

**NEVADA STATE BOARD OF ATHLETIC TRAINERS  
NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON  
PROPOSED REGULATION**

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The Nevada State Board of Athletic Trainers is proposing the amendment and/or repeal of regulations pertaining to Chapter 640B of the Nevada Administrative Code.

A Public Workshop to solicit comments from interested persons has been set as follows:

**November 17, 2023 @ 1:00 p.m.**

**Board Administrative Office**  
6170 Mae Anne Ave. Suite 1  
Reno, NV 89523

**Virtual Meeting Access via Zoom:**

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXITMnVCZz09>

Meeting ID: **897 506 8640**  
Passcode: **640B**

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One tap mobile

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Dial by your location

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- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
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- +1 669 444 9171 US
- +1 305 224 1968 US
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- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 897 506 8640  
Passcode: 022359

Find your local number: <https://us06web.zoom.us/j/8975068640>

Attendees on Zoom wishing to speak during public comment must raise their hand through the Zoom platform to be called upon by the Chair.

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The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 640B. The proposed regulation may include the following and other matters properly related thereto:

- Repeals sections NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050
- NAC 640B.060 – Revises and clarifies fees charged by the Board. Removes fees for the issuance of a duplicate license, for a change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check.

A copy of the proposed regulations may be obtained by contacting the Board of Athletic Trainers by mail at 6170 Mae Anne Ave., Suite 1, Reno, NV 89523 or by email: [atrainers@nsbat.nv.gov](mailto:atrainers@nsbat.nv.gov). A copy of the Board regulations to be reviewed are attached hereto and available for viewing or printing on the Board's website: <https://nevadaathletictrainers.nv.gov/>.

All licensees and interested parties are encouraged to participate in the regulatory review process.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Michelle Cothrun, Executive Secretary at (775) 787-2636 within 72 hours of meeting date and time.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all licensed athletic trainers and persons on the agency's mailing list for administrative regulations and has been posted on the Board's website <https://nevadaathletictrainers.nv.gov/>, the Nevada State Board of Athletic Trainers Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; online at [www.leg.state.nv.us](http://www.leg.state.nv.us); and State of Nevada Public Notice Website: [www.nv.gov](http://www.nv.gov)

**Dated:** October 17, 2023

**PROPOSED REGULATION OF  
THE NEVADA STATE BOARD OF ATHLETIC TRAINERS  
LCB File No. XXXX-XX**

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

A REGULATION relating to athletic trainers; revising provisions relating to the practice of athletic training; and providing other matters properly relating thereto.

**CHAPTER 640B - ATHLETIC TRAINERS**

<del>640B.005</del>	<del>Definitions.</del>
<del>640B.010</del>	<del>“Board” defined.</del>
<del>640B.013</del>	<del>“License” defined.</del>
<del>640B.015</del>	<del>“Licensee” defined.</del>
<a href="#">640B.020</a>	Interpretation of certain statutory terms.
<a href="#">640B.030</a>	Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification.
<a href="#">640B.040</a>	Examination for licensure: Determination of passing grade.
<a href="#">640B.050</a>	Submission of items required for renewal of license.
<a href="#">640B.060</a>	Fees.

~~NAC 640B.005 Definitions. (NRS 640B.260) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640B.010, 640B.013 and 640B.015 have the meanings ascribed to them in those sections:~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~NAC 640B.010 “Board” defined. (NRS 640B.260) “Board” means the Board of Athletic Trainers.~~

~~(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006; A by R106-07, 1-30-2008)~~

~~NAC 640B.013 “License” defined. (NRS 640B.260) “License” means a license to engage in the practice of athletic training issued pursuant to chapter 640B of NRS.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~NAC 640B.015 “Licensee” defined. (NRS 640B.260) “Licensee” means a person who has been issued a license pursuant to chapter 640B of NRS.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

**NAC 640B.020 Interpretation of certain statutory terms. (NRS 640B.015, 640B.021, 640B.260)** As used in [NRS 640B.015](#) and [640B.021](#):

1. “Amateur athletic organization” means an entity that regulates or sponsors athletic activities by persons who have never accepted money, or who accept money under restrictions specified by a regulatory body, for participating in such athletic activities.

2. “Intercollegiate athletic association” means an entity that regulates or sponsors athletic activities between colleges or universities.

3. “Interscholastic athletic association” means an entity that regulates or sponsors athletic activities between high schools.

4. “Professional athletic organization” means an entity that regulates or sponsors athletic activities by persons who participate in such athletic activities for economic gain.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

**NAC 640B.030 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. (NRS 640B.260)**

1. The Board hereby adopts by reference the standards of professional practice and the requirements to maintain certification, including, without limitation, any requirements for continuing education, set forth in *Standards of Professional Practice* adopted by the National Athletic Trainers' Association Board of Certification, Inc. The publication is available, free of charge, from the National Athletic Trainers' Association Board of Certification, Inc., at the Internet address <http://www.bocatc.org>.

2. The Board will periodically review the standards and the requirements in the publication described in subsection 1. Within 30 days after each review, the Board will determine whether any change made to the standards or the requirements is appropriate for application in this State. If the Board does not disapprove a change to an adopted standard or requirement within 30 days after each review, the change is deemed to have been approved by the Board.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

**NAC 640B.040 Examination for licensure: Determination of passing grade. (NRS 640B.260, 640B.310)**

The passing grade for the examination required by paragraph (g) of subsection 1 of [NRS 640B.310](#) will be determined by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

~~NAC 640B.050 Submission of items required for renewal of license. (NRS 640B.260, 640B.340, 640B.400) All items required by NRS 640B.340 and 640B.400 for the renewal of a license must be received by the Board, or postmarked, not later than June 30 of each year. If the Board does not receive the items, or if the items are not postmarked, on or before June 30, the license expires.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

**NAC 640B.060 Fees. (NRS 640B.250, 640B.260, 640B.410)**

1. The Board will charge and collect the following fees:

For an initial application for a license <i>without examination</i> .....	<del>\$300</del> \$200
For the renewal of a license.....	150
For the restoration of an expired license.....	300
<del>For the issuance of a duplicate license.....</del>	<del>25</del>
<del>For a change of name on a license.....</del>	<del>25</del>
For a list of business addresses of licensees.....	25
<del>For a list of business addresses of licensees on mailing labels.....</del>	<del>100</del>
<del>For a dishonored check.....</del>	<del>25</del>

*2. If an applicant for an initial license as an athletic trainer is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge a fee of \$100 for the processing of an initial license application without examination.*

~~2.~~ 3. A fee charged and collected pursuant to this section:

- (a) Must accompany the application or other documentation to which the fee pertains; and
- (b) Is not refundable.

(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)

**ADOPTED REGULATION OF THE  
BOARD OF ATHLETIC TRAINERS**

**LCB File No. R053-19**

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; (2) refrain from inserting a needle more than one time or retaining a needle in the body of a patient after completing a procedure; and (3) dispose of those needles after completing a 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 at least 150 hours of didactic education and training in dry needling 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 National Athletic Trainers' Association Board of Certification, Inc., 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 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 not insert the same needle:*

*(1) More than one time in a person; or*

*(2) In more than one person;*

*(c) Shall not retain a needle in the body of a patient after completing a procedure;*

*(d) Shall dispose of each needle after completing a procedure;*

*(e) 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*

*(f) 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 not later than 30 days after the effective date of this regulation.

# SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

## Proposed Regulation of the Nevada State Board of Athletic Trainers

Pursuant to NRS 233B.0608(1), the Nevada State Board of Athletic Trainers is required to make a determination whether its proposed regulation will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees. By that definition, all of Nevada's athletic training practices would be considered small businesses.

### **1. A Description of the Manner in Which Comment Was Solicited from Affected Small Businesses, a Summary of Their Responses, and an Explanation of the Manner in Which Other Interested Persons May Obtain a Copy of the Summary.**

Pursuant to Executive Order 2023-003, the Board conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. During that review process, the Board identified nine (9) regulations recommended for removal, including some fees that are no longer necessary.

Comments were solicited from small businesses, specifically licensed athletic trainers who are owners, operators or provide athletic training services as self-employed practitioners, by notification of a Public Hearing to Review Regulations held on 4/7/2023. The Board solicited comments from the public through a notice of a public hearing and workshop. Notice of the workshop and the hearing were noticed as required on three different websites and individual notices sent to the interested parties lists maintained by the Board. In addition, the Board submitted the proposed changes to all active licensees and other potentially affected parties to survey their thoughts regarding the proposed revisions. No small businesses commented on the regulation at the public hearing or workshop.

Copies of the proposed regulation, the notices and minutes from these meetings are available by contacting the Board's Executive Secretary by phone at (775) 787-2636 or email at [atrainner@nsbat.nv.gov](mailto:atrainner@nsbat.nv.gov) or on the Board's website at <https://nevadaathletictrainers.nv.gov/Board/Meetings/2023/2023/>. A written request for copies may also be sent to the Board's mailing address: 6170 Mae Anne Ave, Suite 1, Reno, NV 89523-4705.

### **2. The Manner in Which the Analysis Was Conducted, Including the Methods Used to Determine the Impacts of the Proposed Regulation on Small Business.**

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses. In making this determination, the Board considered the comments received during the hearing and workshops, in addition to any comments received by email or mail.

### **3. The Estimated Economic Effect of the Proposed Regulation on the Small Businesses Which It Is to Regulate, Including, Without Limitation:**

#### **(a) Both adverse and beneficial effects; and**

- 1) Adverse:** This regulation will have no adverse economic effects on Nevada small businesses.
- 2) Beneficial:** This regulation will be beneficial to small businesses in the streamlining, clarifying, and reduction of existing regulations.



**(b) Both direct and indirect effects.**

- 1) **Direct:** This regulation will have a direct effect on small businesses in the streamlining, clarifying, and reduction of existing regulations.
- 2) **Indirect:** Small businesses may experience the indirect effect of having more knowledgeable athletic trainers licensed to work in Nevada.

**4. A Description of the Methods That the Agency Considered to Reduce the Impact of the Proposed Regulation on Small Businesses and a Statement Regarding Whether the Agency Actually Used Any of Those Methods.**

The Board used informed, reasonable judgement in determining that there will not be an impact on small businesses due to the nature of the revisions. As these regulations have no impact on small businesses, there were no changes to consider or implement.

**5. The Estimated Cost to the Agency for Enforcement of the Proposed Regulation.**

There are no additional costs to the Nevada State Board of Athletic Trainers for the enforcement of these proposed regulations.

**6. If the Proposed Regulation Provides a New Fee or Increases an Existing Fee, the Total Annual Amount the Agency Expects to collect and the Manner in Which the Money Will Be Used.**

The regulation does not propose a new fee or increase an existing fee.

**7. If the Proposed Regulation Includes Provisions Which Duplicate or Are More Stringent Than Federal, State, or Local Standards Regulating the Same Activity, an Explanation of Why Such Duplicative or More Stringent Provisions are Necessary.**

The proposed regulation changes neither duplicate nor are they more stringent than any Federal, State, or local standards regulating the practice of athletic training.

**8. The Reasons for the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.**

These regulations are being modified and/or repealed with the specific intent to reduce regulation and any possible burden on small businesses. After considering all the presented information above, the Nevada State Board of Athletic Trainers has concluded that these regulations do not create an economic effect or impact on small businesses.

**CERTIFICATION**

I hereby certify that, to the best of my knowledge or belief, the Board conducted a concerted effort as described above to determine the impact of the proposed regulation on small businesses, namely on athletic training practices in Nevada, and that the information contained in the statement above was prepared properly and contains accurate information regarding all such efforts and the Board's determination based thereon.

Signed and effective on October 17, 2023



Michelle R. Cothrun, Executive Secretary  
Nevada State Board of Athletic Trainers