

SENATE BILL NO. 142—SENATOR HARRIS

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing physical therapy.  
(BDR 54-511)

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; 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; 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; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law establishes the State Board of Physical Therapy Examiners to
- 2 regulate physical therapists and physical therapist assistants. (NRS 640.030)
- 3 **Section 35** of this bill repeals the requirement of existing law that the Board itself
- 4 examine applicants for licensure as physical therapists, but **sections 18 and 29** of
- 5 this bill leave in place existing requirements that applicants for licensure as



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6 physical therapists or physical therapist assistants pass an examination designated  
7 by the Board. (NRS 640.080, 640.230) **Section 5** of this bill changes the name of  
8 the Board to the Nevada Physical Therapy Board to reflect that the Board no longer  
9 administers, but merely designates, the examinations.

10 **Sections 2 and 12** of this bill authorize the Board to appoint nonvoting  
11 advisory members. Additionally, **section 12**: (1) revises the membership of the  
12 Board to include a physical therapist assistant; and (2) clarifies that the Board is  
13 subject to the provisions of law governing meetings of public bodies. **Section 13** of  
14 this bill requires the Board to elect new officers annually and specifies the officers  
15 whom the Board is required to elect. **Section 14** of this bill clarifies that only voting  
16 members of the Board are entitled to compensation. **Section 15** of this bill revises  
17 the duties of the Board. **Section 17** of this bill removes a requirement that the  
18 Board deposit administrative fines with the State Treasurer for credit in the State  
19 General Fund and instead requires the Board to deposit such fines directly in the  
20 State General Fund.

21 Existing law authorizes the Board to impose disciplinary action, after notice  
22 and a hearing, against a licensee who commits certain violations. (NRS 640.160)  
23 **Section 3** of this bill authorizes the Board to issue a citation for certain violations of  
24 statute or regulation. **Section 4** of this bill allows a person to whom a citation has  
25 been issued to contest the citation in a hearing conducted according to the  
26 provisions of law governing contested cases.

27 Existing law authorizes the Board to adopt regulations concerning treatments  
28 and other regulated procedures which may be performed by a physical therapist  
29 technician. (NRS 640.050) A physical therapist must provide immediate  
30 supervision of a physical therapist technician while the technician performs  
31 treatments related to physical therapy. (NRS 640.310) **Sections 15 and 32** of this  
32 bill instead require the Board to adopt regulations prescribing the activities that a  
33 physical therapist technician may perform only under the immediate supervision of  
34 a physical therapist. **Section 6** of this bill clarifies that a physical therapist who is  
35 supervising a physical therapist technician must be present on-site.

36 **Section 7** of this bill clarifies the definition of the term "physical therapist."  
37 **Sections 8-12, 15 and 26-32** of this bill standardize the terminology used to refer to  
38 physical therapist assistants and physical therapist technicians.

39 Existing law specifically exempts an occupational therapist, occupational  
40 therapy assistant or athletic trainer who does not represent that he or she is a  
41 physical therapist or physical therapist assistant from licensure and regulation by  
42 the Board. (NRS 640.029) **Section 11** of this bill generally expands this exemption  
43 to include all other providers of health care as defined by existing law.  
44 (NRS 629.031)

45 Existing law requires an applicant for a license as a physical therapist or  
46 physical therapist assistant to have completed an educational curriculum approved  
47 by the Board. (NRS 640.080, 640.230) **Sections 18 and 29** of this bill instead  
48 require the applicant to have completed a program of professional education for  
49 physical therapists or physical therapist assistants, as applicable, that has been  
50 approved by the Board. **Sections 16 and 30** of this bill make conforming changes.

51 Existing law provides similar procedures for licensing physical therapists and  
52 physical therapist assistants. (NRS 640.090-640.110, 640.150, 640.250-640.270,  
53 640.280) Existing law also authorizes a person to: (1) obtain a temporary license to  
54 practice as a physical therapist or physical therapist assistant to assist in a medical  
55 emergency without examination; and (2) work without a license under the  
56 supervision of a physical therapist while satisfying clinical education requirements.  
57 (NRS 640.120, 640.275) **Sections 19-22, 25 and 35** of this bill combine and  
58 remove the duplication of those provisions.

59 Existing law prescribes the requirements for licensure by endorsement of a  
60 physical therapist who is licensed in another state. (NRS 640.145, 640.146)



61 Sections 23 and 24 of this bill extend those provisions to physical therapist  
62 assistants. Section 35 repeals duplicative provisions authorizing the Board to  
63 license without examination a physical therapist or physical therapist assistant who  
64 is licensed in another state.

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

1 Section 1. Chapter 640 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 Sec. 2. *The Board may, by majority vote, select any person,*  
4 *including, without limitation, a physical therapist or physical*  
5 *therapist assistant, to serve as an advisory member of the Board.*  
6 *The Board shall prescribe the term and duties of any advisory*  
7 *member it selects pursuant to this section. An advisory member*  
8 *may not vote on any matter before the Board. Advisory members*  
9 *serve without compensation.*

10 Sec. 3. 1. *After conducting an inspection pursuant to NRS*  
11 *640.050, a member or agent of the Board may issue a citation to a*  
12 *licensee if the member or agent concludes that, based on a*  
13 *preponderance of the evidence, the licensee has violated:*

14 (a) *Subsection 3 of NRS 640.110;*

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

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

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

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

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

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

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

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



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

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

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

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

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

15       **Sec. 4. 1.** Except as otherwise provided in this subsection,  
16 to contest a citation issued pursuant to section 3 of this act, the  
17 person must submit a written request for a hearing to the Board  
18 not later than 30 days after the date of issuance of the citation.  
19 The Board may, for good cause shown, extend the time to submit a  
20 request for a hearing.

21       2. If the person to whom a citation is issued files a timely  
22 written request for a hearing to contest the citation:

23       (a) The Board shall provide notice of and conduct the hearing  
24 in accordance with this chapter and the provisions of chapters  
25 233B and 622A of NRS governing the adjudication of contested  
26 cases.

27       (b) At the hearing, the licensee may contest, without  
28 limitation:

29       (1) The facts forming the basis for the determination that  
30 the licensee has committed an act which constitutes a violation of  
31 a provision described in section 3 of this act;

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

33       (3) The amount of any administrative fine ordered;

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

36       (5) Whether any corrective action described in the citation  
37 is reasonable.

38       3. If a person to whom a citation is issued pursuant to section  
39 3 of this act does not file timely a written request for a hearing to  
40 contest the citation, the citation shall be deemed a final order of  
41 the Board and any assessed fine deemed due and payable and any  
42 corrective action deemed required.

43       4. For the purposes of this section, a citation issued pursuant  
44 to section 3 of this act shall be deemed to have been received by a  
45 person:



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

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

6 **Sec. 5.** NRS 640.013 is hereby amended to read as follows:

7 640.013 “Board” means the ~~{State Board of}~~ *Nevada* Physical  
8 Therapy ~~{Examiners-}~~ *Board.*

9 **Sec. 6.** NRS 640.016 is hereby amended to read as follows:

10 640.016 “Immediate supervision” means that a person is  
11 present *on-site* and immediately available within the treatment area  
12 to give aid, direction and instruction to the person he or she is  
13 supervising.

14 **Sec. 7.** NRS 640.021 is hereby amended to read as follows:

15 640.021 “Physical therapist” means a person who is licensed *as*  
16 *such* in accordance with the provisions of this chapter.

17 **Sec. 8.** NRS 640.0213 is hereby amended to read as follows:

18 640.0213 “Physical ~~{therapist’s}~~ *therapist* assistant” means a  
19 person who assists in the practice of physical therapy under the  
20 supervision of a licensed physical therapist and who is licensed  
21 under the provisions of this chapter. ~~{The term is synonymous with~~  
22 ~~“physical therapist assistant.”}~~

23 **Sec. 9.** NRS 640.0216 is hereby amended to read as follows:

24 640.0216 “Physical ~~{therapist’s}~~ *therapist* technician” means  
25 an unlicensed person who performs certain limited activities at the  
26 direction of the physical therapist.

27 **Sec. 10.** NRS 640.026 is hereby amended to read as follows:

28 640.026 “Supervising physical therapist” means a physical  
29 therapist who supervises a physical ~~{therapist’s}~~ *therapist* assistant  
30 ~~{or}~~ *, a physical* ~~{therapist’s}~~ *therapist* technician ~~{,}~~ *, a student who*  
31 *is completing a program for physical therapists or physical*  
32 *therapist assistants or a graduate of such a program.*

33 **Sec. 11.** NRS 640.029 is hereby amended to read as follows:

34 640.029 *1.* This chapter does not apply to *a provider of*  
35 *health care or* an ~~{occupational therapist,}~~ occupational therapy  
36 assistant ~~{or athletic trainer}~~ who:

37 ~~{1-}~~ *(a)* Is licensed to practice in this state;

38 ~~{2-}~~ *(b)* Practices within the scope of that license; and

39 ~~{3-}~~ *(c)* Does not represent that he or she is a physical therapist  
40 or physical ~~{therapist’s}~~ *therapist* assistant, or that he or she  
41 practices physical therapy.

42 *2. As used in this section, “provider of health care” has the*  
43 *meaning ascribed to it in NRS 629.031, except that the term does*  
44 *not include a physical therapist.*



1       **Sec. 12.** NRS 640.030 is hereby amended to read as follows:  
2       640.030 1. The ~~{State Board of}~~ *Nevada* Physical Therapy  
3 ~~{Examiners,}~~ *Board*, consisting of five members appointed by the  
4 Governor, *and any nonvoting advisory members appointed by the*  
5 *Board pursuant to section 2 of this act*, is hereby created.

6       2. The Governor shall appoint:  
7       (a) ~~{Four}~~ *Three* members who are licensed physical therapists  
8 in the State of Nevada.

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

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

13       (1) A physical therapist ~~{}~~ *or* a physical ~~{therapist's}~~  
14 *therapist* assistant ; ~~{or a physical therapist's technician.}~~ *or*

15       (2) The spouse or the parent or child, by blood, marriage or  
16 adoption, of a physical therapist ~~{}~~ *or* a physical ~~{therapist's}~~  
17 *therapist* assistant . ~~{or a physical therapist's technician.}~~

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

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

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

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

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

31       **Sec. 13.** NRS 640.035 is hereby amended to read as follows:

32       640.035 ~~{The}~~ *At the first meeting of each fiscal year, the*  
33 Board shall elect a Chair ~~{and other officers}~~ , *a Vice Chair and a*  
34 *Secretary-Treasurer* from among its members.

35       **Sec. 14.** NRS 640.045 is hereby amended to read as follows:

36       640.045 1. Each *voting* member of the Board is entitled to  
37 receive:

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

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

44       2. While engaged in the business of the Board, each employee  
45 of the Board is entitled to receive a per diem allowance and travel



1 expenses at a rate fixed by the Board. The rate must not exceed the  
2 rate provided for state officers and employees generally.

3 **Sec. 15.** NRS 640.050 is hereby amended to read as follows:

4 640.050 1. The Board shall ~~{examine and license qualified~~  
5 ~~physical therapists and qualified physical therapist's assistants.}~~ :

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

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

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

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

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

22 (a) Issuance and display of licenses.

23 (b) Supervision of physical ~~{therapist's}~~ *therapist* assistants and  
24 physical ~~{therapist's}~~ *therapist* technicians.

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

27 3. The Board shall ~~{keep}~~ *prepare and maintain* a record of its  
28 proceedings ~~{and a register of all persons licensed under the~~  
29 ~~provisions of this chapter. The register must show:~~

30 ~~—(a) The name of every living licensee.~~

31 ~~—(b) The last known place of business and residence of each~~  
32 ~~licensee.~~

33 ~~—(c) The date and number of each license issued as a physical~~  
34 ~~therapist or physical therapist's assistant.} , including, without~~  
35 ~~limitation, any disciplinary proceedings.~~

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

44 5. The Board may:



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

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

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

7 6. Any member or agent of the Board may enter any premises  
8 in this State where a person who holds a license issued pursuant to  
9 the provisions of this chapter practices physical therapy or as a  
10 physical ~~therapist's~~ *therapist* assistant and inspect ~~the~~ *the*  
11 *premises* to determine whether a violation of any provision of this  
12 chapter *or any regulation adopted pursuant thereto* has occurred,  
13 including, without limitation, an inspection to determine whether  
14 any person at the premises is practicing physical therapy or as a  
15 physical ~~therapist's~~ *therapist* assistant without the appropriate  
16 license issued pursuant to the provisions of this chapter.

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

19 **Sec. 16.** NRS 640.060 is hereby amended to read as follows:

20 640.060 For the purpose of NRS 640.080 ~~and 640.230~~, the  
21 Board shall approve any school or ~~educational curriculum~~  
22 *program of professional education for physical therapists and*  
23 *physical therapist assistants* taught at a school if the school is  
24 accredited by an accrediting agency recognized by the Board.

25 **Sec. 17.** NRS 640.070 is hereby amended to read as follows:

26 640.070 1. All fees collected under this chapter must be  
27 deposited by the Board in banks, credit unions or savings and loan  
28 associations in the State of Nevada.

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

31 3. In a manner consistent with the provisions of chapter 622A  
32 of NRS, the Board may delegate to a hearing officer or panel its  
33 authority to take any disciplinary action pursuant to this chapter and  
34 impose and collect administrative fines therefor. If the Board so  
35 delegates its authority, the Board may deposit the money from the  
36 fines in banks, credit unions or savings and loan associations in this  
37 State for the support of the Board. In addition, the hearing officer or  
38 panel may assess a licensee against whom disciplinary action is  
39 taken any costs and fees incurred by the Board as a result of the  
40 hearing. The money from the reimbursed costs and fees may also be  
41 deposited for use by the Board.

42 4. If a hearing officer or panel is not authorized to take  
43 disciplinary action pursuant to subsection 3, the Board shall deposit  
44 the money collected from the imposition of administrative fines  
45 ~~with the State Treasurer for credit to~~ *in* the State General Fund.





1 The Board may present a claim to the State Board of Examiners for  
2 recommendation to the Interim Finance Committee if money is  
3 needed to pay attorney's fees or the costs of an investigation, or  
4 both.

5 **Sec. 18.** NRS 640.080 is hereby amended to read as follows:

6 640.080 Except as otherwise provided in NRS 640.145 and  
7 640.146, to be eligible for licensure by the Board as a physical  
8 therapist, an applicant must:

9 1. Be of good moral character;

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

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

16 **Sec. 19.** NRS 640.090 is hereby amended to read as follows:

17 640.090 1. Unless he or she is entitled to licensure under  
18 NRS 640.120, ~~640.140,~~ 640.145 or 640.146, a person who desires  
19 to be licensed as a physical therapist *or physical therapist assistant*  
20 must:

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

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

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

31 (d) Submit to the Board with the application a complete set of  
32 fingerprints which the Board may forward to the Central Repository  
33 for Nevada Records of Criminal History for submission to the  
34 Federal Bureau of Investigation for its report;

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

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

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

43 **Sec. 20.** NRS 640.095 is hereby amended to read as follows:

44 640.095 1. In addition to any other requirements set forth in  
45 this chapter:



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

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

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

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

15 (b) A separate form prescribed by the Board.

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

19 (a) Fails to submit the statement required pursuant to subsection  
20 1; or

21 (b) Indicates on the statement submitted pursuant to subsection  
22 1 that the applicant is subject to a court order for the support of a  
23 child and is not in compliance with the order or a plan approved by  
24 the district attorney or other public agency enforcing the order for  
25 the repayment of the amount owed pursuant to the order.

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

34 **Sec. 21.** NRS 640.110 is hereby amended to read as follows:

35 640.110 1. The Board shall license as a physical therapist *or*  
36 *physical therapist assistant* each applicant who proves to the  
37 satisfaction of the Board his or her qualifications for licensure.

38 2. The Board shall issue to each applicant who proves to the  
39 satisfaction of the Board his or her qualification for licensure **H** :

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



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

6       3. Each physical therapist ***and physical therapist assistant***  
7 shall display his or her current license in a location which is  
8 accessible to the public.

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

11       ***5. A license as a physical therapist assistant remains valid***  
12 ***while a supervising physical therapist continues to supervise the***  
13 ***physical therapist assistant.***

14       **Sec. 22.** NRS 640.120 is hereby amended to read as follows:

15       640.120 1. The Board may issue, without examination, a  
16 license to practice ~~physical therapy~~ ***as a physical therapist or***  
17 ***physical therapist assistant*** for a period not to exceed 6 months to  
18 any person who meets ~~the~~ ***all the other*** qualifications set forth in  
19 NRS 640.080 ~~except subsection 3 thereof,~~ ***or 640.230, as***  
20 ***applicable,*** upon certification that the person has been assigned to  
21 the State of Nevada on a temporary basis to assist in a medical  
22 emergency. Issuance of the temporary license is subject to such fees,  
23 not to exceed \$100, and conditions as the Board may require.

24       2. A student ~~of physical therapy is not required to be licensed~~  
25 ~~during his or her clinical training if the work is done under the direct~~  
26 ~~supervision of a licensed physical therapist.~~ ***who is enrolled in a***  
27 ***program of professional education for physical therapists or***  
28 ***physical therapist assistants approved by the Board is not required***  
29 ***to be licensed to work under the supervision of a physical therapist***  
30 ***who is present on-site to satisfy a requirement of that program.***

31       3. A person who has applied for licensure as a physical  
32 therapist ***or physical therapist assistant*** and who meets the  
33 qualifications set forth in NRS 640.080 ~~or~~ ***640.230,*** except  
34 subsection 3 ~~thereof,~~ ***of NRS 640.080 or subsection 4 of NRS***  
35 ***640.230, as applicable,*** is temporarily exempt from licensure and  
36 may practice physical therapy ***or as a physical therapist assistant,***  
37 ***as applicable,*** during the period of the temporary exemption if:

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

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

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



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

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

9 4. The temporary exemption authorized by subsection 3 begins  
10 on the date on which the Board notifies the person that he or she  
11 may practice physical therapy *or as a physical therapist assistant,*  
12 *as applicable*, under the temporary exemption and continues until  
13 the date of the examination if the person does not take the  
14 examination or until the date on which the Board notifies the person  
15 of the results of the examination. During the period of the temporary  
16 exemption, the person:

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

21 (b) Is subject to the regulatory and disciplinary authority of the  
22 Board to the same extent as a licensed physical therapist ~~†~~ *or*  
23 *licensed physical therapist assistant, as applicable*.

24 **Sec. 23.** NRS 640.145 is hereby amended to read as follows:

25 640.145 1. The Board may issue a license by endorsement as  
26 a physical therapist *or physical therapist assistant* to an applicant  
27 who meets the requirements set forth in this section. An applicant  
28 may submit to the Board an application for such a license if the  
29 applicant holds a corresponding valid and unrestricted license as a  
30 physical therapist *or physical therapist assistant, as applicable*, in  
31 the District of Columbia or any state or territory of the United  
32 States.

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

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

36 (1) Satisfies the requirements of subsection 1;

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

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



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

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

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

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

12 (e) Any other information required by the Board.

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

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

21 (b) Ten days after the Board receives a report on the applicant's  
22 background based on the submission of the applicant's fingerprints,  
23 ↪ whichever occurs later.

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

28 **Sec. 24.** NRS 640.146 is hereby amended to read as follows:

29 640.146 1. The Board may issue a license by endorsement as  
30 a physical therapist *or physical therapist assistant* to an applicant  
31 who meets the requirements set forth in this section. An applicant  
32 may submit to the Board an application for such a license if the  
33 applicant:

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

37 (b) Is an active member of, or the spouse of an active member  
38 of, the Armed Forces of the United States, a veteran or the surviving  
39 spouse of a veteran.

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

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

43 (1) Satisfies the requirements of subsection 1;

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



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

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

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

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

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

17 (e) Any other information required by the Board.

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

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

27 (b) Ten days after the Board receives a report on the applicant's  
28 background based on the submission of the applicant's fingerprints,  
29  $\rightarrow$  whichever occurs later.

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

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

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

41 **Sec. 25.** NRS 640.150 is hereby amended to read as follows:

42 640.150 1. A license to practice ~~physical therapy~~ *as a*  
43 *physical therapist or physical therapist assistant* expires ~~on~~  
44 *July 31 of each year. A* *1 year after the date of its issuance or on*  
45 *the date prescribed by the Board, whichever is later. Except as*



1 *otherwise provided in subsection 2, a physical therapist or physical*  
2 *therapist assistant* may renew a license before its expiration upon:

- 3 (a) Presentation of proof of completion of a program of
- 4 continuing ~~education~~ *competency* as required by subsection 3;
- 5 (b) Payment of a renewal fee established by the Board; and
- 6 (c) Submission of all information required to complete the
- 7 renewal.

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

- 12 (a) Payment of the ~~annual renewal fee and the annual~~  
13 ~~expiration~~ *reinstatement* fee established by *regulation of* the Board  
14 for each year *or portion thereof that* the license is expired; and
- 15 (b) ~~Submission of all information required to complete the~~  
16 ~~renewal.~~ *Satisfaction of the requirements for renewal prescribed*  
17 *by subsection 1.*

18 3. The Board shall require licensed physical therapists *and*  
19 *physical therapist assistants* to complete a program of continuing  
20 ~~education~~ *competency* as a requirement for the renewal of  
21 licenses. The Board shall, by regulation ~~:~~

- 22 ~~—(a) Prescribe the curriculum;~~
- 23 ~~—(b) Approve the courses of study or training; and~~
- 24 ~~—(c) Establish the fees;~~
- 25 ~~→ for the program.] , establish requirements for the program of~~  
26 *continuing competency, which may include a requirement that*  
27 *any provider of such a program must be approved by the Board.*

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

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

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

35 **Sec. 26.** NRS 640.1605 is hereby amended to read as follows:

36 640.1605 1. If the Board receives a copy of a court order  
37 issued pursuant to NRS 425.540 that provides for the suspension of  
38 all professional, occupational and recreational licenses, certificates  
39 and permits issued to a person who is the holder of a license as a  
40 physical therapist or physical ~~therapist's~~ *therapist* assistant, the  
41 Board shall deem the license issued to that person to be suspended  
42 at the end of the 30th day after the date on which the court order was  
43 issued unless the Board receives a letter issued to the holder of the  
44 license by the district attorney or other public agency pursuant to  
45 NRS 425.550 stating that the holder of the license has complied



1 with the subpoena or warrant or has satisfied the arrearage pursuant  
2 to NRS 425.560.

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

11 **Sec. 27.** NRS 640.1695 is hereby amended to read as follows:

12 640.1695 Unless the Board determines that extenuating  
13 circumstances exist, the Board shall forward to the appropriate law  
14 enforcement agency any substantiated information submitted to the  
15 Board concerning a person who practices or offers to practice  
16 physical therapy or as a physical ~~{therapist's}~~ *therapist* assistant  
17 without the appropriate license issued pursuant to the provisions of  
18 this chapter.

19 **Sec. 28.** NRS 640.175 is hereby amended to read as follows:

20 640.175 Any person:

21 1. Who is not licensed ~~{under NRS 640.230 to 640.290,~~  
22 ~~inclusive.}~~ as a physical ~~{therapist's}~~ *therapist* assistant;

23 2. Whose license has been suspended or revoked; or

24 3. Whose license has expired and has not been reinstated,  
25 ↪ and who uses in connection with his or her name the words or  
26 letters "P.T.A." or "Physical ~~{Therapist's}~~ *Therapist* Assistant," or  
27 any other letters, words or insignia indicating or implying that he  
28 or she is a licensed physical ~~{therapist's}~~ *therapist* assistant, or who  
29 in any other way, orally, or in writing, or in print, by sign, directly,  
30 or by implication, represents himself or herself as a licensed  
31 physical ~~{therapist's}~~ *therapist* assistant, is guilty of a misdemeanor.

32 **Sec. 29.** NRS 640.230 is hereby amended to read as follows:

33 640.230 ~~{To}~~ *Except as otherwise provided in NRS 640.145*  
34 *and 640.146, to* be eligible for licensing by the Board as a physical  
35 ~~{therapist's}~~ *therapist* assistant, an applicant must:

36 1. Be at least 18 years old.

37 2. Be of good moral character.

38 3. ~~{Have graduated from an approved high school.~~  
39 ~~—4.}~~ Have completed ~~{an educational curriculum}~~ *a program of*  
40 *professional education* approved by the Board for a physical  
41 ~~{therapist's}~~ *therapist* assistant.

42 ~~{5.}~~ 4. Pass an examination designated by the Board or be  
43 entitled to licensing without examination as provided in NRS  
44 ~~{640.270 or 640.275.}~~ *640.120.*





1       **Sec. 30.** NRS 640.240 is hereby amended to read as follows:  
2       640.240 1. For the purposes of NRS 640.230, the Board shall  
3 not approve any ~~educational curriculum~~ *program of professional*  
4 *education* for a physical ~~therapist's~~ *therapist* assistant unless the  
5 ~~curriculum~~ *program* includes elementary or intermediate courses  
6 in clinical, anatomical, biological and physical sciences and is:

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

10       (b) A ~~curriculum~~ *program* which is provided by the Armed  
11 Forces of the United States.

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

17       **Sec. 31.** NRS 640.290 is hereby amended to read as follows:

18       640.290 A person licensed as a physical ~~therapist's~~ *therapist*  
19 assistant may assist in the practice of physical therapy only under  
20 the direct supervision of a supervising physical therapist, as  
21 regulated by the Board and subject to the conditions and limitations  
22 of ~~NRS 640.175 and 640.230 to 640.290, inclusive.~~ *this chapter*  
23 *and any regulations adopted pursuant thereto.*

24       **Sec. 32.** NRS 640.310 is hereby amended to read as follows:

25       640.310 ~~+-~~ *The Board shall adopt regulations prescribing*  
26 *the activities that a physical therapist technician may perform only*  
27 *under the immediate supervision of a physical therapist.* A  
28 physical therapist shall provide immediate supervision of a physical  
29 ~~therapist's~~ *therapist* technician while the technician performs  
30 ~~treatments related to physical therapy which have been directed by~~  
31 ~~the physical therapist.~~

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

36       **Sec. 33.** Any regulations adopted before October 1, 2017, by  
37 the State Board of Physical Therapy Examiners pursuant to NRS  
38 640.050 concerning the treatments and other regulated procedures  
39 which may be performed by a physical therapist technician remain  
40 in effect until the Nevada Physical Therapy Board adopts  
41 regulations pursuant to NRS 640.310, as amended by section 32 of  
42 this act, to replace those regulations.

43       **Sec. 34.** The Legislative Counsel shall:

44       1. In preparing the Nevada Revised Statutes, use the authority  
45 set forth in subsection 10 of NRS 220.120 to substitute



1 appropriately the name of any agency, officer or instrumentality of  
2 the State whose name is changed by this act for the name which the  
3 agency, officer or instrumentality previously used; and  
4 2. In preparing supplements to the Nevada Administrative  
5 Code, substitute appropriately the name of any agency, officer or  
6 instrumentality of the State whose name is changed by this act for  
7 the name which the agency, officer or instrumentality previously  
8 used.  
9 **Sec. 35.** NRS 640.100, 640.140, 640.250, 640.255, 640.260,  
10 640.270, 640.275 and 640.280 are hereby repealed.

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**LEADLINES OF REPEALED SECTIONS**

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**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.**





