

SENATE BILL NO. 152—SENATOR MATHEWS

MARCH 2, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to physical therapists.  
(BDR 54-471)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to physical therapists; authorizing the State Board of Physical Therapy Examiners to require an applicant or licensee to appear before the Board to ascertain his fitness or qualifications for licensure; revising the provisions governing the approval of schools and educational curricula for physical therapy; authorizing certain persons to practice without a license pending an examination for licensure; requiring the use of a form provided by the Board for the renewal of a license to practice physical therapy; authorizing the Board to establish a fee to review a course of continuing education; authorizing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the regulation of physical therapists in this State by the State Board of Physical Therapy Examiners. (Chapter 640 of NRS) As part of that regulation, the Board determines the qualifications for licensure of physical therapists. In addition, members and agents of the Board are authorized to enter an office, clinic or hospital where physical therapy is practiced to verify the licensure of any physical therapist practicing at the location. (NRS 640.050)

This bill authorizes the Board to require an applicant for the issuance or renewal of a license to appear before the Board so that the Board may ascertain the fitness or qualifications of the applicant. In addition, this bill expands the purposes for which the Board is authorized to enter places where physical therapy is practiced to allow the Board entry to ensure compliance with all provisions of law governing physical therapists.

Existing law requires the State Board of Physical Therapy Examiners to approve schools and any educational curriculum for physical therapists and



physical therapists' assistants subject to certain limitations. (NRS 640.060, 640.080, 640.230, 640.240) Under existing law, the Board is prohibited from approving certain schools and curricula unless they meet certain standards required by the American Physical Therapy Association. (NRS 640.080, 640.240)

This bill removes the limitation requirement that certain schools and curricula meet certain standards required by the American Physical Therapy Association.

Existing law authorizes the State Board of Physical Therapy Examiners to issue a temporary license to certain persons who are assigned to assist in a medical emergency. (NRS 640.120)

This bill authorizes a person to practice physical therapy without a license temporarily if the person has completed the required education and has applied for the first time to the Board for a license to practice physical therapy. The authority to practice without a license is valid until the person takes the examination for licensure and receives the results of the examination, or if the person does not take the examination, until the date on which the examination is given.

Existing law provides that the State Board of Physical Therapy Examiners must require physical therapists to complete certain requirements for continuing education as a condition to the renewal of a license and requires the Board to approve the courses of study or training for that continuing education. (NRS 640.150)

This bill authorizes the Board to establish a fee of not more than \$150 to consider approving a course of study or training for continuing education.

Existing law makes it unlawful, except in certain circumstances, to practice physical therapy without a license. (NRS 640.169)

This bill authorizes the Board to impose a civil penalty of not more than \$5,000 per violation, in addition to any criminal penalty, on any person who practices physical therapy in this State without a license when required.

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

**Section 1.** NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

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's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.



(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. 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.

*(d) Require an applicant or licensee to appear before the Board to ascertain his fitness or qualifications for the issuance or renewal of a license.*

6. Any member or agent of the Board may enter an office, clinic or hospital where physical therapy is practiced and inspect it to ~~{determine if the physical therapists are licensed.}~~ *ensure compliance with this chapter and any regulations adopted pursuant thereto.*

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

**Sec. 2.** NRS 640.060 is hereby amended to read as follows:

640.060 For the purpose of NRS 640.080, the Board shall ~~{not}~~ approve any school or educational curriculum ~~{unless graduation from the school or completion of the curriculum entitles the applicant, insofar as educational requirements are concerned, to become a member in the American Physical Therapy Association.}~~ *taught at a school if the school is accredited by an accrediting agency recognized by the Board.*

**Sec. 3.** NRS 640.120 is hereby amended to read as follows:

640.120 1. The Board may issue, without examination, a license to practice physical therapy for a period not to exceed 6 months to any person who meets the qualifications set forth in NRS 640.080, except subsection 3 thereof, upon certification that he has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency. Issuance of the temporary license is subject to such fees, not to exceed \$100, and conditions as the Board may require.



2. A student of physical therapy is not required to be licensed during his clinical training if his work is done under the direct supervision of a licensed physical therapist.

*3. A person who meets the qualifications set forth in NRS 640.080, except subsection 3 thereof, is not required to be licensed if:*

*(a) The person has submitted a completed application for licensure for the first time;*

*(b) The Board has approved the person to sit for the examination required pursuant to NRS 640.100;*

*(c) The person has not previously failed an examination for licensure as a physical therapist; and*

*(d) The person complies with any other requirements of the Board.*

*↪ An exemption pursuant to this subsection continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination.*

**Sec. 4.** NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice physical therapy expires on July 31 of each year. ~~[A]~~ *Using a form provided by the Board, a physical therapist may renew his license before its expiration upon:*

*(a) Presentation of proof of completion of a program of continuing education as required by subsection 3;*

*(b) Submission of the statement required pursuant to NRS 640.095; and*

*(c) Payment of a renewal fee established by the Board.*

2. A license that is not renewed before July 31 of each year expires. An expired license may be reinstated, at the discretion of the Board, upon submission of the statement required pursuant to NRS 640.095 and payment of the annual renewal fee and the annual expiration fee established by the Board for each year the license is expired.

3. The Board shall require licensed physical therapists to complete a program of continuing education as a requirement for the renewal of licenses. The Board shall, by regulation:

*(a) Prescribe the curriculum;*

*(b) Approve the courses of study or training; and*

*(c) Establish the fees,*

*↪ for the program.*

*4. The Board may, pursuant to subsection 3, establish a fee of not more than \$150 to consider approval of a course of study or training.*



**Sec. 5.** NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice physical therapy expires on July 31 of each year. ~~[A]~~ *Using a form provided by the Board, a physical therapist may renew his license before its expiration upon:*

(a) Presentation of proof of completion of a program of continuing education as required by subsection 3; and

(b) Payment of a renewal fee established by the Board.

2. A license that is not renewed before July 31 of each year expires. An expired license may be reinstated, at the discretion of the Board, upon payment of the annual renewal fee and the annual expiration fee established by the Board for each year the license is expired.

3. The Board shall require licensed physical therapists to complete a program of continuing education as a requirement for the renewal of licenses. The Board shall, by regulation:

(a) Prescribe the curriculum;

(b) Approve the courses of study or training; and

(c) Establish the fees,

↪ for the program.

*4. The Board may, pursuant to subsection 3, establish a fee of not more than \$150 to consider approval of a course of study or training.*

**Sec. 6.** NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 ~~[H]~~ *and 640.120*, it is unlawful for any person to practice physical therapy in this State unless he holds a license or a temporary license issued pursuant to this chapter.

*2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may issue an order against any person who has violated subsection 1 imposing a civil penalty of not more than \$5,000 for each violation. Any civil penalty collected pursuant to this subsection must be deposited in the State General Fund.*

**Sec. 7.** NRS 640.240 is hereby amended to read as follows:

640.240 1. For the purposes of NRS 640.230, the Board shall not approve any educational curriculum for a physical therapist's assistant unless the curriculum includes elementary or intermediate courses in clinical, anatomical, biological and physical sciences and is:

(a) At least a 2-year program requiring a minimum of 60 academic semester credits at a college accredited by a recognized accrediting agency; or

(b) A curriculum which is provided by the Armed Forces of the United States . ~~[and has been approved by the American Physical Therapy Association.]~~



2. The Board may refuse to approve any educational curriculum for physical therapist's assistants if the curriculum does not include such courses in theory and procedures as determined by the Board to be necessary for these assistants.

**Sec. 8.** NRS 640.280 is hereby amended to read as follows:

640.280 1. The license of a physical therapist's assistant expires on July 31 of each year. ~~[A]~~ *Using a form provided by the Board, a physical therapist's assistant may renew his license before its expiration upon:*

(a) Presentation of proof of completion of a program of continuing education as required by subsection 3;

(b) Submission of the statement required pursuant to NRS 640.095; and

(c) Payment of the renewal fee established by the Board.

2. A license that is not renewed before July 31 of each year expires. The Board may reinstate an expired license upon payment of the annual renewal fee and the annual expiration fee established by the Board for each year the license is expired.

3. The Board shall require each physical therapist's assistant to complete a program of continuing education as a prerequisite for the renewal of his license. The Board shall prescribe the curriculum and approve the courses of study or training for that program.

**Sec. 9.** NRS 640.280 is hereby amended to read as follows:

640.280 1. The license of a physical therapist's assistant expires on July 31 of each year. ~~[A]~~ *Using a form provided by the Board, a physical therapist's assistant may renew his license before its expiration upon:*

(a) Presentation of proof of completion of a program of continuing education as required by subsection 3; and

(b) Payment of the renewal fee established by the Board.

2. A license that is not renewed before July 31 of each year expires. The Board may reinstate an expired license upon payment of the annual renewal fee and the annual expiration fee established by the Board for each year the license is expired.

3. The Board shall require each physical therapist's assistant to complete a program of continuing education as a prerequisite for the renewal of his license. The Board shall prescribe the curriculum and approve the courses of study or training for that program.

**Sec. 10.** 1. This section and sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective on October 1, 2005.

2. Sections 4 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:



1 (a) Have failed to comply with a subpoena or warrant relating to  
2 a proceeding to determine the paternity of a child or to establish or  
3 enforce an obligation for the support of a child; or

4 (b) Are in arrears in the payment for the support of one or more  
5 children,

6 ➤ are repealed by the Congress of the United States.

7 3. Sections 5 and 9 of this act become effective on the date on  
8 which the provisions of 42 U.S.C. § 666 requiring each state to  
9 establish procedures under which the state has authority to withhold  
10 or suspend, or to restrict the use of professional, occupational and  
11 recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant relating to  
13 a procedure to determine the paternity of a child or to establish or  
14 enforce an obligation for the support of a child; or

15 (b) Are in arrears in the payment for the support of one or more  
16 children,

17 ➤ are repealed by the Congress of the United States.



