

Amendment No. 732

Assembly Amendment to Senate Bill No. 437 First Reprint (BDR 54-483)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 5/18/2017

S.B. No. 437—Revises provisions relating to physical therapy. (BDR 54-483)



SENATE BILL NO. 437—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 27, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to physical therapy. (BDR 54-483)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
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 therapy; changing the name of the State Board of Physical Therapy Examiners to the Nevada Physical Therapy Board; authorizing the Board to appoint nonvoting advisory members to the Board; authorizing the Board to issue citations for certain violations; changing the designation of physical therapists' assistants and physical therapists' technicians; revising the membership and duties of the Board; requiring the Board to elect certain officers annually; amending provisions governing the supervision and authorized activities of physical therapist technicians; revising provisions governing the supervision of physical therapist assistants; exempting certain providers of health care from the provisions governing the practice of physical therapy; revising terminology concerning the education of physical therapists and physical therapist assistants; combining similar provisions governing physical therapists and physical therapist assistants; authorizing the licensure by endorsement of physical therapist assistants; removing the requirement that the Board administer an examination to applicants for a license as a physical therapist; revising provisions prohibiting the use of certain names, titles and initials related to the practice of physical therapy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Board of Physical Therapy Examiners to regulate physical therapists and physical therapist assistants. (NRS 640.030) **Section 29** of this bill repeals the requirement of existing law that the Board itself examine applicants for licensure as physical therapists, but **sections 10 and 23** of this bill leave in place existing requirements that applicants for licensure as physical therapists or physical therapist assistants pass an examination designated by the Board. (NRS 640.080, 640.230) **Section 1.5** of this bill

changes the name of the Board to the Nevada Physical Therapy Board to reflect that the Board no longer administers, but merely designates, the examinations.

Sections 1.2 and 4 of this bill authorize the Board to appoint nonvoting advisory members. Additionally, **section 4:** (1) revises the membership of the Board to include a physical therapist assistant; and (2) clarifies that the Board is subject to the provisions of law governing meetings of public bodies. **Section 5** of this bill requires the Board to elect new officers annually and specifies the officers whom the Board is required to elect. **Section 6** of this bill clarifies that only voting members of the Board are entitled to compensation. **Section 7** of this bill revises the duties of the Board. **Section 9** of this bill removes a requirement that the Board deposit administrative fines with the State Treasurer for credit in the State General Fund and instead requires the Board to deposit such fines directly in the State General Fund.

Existing law authorizes the Board to impose disciplinary action, after notice and a hearing, against a licensee who commits certain violations. (NRS 640.160) **Section 1.3** of this bill authorizes the Board to issue a citation for certain violations of statute or regulation. **Section 1.4** of this bill allows a person to whom a citation has been issued to contest the citation in a hearing conducted according to the provisions of law governing contested cases.

Existing law exempts from the law governing the licensure and regulation of physical therapists an occupational therapist, occupational therapy assistant and athletic trainer who is licensed to practice his or her profession in this State, practices within the scope of his or her profession and does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy. (NRS 640.029) **Section 3** of this bill extends this exemption to any provider of health care who is licensed to practice his or her profession in this State, who acts within the scope of his or her profession and who does not represent that he or she is a physical therapist or physical therapist assistant or is practicing physical therapy.

Existing law authorizes the Board to adopt regulations concerning treatments and other regulated procedures which may be performed by a physical therapist technician. (NRS 640.050) A physical therapist must provide immediate supervision of a physical therapist technician while the technician performs treatments related to physical therapy. (NRS 640.310) **Sections 7 and 26** of this bill instead require the Board to adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist. **Section 1.6** of this bill clarifies that a physical therapist who is supervising a physical therapist technician must be present on-site.

Section 1.7 of this bill clarifies the definition of the term "physical therapist." **Sections 1.8, 1.9, 2.5-4, 7, 18, 19, 21 and 23-26** of this bill standardize the terminology used to refer to physical therapist assistants and physical therapist technicians.

Existing law requires an applicant for a license as a physical therapist or physical therapist assistant to have completed an educational curriculum approved by the Board. (NRS 640.080, 640.230) **Sections 10 and 23** of this bill instead require the applicant to have completed a program of professional education for physical therapists or physical therapist assistants, as applicable, that has been approved by the Board.

Existing law provides similar procedures for licensing physical therapists and physical therapist assistants. (NRS 640.090-640.110, 640.150, 640.250-640.270, 640.280) Existing law also authorizes a person to: (1) obtain a temporary license to practice as a physical therapist or physical therapist assistant to assist in a medical emergency without examination; and (2) work without a license under the supervision of a physical therapist while satisfying clinical education requirements. (NRS 640.120, 640.275) **Sections 11-14, 17 and 29** of this bill combine and remove the duplication of those provisions.

Existing law prescribes the requirements for licensure by endorsement of a physical therapist who is licensed in another state. (NRS 640.145, 640.146) **Sections 15 and 16** of this bill extend those provisions to physical therapist assistants. **Section 29** repeals duplicative provisions authorizing the Board to license without examination a physical therapist or physical therapist assistant who is licensed in another state.

Existing law provides that a person who does not hold a license issued by the Board is guilty of a misdemeanor if he or she practices physical therapy or holds himself or herself out as a physical therapist or physical therapist assistant. (NRS 640.169, 640.170, 640.175) **Section 20** of this bill provides that a business entity that holds itself out as providing services constituting the practice of physical therapy is guilty of a misdemeanor unless those services are provided by or under the supervision of a licensed physical therapist. **Sections 20 and 21** of this bill further authorize the Board to impose certain penalties on a person who violates

66 this provision, including, without limitation, an administrative penalty of not more than
67 \$5,000. Finally, **sections 20 and 21** require physical therapists and physical therapist
68 assistants to use a certain designation.

69 Existing law authorizes the Board to seek an injunction in district court against a person
70 who has engaged or is about to engage in an act that violates or will violate a provision of
71 existing law governing physical therapists. (NRS 640.210) **Section 22** of this bill provides that
72 if the Board is seeking an injunction against a person improperly holding himself or herself
73 out as a licensed physical therapist or physical therapist assistant or as practicing physical
74 therapy, the Board must only show that the person violated existing law to establish that
75 immediate and irreparable injury, loss or damage will result from the person's continued
76 action.

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

1 **Section 1.** NRS 629.031 is hereby amended to read as follows:

2 629.031 Except as otherwise provided by a specific statute:

3 1. "Provider of health care" means:

4 (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

5 (b) A physician assistant;

6 (c) A dentist;

7 (d) A licensed nurse;

8 (e) A person who holds a license as an attendant or who is certified as an
9 emergency medical technician, advanced emergency medical technician or
10 paramedic pursuant to chapter 450B of NRS;

11 (f) A dispensing optician;

12 (g) An optometrist;

13 (h) A speech-language pathologist;

14 (i) An audiologist;

15 (j) A practitioner of respiratory care;

16 (k) A ~~registered~~ **licensed** physical therapist;

17 (l) An occupational therapist;

18 (m) A podiatric physician;

19 (n) A licensed psychologist;

20 (o) A licensed marriage and family therapist;

21 (p) A licensed clinical professional counselor;

22 (q) A music therapist;

23 (r) A chiropractor;

24 (s) An athletic trainer;

25 (t) A perfusionist;

26 (u) A doctor of Oriental medicine in any form;

27 (v) A medical laboratory director or technician;

28 (w) A pharmacist;

29 (x) A licensed dietitian;

30 (y) An associate in social work, a social worker, an independent social worker
31 or a clinical social worker licensed pursuant to chapter 641B of NRS;

32 (z) An alcohol and drug abuse counselor or a problem gambling counselor who
33 is certified pursuant to chapter 641C of NRS;

34 (aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse
35 counselor who is licensed pursuant to chapter 641C of NRS; or

36 (bb) A medical facility as the employer of any person specified in this
37 subsection.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 1.1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. *The Board may, by majority vote, select any person, including, without limitation, a physical therapist or physical therapist assistant, to serve as an advisory member of the Board. The Board shall prescribe the term and duties of any advisory member it selects pursuant to this section. An advisory member may not vote on any matter before the Board. Advisory members serve without compensation.*

Sec. 1.3. *1. After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:*

(a) Subsection 3 of NRS 640.110;

(b) Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or

(c) Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.

2. A citation issued pursuant to this section may include, without limitation, an order to:

(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:

(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and

(2) Specifically describe the corrective action to be taken.

(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.

(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed \$150.

3. Any administrative fine imposed pursuant to this section must be:

(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than \$100 or more than \$500;

(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than \$250 or more than \$1,000; and

(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.

4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

Sec. 1.4. *1. Except as otherwise provided in this subsection, to contest a citation issued pursuant to section 1.3 of this act, the person must submit a written request for a hearing to the Board not later than 30 days after the date of*

1 *issuance of the citation. The Board may, for good cause shown, extend the time*
2 *to submit a request for a hearing.*

3 *2. If the person to whom a citation is issued files a timely written request for*
4 *a hearing to contest the citation:*

5 *(a) The Board shall provide notice of and conduct the hearing in accordance*
6 *with this chapter and the provisions of chapters 233B and 622A of NRS*
7 *governing the adjudication of contested cases.*

8 *(b) At the hearing, the licensee may contest, without limitation:*

9 *(1) The facts forming the basis for the determination that the licensee*
10 *has committed an act which constitutes a violation of a provision described in*
11 *section 1.3 of this act;*

12 *(2) The time allowed to take any corrective action ordered;*

13 *(3) The amount of any administrative fine ordered;*

14 *(4) The amount of any payment ordered to reimburse the Board for the*
15 *expenses incurred to investigate the violation; and*

16 *(5) Whether any corrective action described in the citation is reasonable.*

17 *3. If a person to whom a citation is issued pursuant to section 1.3 of this act*
18 *does not file timely a written request for a hearing to contest the citation, the*
19 *citation shall be deemed a final order of the Board and any assessed fine deemed*
20 *due and payable and any corrective action deemed required.*

21 *4. For the purposes of this section, a citation issued pursuant to section 1.3*
22 *of this act shall be deemed to have been received by a person:*

23 *(a) On the date on which the citation is personally delivered to the person; or*

24 *(b) If the citation is mailed, 3 business days after the date on which the*
25 *citation is mailed by certified mail to the last known business or residential*
26 *address of the person.*

27 **Sec. 1.5.** NRS 640.013 is hereby amended to read as follows:

28 640.013 "Board" means the ~~State Board of~~ Nevada Physical Therapy
29 ~~Examiners.~~ Board.

30 **Sec. 1.6.** NRS 640.016 is hereby amended to read as follows:

31 640.016 "Immediate supervision" means that a person is present *on-site* and
32 immediately available within the treatment area to give aid, direction and
33 instruction to the person he or she is supervising.

34 **Sec. 1.7.** NRS 640.021 is hereby amended to read as follows:

35 640.021 "Physical therapist" means a person who is licensed *as such* in
36 accordance with the provisions of this chapter.

37 **Sec. 1.8.** NRS 640.0213 is hereby amended to read as follows:

38 640.0213 "Physical ~~therapist's~~ *therapist* assistant" means a person who
39 assists in the practice of physical therapy under the supervision of a licensed
40 physical therapist and who is licensed under the provisions of this chapter. ~~The~~
41 ~~term is synonymous with "physical therapist assistant."~~

42 **Sec. 1.9.** NRS 640.0216 is hereby amended to read as follows:

43 640.0216 "Physical ~~therapist's~~ *therapist* technician" means an unlicensed
44 person who performs certain limited activities at the direction of the physical
45 therapist.

46 **Sec. 2.** (Deleted by amendment.)

47 **Sec. 2.5.** NRS 640.026 is hereby amended to read as follows:

48 640.026 "Supervising physical therapist" means a physical therapist who
49 supervises a physical ~~therapist's~~ *therapist* assistant ~~for~~ *, a physical* ~~therapist's~~
50 *therapist* technician ~~+~~ *, a student who is completing a program for physical*
51 *therapists or physical therapist assistants or a graduate of such a program.*

1 **Sec. 3.** NRS 640.029 is hereby amended to read as follows:

2 640.029 1. This chapter does not apply to ~~an occupational therapist,~~
3 ~~occupational therapy assistant or athletic trainer,~~ *a provider of health care* who:

4 ~~1-1~~ (a) Is licensed to practice in this state;

5 ~~2-2~~ (b) Practices within the scope of that license; and

6 ~~3-3~~ (c) Does not *use any letters, words or insignia listed in NRS 640.170 or*
7 *640.175 in connection with his or her name or otherwise* represent that he or she
8 is a physical therapist or physical ~~therapist's~~ *therapist* assistant, or that he or she
9 practices physical therapy.

10 2. *As used in this section, "provider of health care" has the meaning*
11 *ascribed to it in NRS 629.031.*

12 **Sec. 4.** NRS 640.030 is hereby amended to read as follows:

13 640.030 1. The ~~State Board of~~ *Nevada* Physical Therapy ~~Examiners,~~
14 *Board*, consisting of five members appointed by the Governor, *and any nonvoting*
15 *advisory members appointed by the Board pursuant to section 1.2 of this act,* is
16 hereby created.

17 2. The Governor shall appoint:

18 (a) ~~Four~~ *Three* members who are licensed physical therapists in the State of
19 Nevada.

20 (b) *One member who is a licensed physical therapist assistant in the State of*
21 *Nevada.*

22 (c) One member who is a representative of the general public. This member
23 must not be:

24 (1) A physical therapist ~~or~~ *or* a physical ~~therapist's~~ *therapist* assistant ;
25 ~~for a physical therapist's technician;~~ or

26 (2) The spouse or the parent or child, by blood, marriage or adoption, of a
27 physical therapist ~~or~~ *or* a physical ~~therapist's~~ *therapist* assistant . ~~for a physical~~
28 ~~therapist's technician.~~

29 3. No member of the Board may serve more than two consecutive terms.

30 4. The Governor may remove any *voting* member of the Board for
31 incompetency, neglect of duty, gross immorality or malfeasance in office.

32 5. A majority of the *voting* members of the Board constitutes a quorum.

33 6. No member of the Board may be held liable in a civil action for any act
34 which he or she has performed in good faith in the execution of his or her duties
35 under this chapter.

36 7. *The Board shall comply with the provisions of chapter 241 of NRS, and*
37 *all meetings of the Board must be conducted in accordance with that chapter.*

38 **Sec. 5.** NRS 640.035 is hereby amended to read as follows:

39 640.035 ~~The~~ *At the first meeting of each fiscal year, the* Board shall elect a
40 Chair ~~and other officers,~~ *, a Vice Chair and a Secretary-Treasurer* from among its
41 members.

42 **Sec. 6.** NRS 640.045 is hereby amended to read as follows:

43 640.045 1. Each *voting* member of the Board is entitled to receive:

44 (a) A salary of not more than \$150 per day, as fixed by the Board, while
45 engaged in the business of the Board; and

46 (b) A per diem allowance and travel expenses at a rate fixed by the Board,
47 while engaged in the business of the Board. The rate must not exceed the rate
48 provided for state officers and employees generally.

49 2. While engaged in the business of the Board, each employee of the Board is
50 entitled to receive a per diem allowance and travel expenses at a rate fixed by the
51 Board. The rate must not exceed the rate provided for state officers and employees
52 generally.

Sec. 7. 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~~ :

(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's~~ *therapist* assistants and physical ~~therapist's~~ *therapist* technicians.

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

3. The Board shall ~~keep~~ *prepare and maintain* 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~~ , *including, without limitation, any disciplinary proceedings.*

4. ~~During September of every year in which renewal of a license is required, the~~ *The* Board shall ~~compile~~ *maintain* a list of licensed physical therapists authorized to practice physical therapy and physical ~~therapist's~~ *therapist* 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.

6. 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's~~ *therapist* assistant and inspect ~~the~~ *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's~~ *therapist* assistant without the appropriate license issued pursuant to the provisions of this chapter.

7. 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.

1 **Sec. 8.** NRS 640.060 is hereby amended to read as follows:

2 640.060 For the ~~purpose~~ *purposes* of NRS 640.080 ~~and 640.230~~, the
3 Board shall approve any school or ~~educational curriculum~~ *program of*
4 *professional education for physical therapists and physical therapist assistants*
5 taught at a school if the school is accredited by an accrediting agency recognized by
6 the Board.

7 **Sec. 9.** NRS 640.070 is hereby amended to read as follows:

8 640.070 1. All fees collected under this chapter must be deposited by the
9 Board in banks, credit unions or savings and loan associations in the State of
10 Nevada.

11 2. All expenses incident to the operation of this chapter must be paid from the
12 revenue derived therefrom.

13 3. In a manner consistent with the provisions of chapter 622A of NRS, the
14 Board may delegate to a hearing officer or panel its authority to take any
15 disciplinary action pursuant to this chapter and impose and collect administrative
16 fines therefor. If the Board so delegates its authority, the Board may deposit the
17 money from the fines in banks, credit unions or savings and loan associations in
18 this State for the support of the Board. In addition, the hearing officer or panel may
19 assess a licensee against whom disciplinary action is taken any costs and fees
20 incurred by the Board as a result of the hearing. The money from the reimbursed
21 costs and fees may also be deposited for use by the Board.

22 4. If a hearing officer or panel is not authorized to take disciplinary action
23 pursuant to subsection 3, the Board shall deposit the money collected from the
24 imposition of administrative fines ~~with the State Treasurer for credit to~~ *in* the
25 State General Fund. The Board may present a claim to the State Board of
26 Examiners for recommendation to the Interim Finance Committee if money is
27 needed to pay attorney's fees or the costs of an investigation, or both.

28 **Sec. 10.** NRS 640.080 is hereby amended to read as follows:

29 640.080 Except as otherwise provided in NRS 640.145 and 640.146, to be
30 eligible for licensure by the Board as a physical therapist, an applicant must:

31 1. Be of good moral character;

32 2. Have graduated from a school in which he or she completed a ~~curriculum~~
33 ~~or~~ *program of professional education for* physical ~~therapy~~ *therapists* approved
34 by the Board; and

35 3. Pass to the satisfaction of the Board an examination designated by the
36 Board, unless he or she is entitled to licensure without examination as provided in
37 NRS 640.120. ~~for 640.140.~~

38 **Sec. 11.** NRS 640.090 is hereby amended to read as follows:

39 640.090 1. Unless he or she is entitled to licensure under NRS 640.120,
40 ~~640.140.~~ 640.145 or 640.146, a person who desires to be licensed as a physical
41 therapist *or physical therapist assistant* must:

42 (a) Apply to the Board, in ~~writing, on a~~ *the* form ~~furnished~~ *prescribed* by
43 the Board;

44 (b) Include in the application evidence, under oath, satisfactory to the Board,
45 that the person possesses the qualifications required by NRS 640.080 *or 640.230,*
46 *as applicable,* other than having passed the examination;

47 (c) Pay to the Board at the time of filing the application a fee set by a
48 regulation of the Board in an amount not to exceed \$300 ~~for a license as a~~
49 *physical therapist or \$200 for a license as a physical therapist assistant;*

50 (d) Submit to the Board with the application a complete set of fingerprints
51 which the Board may forward to the Central Repository for Nevada Records of
52 Criminal History for submission to the Federal Bureau of Investigation for its
53 report;

(e) Submit other documentation and proof the Board may require; and

(f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640.146, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 12. NRS 640.095 is hereby amended to read as follows:

640.095 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a physical therapist *or physical therapist assistant* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a physical therapist *or physical therapist assistant* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license as a physical therapist *or physical therapist assistant* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 13. NRS 640.110 is hereby amended to read as follows:

640.110 1. The Board shall license as a physical therapist *or physical therapist assistant* each applicant who proves to the satisfaction of the Board his or her qualifications for licensure.

2. The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure ~~++~~:

(a) *As a physical therapist*, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

(b) *As a physical therapist assistant, a license as a physical therapist assistant. The license authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.*

3. Each physical therapist shall display his or her current license in a location which is accessible to the public.

4. The Board may charge a fee, not to exceed \$25, ~~to replace a lost license or~~ to change a name on a license.

1 5. *A license as a physical therapist assistant remains valid while a*
2 *supervising physical therapist continues to supervise the physical therapist*
3 *assistant.*

4 Sec. 14. NRS 640.120 is hereby amended to read as follows:

5 640.120 1. The Board may issue, without examination, a license to practice
6 *as a physical* ~~therapy~~ *therapist or physical therapist assistant* for a period not to
7 exceed 6 months to any person who meets *all* the *other* qualifications set forth in
8 NRS 640.080 ~~1. except subsection 3 thereof;~~ *or 640.230, as applicable,* upon
9 certification that the person has been assigned to the State of Nevada on a
10 temporary basis to assist in a medical emergency. Issuance of the temporary license
11 is subject to such fees, not to exceed \$100, and conditions as the Board may
12 require.

13 2. A student ~~of physical therapy is not required to be licensed during his or~~
14 ~~her clinical training if the work is done under the direct supervision of a licensed~~
15 ~~physical therapist;~~ *who is enrolled in a program of professional education for*
16 *physical therapists or physical therapist assistants approved by the Board is not*
17 *required to be licensed to work under the supervision of a physical therapist who*
18 *is present on-site to satisfy a requirement of that program.*

19 3. A person who has applied for licensure as a physical therapist *or physical*
20 *therapist assistant* and who meets the qualifications set forth in NRS 640.080 ~~1~~ *or*
21 *640.230,* except subsection 3 ~~thereof;~~ *of NRS 640.080 or subsection 4 of NRS*
22 *640.230, as applicable,* is temporarily exempt from licensure and may practice
23 physical therapy *or as a physical therapist assistant, as applicable,* during the
24 period of the temporary exemption if:

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

27 (b) The Board has approved the person to sit for the examination required
28 ~~pursuant to~~ *by* NRS ~~640.100;~~ *640.080 or 640.230, as applicable;*

29 (c) The person has not previously failed an examination for licensure as a
30 physical therapist ~~1~~ *or physical therapist assistant;*

31 (d) The person practices physical therapy *or as a physical therapist assistant,*
32 *as applicable,* under the supervision of a licensed physical therapist and in
33 accordance with the provisions of this chapter and the regulations of the Board; and

34 (e) The person complies with any other requirements of the Board to practice
35 physical therapy *or as a physical therapist assistant, as applicable,* during the
36 period of the temporary exemption.

37 4. The temporary exemption authorized by subsection 3 begins on the date on
38 which the Board notifies the person that he or she may practice physical therapy *or*
39 *as a physical therapist assistant, as applicable,* under the temporary exemption and
40 continues until the date of the examination if the person does not take the
41 examination or until the date on which the Board notifies the person of the results
42 of the examination. During the period of the temporary exemption, the person:

43 (a) Shall not use as his or her title or professional credentials any words, letters
44 or insignia except for the words "graduate of physical therapy ~~1~~," "P.T.A." *or*
45 *"Physical Therapist Assistant," as applicable.*

46 (b) Is subject to the regulatory and disciplinary authority of the Board to the
47 same extent as a licensed physical therapist ~~1~~ *or licensed physical therapist*
48 *assistant, as applicable.*

49 Sec. 15. NRS 640.145 is hereby amended to read as follows:

50 640.145 1. The Board may issue a license by endorsement as a physical
51 therapist *or physical therapist assistant* to an applicant who meets the requirements
52 set forth in this section. An applicant may submit to the Board an application for
53 such a license if the applicant holds a corresponding valid and unrestricted license

as a physical therapist *or physical therapist assistant, as applicable*, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ *and is not currently being* investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist ~~or physical therapist assistant~~; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~as a physical therapist~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~as a physical therapist~~ to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➤ whichever occurs later.

4. A license by endorsement ~~as a physical therapist~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or his or her designee~~. Such an action shall be deemed to be an action of the Board.

Sec. 16. NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist *or physical therapist assistant* to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist *or physical therapist assistant* in the District of Columbia or any state or territory of the United States; and

(b) 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.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~for~~ *and is not currently being* investigated by the corresponding regulatory authority of the District of Columbia or the state or

territory in which the applicant holds a license as a physical therapist ~~or~~ *or physical therapist assistant*; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement ~~as a physical therapist~~ pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement ~~as a physical therapist~~ to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➤ whichever occurs later.

4. A license by endorsement ~~as a physical therapist~~ may be issued at a meeting of the Board or between its meetings by the Chair of the Board ~~or his or her designee~~. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist *or physical therapist assistant, as applicable*, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 17. NRS 640.150 is hereby amended to read as follows:

640.150 1. A license to practice *as a physical* ~~therapy~~ *therapist or physical therapist assistant* expires ~~on July 31 of each year. A~~ *1 year after the date of its issuance or on the date prescribed by the Board, whichever is later. Except as otherwise provided in subsection 2, a physical therapist or physical therapist assistant may renew a license before its expiration upon:*

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

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

(c) Submission of all information required to complete the renewal.

2. A license ~~that is not renewed before July 31 of each year~~ *may be renewed within 30 days after the date it expires. An expired license that is not renewed in a timely manner may be reinstated, at the discretion of the Board, upon:*

(a) Payment of the ~~annual renewal fee and the annual expiration~~ *reinstatement* fee established by *regulation of* the Board for each year *or portion thereof* that the license is expired; and

(b) ~~Submission~~ *Satisfaction* of ~~all information required to complete~~ the requirements for renewal ~~or~~ *prescribed by subsection 1.*

3. The Board shall require licensed physical therapists *and physical therapist assistants* to complete a program of continuing ~~education~~ *competency* 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;~~

~~→~~ *establish requirements for the program ~~of~~ of continuing competency, which may include a requirement that any provider of such a program must be approved by the Board.*

4. The Board ~~may, pursuant to subsection 3,~~ :

(a) Shall establish a fee for reinstatement of an expired license, to be paid for each year or portion thereof that the license is expired.

(b) May establish a fee of not more than \$150 to consider approval of a ~~course~~ program of ~~study or training~~ continuing competency.

Sec. 18. NRS 640.1605 is hereby amended to read as follows:

640.1605 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a physical therapist or physical ~~therapist's~~ *therapist* assistant, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license as a physical therapist or physical ~~therapist's~~ *therapist* assistant that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. NRS 640.1695 is hereby amended to read as follows:

640.1695 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical ~~therapist's~~ *therapist* assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 20. NRS 640.170 is hereby amended to read as follows:

640.170 1. *A person who is licensed under this chapter as a physical therapist shall use the words or letters "P.T." or "Physical Therapist" immediately following his or her name when representing himself or herself as a licensed physical therapist.*

2. A person who is not licensed under this chapter as a physical therapist, or whose license has been suspended, revoked or has expired and who uses in connection with his or her name the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," or any other letters, words or insignia indicating or implying that the person is a licensed physical therapist, or who in any other way, orally, or in writing, or in print, by sign, directly or by implication, represents himself or herself as a licensed physical therapist, is guilty of a misdemeanor.

3. *A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization shall not:*

(a) Use in connection with its name or business activities the words or letters "L.P.T.," "Licensed Physical Therapist," "R.P.T.," "Registered Physical Therapist," "P.T.," "Physical Therapist," "physical therapy," or any other letters, words or insignia indicating or implying that the sole proprietorship, corporation,

limited-liability company, association, partnership or other form of business organization provides, through employees, agents, independent contractors or representatives, services constituting the practice of physical therapy; or

(b) Represent in any other way, orally, or in writing, or in print, by sign, directly or by implication, that the sole proprietorship, corporation, limited-liability company, association or partnership provides services constituting the practice of physical therapy,

↪ unless the services constituting the practice of physical therapy are provided by or under the supervision of a licensed physical therapist. A sole proprietorship, corporation, limited-liability company, association, partnership or other form of business organization that violates this subsection is guilty of a misdemeanor.

4. In addition to any criminal penalty that may be imposed for a violation of subsection 2 or 3, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 or 3 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 21. NRS 640.175 is hereby amended to read as follows:

640.175 1. A person who is licensed under NRS 640.230 to 640.290, inclusive, as a physical therapist assistant shall use the words or letters "P.T.A." or "Physical Therapist Assistant" immediately following his or her name when representing himself or herself as a licensed physical therapist assistant.

2. Any person:

~~1-1~~ (a) Who is not licensed ~~under NRS 640.230 to 640.290, inclusive,~~ as a physical ~~therapist's~~ therapist assistant;

~~2-1~~ (b) Whose license has been suspended or revoked; or

~~3-1~~ (c) Whose license has expired and has not been reinstated,

↪ and who uses in connection with his or her name the words or letters "P.T.A." or "Physical ~~Therapist's~~ Therapist Assistant," or any other letters, words or insignia indicating or implying that he or she is a licensed physical ~~therapist's~~ therapist assistant, or who in any other way, orally, or in writing, or in print, by sign, directly, or by implication, represents himself or herself as a licensed physical ~~therapist's~~ therapist assistant, is guilty of a misdemeanor.

3. In addition to any criminal penalty that may be imposed for a violation of subsection 2, the Board, after notice and hearing, may:

(a) Issue an order against any person who has violated subsection 2 imposing an administrative penalty of not more than \$5,000 for each violation. Any administrative penalty collected pursuant to this paragraph must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a telephone number with which the person may contact the Board.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 22. NRS 640.210 is hereby amended to read as follows:

640.210 1. The Board shall investigate every supposed violation of this chapter coming to its notice and shall report to the proper district attorney all cases that in the judgment of the Board warrant prosecution.

2. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. ~~Proceedings~~ Except as otherwise provided in subsection 3, proceedings under this subsection shall be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking shall be required in any action commenced by the Board.

3. In obtaining an injunction or any other order to restrain any conduct which constitutes or will constitute a violation of subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175, the Board must only show that the person engaging or about to engage in the conduct violated subsection 2 or 3 of NRS 640.170 or subsection 2 of NRS 640.175 to establish that immediate and irreparable injury, loss or damage will result from the continued action of the person.

Sec. 23. NRS 640.230 is hereby amended to read as follows:

640.230 ~~For~~ Except as otherwise provided in NRS 640.145 and 640.146, to be eligible for licensing by the Board as a physical ~~therapist's~~ therapist assistant, an applicant must:

1. Be at least 18 years old.

2. Be of good moral character.

3. ~~Have graduated from an approved high school.~~

~~4.~~ Have completed ~~an educational curriculum~~ a program of professional education approved by the Board for a physical ~~therapist's~~ therapist assistant.

~~5.~~ 4. Pass an examination designated by the Board or be entitled to licensing without examination as provided in NRS ~~640.270 or 640.275~~ 640.120.

Sec. 24. 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~~ program of professional education for a physical ~~therapist's~~ therapist assistant unless the ~~curriculum~~ program 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~~ program which is provided by the Armed Forces of the United States.

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

Sec. 25. NRS 640.290 is hereby amended to read as follows:

640.290 A person licensed as a physical ~~therapist's~~ *therapist* assistant may assist in the practice of physical therapy only under the ~~direct~~ supervision of a supervising physical therapist, as regulated by the Board and subject to the conditions and limitations of ~~NRS 640.175~~ *this chapter* and ~~640.230 to 640.290, inclusive~~ *any regulations adopted pursuant thereto*.

Sec. 26. NRS 640.310 is hereby amended to read as follows:

640.310 ~~1-1~~ *The Board shall adopt regulations prescribing the activities that a physical therapist technician may perform only under the immediate supervision of a physical therapist.* A physical therapist shall provide immediate supervision of a physical ~~therapist's~~ *therapist* technician while the technician performs ~~treatments related to physical therapy which have been directed by the physical therapist.~~

~~2. As used in this section, "treatment" does not include secretarial, clerical or housekeeping activities, the transportation of a patient or the dressing or undressing of a patient.~~ *any such activity.*

Sec. 27. Any regulations adopted before October 1, 2017, by the State Board of Physical Therapy Examiners pursuant to NRS 640.050 concerning the treatments and other regulated procedures which may be performed by a physical therapist technician remain in effect until the Nevada Physical Therapy Board adopts regulations pursuant to NRS 640.310, as amended by section 26 of this act, to replace those regulations.

Sec. 28. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is charged by this act for the name which the agency, officer or instrumentality previously used.

Sec. 29. NRS 640.100, 640.140, 640.250, 640.255, 640.260, 640.270, 640.275 and 640.280 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

640.100 Examination and reexamination of applicants; prohibition on participation in preparing, conducting or grading examination.

640.140 Licensing of physical therapist licensed in another state or territory.

640.250 Application for license: Contents; fees.

640.255 Payment of child support: Submission of certain information by applicant; grounds for denial of license; duty of Board.

640.260 Issuance and display of license; fee for replacement of lost license or to change name; duration of validity of license.

640.270 Licensing of physical therapist's assistant licensed in another state or territory.

640.275 Temporary license for medical emergency; temporary exemptions from licensing for certain students and applicants.

640.280 Renewal, expiration and reinstatement of license; continuing education; fees.