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Licensing Coordinator

CHELSEA VENTURINO
Administrative Assistant

BOARD OF PHYSICAL THERAPY EXAMINERS

7570 Norman Rockwell Lane, Suite 230
Las Vegas, NV 89143

Board Meeting Minutes

September 22, 2016

- 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 4:03 p.m. Tuesday, September 22, 2016, by Chairperson Baum.

Board Members in attendance: Tina Baum, PT, DPT, WCS, ATC, CLT, Chairperson; Sherise Smith, PT, MSPT, CBIS Vice Chairperson; James McKivigan, DC, PT, MPA, MA, Secretary/Treasurer (Attended at 5:04 p.m.); Andrea Menicucci, MS, CCC-SLP, Public Board Member; Brian Fearnley, MPT, Board Member;

Staff in attendance: Lisa Cooper, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Paula Berkley, Lobbyist; Sarah Bradley, Senior Deputy Attorney General; Hal Taylor, Legal Counsel, Deborah Dieter, Con Ed Committee Member, and Investigator; Kirk Sachtler, ACCE Committee Member.

- 2. Pledge of Allegiance:**

- 3. Public Comments:**

Kirk Sachtler, ACCE Committee Member – I have over 20 years of experience in Acupuncture and Dry Needling I would like to offer my help in any way possible to the Board to make this a positive experience and not a negative one.

- 4. Legislative Strategy (For Possible Action)**

- 1. Background**

- a. Sunset Subcommittee
- b. Oriental Medical Board
- c. Court Case

Paula Berkley, Lobbyist – Background information on the Oriental Medical Board review before the Sunset Subcommittee. The Medical Board requested an exemption from any crossover with the Oriental Medical Board, and that will be in a BDR that will come out of the Sunset Committee. The Physical Therapy Association with the support of the Board requested on the same exemption, and the subcommittee passed over the request. In the meantime, the OMB asked the Attorney General for an Attorney

General's Opinion on the topic of Dry Needling, that was not granted. Since then the Oriental Medicine Board has voted to carry a bill to have Dry Needling as part of their scope and to issue Cease and Desist letter to people who are practicing Dry Needling. The Oriental Medicine Board had a Board Meeting on September 17th this was the first Board Meeting of the new Board of seven. They failed to agendaize the topic of Dry Needling. As a result, they only had discussion items, and they were not able to resolve any issues. I believe that the new members will be receptive to working together.

2. Proposed Strategies

a. Pass PT Association Bill

Paula Berkley, Lobbyist – The Association is carrying a bill that will add language the definition of Physical Therapy.

b. Dry Needling Policy

Paula Berkley, Lobbyist – Who is going to work on the definition of dry needling?

c. Survey Monkey

Paula Berkley, Lobbyist – The Board decided at the last meeting to conduct a survey of our licensees with regards to dry needling.

Sherise Smith, Vice Chairperson – I feel that Tina and Kirk would be the best choice to move forward with the questions.

Paula Berkley, Lobbyist - To summarize, Tina and Kirk will work together on the questions for the Survey Monkey. This information collected will give us information to draft regulations in the future.

d. Consent Form

Sarah Bradley, Senior Deputy Attorney General – The Board can put sample consent forms for specific treatments, and we need to make it very clear that these are sample forms.

Paula Berkley, Lobbyist – We will assign Tina and Kirk to create the consent forms.

e. Draft Regulation(s)

Paula Berkley, Lobbyist – Are we going to eliminate b) Add a regulation that stipulates the PTs should meet the Code of Ethical Standard of the APTA. Add a) create a regulation in Standards of Conduct (640.550) that stipulates that a PT (or PTA?) shall only perform therapies/modalities for which he can document competence; which may include academic coursework, continuing education or clinical training. Add c) add specific regulation to recognize that Dry Needling is an advanced treatment technique that will require additional continuing education hours. Sarah, we will need your help to write the regulation.

Sarah Bradley, Senior Deputy Attorney General – I can get a draft of regulations started.

f. Gain Association Support

Paula Berkley, Lobbyist – As far as getting support from the Association, I had coffee with Rocky last week, we discussed a consent form, a draft regulation, and the agenda. He could not see any issues. However, we do not have anything in writing and therefore they cannot officially approve it. Once we have these things in hand it allows a lobbyist to go to legislators and show them we are proactive on this.

g. Meeting with OMB

Paula Berkley, Lobbyist – we are working with the OMB as well. If they are concerned that our licensees are putting our patients at risk, we are doing everything we can to minimize that. I would like to have a meeting with Maggie Tracey, she is going to formulate their plan, and I would like to talk with her before she has her strategy in place and discuss the option of not moving forward with the OMB Bill.

Tina Baum, Board Chairperson – Paula, it is our goal to settle this before it gets to the legislative session?

Paula Berkley, Lobbyist – Yes.

Tina Baum, Board Chairperson – Is that more of a legal issue than a professional issue? Is it more of our attorneys sitting down together? Is there any benefit to that?

Paula Berkley, Lobbyist – No, it will be more political than anything. It won't be based on logic, we are fortifying our stance with logic and facts, these things will end up not to be that. In the beginning, we need to find common ground and eliminate as many issues as we can. Once we discover the issues, then we come back to the experts and attorneys and move forward from there.

3. Optional Topics

a. Board Bill Update

Paula Berkley, Lobbyist – We have a sponsor for our bill, the language has been submitted. LCB should draft the language and get a copy back to me to review the language and make any changes as necessary.

b. BDR List

Paula Berkley, Lobbyist – If you have a BDR that you are particularly concerned with let me know, and I'll put it on the watch list.

c. Bills to provide more oversight to Licensing Boards

d. Discussion of expected legislative responsibilities of Lobbyist, Executive Director, Legislative Liaison, and Dry Needling Specialist

e. Training on the Legislative Process: What to expect and how you can participate.

Sarah Bradley, Senior Deputy Attorney General – During the Legislative Session it is the opinion of the Attorney General that one Board Member cannot speak for the entire Board without the Board having a discussion on the BDR.

5. Board Operations and Updates Discussion, Action (For Possible Action)

A. 2016 Year-to-Date Budget – Send to Audit

Tina Baum, Chairperson, called item number 5, a. Board Operations and Updates Discussion, Action (For Possible Action)

Lisa Cooper, Executive Director – From the September 22nd Board Meeting, the depreciation was not included in the year-end totals.

Sherise Smith, Vice Chairperson – I have some questions in regards to the budget. The Application Fees from 2013 to 2014 they doubled again in 2015 and then decreased in 2016. The proposed amount is projected less. Why did it go down from 2015?

Lisa Cooper, Executive Director – I cannot answer why the amount went down. I do not have any documentation to help me with an answer. When I project for income, I go off historical data. This is what was projected, I would rather go over my projected income than fall short.

Sherise Smith, Vice Chairperson – Course review we had discussed as one line item, going forward is that how it will be projected?

Lisa Cooper, Executive Director – Yes, going forward in 2017 FY, that is how it will be reported.

Sherise Smith, Vice Chairperson – The salary increase is due to the addition of staff?

Lisa Cooper, Executive Director – Yes.

Brian Fearnley, Board Member – We may have gone over this, why is there more than one line item for Legal Counsel?

Lisa Cooper, Executive Director – One line item is for Richard, the second line item is

for Hal, and the third is for the Attorney General's Office.

Sherise Smith, Vice Chairperson – The line item for medical insurance, with the previous Executive Director we paid her medical insurance. Are we paying that for you?

Lisa Cooper, Executive Director – I am not receiving payment for medical insurance at this time. I would like to negotiate that at my review.

Sherise Smith, Vice Chairperson – Line item 7030 Bank Fees, projected to be four times as much as last year?

Lisa Cooper, Executive Director – This is for the merchant account, we did not have the merchant last year, and for each online transaction a percentage is taken in fees.

Sherise Smith, Vice Chairperson – Line item 7630 Miscellaneous Expense, do you have any idea why in 2015 that was a positive number?

Lisa Cooper, Executive Director – Yes, there was a check from the IRS for an overpayment, and it was brought through the Miscellaneous Expense.

Sherise Smith, Vice Chairperson – What is Restitution that we paid out in 2016?

Lisa Cooper, Executive Director – Restitution is when someone sues you, and you lose a court case, and you have to pay the person. That was a payment requested in the Dunning Case.

Sherise Smith, Vice Chairperson – My last question has to do with the total gross expenses. I know that last year we were \$50,000.00 more than the year before because of what you might call an “unusual occurrence” it looks like we are projected to stay in line with that which puts us operating in the negative \$36,000.00. How are we going to continue to operate without running out of money?

Lisa Cooper, Executive Director – In the income section of the budget, there is income that is not projected or projected low. In the expense section, there are areas where I projected high. With watching where and how we spend our money, we should be very close to balanced at the end of the year.

Motion: Tina Baum, made a motion to approve the 2016 Year-to-Date Budget.

Second: Sherise Smith

Motion carries unanimously

B. Letterhead

Tina Baum called item five B. Letterhead

Lisa Cooper, Executive Director – I created two one with color and one blue. Which do you prefer?

Tina Baum, Chairperson – My credentials are wrong.

Sherise Smith, Vice Chairperson – The other thing I noticed is that the PT should come first and then the DPT.

Lisa Cooper, Executive Director – The reason I provided two one with color and one was pale blue is your previous letterhead was lighter, and I didn't know what was preferred.

C. July 7, 2016, Board Meeting Minutes

Motion: Sherise Smith made a motion to approve the minutes with corrections

Second: James McKivigan

Motion carries unanimously

6. Report from Board Chair (For Possible Action)

7. Public Comment

8. Adjournment (For possible action)