 to 640.026, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 640.024 is hereby amended to read as follows:

640.024 “Practice of physical therapy”:

1. Includes:

- (a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;
- (b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; ~~and~~
- (c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy ~~and~~; **and**

(d) The performance of dry needling, if a physical therapist is qualified to do so pursuant to the regulations adopted in accordance with subsection 3 of NRS 640.050.

2. Does not include:

- (a) The diagnosis of physical disabilities;
- (b) The use of roentgenic rays or radium;
- (c) The use of electricity for cauterization or surgery; or
- (d) The occupation of a masseur who massages only the superficial soft tissues of the body.

Sec. 6. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall:

- (a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;
- (b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist



assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

(c) Investigate any complaint filed with the Board against a licensee; and

(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist assistants and physical therapist technicians.

3. *The Board shall adopt regulations establishing:*

(a) The qualifications a physical therapist must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

(b) Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

(c) Procedures to ensure that a physical therapist does not engage in needle retention.

4. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.

~~[4.]~~ 5. The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.

~~[5.]~~ 6. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.



~~6.7~~ 7. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~7.7~~ 8. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 7. Chapter 640B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. “Dry needling”:

1. Means a skilled technique performed by an athletic trainer using a single-use, single-insertion, sterile filiform needle, which is used to penetrate the skin or underlying tissue to effect change in body conditions, pain, movement, impairment and disability.

2. Does not include:

(a) The stimulation of an auricular point;

(b) The stimulation of sinus points or other nonlocal points to treat underlying organs;

(c) Needle retention; or

(d) The teaching or application of acupuncture.

Sec. 9. *An athletic trainer who is qualified to perform dry needling pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260 shall not insert the same needle more than one time during the performance of dry needling.*

Sec. 9.5. NRS 640B.005 is hereby amended to read as follows:

640B.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640B.011 to 640B.120, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 640B.090 is hereby amended to read as follows:

640B.090 1. “Practice of athletic training” means:

(a) The prevention, recognition, assessment, management, treatment, disposition or reconditioning of the athletic injury of an athlete:

(1) Whose condition is within the professional preparation and education of the licensed athletic trainer; and

(2) That is performed under the direction of a physician;



(b) The organization and administration of programs of athletic training;

(c) The administration of an athletic training room;

(d) The provision of information relating to athletic training to members of the public;

(e) The performance of dry needling under the direction of a physician, if an athletic trainer is qualified to do so pursuant to the regulations adopted in accordance with subsection 5 of NRS 640B.260; or

~~(e)~~ (f) Any combination of the activities described in paragraphs (a) to ~~(d)~~, (e), inclusive.

2. The term does not include the diagnosis of a physical disability, massaging of the superficial soft tissues of the body or the use of X-rays, radium or electricity for cauterization or surgery.

Sec. 11. NRS 640B.260 is hereby amended to read as follows:

640B.260 The Board shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by NRS 640B.310 and 640B.320. ~~(f)~~

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization. ~~(f)~~

3. The standards of practice for athletic trainers. ~~(f); and~~

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

5. The qualifications an athletic trainer must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

6. Procedures concerning the handling of needles used to perform dry needling, including, without limitation, procedures for the disposal of a needle after a single use.

7. Procedures to ensure that an athletic trainer does not engage in needle retention.

