

NEVADA STATE BOARD OF

PHYSICAL THERAPY EXAMINERS

BOARD MEETING MINUTES MAY 7, 2009

- Item 1- Call to order / roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 9:07am. Board members in attendance: Jack Close, PT, Chairman; Chad Bible, PT, Vice Chairman; Cef Villafuerte, PT, Secretary/Treasurer; Michele Reuther, Public Member and Kathleen Sidener, PT. Non-members in attendance; Allison Tresca, Executive Director; Richard Dreitzer, legal counsel and Lawrence Mooney, PT, Chief Inspector. For all in attendance see sign-in sheet in minutes file.
- Item 2- Review and approval of minutes for Board meeting of March 19, 2009. Motion to approve as amended: Bible.
Second to motion: Sidener.
Approved unanimously.
- Item 3- Review and approval of executive session minutes for Board meeting of March 19, 2009. Motion to approve as amended: Sidener.
Second to motion: Bible.
Approved unanimously.
- Item 4- Review and approval of Treasurer's Report for period ending March 2009. Secretary/Treasurer Villafuerte commented that there may be additional reports for the Board to review, which may reflect the flow of financials better. He also noted that the Executive Director is doing a fantastic job with the accounting matters of the Board; having reconciled a mistake by bank. Motion to approve: Sidener.
Second to motion: Reuther.
Approved unanimously.
- Item 5- Review and approval of Profit and Loss Report for period ending March 2009. Motion to approve: Sidener.
Second to motion: Reuther.
Approved unanimously.
- Item 6- Review and approval of Balance Sheet as of March 2009. Motion to approve: Reuther.
Second to motion: Sidener.
Approved unanimously.

- Item 7- Review and approval of Fiscal Year Budget Report. Secretary/Treasurer Villafuerte stated that he wanted to change to a monthly budget if possible
Motion to approve: Sidener.
Second to motion: Bible.
Approved unanimously.
- Item 8- Review and approval of Executive Director's Report as of April 27, 2009.
Motion to approve: Sidener.
Second to motion: Reuther.
Approved unanimously.
- Item 9- Applicant Marjorie Santos requests to the take the National Physical Therapy Examination for Physical Therapists a fifth time in accordance with NRS 640.100(4).
Motion to enter closed session: Reuther.
Second to motion: Sidener.
Approved unanimously.
- After returning to open session:
Motion to grant fifth attempt at the National Physical Therapy Examination by the end of August: Villafuerte.
Second to motion: Sidener:
Approved unanimously.
- Item 10- Applicant Charles Jackson requests to the take the National Physical Therapy Examination for Physical Therapist's Assistants fourth time in accordance with NRS 640.100(4).
Motion to enter closed session: Sidener.
Second to motion: Villafuerte.
Approved unanimously.
- After returning to open session:
Motion to grant fourth attempt at the National Physical Therapy Examination within 90 days: Villafuerte.
Second to motion: Reuther.
Approved unanimously.
- Item 11- Applicant Elizabeth Tejeda requests to be licensed. This appearance is necessary due to the applicant's absence from the field since 1999.
Motion to enter closed session: Villafuerte.
Second: Sidener.
Approved unanimously.
- After returning to open session:
Issue a 6-month probationary license upon approval of primary and secondary Board approved supervisors. No appearance required at end of probationary period: Villafuerte.

Second to motion: Bible.
Approved unanimously.

Item 12-Applicant Jaime Bringhurst request to be licensed. This appearance is necessary due to the applicant's absence from the field since 2005.

Motion to enter closed session: Sidener.

Second to motion: Villafuerte.

Approved unanimously.

After returning to open session:

Issue a 3½ year probationary license upon approval of primary and secondary Board-approved supervisors. Require 3.0 units (30 hours) of Board-approved continuing education within 6 months; 1.5 of which must be on-site. This continuing education will cover the annual license renewal requirement. Once licensed, a request to appear before the Board can be made at any time to seek a change to the probationary status: Bible.

Second to motion: Sidener.

Approved unanimously.

Item 13- Applicant Jacquelyn Mooradian requests to be licensed. This appearance is necessary due to the applicant's absence from the field since 1995.

Motion to enter closed session: Villafuerte.

Second to motion: Bible.

Approved unanimously.

After returning to open session:

Issue a 1 year probationary license upon approval of primary and secondary Board-approved supervisors. Require 3.0 units (30 hours) of Board-approved continuing education within 6 months; 1.5 units of which must be on-site. The continuing education will cover the annual license renewal requirement. Must return before Board to request release from probation: Villafuerte.

Second to motion: Sidener.

Approved unanimously.

Item 14- Applicant Kristine Beth Lim requests to be licensed. This appearance is necessary due to the applicant's absence from the field since 2006.

Motion to enter closed session: Reuther.

Second to motion: Villafuerte.

Approved unanimously.

After returning to open session:

Issue a 1 year probationary license upon approval of primary and secondary Board-approved supervisors. Require 4.5 units (45 hours) of Board-approved continuing education within 1 year; 30 of which must be on-site. Continuing education will cover the annual renewal requirement. Must return to Board to request release from probation: Bible.

Second to motion: Sidener.

Approved unanimously.

Item 15- Complaint Hearings and/or Review and Consideration of Consent Decrees.

Case #2008-24 / Charlotte Janene Izatt.

No settlement at this time. It was noted that the Board would need provisional board members to hear this case. Table per Chairman Close.

Case #2008-27 / Craig Neal Berman. Board member Sidener recused herself from this item as she was the Investigative Board Member for the case.

Motion to accept the Consent Decree: Bible.

Second to motion: Villafuerte.

Approved with Board member Sidener recusing herself.

Case #2008-30 / Joseph E. Morian. Board member Bible recused himself from this item as he was the Investigative Board Member for the case.

Motion to accept the Consent Decree: Villafuerte.

Second to motion: Sidener.

Approved with Board member Bible recusing himself.

Case #2008-31 / Michelle Gay M. Lim. Board member Reuther recused herself from this item as she was the Investigative Board Member for the case.

Motion to accept the Consent Decree: Bible.

Second to motion: Sidener.

Approved with Board member Reuther recusing herself.

Case #2008-32 / Judson Underwood. Board member Bible recused himself from this item as he was the Investigative Board Member for the case.

Motion to accept the Consent Decree: Sidener.

Second to motion: Reuther.

Approved with Board member Bible recusing himself.

Item 16- Update on bill drafts and legislative matters. The Executive Director reported that Paula Berkley was monitoring all bills that may affect the Board and will report in full at the July board meeting.

Item 17- Review and response to the Nevada Chiropractic Physician's Board letter regarding the course "High-Velocity Low-Amplitude Thrust Manipulation of the Spine, Pelvis and Thorax" by the Spinal Manipulation Institute. Specifically, the Chiropractic Board contends this course content is outside the scope of practice for physical therapists.

Chiropractic Board member Dr. David Rovetti, D.C. and Executive Director of the Nevada Chiropractic Association Dr. Robin Huhn appeared.

Also in attendance, Parley Anderson, PT, President of the Nevada Physical Therapy Association and Louie Puentedura, PT, professor from UNLV.

Chiropractic Board member Dr. Rovetti requests to rescind the approval of the course it is not within the scope of practice for physical therapists. Dr. Huhn remarked that she was present to request the same.

Comments are highlighted herewith, with action being noted. Numerous instances occurred in which multiple people were speaking at the same time, therefore not all comments are available for posting within these minutes. For a complete transcript of the minutes, please request a copy of the tape.

The Board stated that HVLA was being taught at all accredited physical therapy programs across the United States and other countries as well. The Board also noted that the physical therapy education is becoming a doctoring profession and all programs will be at the doctorate level by 2012. It was noted that schools cannot receive accreditation unless HVLA is contained in the curriculum. It was also noted that such practice is not chiropractic care, it is physical therapy. Specifically it is manual therapy, a term which is not “owned” or regulated by any one profession. It was noted that this course is one of several that teach manipulation and those courses have been approved for many years.

Dr. Huhn asked if “adjusting” was being taught at UNLV. She stated that she is not familiar with the Doctorate program. She commented that Advanced Manual Therapy does adjusting. She mentioned Jody Stafford and Michel Rantissi, stating she saw Mr. Rantissi performing adjustments on a video posted on their company website. She asked what their training is in doing adjustments. Chairman Close commented that throughout the US this has been the transition since the 1980’s; that mobilization of a joint is performed by physical therapists. He further stated that manual therapy is taught in physical therapy schools and they are not taught chiropractic adjustment. He also commented that manual therapy is a term from the 1920’s, and not owned by any profession. Dr. Huhn stated that the Chiropractic Association is opposed to the course and any further courses of this nature and are prepared to fight the Board on this. She also noted that associations across the US are facing this issue.

Parley Anderson, PT, stated that all physical therapy schools teach manipulations in accredited schools. He also noted that nowhere in the Chiropractic Board Practice Act is the term manipulation defined; other than mention regarding the manipulation of a person under anesthesia. He noted that there are higher educational requirements to enter physical therapy school than to enter Chiropractic school. He further stated that 80-90% of current physical therapy educational programs are doctorate; by year 2012 all entry-level programs will be at the doctorate level.

Louie Puentedura PT, DPT, stated that he teaches manipulation requirements at UNLV. He stated that he does not teach adjustments and we tell our students that we are not teaching or performing adjustments. He further

commented that he believes that all practitioners should be taught to safely care for patients and that is being done within the educational programs.

Dr. Rovetti noted that it would be a good idea to take this to the legislature, but that it won't be easy. Chairman Close asked Dr. Rovetti if their Board owns the term "manipulation". Dr. Rovetti stated it is that thrust that is of concern. He said it is not what you call it, it is what you do and that thrust is a chiropractic adjustment. Dr. Huhn said she was confused on the definitions; what is the difference between chiropractic adjustment and a manipulation? Chiropractors perform chiropractic adjustments. Physical therapists perform spinal adjustments. Dr. Huhn asks what the physical difference between the two is. Chairman Close stated that it is the body of knowledge.

Board member Bible commented that the Physical Therapy Association and the Chiropractic Association need to work together on this issue. He noted that if this matter were to come before the Legislature, the associations would be told to work together to come to an agreement. It would be better for all involved to work together now. He stated that all involved only want what is best for their patients and working together now will save time and money later. It was discussed that the PT Board and the Chiro Board utilized the services of the same lobbyist this past session; something that would have been unheard of years ago.

Allison Tresca, Executive Director for the Physical Therapy Board noted that the Board has not received any complaints from patients being injured from spinal manipulations. Dr. Rovetti stated that their Board sent in a complaint and the PT Board did not respond. Ms. Tresca asked when that complaint had been sent. Dr. Rovetti stated it was approximately 11 years ago. Ms. Tresca asked Dr. Rovetti to send in the complaint for review.

Motion to deny request to rescind course approval: Close.
Second to motion: Villafuerte.
Approved unanimously. The course approval remains.

Item 18- Update from Chief Inspector Lawrence P. Mooney, PT.

Chairman Close noted that the Board can impose a time limit to respond to the consent decrees, but not a good idea to remove the offer if it comes in prior to the Board meeting. The Executive Director was directed to amend the letter the Board sends to those who file a complaint. The letter will further detail the process of an investigation. The letter will go to Chairman Close for review and approval. The Executive Director was directed to create a list of fines and costs associated with complaints for the Board to review and approve at the July meeting.

Motion to approve directives: Villafuerte.
Second to motion: Reuther.
Approved unanimously.

Item 19- Review of questionnaire from the Federation of State Boards of Physical Therapy entitled "A Model for Continuing Competence". It was noted that this appears to be another move towards national licensure and as a state we need to control and enforce our own laws and take those responsibilities, not use another entity to create our processes. Chief Inspector Mooney noted that all jurisdictions are different and there is a broad spectrum.

Motion to take no action: Bible.

Second to motion: Villafuerte.

Approved unanimously.

Item 20 -Review and consideration of course entitled "Emergency Response Course" for continuing education credits. Board member Close stated that more and more situations are presented in which a physical therapist is the only medical professional present. Board member Reuther commented that she was not comfortable with some of the content taught, such as airway insertion.

Motion to approve: Sidener.

Second to motion: Bible.

Approved with Board member Reuther in opposition.

Item 21- Discuss possible names to recommend to the Governor for Board vacancies occurring October 2009 to succeed Board members Close and Bible. It was noted that this was the second time this item was on the Board's agenda and the Board had not received any input from the NPTA. It was noted that Darren Marchant, PT and Louie Puentedura, PT, were interested in the vacancy. The Executive Director noted that Mr. Puentedura was a professor and had been practicing in Nevada for 5 months. The Board's criteria provides that the candidates have been licensed in Nevada for at least 5 years. Also, the Board's criteria provides that educators should not be Board members due to their familiarity with a high-volume of licensees/applicants due to their position. This creates many opportunities for recusal, and also for potential inability to take action due to not having a quorum. Several names were mentioned to contact and the Executive Director was directed to contact the individuals to seek their interest, and to provide them with information as to what being a Board member entails. The Board will contact:

Steven Bamberger; Matthew Berhold; Susan Hoffert; Pierre Letourneau; Darren Marchant; Beth Ward; Carrie Baker; Thomas Cliften; Alex Delgado.

Item 22- Activities of the Board office.

A) Update of activities of the Board office.

B) Update on new office space. Chairman Close commented that the new space was functional and thanked the Executive Director for her efforts. He stated that he will write a letter for the file of the Executive Director.

C) Update on providing for on-line renewals of licenses. It was discussed that development for the program was nearly completed and will be implemented by renewal period.

D) Approval for attendance at annual FSBPT meeting.

Motion to approve all Board members, Executive Director and legal counsel to attend if they are available; with Board member Villafuerte as delegate if he can attend: Close.

Second to motion: Bible.

Approved unanimously.

- E) Review and approval of budget for fiscal year 2009/2010. It was noted that the budget will be presented at the July meeting to allow for the close of the fiscal year.

Item 23- Consideration of courses recommended by the Advisory Committee on Continuing Education at their meeting of April 23, 2009.

The Committee recommended the approval of the following courses for the units listed through July 31, 2010.

Motion to approve as recommended: Villafuerte.

Second to motion: Sidener.

Approved unanimously.

Provider	Course	Type	Units	Type
AKH Inc.	Maintaining the Continuum of Care after Orthopedic Surgery: Prevention of VTE in the Rehab Setting	On-Site	0.1	Clinical
Alzheimer's Association of Northern Nevada	Training for Dignity	On-Site	0.8	Clinical
APTA	2009 Annual Conference & Exposition of the American Physical Therapy Association	On-Site	1.5	Clinical
APTA	Connections: Breathing and Postural Control	On-Site	0.7	Clinical
APTA	Current Concepts in the Scientific & Clinical Rationale Behind Exercises for Glenohumeral & Scapulothoracic Musculature	Home-Study	0.2	Clinical
APTA	Different Nerve Gliding Exercises Induce Different Magnitudes of Median Nerve Longitudinal Excursion	Home-Study	0.2	Clinical
APTA	Effects of a 4-Week Exercise Program on Balance using Elastic Tubing as a Perturbation Force	Home-Study	0.2	Clinical
APTA	Essential Term & Concepts for SEMG Biofeedback in Surface EMG Instruments	Home-Study	0.3	Clinical
APTA	Evidence for Exercise	On-Site	1.5	Clinical
APTA	Evidence-Based Assessment, Examination & Rehabilitation Interventions in the Medically Complex Older Adult	On-Site	1.45	Clinical
APTA	Fall Prevention Programs Across the Continuum of Care	On-Site	0.8	Clinical
APTA	Geriatrics Orthopedics: An Evidence-Based Approach to Assessment, Examination, & Intervention	On-Site	1.5	Clinical
APTA	Management of Patients w/ Patellofemoral Pain Syndrome Using a Multi-Modal Approach: A Case Series	Home-Study	0.2	Clinical

APTA	Overuse Foot Disorders: Current Concepts in Biomechanics, Examination & Selected Interventions	On-Site	1.4	Clinical
APTA	Physical Therapy: Master the Top Ten Payment Challenges	Audio Conference	0.2	Non-Clinical
APTA	Prevention & Wellness: Practical Strategies in Clinical Practice to Manage Diabetes & Metabolic Syndrome	On-Site	1.5	Clinical
APTA	So You Think You Can Read Films? Practical Radiology in Rehabilitation	On-Site	1.5	Clinical
APTA	Surface Electromyographic Analysis of the Low Back Muscles During Rehabilitation Exercises	Home-Study	0.2	Clinical
APTA	The Change in the Diffusion of Water in Normal & Degenerative Lumbar Intervertebral Discs Following Joint Mobilization Compared to Prone Lying	Home-Study	0.2	Clinical
Care2Learn.Com	Abuse & Neglect of the Elderly	Internet	0.4	Clinical
Care2Learn.Com	Aging with Spinal Cord Injury	Internet	0.1	Clinical
Care2Learn.Com	Alzheimer's Disease & Related Disorders (ADRD) for Homecare Workers	Internet	0.2	Clinical
Care2Learn.Com	Arterial Ulcers & Recommended Wound Care	Internet	0.1	Clinical
Care2Learn.Com	Body Weight Supported Gait Training	Internet	0.3	Clinical
Care2Learn.Com	Brain Injury Treatment: A Neuropsychological Approach	Internet	0.3	Clinical
Care2Learn.Com	Burn Management	Internet	0.375	Clinical
Care2Learn.Com	Congestive Heart Failure	Internet	0.1	Clinical
Care2Learn.Com	Diabetes: A Primer	Internet	0.2	Clinical
Care2Learn.Com	Documentation of Rehab Services for Medicare Reimbursement	Internet	0.2	Non-Clinical
Care2Learn.Com	Evidence Based Medicine	Internet	0.175	Clinical
Care2Learn.Com	Functional Maintenance Programs	Internet	0.3	Clinical
Care2Learn.com	Heat Based Modalities: Ultrasound, Diathermy, Paraffin	Internet	0.2	Clinical
Care2Learn.Com	Hepatitis: The ABC's	Internet	0.3	Clinical
Care2Learn.Com	Incontinence - Squeeze When You Sneeze	Internet	0.3	Clinical
Care2Learn.Com	Introduction to Hand Evaluation & Treatment Concepts	Internet	0.3	Clinical
Care2Learn.Com	Knee Replacement: Current Concepts in Rehabilitation	Internet	0.3	Clinical
Care2Learn.Com	Medical Errors Prevention for Physical Therapists	Internet	0.3	Non-Clinical
Care2Learn.Com	Neuropathic Ulcers & Recommended Wound Care	Internet	0.1	Clinical
Care2Learn.Com	Osteoporosis: A Primer for Healthcare Professionals	Internet	0.3	Clinical
Care2Learn.Com	PPS in Skilled Nursing Facilities	Internet	0.3	Non-Clinical
Care2Learn.Com	Pressure Ulcer Risk Factors & Prevention Techniques	Internet	0.17	Clinical
Care2Learn.Com	Pusher Syndrome: Evaluation & Treatment Techniques	Internet	0.2	Clinical

Care2Learn.Com	Skin Anatomy & Wound Healing	Internet	0.1	Clinical
Care2Learn.Com	Stroke: Eclectic Treatment Approaches	Internet	0.7	Clinical
Care2Learn.Com	Vestibular Rehabilitation	Internet	0.6	Clinical
Contemporary Forums	The 18th Annual Young Child w/ Special Needs Pre Conference A Managing Challenging Behaviors	On-Site	1.5	Clinical
Continuing Education Programs of America	A Team Approach to Rehab Based on the Revised Rancho Levels of Cognitive Functioning	On-Site	1.375	Clinical
Cross Country Education	Evaluation, Rehabilitation & Performance Enhancement of Runners	On-Site	0.65	Clinical
Educata	Differential Diagnosis: Foundational Clinical Decision Making	Internet / Home Study	0.2	Clinical
Education Resources, Inc.	Intervention for the High Risk Infant (Providing Services in the NICU & During the Transition Home for Physical & Occupational Therapists)	On-Site	1.45	Clinical
Folsom Physical Therapy	Manual Therapy for Cervical Pathology	On-Site	1.4	Clinical
Folsom Physical Therapy	Manual Therapy for the Lower Cervical & Upper Thoracic C2 - T6	On-Site	1.5	Clinical
Great Seminars & Books	Put Some Muscle into Ther Ex	On-Site	1.5	Clinical
Hallmark Rehabilitation	Neuromuscular Electrical Stimulation	On-Site	0.25	Clinical
HCR Manor Care	Addressing Difficult Seating & Positioning Issues in the SNF	Webinar	0.1	Clinical
Health.edu	Understanding Spinal Manipulations	Internet / Home Study / Video / DVD	0.1	Clinical
Healthcare Academy	The Learn Program: Electrotherapy as a Recovery Tool	Home-Study / Internet	0.9	Clinical
Institute for Natural Resources	Brain Tumors	Home-Study	0.3	Clinical
John O'Halloran MSPT,OCS,ATC,CSCS,CERT MDT	Current Surgical & Rehabilitation Trends in the Advances of Joint Arthroplasty for the Shoulder, Hip and Knee	On-Site	0.6	Clinical
Kelly Hawkins Physical Therapy	NAIOMT - Level I - Differential Diagnosis	On-Site	1.5	Clinical
Mary Massery PT, DPT	If You Can't Breathe, You Can't Function	On-Site	1.5	Clinical
Medline Industries Inc.	Educare Select: Advanced Wound Care Program	On-Site	1.5	Clinical
Micromedical Technologies	Assessment, Interpretation & Mgmt of Balance Disorders Days 1 & 2	On-Site	1.5	Clinical
Micromedical Technologies	Assessment, Interpretation & Mgmt of Balance Disorders Day 3	On-Site	0.8	Clinical
Mobility Research	Neurologic & Geriatric Rehabilitation: Practical Applications for Clinicians	On-Site	0.75	Clinical
Roxanne Small PT & Julie Erbaugh PT	Chronologically Controlled Developmental Therapy	On-Site	1	Clinical
Spinal Cord Injury Seminars, Inc.	Occupational & Physical Therapy Management of SCI	On-Site	1.5	Clinical

The Committee recommended the following course be denied for the reason listed.

Motion to accept recommendation to deny: Villafuerte.

Second to motion: Sidener.

Approved unanimously.

Provider	Course	Reason
Institute for Natural Resources	Calcium, Iron & Zinc	not relevant
Institute for Natural Resources	Health Implications of Meditation	not relevant
Care2Learn.Com	Nutrition for Mental Health & Substance Abuse	not relevant

Item 24- Items for future agendas. Request for routine inspection guidelines.

Item 25- Public comment period.

Item 26- Review of files/ratification for licensure.

Motion to ratify the licenses: Reuther.

Second to motion: Bible.

Approved unanimously.

FILES FOR REVIEW/RATIFICATION:

Physical Therapists

LAST	FIRST	CRED#
Magnuson	Kameron	2316
Graham-Konov	Angel	2317
Kanning	Lisa	2318
Carman	Stacy	2319
Baybay	Ceszanne	2320
Facciolo	Lindsey	2321
Suker	Jared	2322
Jackson	David	2323

Physical Therapist's Assistants

LAST	FIRST	CRED#
Artus	Ashlee	A-0482
Flood	Donna	A-0483

Item 27- Confirm schedule of future Board meetings and their locations. July 30, 2009 in Las Vegas.

Item 28- Adjournment of the Board meeting. The meeting was adjourned at 2:37pm.