

Board Members

TINA BAUM, PT, DPT, MSPT, WCS, ATC, CLT

Chairperson

SHERISE SMITH, PT, MSPT, CBIS

Vice Chairperson

JAMES MCKIVIGAN, PT, DC, MPA, MA

Secretary/Treasurer

BRIAN J. FEARNLEY, PT, MPT

Board Member

ANDREA MENICUCCI, M.S., CCC-SLP

Public Member

STATE OF NEVADA

BRIAN SANDOVAL

Governor



Staff

LISA O. COOPER

Executive Director

MURIEL MORIN-MENDES

Licensing Coordinator

CHELSEA VENTURINO

Administrative Assistant

BOARD OF PHYSICAL THERAPY EXAMINERS

7570 Norman Rockwell Lane, Suite 230

Las Vegas, NV 89143

Board Meeting Minutes

October 17, 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 9:45 a.m. Monday, October 17th, 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; Brian Fearnley, MPT, Board Member; Andrea Menicucci, Public Member (via telephone throughout the meeting)

Staff in attendance: Lisa Cooper, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Chelsea Venturino, Administrative Assistant; Jeff Menicucci, Deputy Attorney General; Sarah Bradley, Senior Deputy Attorney General

- 2. Pledge of Allegiance**
- 3. Public Comments:** None
- 4. Review, Discussion and Approval of proposed bids to contract for Legislative Services (For Possible Action)**
 - Fennemore Craig P.C.
 - K. Neena Laxalt
 - The McMullen Strategic Group

Tina Baum, Chairperson, Calls item number four

The Board interviewed Jesse Wadums with Fennemore Craig, P.C.; K. Neena Laxalt; and George Ross with The McMullen Strategic Group.

The Board deliberated on the pros and cons of each candidate.

Motion: Sherise Smith made a motion to accept the bid provided by K. Neena Laxalt and to give the Executive Director the authority to enter into a two-year contract.

Seconded: James McKivigan

Motion Passes Unanimously

5. Discussion, Possible Changes, Action on the Bill Draft sponsored by the Board of Physical Therapy Examiners for the 2017 Legislative Session (For Possible Action)

Tina Baum, Chairperson, Calls item number five

Motion: Brian Fearnley made a motion to move forward with citation language for the 2017 Legislative Session

Second: James McKivigan

Motion Passes Unanimously

6. Litigation, Consideration and Possible Approval in the James Dunning Case #A-14-701094-C (For Possible Action)

Tina Baum, Chairperson, Calls item number six, A, B, and C

Sarah Bradley, Senior Deputy Attorney General – The documents you have before you are a Settlement Agreement, Joint Stipulation and a Proposed Order Granting Joint Stipulation for Consent Judgment and Permanent Injunction in the Dunning case. There are two documents that will be filed with the court, and the Settlement Agreement is between the two parties. During this, we discovered that the Physical Therapy Board's old website is still active. Lisa and I are working on resolving that issue.

Sherise Smith, Vice Chairperson – I have a question on the Settlement Agreement page 4, "The Notice shall be posted on Defendant's website for a minimum of three years from the date of its posting." Where did the three years come from?

Sarah Bradley, Senior Deputy Attorney General – I picked the three years due to the original agreement they drafted did not have a time period, and the policy was created in 2013 and arguably it has been enforced for three years, and that is the reasoning for this number. The Settlement Agreement says under 10.7 Fees that the parties agree to assume their respective costs, expenses and attorneys' fees incurred in this matter. The Board will also agree to retract the policy, post the notice on the Board's website, mail a notice to every licensee and agree to the injunction, meaning we are not going to enforce the policy moving forward.

Sherise Smith, Vice Chairperson – Thank you for your work on this Sarah.

Motion: Sherise Smith made a motion to approve the Settlement Agreement, Joint Stipulation and the Proposed Order Granting Joint Stipulation for Consent Judgment and Permanent Injunction with minor changes and keeping the substance of the documents, with Ms. Baum and Ms. Cooper as the decision makers of the changes.

Second: James McKivigan

Motion Passes Unanimously

7. Review, Discussion, Possible Approval of Officers and Director Insurance (For Possible Action)

Tina Baum, Chairperson – Calls item number seven

Lisa Cooper, Executive Director – Agencies have purchased Officers and Directors Insurance in the past. However, one of the exclusions is anti-trust related which is a reason we would want to have this type of insurance.

Executive Director will check into this further.

Sherise Smith, Vice Chairperson – We could ask FSBPT if they know of any agencies that utilize this type of insurance.

No Action Taken

8. Review, Discussion, Possible Action of Renewing Membership to the Federation of State Board of Physical Therapy (For Possible Action)

Tina Baum, Chairperson – Calls item eight.

Motion: Sherise Smith made a motion to renew our membership with the Federation of State Board of Physical Therapy.

Seconded: Andrea Menicucci

Motion Passes Unanimously

9. Report from Board Chair (For Possible Action)

We need to vote for Legislative Liaison

10. Report from Legal Counsel (non-meeting, attorney client privilege)

11. Public Comment – None

12. Adjournment 12:07 p.m.