

Amendment No. 864

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| Assembly Amendment to Senate Bill No. 186 First Reprint                               | (BDR 54-514) |
| <b>Proposed by:</b> Assembly Committee on Commerce and Labor                          |              |
| <b>Amendment Box:</b> Replaces Amendment No. 844.                                     |              |
| <b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes |              |

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 186 R1.

| 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.

KRO/EGO



Date: 5/21/2019

S.B. No. 186—Enacts provisions governing the interstate practice of physical therapy. (BDR 54-514)





## SENATE BILL NO. 186—SENATOR SEEVERS GANSERT

FEBRUARY 18, 2019

Referred to Committee on Commerce and Labor

SUMMARY—~~[Enacts]~~ **Revises** provisions governing the ~~[interstate]~~ practice of physical therapy. (BDR 54-514)

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

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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; ~~[enacting and entering into the Physical Therapy Licensure Compact;]~~ **expanding the scope of practice of physical therapy to include the performance of dry needling under certain circumstances; requiring the Nevada Physical Therapy Board to adopt regulations relating to dry needling;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[—The Physical Therapy Licensure Compact is an interstate compact that allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the Compact to practice as a physical therapist or physical therapist assistant in other states that are members of the Compact. The Compact only authorizes a physical therapist or physical therapist assistant to provide services in person in a state in which he or she is not licensed. Before practicing as a physical therapist or physical therapist assistant under the Compact, the Compact requires a physical therapist or physical therapist assistant to: (1) hold a license in his or her home state; (2) have no encumbrances on his or her license; (3) be eligible to practice under the Compact; (4) have had no adverse actions taken against any license or authority to practice under the Compact within the previous 2 years; (5) notify the Physical Therapy Compact Commission that he or she is seeking to practice under the Compact within the other state; (6) pay any applicable fees; (7) meet any requirements in the state in which he or she seeks to practice under the Compact; and (8) report any adverse action taken against him or her within 30 days from the date the adverse action is taken. The Compact requires that the states who are members of the Compact create and establish a joint public agency called the Physical Therapy Compact Commission. The Commission is authorized to: (1) establish bylaws; (2) make rules that facilitate and coordinate implementation and administration of the Compact; (3) hold meetings, including closed meetings; (4) levy on and collect an annual assessment from each state that is a member of the Compact; (5) develop, maintain and utilize a coordinated database and reporting system; and (6) resolve disputes related to the Compact among states that are members of the Compact. Section 2 of this bill enacts the Physical Therapy Licensure Compact. Sections 3-5 of this bill set forth various provisions that incorporate the Compact into existing law.~~

~~—The Compact requires a participating state to comply with various rules. To ensure this State's compliance with these rules, section 3 of this bill requires the Nevada Physical Therapy Board to carry out the State's compliance with the Compact in this State.~~

— The Compact authorizes a state that is a member of the Compact to charge a fee for granting a compact privilege. Existing law requires all fees that relate to physical therapists, physical therapist assistants and physical therapist technicians which are collected to be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in this State. (NRS 640.070) Section 4 of this bill authorizes the Board to adopt regulations to carry out the State's compliance with the Compact in this State, including regulations that establish such fees. If the Board establishes such fees by regulation, section 4 requires the Board to deposit the money collected from such fees in banks, credit unions, savings and loan associations or savings banks in this State and authorizes the Board to present claims to the State Board of Examiners for recommendation to the Interim Finance Committee to spend money if the money is needed to meet the financial obligations imposed on this State as a result of participating in the Compact.

— The Compact authorizes the Commission, the Executive Board of the Commission or other committees of the Commission to convene a closed, nonpublic meeting to discuss certain topics or disclose certain information. Section 5 of this bill provides that if such a closed meeting occurs, any record created as a result of such a meeting shall not be considered a public record. Section 30 of this bill makes a conforming change.

— Sections 6-29 and 31-38 of this bill make conforming changes by clarifying that a physical therapist or physical therapist assistant can be: (1) licensed to practice or to assist in the practice of physical therapy in this State; or (2) authorized to practice or to assist in the practice of physical therapy in this State under the Compact. Additionally, section 25 of this bill defines the term "licensed physical therapist" for the entirety of the Nevada Revised Statutes to mean a physical therapist who is: (1) licensed under existing law; or (2) authorized to practice physical therapy in this State under the Compact.}]

Existing law provides for the licensure and regulation of physical therapists by the Nevada Physical Therapy Board. (Chapter 640 of NRS) Existing law authorizes the Board to adopt regulations to carry out its powers and duties relating to physical therapy. (NRS 640.050) Section 6 of this bill requires the Board to adopt regulations establishing the qualifications a physical therapist must obtain before he or she is authorized to perform dry needling. Section 6 requires these qualifications to include the successful completion of not less than 150 hours of didactic education and training in dry needling approved by the Board. Section 6 further requires the Board to adopt regulations establishing procedures: (1) concerning the handling of needles used to perform dry needling, including procedures for the disposal of a needle after a single use; and (2) to ensure that a physical therapist does not engage in needle retention. Section 3 of this bill prohibits a physical therapist who is qualified to perform dry needling from inserting the same needle more than once during the performance of dry needling. Section 2 of this bill defines "dry needling," and section 5 of this bill includes dry needling in the scope of practice of physical therapy for qualified physical therapists.

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

Delete existing sections 1 through 39 of this bill and replace with the following new sections 1 through 6:

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

Sec. 2. "Dry needling":

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

2. Does not include:

(a) The stimulation of an auricular point;

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

(c) Needle retention; or

(d) The teaching or application of acupuncture.

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

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

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

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

640.024 "Practice of physical therapy":

1. Includes:

(a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;

(b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; ~~and~~

(c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy ~~to~~; and

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

2. Does not include:

(a) The diagnosis of physical disabilities;

(b) The use of roentgenic rays or radium;

(c) The use of electricity for cauterization or surgery; or

(d) The occupation of a masseur who massages only the superficial soft tissues of the body.

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

640.050 1. The Board shall:

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;

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

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

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

(a) Issuance and display of licenses.

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

3. The Board shall adopt regulations establishing:

(a) The qualifications a physical therapist must obtain before he or she is authorized to perform dry needling, which must include, without limitation, the successful completion of not less than 150 hours of didactic education and

training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.

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

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

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

~~44~~ 5. The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.

~~55~~ 6. The Board may:

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

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

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

~~66~~ 7. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.

~~77~~ 8. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.