

**NEVADA STATE BOARD OF
PHYSICAL THERAPY EXAMINERS**

BOARD MEETING MINUTES FEBRUARY 21, 2013

Minutes are a summary of the discussions. They are not intended to be a verbatim transcript.

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 6:18pm by Chairman Sidener. Board members in attendance in the Las Vegas Office – Louie Puentedura, PT, DPT, PhD, FAAOMPT, Vice Chairman. Members present telephonically – Kathleen Sidener, PT, Certified MDT, Chairman; Lisa Mukavitz, PT, MPT, MBA, Vice Chairman; Andrea Menicucci, MS, CCC-SLP, Public Member; Tina Baum, PT, ATC, CLT. Non-members in attendance at the Board office: Richard Dreitzer, legal counsel and Allison Tresca, Executive Director. For all in attendance, please refer to the sign in sheet.

Item 2 – Public comment period. None.

Item 3- Applicant Tolupeni A. Salima, Jr. requests to take the National Physical Therapy Examination a third time in accordance with NRS 640.140.

Motion to enter closed session: Sidener.

Second: Menicucci.

Passes unanimously.

After returning to open session, motion to grant approval for April 30 test date: Sidener.

Second: Menicucci.

Passes unanimously.

Item 4- Applicant Jennifer L. Tiutiunnyk requests to take the National Physical Therapy Examination for physical therapist's assistant's a third time in accordance with NRS 640.140.

Motion to enter closed session: Mukavitz.

Second: Menicucci.

Passes unanimously.

After returning to open session, motion to grant approval for the April 8 test date: Mukavitz,

Second: Menicucci.

Passes unanimously.

Item 5- Applicant Allison G. Palisoc requests to take the National Physical Therapy Examination for physical therapist's assistant's a third time in accordance with NRS 640.140.

Motion to enter closed session: Sidener.
Second: Mukavitz.
Passes unanimously.

After returning to open session, motion to grant approval for the April 8 test date: Baum.
Second: Menicucci.
Passes unanimously.

- Item 6- Applicant Gerardo Celis requests to take the National Physical Therapy Examination for physical therapist's assistant's a fourth time in accordance with NRS 640.140.

Motion to enter closed session: Sidener.
Second: Mukavitz.
Passes unanimously.

After returning to open session, motion to grant approval for the July 10 test date: Sidener.
Second: Baum.
Passes unanimously.

- Item 7- Applicant Emily A. Kimball requests to take the National Physical Therapy Examination for physical therapist's assistant's a fourth time in accordance with NRS 640.140.

Motion to enter closed session: Sidener.
Second to motion: Menicucci.
Passes unanimously.

After returning to open session, motion to grant approval for the July 10 test date: Menicucci.
Second: Baum.
Passes unanimously.

- Item 8- Applicant Neil Andre Palma requests to take the National Physical Therapy Examination for physical therapist's assistant's a fourth time in accordance with NRS 640.140.

Motion to enter closed session: Sidener.
Second to motion: Mukavitz.
Passes unanimously.

After returning to open session, motion to grant approval for the July 10 test date: Puentedura.
Second: Menicucci.

Passes unanimously.

- Item 9- Board Member Puentedura requests a change to Nevada Administrative Code 640.040 to allow applicants to take the National Physical Therapy Examination prior to graduation. Board member Puentedura directed the Board to the materials provided. He stated that in the past the applicants could not take the test until they provided official transcripts with degree posted. Board member Puentedura stated it would be friendlier to allow the candidates to take the test prior to graduation, as the test dates are limited due to the Federation of State Boards of Physical Therapy policies. The Board reviewed NAC 640.020 regarding completed applications. Mr. William O'Grady stated that there was no reason to not allow the students to take the test before their graduation. Mr. Matthew Leveque said it does not sound like a problem of public safety. It was noted that the applicants cannot be considered for graduate status until they have graduated and their degree is posted. It was discussed that it is best to take the test while still in school. The director noted that a completed application requires a transcript, but makes no mention of a degree posted, so it is her suggestion to have applicants provide a transcript from school showing the didactic portion of the education is done so they can sit for the examination prior to graduation. Susan Priestman, PT, asked if this policy would be for PTAs as well. The director noted that it would have to be allowed for PT and PTA and not be limited to Nevada schools.

Motion to allow applicants to take the NPTE while is school, and directs legal counsel to draft language: Puentedura.

Second: Menicucci.

Passes unanimously.

- Item 10- Review and discussion of AB 73, which revises provisions governing the practice of chiropractic; and review of Attorney General Opinion regarding whether a physical therapist licensed by this Board may lawfully perform any manipulation or adjustment of the spine or any other articulation of the human body that involves a thrust from a practitioner.

Matthew Leveque, PT, stated the attendees are all interested in how the Board will respond to the letter from the Chiropractor's Board and curious as to the Board's opinion of the Attorney General's Office opinion. Dr. David G. Rovetti, DC, President of the Chiropractic Physicians' Board of Nevada appeared. Dr. Rovetti stated he visited the legislative library and has researched this topic. He stated that the course offered by Dr. James Dunning offers mobilization with chiropractic adjustment, and the opinion of the Attorney General clearly states that it is not within the scope of practice for physical therapy. He continued, stating that he is hoping the Board would rescind approval of such courses and advise licensees that they cannot do the treatment. Board member Puentedura stated that physical therapists do not perform chiropractic adjustments. He stated that the Board does not agree with the

opinion of the Attorney General. Chairman Sidener stated that she appreciates the attendance by members of the Chiropractic Board, but an official written response will be forthcoming, and there is no need to battle. Dr. Benjamin Lurie, DC, Vice President of the Chiropractic Physicians' Board of Nevada stated there are two ways to look at the law: permissible law in which you go to the legislature and ask what you can do, and there is prohibitive law. He also stated that he spoke with Boyd Etter, PT, and was surprised at this attitude. Dr. Lurie continued, stating that the Boards have to ask permission to do these things; they need to take legislative action. He stated that the Chiropractic Board is not against the term of mobilization, but the Board needs to ask permission to do this. He stated that the Chiropractors want to perform certain testing and they have drafted a bill to go before the Legislature. He stated that many Boards are behind in legislation, and that every two years the Boards need to do this. He continued, stating that this is a public safety issue, and the physical therapy licensees need to know they cannot perform this treatment. He stated it is the Board's responsibility to regulate it and the law must list what treatments can be used by their licensees. Richard Dreitzer stated that there are similar treatments and unless someone is versed in both, it would be impossible to know the difference unless a person with that knowledge is physically present when the treatments are performed. Dr. Lurie stated that their bill adding the word "thrust" pertains only to Chiropractors. Dr. Lurie indicated that Boyd Etter was to get a letter to the Board indicting this language in the bill is not an issue and get the Board to act on it. The director indicated it had not been received in the Board office. Chairman Sidener said she received the letter via email, and reminded everyone that Mr. Etter cannot dictate how the Board acts. Janelle Lauchman, PT, NPTA President, appeared to speak on the bill. She stated that she wants to offer the association's assistance to the Board in drafting a response to the letter from the Chiropractic Physicians' Board. Chairman Sidener stated that the Board is not ready for a response at this time. Dr. Rovetti stated he is looking forward to a response. Bill O' Grady, PT spoke: he indicated he is licensed in 6 different states, was on the Board of the APTA Orthopedic Section, had various training, including studying under an Osteopath in the Army. He said he has performed thousands of manipulations over 40 years. He noted that this particular course offered by Mr. Dunning seems to raise an issue. He stated from a national level not all people are happy with the course provider offering people to earn the "Osteopractic" designation. He stated that the physical therapists are not interested in becoming Chiropractors. He stated that manipulation is something in a therapist's tool box, that is it. He indicated he was on the manipulation task force in WA, and that we can't get in turf war over a word. He stated that therapists do not do chiropractic treatments, they passively move joints, sometimes faster than others. He stated that Chiropractors talk to him about chiropractic adjustments and he talks to them about manipulations. He continued, stating that the Commission on Accreditation on Physical Therapy Education requires this for a school to be accredited. He stated that the professions need to co-exist, and no profession is better or worse than the

other, and stated that as long as both are trained to treat safely, that is what matters. He indicated that both professions use the same literature to support their respective cases. Dr. Rovetti stated that he disagrees with the Boards counsel and said there is a difference in practice, the thrust, and that is the defining issue, the thrust is the dividing line. He stated that the statutes for physical therapy and chiropractic were vague and confusing, which is why they asked for the AGO in the first place. He stated that he hopes the Board will take action, just as the Board would want the Massage Therapy Board or Athletic Trainer's Board to do if they were practicing outside of their scope of practice. Mr. O'Grady asked Dr. Rovetti how manipulation is defined. Dr. Rovetti stated it is a chiropractic adjustment, to correct subluxations. Mr. O'Grady said therapists do not correct subluxations. He stated therapists treat to restore motion, we do not correct posture or correct subluxations by thrust. Dr. Lurie stated the Boards are set by Governor to protect the public and follow the guidelines of the law. He stated that the law has to be changed to show that physical therapists can do this treatment and to ensure public safety. Dr. Lurie stated that Mr. Dunning denied his courses to chiropractors, and he assumes that because Mr. Dunning does not want them to know what he is teaching. Mr. O'Grady asked if it was Dr. Lurie's opinion that there is a safety issue. Dr. Lurie wants to know if enough is being done to ensure the treatment is safe, and asked if an x-ray is being done and have all measures been taken to see what is being adjusting prior to doing anything. Board member Puentedura stated this is taught in physical therapy schools and is not new. Dr. Lurie stated he is aware this is now being taught in schools, and scope of practice evolves, but that requires the Board to change the law. It was discussed that the AG opinion ties manipulation to adjustment, but there are different interpretations of manipulation depending on the profession using it and saying it is only chiropractic will lead to trying to own the term. Chairman Sidener stated that there needs to be open dialog, and everyone needs to focus on what is best for the patients.

Item 11- Public comment period. William O'Grady stated that with the Dunning course coming up, it has raised the issue of the term "osteopractic". He stated that he does not believe therapists should be using this term. He indicated it is not supported on a national level and does not believe Nevada should support it. He stated that the course is valid and people learn, but the Board should not recognize the term osteopractic. He requested that the Board take this under consideration at their next meeting and make a decision. Matthew Leveque stated that he hosts the courses offered by Mr. Dunning and said the content is research based and evidence based. He indicated the term osteopractic is not something he supports, but he supports the education. He stated that he believes the Chiropractors want to own the term manipulation, but that may professions use the term and all have valid reasons for doing so. He stated that public safety is always priority and had not heard of any safety issues. Board member Puentedura stated the item will be on the next agenda and the Board will guide the licensees on this topic.

Item 12- Adjournment of the Board meeting. The meeting was adjourned at 8:18pm by Chairman Sidener.