

CHAPTER.....

AN ACT relating to physical therapists; revising the provisions governing the approval of schools and educational curricula for physical therapy; allowing applicants who meet certain qualifications and requirements to practice physical therapy or to practice as a physical therapist's assistant under a temporary exemption from licensure pending the examination for licensure; 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 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 requirement that certain schools and curricula approved by the Board must meet certain standards required by the American Physical Therapy Association. This bill gives the Board the authority to approve schools that are accredited by an accrediting agency recognized by the Board.

Under existing law, to be eligible for licensure as a physical therapist, an applicant must be of good moral character and must have graduated from a school in which he completed a curriculum of physical therapy approved by the Board. The applicant must also pass an examination. (NRS 640.080) An applicant may not practice physical therapy until he has been issued a license by the Board. (NRS 640.169)

This bill allows certain qualified applicants to practice physical therapy under a temporary exemption from licensure pending the examination. To be eligible for the temporary exemption, the applicant must be a qualified first-time applicant whose application has been approved by the Board and who has not previously failed the examination. During the period of the temporary exemption, the applicant must practice under the supervision of a licensed physical therapist and must comply with any other requirements imposed by the Board. In addition, the applicant may only use the title "graduate of physical therapy" during this period, and the applicant is subject to the regulatory and disciplinary authority of the Board. The temporary exemption is valid until the applicant takes the examination for licensure and receives the results of the examination, or if the applicant fails to take the examination, until the date on which the examination is given. This bill provides a similar temporary exemption from licensure for physical therapists' assistants.

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.

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

Section 1. 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. 2. 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 has applied for licensure as a physical therapist and who meets the qualifications set forth in NRS 640.080, except subsection 3 thereof, is temporarily exempt from licensure and may practice physical therapy during the period of the temporary exemption if:*

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(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;

(d) The person practices physical therapy under the supervision of a licensed physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice physical therapy during the period of the temporary exemption.

4. The temporary exemption authorized by subsection 3 begins on the date on which the Board notifies the person that he may practice physical therapy under the temporary exemption and 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. During the period of the temporary exemption, the person:

(a) Shall not use as his title or professional credentials any words, letters or insignia except for the words "graduate of physical therapy."

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist.

Sec. 3. 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 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. 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 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. 5. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 ~~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. 6. 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. 7. NRS 640.275 is hereby amended to read as follows:

640.275 1. The Board may issue, without examination, a temporary license to practice as a physical therapist's assistant to a person who:

- (a) Meets all of the other qualifications of NRS 640.230; and

(b) Certifies that he has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency.

2. The Board may charge a fee, not to exceed \$100, for the issuance of a temporary license.

3. A student who is enrolled in a program to become a physical therapist's assistant is not required to be licensed during his clinical training if his work is performed under the direct supervision of a physical therapist.

4. A person who has applied for licensure as a physical therapist's assistant and who meets the qualifications set forth in NRS 640.230, except subsection 5 thereof, is temporarily exempt from licensure and may practice as a physical therapist's assistant during the period of the temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to NRS 640.230;

(c) The person has not previously failed an examination for licensure as a physical therapist's assistant;

(d) The person practices as a physical therapist's assistant under the direct supervision of a supervising physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice as a physical therapist's assistant during the period of the temporary exemption.

5. The temporary exemption authorized by subsection 4 begins on the date on which the Board notifies the person that he may practice as a physical therapist's assistant under the temporary exemption and 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. During the period of the temporary exemption, the person:

(a) Shall not use as his title or professional credentials the words, letters or insignia "P.T.A." or "Physical Therapist's Assistant," or any other letters, words or insignia indicating or implying that he is a licensed physical therapist's assistant.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist's assistant.

Sec. 8. 1. This section and sections 1, 2, 3, 5, 6 and 7 of this act become effective on October 1, 2005.

2. Section 3 of this act expires 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:

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

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

→ are repealed by the Congress of the United States.

3. Section 4 of this act becomes effective 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:

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

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

→ are repealed by the Congress of the United States.

