

MINUTES

NEVADA STATE BOARD OF PHYSICAL THERAPY EXAMINERS

WORKSHOP OF JULY 12, 2013

- Item 1- Call to order / roll call to determine the presence of a quorum. The meeting was called to order at 2:05pm by Chairman Sidener. Board members present: Kathy Sidener, PT, Certified MDT, Chairman; Louie Puentedura, PT, DPT, PhD, FAAOMPT, Vice Chairman; Tina Baum, PT, ATC, CLT, Secretary/Treasurer; Jim McKivigan, DC, PT, MPA, MA; Andrea Menicucci, MS, CCC-SLP, Public Member. Non-members in attendance: Allison Tresca, executive director; Richard Dreitzer legal counsel. For a complete list of the public in attendance, please see the sign-in sheet in the agenda packet.
- Item 2- Public Comment Period. There was no public comment.
- Item 3- Review and discussion of the Nevada Administrative Code of Chapter 640 to propose suggestions for recommend amendments. It was discussed that this workshop is to discuss any matters contained in the NAC, and any proposed changes.

- 1) Proposal to limit the number of times a person can take the National Physical Therapy Examination to five.

Suzanne Brown, PT, submitted a letter on this item, against the proposal. The director noted that any proposed changes will appear before the Legislature and the Board will be required to present evidence as to why the limit is necessary. The director noted that there is not an increase in complaints against those who did not pass on their first attempt. She noted that of those who passed after four or more attempts, there have been no complaints. Board member Puentedura stated the Board can do this in two parts, (1) remove the requirement to appear and (2) set the limit. He stated that as an educator, he sets the students up to exceed the standards. Board member Sidener stated that she believes the Board helps the applicants with ideas, guidance, and simply letting the applicant know they are not alone. Jenelle Lauchman, PT, stated she was for the limit of 5 attempts. Richard Dreitzer, legal counsel, stated that if the statistics show that a person is less qualified if passing after 4 or 5 attempts, that is what the Legislature will want to see. Board member Puentedura noted that there are no such statistics. Richard Dreitzer stated that the Legislature wants to know what problem is being addressed by the change, so the Board will need to present facts. Board member Baum noted there are some Boards that limit the attempts, and is based on patient safety, taking more to achieve minimum safety. Richard Dreitzer stated that picking a number is the problem, direct relationship and suitability is different. Board member Puentedura noted that repeat test-takers may be able to get correct answers because of recalling from previous tests. Richard Dreitzer noted that there used to be a 5 time limit on taking the bar exam, but the limit was removed because of Supreme Court complaints. Joanne Gutschick, PT, stated that the Board may want to consider looking to other jurisdictions as to their reasons for limiting the exam attempts. It was noted that this will be a topic of discussion with the Federation of State Boards of Physical Therapy for possible changes to their policies. Board member McKivigan asked why the applicant could not take it many times as they want. He noted that physical therapy is a lifelong learning profession, which is true of all licensees, not just those who pass the test the first time. Board member Puentedura stated that those who cannot pass within the 5

attempts likely have learning difficulties and will practice at same level always. Carrie Gillis, PT, stated that if patient safety is the concern, why would the Board not limit the attempts? Board member Sidener noted that there are applicants who pass on their 7th attempt, have their license and have not had any complaints. Sue Schuerman, PT, stated that maybe advanced knowledge is not the issue. Board member Puentedura stated that the applicants will have a sense of certainty if they knew they only had five attempts, and believes a lot of them will appreciate the information. Board member Baum wanted to know how the Board would handle it if imposed, what if it was close to a testing deadline. The director noted that it will depend on when the NAC is made effective, but there will be ample time to advise the applicants.

Poll of attendees:

In Favor – Joe Cracraft, Joanne Gutschick, Sue Schuerman, Carrie Gillis, Jenelle Lauchman.

Opposed – Suzanne Brown, via letter.

Motion to propose limiting the NPTE attempts to five: Puentedura.

Second: Baum.

Opposed: McKivigan

Passes with Baum, Menicucci, Puentedura, Sidener.

2) Allow foreign-educated physical therapists to apply for a physical therapist's assistant license.

The director noted that this is occurring in other jurisdictions. She also stated that the Foreign Credentialing Commission on Physical Therapy has created a tool for these evaluations. She also noted that if this option would be available to foreign-educated physical therapists, it should also be available to those who attended accredited programs. Joanne Gutschick, PT, CSN PTA Program Director, stated that she has interviewed 6 to 8 people who cannot pass the PT examination and want to take a couple of courses and get a diploma. She stated that most are not willing to go through the entire program. She noted that most of the foreign-educated therapists actually struggled with PTA school, which is of concern. She stated she does not see this as beneficial to the public.

Poll of attendees:

In Favor – none.

Opposed: Joe Cracraft, Joanne Gutschick, Sue Schuerman, Carrie Gillis, Jenelle Lauchman.

Motion to not move forward with this: Puentedura.

Second: Sidener.

Passes.

3) Grant continuing education units to course instructors.

Board member Puentedura stated that it takes a lot to put a course together, and awarding units for the first time the course is presented seems fair. Richard Dreitzer noted that the course presenter is making money from offering the course, and also getting units towards their renewal, and that may not be okay with some licensees. Carrie Gillis, PT, stated that presenting courses is usually outside the regular practice of PTs and is in favor of limiting it to the first offering of the course. Jenelle Lauchman, PT, noted that creating courses for licensees is different than creating class work for students. The director asked how the Board would determine how many units to award and what items would be needed for review, as this would fall outside of what is established for review. Board member Puentedura stated that this could be a can of worms. Board member Sidener stated that most licensees take a lot of continuing education, not just the annual requirement, so reaching units should not be the issue in approving this. It was discussed if this would be offered to those who teach professionally at an

accredited school. Joe Cracraft, PT, stated that a long time ago, if he taught a class at school, he received credit for it towards his licensure renewal. It was noted that if offered for continuing education providers, it should also be offered for professors.

In favor: Joe Cracraft.

Opposed: Joanne Gutschick, Sue Schuerman, Carrie Gillis, Jenelle Lauchman.

Motion to not move forward with this: Sidener.

Second: McKivigan.

Passes.

4) Grant continuing education units to clinical instructors.

It was discussed that it would be difficult to prove if the instructor actually learned anything, which is the Board's intention of the regulation. Board member McKivigan asked how the hours would be tracked. Carrie Gills, PT, stated that in other jurisdictions they require a letter from the school. Board member McKivigan asked what occurs when a PT and PTA participate in the clinical instruction of a PTA; specifically, who would earn the credit. It was noted that the accreditation requires a certain number of clinical hours, so the amount of time of a clinical experience occurs will vary, but it is never shorter than 4 weeks. Joanne Gutschick noted that it would be a great recruiting tool for them. Jenelle Lauchman, PT, stated she believes that a licensee who takes a credentialing course is a better clinical instructor. The Board discussed how many units to award, noting that it should not be the full annual amount. Board member Puenteadura suggested .8 units would be appropriate; with .1 unit awarded for each full-time week of being a clinical instructor. The director noted that the current regulation does not allow a licensee to use the same course more than one time in three years, so this could not be used each year to meet the requirement.

In favor: Joe Cracraft, Joanne Gutschick, Carrie Gillis, Jenelle Lauchman, Sue Schuerman.

Opposed: None.

Motion to move forward to grant continuing education units to clinical instructors; with a maximum of .8 units per renewal period, earned at the rate of .1 unit for each week of full time work as a clinical instructor: Puenteadura.

Second: Baum.

Passes unanimously.

5) A licensee who will renew his license using the clinical instructor units, must have earned credentialing through the APTA Credentialed Clinical Instructor Program.

It was discussed that there is no evidence to support that someone who takes the course is a better instructor, however the education is helpful. The director noted that requiring the APTA course may be a potential discriminatory issue, as there are other courses available through other providers.

In favor: Joe Cracraft, Joanne Gutschick, Sue Schuerman, Carrie Gillis, Jenelle Lauchman.

Opposed: None.

Motion to move forward to require a licensee to have completed a Board approved clinical instructor credentialing program in order to claim credit for being a clinical instructor: Puenteadura.

Second: Sidener.

Passes unanimously.

6) Reduce the course review fee for licensees.

The director noted that the Board began charging in 2006, with Legislative approval, because the committee must conduct meetings in accordance with the Nevada Open Meeting Law. It was noted that the majority of courses are submitted by the providers, and Board staff does encourage licensees to contact the provider for submission. The director noted that providers may not want to pay for course submissions if they are aware a licensee can do it for free or a reduced amount.

In favor: None.

Opposed: Joe Cracraft, Sue Schuerman, Carrie Gills, Jenelle Lauchman, Joanne Gutschick.

Motion to not move forward: Puentedura.

Second: Sidener.

Passes.

7) Reduce the cost of mailing lists.

The director stated that the Board had not received any complaints as to the cost of mailing lists. Board member Puentedura noted that there are a lot of options for mailing lists, such as paper, email, labels.

In favor: None.

Opposed: Joe Cracraft, Sue Schuerman, Jenelle Lauchman, Carrie Gillis, Joanne Gutschick.

Motion to look at this with next review of NAC: Puentedura.

Second: Sidener.

Passes unanimously.

The Board asked the attendees if there were any questions or suggested changes. Jenelle Lauchman asked if the process to submit a 4-day event could be streamlined, as the APTA has concerns with providing each session individually. The director noted that the APTA provides a list of all sessions within one submission for one fee, and individual sessions are not submitted or reviewed individually. The director noted that pre-conference sessions are required to be submitted individually as they can be taken independent of the main conference and are awarded individual units. Jenelle Lauchman also noted that the APTA contacted her with concerns that the courses above 1.5 units are not awarded such. The director noted that for renewal purposes, courses are not approved above the 1.5, however the provider is given a number of total units awarded as well. The information of approved units is provided on the approval letter, with each unit amount listed.

Item 4- Public Comment. Sue Schuerman thanked the Board for their hard work and stated that the meetings are very interesting and the Board makes very thoughtful decisions. Chairman Sidener thanked the audience for their attendance and participation and encouraged them to attend the meetings.

Item 5- Adjournment of the workshop.