

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

Approved Board Meeting Minutes

December 1, 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 9:07 a.m. Thursday, December 1, 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, PT, DC, MPA, MA, Secretary/Treasurer; Brian Fearnley, MPT, Board Member; Andrea Menicucci, Public Member, MS, CCC-SLP.

Staff in attendance: Lisa Cooper, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Chelsea Venturino, Administrative Assistant; Sarah Bradley, Senior Deputy Attorney General; Hal Taylor, Board Counsel; Deborah Dieter, Inspector/Investigator, ACCE Committee Member.

2. **Pledge of Allegiance**

3. **Public Comment – None**

4. **Review, Discussion, Action of Physical Therapy Board's Position of the Proposed Definition for Structural Integration in Massage Board's Bill Draft Request (For Possible Action)**

Tina Baum, Chairperson – Calls item 4

Lisa Cooper, Executive Director – What the Massage Board is asking for is your input on the definition of Structural Integration. At the last meeting, there was a suggestion from a Board Member that something is done with the word manipulation.

Sherise Smith, Vice Chair – At the last meeting, we discussed if we would support this as a license designation.

Lisa Cooper, Executive Director – Yes, that was too broad of a request, and this request was in line with the potential Bill Sponsor's request.

Tina Baum, Chairperson – How can we approve what the definition is when we do not have any supporting documentation as to what Structural Integration is? That is one

thing that we asked the Massage Therapy Board to provide. I do not understand what Structural Integration is, so I guess I am neutral.

Brian Fearnley, Board Member – I agree, considering all the research I have done. I do not understand what the necessity of issuing an opinion to approve it?

Lisa Cooper, Executive Director – The Bill Sponsor, requested the Massage Board reach out to our agency to see if there are any conflicts with the definition of Structural Integration. They wanted this information before the sponsor would agree to carry this language.

Sarah Bradley, Senior Deputy Attorney General – They are trying to avoid conflict at the legislature. They want to make sure that the Board is aware of it and not opposed to the bill before they bring it forward.

Tina Baum, Chairperson – I guess if I were asking someone for an opinion on something, I would try to explain it.

Brian Fearnley, Board Member – So that I understand the wording in their bill is just to designate this as a licensure?

Sarah Bradley, Senior Deputy Attorney General – My understanding is that they are going to create a license type under the purview of the Massage Board. It would be another license type, and this definition is the type of work they will be performing.

Robin Graber, Massage Board Member – I am a Structural Integration practitioner. I would like to make sure that you have the correct definition. May I read it into the record? "Structural Integration" means a system of manual therapy, movement education and embodiment education with the intent to improve structural alignment, enhance ease of movement, and improve the functional relationship of the body's parts to each other within the influences gravity."

James McKivigan, Secretary/Treasurer – I wanted to note that some physical therapists would object to the language of "a system of manual therapy."

Sarah Bradley, Senior Deputy Attorney General – If they are trained in manual therapy, and they are licensed by their Board, I do not think it will replace what you do. Although, physical therapy encompasses much more as well. Even though a therapist may object or be concerned, it should not affect the practice of physical therapy as long as they are trained and licensed.

Tina Baum, Chairperson – Robin, we would like to know how your NRS defines the practice of Massage Therapy?

Robin Graber, Massage Board Member – Yes,
NRS 640C.060 "Massage therapy" defined.

1. "Massage therapy" means the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation:
 - (a) Effleurage;
 - (b) Petrissage;
 - (c) Tapotement;
 - (d) Compressions;
 - (e) Vibration;
 - (f) Friction; and
 - (g) Movements applied manually with or without superficial heat, cold, water or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition.
2. The term does not include:

- (a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or
- (b) Reflexology.

Sherise Smith, Vice Chair – Would you have opposition to adding the word massage between manual and therapy for the definition?

Robin Graber, Massage Board Member – That is the problem having Structural Integration under the Massage Board and saying that it is massage because it is not massage.

Tina Baum, Chairperson – That is the basis of creating this new license type?

Robin Graber, Massage Board Member – We are quite happy being licensed by the Massage Board; this is just a matter of cleaning up the language so that people who are practicing Structural Integration are within their scope of practice and massage therapy is within their scope of practice.

Tina Baum, Chairperson – How do you get a license in Structural Integration? What are the educational requirements for a Structural Integration Therapist vs. a Massage Therapist?

Robin Graber, Massage Board Member – Structural Integration takes approximately 600 to 900 hours. In Nevada, we require 500 hours of a massage program. I can speak to that because I trained as a massage therapist in 1995 and practiced as a massage therapist for 7 years before then training as a Rolf Practitioner of Structural Integration. The way we approach the body is completely different, it depends on what school you attend as to the number of hours required. There is oversight through Internal Association of Structural Integrators; they certify the Structural Integrator schools. Once you have attended one of these schools, you can take the certification examination for Structural Integrator. I am that also, and the Nevada Massage Board accepts this exam for licensure.

Tina Baum, Chairperson – It is not a requirement to be a massage therapist, first, this is a separate training?

Robin Graber, Massage Board Member – It is a separate training I just happen to be one of those persons that cannot get enough, and I want to learn more.

Sherise Smith, Vice Chair – On the IASI website, their definition of Structural Integration is different than what yours is. “Structural Integration is a type of bodywork that focuses on the connective tissue, or fascia, of the body. Fascia surrounds muscles, groups of muscles, blood vessels, organs, and nerves, binding some structures together while permitting others to slide smoothly over each other. Structural Integration works to lengthen, stretch, and soften this tissue to restore postural balance, ease of movement, and a feeling of being more at home in your own body.” I am wondering why the term “manual therapy” is added in when it is not in the terminology they use?

Robin Graber, Massage Board Member – I sit on the Law and Legislative Committee for IASI and this definition that has been presented to you; we are all in agreement that this would be the best language for the legislative purposes. It is about the what it is and not the how. The definition that is on the website would be more in the regulations.

Brian Fearnley, Board Member – Are we the first state to address this? Are there any other states that currently license Structural Integration Therapists?

Robin Graber, Massage Board Member – New Hampshire has specific licensure.

Sherise Smith, Vice Chair – New Hampshire is the only state at this point?

Sandy Anderson, Executive Director Massage Board – New Hampshire has legislation in place, and the regulations are completed. Massachusetts is looking at

adding Structural Integration. We are one of five states that are looking at moving forward with this language in the next session.

Tina Baum, Chairperson – We are going into more detail of what we previously requested to have more information on, I feel like we still do not have enough information. I apologize for that, I do not necessarily oppose it, but I think I have some concerns, I do not feel comfortable making a decision on it.

Lisa Cooper, Executive Director – I think their Bill Sponsor wanted to know if we would oppose the definition.

Sarah Bradley, Senior Deputy Attorney General – I think they are trying not to have any issues during the legislature, the idea is to have the discussion first and elevate any concerns before the session.

Brian Fearnley, Board Member – What did the Chiropractic Board say with the term manipulation before you had it removed?

Sandy Anderson, Executive Director Massage Board – The Chiropractic Board did give us a decision; they see nothing within our definition that conflicts with them. They did give us their approval yesterday.

Sarah Bradley, Senior Deputy Attorney General – We need to be thinking about protecting the public, and we need to be concerned if we feel this overlaps into our scope of practice.

Colleen Platt, Massage Board Counsel – I just want to make sure the Board understands that these licensees are performing this modality today under a massage therapy license. If they do not get a Structural Integration license type, they will still be performing this modality under a massage therapy license.

Sarah Bradley, Senior Deputy Attorney General – I think any opposition needs to be grounded in concerns that this would endanger people.

Tina Baum, Chairperson – I think what the Board is looking for is that we are not going to oppose the language actively. I think we are safe that we are not going to oppose the language.

Sarah Bradley, Senior Deputy Attorney General – We have reviewed it, and we do not see an issue from the public protection standpoint or your scope of practice. Therapists can be concerned: however, that is not this Board purview.

Andrea Menicucci, Board Member – The other piece of that is as long as the language does not change, then from the public protection standpoint, it will be covered.

No Action Taken

5. Review, Discussion, Action on the Bill Draft sponsored by the Nevada Physical Therapy Association (For Possible Action)

Tina Baum, Chairperson – Calls item number five, Bill Draft sponsored by the NVPTA.

Jenelle Lauchman, NVPTA – I am here today to review the bill language that the NVPTA submitted. I know there were concerns with the Board on the DPT language, I did supply the Board with information on the reasons the Association is moving forward with the Model Practice Act language. I am here to ask if there are any more questions regarding this language? I am hoping with this new information the Board will support this Bill Language as written or if you have any suggestions on changes the Board would like.

Sherise Smith, Vice Chairperson – I read everything you sent, and I appreciated having that supporting documentation. From looking at the language you sent, the only thing I would suggest is where it says under number c. A person or business entity, its

employees, agents or representatives shall not use in connection with that person's name or the name or activity of this business, the words: physical therapy, physical therapist, doctor of physical therapy (DPT), the letters: PT, DPT, LPT, RPT, or any other words. I think it is redundant it should just say physical therapy, physical therapist, where you listed out all the other letters, putting the DPT designation there makes the most sense. I will make a point. If you are listing out things. It should also say, "MPT:" and "MSPT." Which Utah and Arizona did have listed out. Because at this point, they are all degree designations.

Jenelle Lauchman, NVPTA – The Model Practice Language took out MPT; I can put that back in. When we discussed this previously it was stated, we did not want to use retrospective language we wanted to use current language.

Sarah Bradley, Senior Deputy Attorney General – My advice is going to be the same. If someone earns a degree, they can use the term doctor of physical therapy whether they are licensed as a physical therapist or not. DPT, if it is a degree they earned, they get to use it, and I will say the same for MPT, whether they are licensed or not. I am very uncomfortable telling people they can not use initials for degrees that they earned.

Jenelle Lauchman, NVPTA – It is related to licensure; the concern is we have personal trainers that are using the initials DPT, Dynamic Personal Trainer, and the public is looking at them as physical therapists. The concept behind this is for licensure, for what they are getting for their service.

Sarah Bradley, Senior Deputy Attorney General – I think what you want to add is; "any other term that is misleading in manner." If a person earned a degree, they are allowed to use the term. I think what we are getting to is; representing themselves, engaging in the practice without being licensed; otherwise acting in a way that misleads the public.

Sherise Smith, Vice Chairperson – Just for information, fourteen states have DPT specifically spelled out in the language.

Sarah Bradley, Senior Deputy Attorney General – NRS 641.390 I summarized the language, and the other one that I like is NRS 641.440, and that talks about the terms in conjunction with representing themselves as a licensee. Generally speaking, using the name alone is not enough to get a court order on a case.

Jenelle Lauchman, NVPTA – If I can look at these, I can have something to you early next week.

Sherise Smith, Vice Chairperson – The only other thing I have to say are the words "doctor of physical therapy" don't need to be in there; that is redundant, we are already saying they cannot use the term "physical therapy" or "physical therapists." I think that needs to be taken out.

Tina Baum, Chairperson - Can you tell me why you decided not to put "DSC" in?

Jenelle Lauchman, NVPTA – This language was taken out of the Model Practice Act.

Motion: Tina Baum made a motion to approve the Bill Draft sponsored by the NVPTA and give our Senior Deputy Attorney General, Sarah Bradley, the authority to review and approve the modified language discussed today.

Second: Sherise Smith

Motion Passes Unanimously

6. Application Review (For Possible Action)

- a. Review Application of Cheyenne Wilson for Approval, Denial or Other Administrative Action Pursuant to NRS 640.160 (2)(a)

Tina Baum, Chairperson – Calls item number six (a) Cheyenne Wilson

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Lisa Cooper, Executive Director – Ms. Wilson’s application is before you today due to a criminal history that warranted a Board Review, she is requesting to be granted a license under NRS 640.230 Physical Therapists Assistant.

Tina Baum, Chairperson – We have all the documents that you provided to the office; is there any other statement you wish to make?

Cheyenne Wilson, Applicant – I have worked hard to change my life, and I try every day to be the best person I can be. I want to prove that I can be the best clinician that I can be and to be able to support my family.

Tina Baum, Chairperson – As you know our role as the Board is to protect the public. It is evident that you have recognized your past and you have changed for the good and that you are seeking a profession that you can support your family.

Cheyenne Wilson, Applicant – That is correct; I have worked hard for a long time now. I do everything I can to be physically, mentally and emotionally healthy and there is no way I will go back now.

Tina Baum, Chairperson – Sarah do you see an issue with this application?

Sarah Bradley, Senior Deputy Attorney General – No, I do not see an issue, I checked your qualifications for licensure, and it states a person must have “good moral character”, there is no definition of good moral character. Many times the Board wants to review past criminal history, I think it is reasonable to review that and move forward from there.

Motion: Tina Baum made a motion to grant Cheyenne Wilson an unrestricted physical therapy assistant license.

Second: Andrea Menicucci

Motion Passes Unanimously

- b. Review Application of David Ragin for Approval, Denial or Other Administrative Action Pursuant to NRS 640.160 (2)(a)

Tina Baum, Chairperson – Calls item number six (b) David Ragin

Lisa Cooper, Executive Director - Mr. Ragin’s application is before you today due to a criminal history that warranted a Board Review, he is requesting to be granted a license under NRS 640.230 Physical Therapists Assistant.

Sherise Smith, Vice Chair – We would like to acknowledge that you were truthful on your application and the letter you presented was very thorough you have followed through with what you have needed to. You have received a Bachelors, a Masters and PTA Degree after all of this.

David Ragin, Applicant – Yes ma’am that is correct.

Tina Baum, Chairperson – We were just complimenting on how well your letter was written and how good of a job you have done with your education and putting things behind you.

David Ragin, Applicant – Thank you very kindly.

Motion: Tina Baum made a motion to grant David Ragin an unrestricted physical therapy assistant license.

Second: Sherise Smith

Motion Passes Unanimously

7. Consent Agenda (For Possible Action)

- a. Ratification of licenses approved and issued by authority of the Board per NRS 640.090, NRS 640.146, NRS 640.240 and NRS 640.250

Tina Baum, Chairperson – Calls item number seven Consent Agenda

Sherise Smith, Vice Chairperson – I would like to comment on the turnaround times of the applications. Thank you, staff, for doing a great job.

Motion: Andrea Menicucci made a motion ratify the licenses for approval issued the authority of the board under NRS 640.090, 640.146, 640.240 and 640.250

Second: Brian Fearnley

Motion Passes Unanimously

8. Review, Discussion, Action of Board Meeting Minutes (For Possible Action)

a. September 6, 2016

Tina Baum, Chairperson – Calls item number eight (a) Board Meeting Minutes September 6, 2016.

Lisa Cooper, Executive Director – I received my edits from Sherise.

Tina Baum, Chairperson – I have my edits, I have not submitted them yet.

Andrea Menicucci, Board Member – How can we do this more effectively and efficiently? If each of us is looking at the minutes and sending in edits, we are catching the same things.

Lisa Cooper, Executive Director – One of the things that we discussed was designating one Board Member to go through the minutes.

Brian Fearnley, Board Member – I can review the minutes.

Motion: Sherise Smith made a motion to approve the draft minutes of September 6, 2016, with the edits as given.

Second: James McKivigan

Motion Passes Unanimously

b. September 6, 2016, Executive Session

Tina Baum, Chairperson – Calls item number eight (b) Board Meeting Minutes September 6, 2016, Executive Session.

Motion: Tina Baum made a motion to approve the Executive Session Minutes for September 6, 2016, with edits as given.

Second: James McKivigan

Motion Passes Unanimously

c. September 22, 2016

Tina Baum, Chairperson – Calls item number eight (c) Board Meeting Minutes September 22, 2016.

Motion: Tina Baum made a motion to approve September 22, 2016, Draft Meeting Minutes with edits as given.

Second: Sherise Smith

Motion Passes Unanimously

d. October 17, 2016

Tina Baum, Chairperson – Calls item number eight (d) Board Meeting Minutes October 17, 2016.

Motion: Sherise Smith made a motion to approve October 17, 2016, Draft Board Meeting Minutes with edits as given

Second: Brian Fearnley

Motion Passes Unanimously

e. November 8, 2016

Tina Baum, Chairperson – Calls item number eight (e) Board Meeting Minutes November 8, 2016.

Motion: Tina Baum made a motion to approve November 8, 2016, Draft Board Meeting Minutes with edits as given.

Second: James McKivigan

Motion Passes Unanimously

9. Review, Discussion, Action of 2017 Legislative Session (For Possible Action)

a. Proposed Language Change

Tina Baum, Chairperson – Calls item number nine (a) Proposed Language Change.

Lisa Cooper, Executive Director – In your Board Packet you have language changes that were made by the Bill Sponsor. Issue number five, Senator Harris requested that the new Board Member be a physical therapist assistant, not a physical therapist assistant or physical therapist.

Motion: Tina Baum made a motion to approve the suggested changes.

Second: Sherise Smith

Motion Passes Unanimously

Lisa Cooper, Executive Director – Issue number seven (2) (c) this is where we stated that the physical therapists technician has limited activities. Senator Harris would like to remove that language due to the language in (2) (b) which give this Board the authority over physical therapist assistant.

Sherise Smith, Vice Chairperson – I have an issue with that, I feel that it is a public protection situation for us to have noted here, that physical therapy techs are only to perform limited activities. I think it spells it out more clearly that there is a delineation between a PTA and a PT Tech.

Motion: Tina Baum made a motion to approve the suggested changes, limited activities will be outlined in the regulations.

Second: Brian Fearnley

In Favor: Brian Fearnley, Andrea Menicucci, James McKivigan and Tina Baum

Opposed: Sherise Smith

Lisa Cooper, Executive Director – The next issue is in section 4 of the same section; Senator Harris requested to remove the language of the public list and edit the language as follows: “The Board shall maintain a list of licensed physical therapist authorized to practice physical therapy and physical therapists assistants licensed to assist in the practice of physical therapy in this State. Any interested person may obtain a copy of the list from the Board’s website.” The next change is within section 5. In the event that a business address is a residential address, the Board has the discretion to not publish that information without the permission of said licensee.

Sarah Bradley, Senior Deputy Attorney General – I am still concerned with regards to domestic violence.

Brian Fearnley, Board Member – It takes out “for good cause” do we want that in there still?

Sarah Bradley, Senior Deputy Attorney General – I am fine with discretion, my concern is the language does not cover what we need in the event of a domestic violence issue.

Lisa Cooper, Executive Director – I will discuss this issue with legislative counsel bureau for help with this language to make sure the concerns are met.

Motion: Sherise Smith made a motion to approve suggested language and discuss with LCB suggested solutions to the domestic violence concerns.

Second: Tina Baum

Motion Passes Unanimously

Lisa Cooper, Executive Director – The next issue is in issue number sixteen, this was to remove the age requirement. Senator Harris requested the Board to review the examination qualification language through the FSBPT and if there is an age requirement then to leave the language of “Be at least 18 years old.” I checked the language with the FSBPT, and the age requirement is 18 years old.

Motion: Sherise Smith made a motion to add back in “Be at least 18 years old.”

Second: Tina Baum

Motion Passes Unanimously

Tina Baum, Chairperson – I would like to take a few moments to discuss the Licensing Compact Language.

Sarah Bradley, Senior Deputy Attorney General – Those are things that the legislature is favoring, anything that speeds the licensing process they are for the language.

Tina Baum, Chairperson – Currently, at the national level there are four states in the compact. Once they reach seven states, they are moving forward with the licensing compact. The FSBPT is asking what states need help with getting this language through legislation. Nevada is one of the rare states that has fingerprinting language, at this point, the FSBPT cannot commit to a timeframe that fingerprinting will be required to participate in the compact.

Sherise Smith, Vice Chairperson – It was my understanding that each state has a specific period to of time to require fingerprinting in their agency, I do not believe this pertains to licensees already licensed. The states that are in the Compact already are Oregon, Arizona, Missouri and Tennessee.

Jenelle Lauchman, NVPTA – The Association would be for the Compact language with the fingerprinting requirement.

Tina Baum, Chairperson – They have not defined the regulations, they have a proposed document. Once seven states adopt this language through legislation; then the criteria for the requirement will be created. I think I am for the Compact language; I will contact FSBPT and check their availability to meet with our Board. Jenelle are you willing to send anything to us from APTA and Arizona?

Jenelle Lauchman, NVPTA – Yes

Tina Baum, Chairperson – Can we have one other person work independently reviewing the FSBPT website, and report back to Lisa regarding the Compact?

Brian Fearnley, Board Member – I will.

b. Citation Language

Tina Baum, Chairperson – Calls item number nine (b) Citation Language.

Lisa Cooper, Executive Director – Sarah submitted the citation language changes discussed at the last Board Meeting. I would like to make a note that, the Board will create regulations that these citations will not be reported as discipline against a licensee. Senator Harris did review the language and did not have any concerns with the language.

Sarah Bradley, Senior Deputy Attorney General – I want to make sure that the National Practitioner Databank does not require these as a discipline. I added the same language in NRS 640.050. The citations will be issued to a physical therapist for display of license NRS 640.110(3); to a physical therapist assistant for display of license NRS 640.260 (3); each licensee must change their residential address or primary professional address within 30 days after the change; and the 72 hours notes NAC 640.610 (1) (b). The reason there is more than one provision is due to the PT or PTA. There is information on the corrective action; I said, “not less than 5 business days.” We have to come up with the fine amounts that we will write into regulation. Then I listed fines; 1st not less than \$100.00, not more than \$500.00; 2nd not less than \$250.00, not more than \$1,000.00; 3rd not less than \$500.00, not more than \$2,500.00.

Sherise Smith, Vice Chairperson – Did we discuss having the licensee come before the Board if there was a 3rd offense?

Sarah Bradley, Senior Deputy Attorney General – Yes, we can make that change. Let us do first and second and get rid of the third. If they are brought before the Board that will trigger the complaint process, and that would be a reportable offense.

Motion: Sherise Smith made a motion to approve the citation language with the changes noted.

Second: Tina Baum

Motion Passes Unanimously

c. Select Legislative Liaison

Tina Baum, Chairperson – Calls item number nine (c) Select Legislative Liaison

Motion: Andrea Menicucci made a motion to have Sherise Smith as the Legislative Liaison for the 2017 Legislative Session.

Second: Brian Fearnley

Motion Passes Unanimously

d. Define Legislative Liaison’s Role

Tina Baum, Chairperson – Calls item number nine (d) Define Legislative Liaison’s Role.

Sherise Smith, Vice Chairperson – I can define it for you.

1. Work with the Executive Director
2. Be informed of Legislative Issues
3. Be able to attend Legislative meetings as called upon

This position came about; I started working in the position, and we did not vote on it. I think it would be good to have one person that is the point of contact for this position.

Sarah Bradley, Senior Deputy Attorney General – I would like to clarify that you are speaking as a Board Member. However, you are not taking positions on behalf of the Board, unless, the Board has voted on the Bill.

Sherise Smith, Vice Chairperson – In my Legislative Training, if I am specifically asked, and I know what the Board position is on that subject. I can say the Board

Position is this. However, if the Board has not discussed it and I can only give my personal opinion.

Sarah Bradley, Senior Deputy Attorney General – Correct. You need to know the position based on the Board's actions.

10. Review, Discussion, Action of Board Operations and Updates (For Possible Action)

a. 2017 Year-to-Date Budget

Tina Baum, Chairperson – Calls item number ten (a) 2017 Year-to-Date Budget

Andrea Menicucci, Board Member – Item 7901, 7901.1, what is the reason for the two-line items?

Lisa Cooper, Executive Director – I need to move 7901.1 into 7901.

Andrea Menicucci, Board Member – Are we now looking at all receipts for internal controls process?

Lisa Cooper, Executive Director – Yes, I review the bill, verify there is backup documentation, enter the check. I send an email to Muriel with any backup documentation she may not have in Vegas, and I let her know there are checks to print. Muriel prints the checks, verifies all documentation is attached to the check stub, signs, and mails the checks.

Sherise Smith, Vice Chairperson – How is the Treasurer viewing the receipts?

Lisa Cooper, Executive Director – I scan in the backup documentation to the check and attach it in QuickBooks.

Tina Baum, Chairperson – I confirmed with Lisa if the auditors were comfortable with the process and procedures in place now? Kohn and Company said they were comfortable the way it is now.

Sherise Smith, Vice Chairperson – I have a question on item number 6300 Medical Insurance; I know we discussed this last meeting. The Board has not approved this, should it be removed?

Lisa Cooper, Executive Director – The Board approved the budget with this line item; monies will not be allocated unless the Board approves the spending. If the Board approves the spending of the money, then it will be dispersed, if not, the money will not be spent.

Sherise Smith, Vice Chairperson – Line item 6502 Out of State Per Diem and 6503, Lodging?

Lisa Cooper, Executive Director – That expense was for Debby Dieter to go to Oregon for the CLEAR Conference.

Sherise Smith, Vice Chairperson – Under Operating Expense – line item 7030 Bank Fees; Why are we so over budget in that area?

Lisa Cooper, Executive Director – That was to cover the Bank Fees for the Merchant Account. When I prepared the budget, I did not know what volume to expect for renewal and how much money would be processed through the website. That is why the fees are higher in July and August due to renewals.

Sherise Smith, Vice Chairperson – Line item 7067 Contractual Services-Lobbyist, I was wondering why it was double in the month of July?

Lisa Cooper, Executive Director – We paid two checks in July, one was to pay for June, and the other was payment for July.

Sherise Smith, Vice Chairperson – Line item 7901.1 does that need to be moved into 7901?

Lisa Cooper, Executive Director – Yes, I will recategorize that.

Sherise Smith, Vice Chairperson – My last question is the last column on Total Gross Expenses, that number is the same as budgeted.

Lisa Cooper, Executive Director – Yes, I will correct the formula in the cell.

Motion: Tina Baum made a motion to approve the 2017 Year-to-Date Budget.

Second: Sherise Smith

Motion Passes Unanimously

b. June 30, 2016, and 2015 Audit

Tina Baum, Chairperson – Calls item ten, b. June 30, 2016, and 2015 Audit

Beth Kohn-Cole, Partner Kohn & Company – I performed your biennium audit for the fiscal year 2016 and 2015, I believe your packet has a copy of the audit. I will be going over this briefly. We did have significant findings this year, and we gave an opinion on the Balance Sheet and the Statement of Imposition. We did not give an opinion on the Statement of Activities or the Revenue and Expenses. After the Table of Contents, there is a two-page Auditors' Report. We gave a clean opinion on the Balance Sheet; we could not give an opinion on the Statement of Revenue and Expenses; and the Statement of Activities, due to the condition of your records relating to expenditures. We were unable to get support for expenses. Due to the changes in management, a lot of the records were not there, and I could not verify expenses.

Sherise Smith, Vice Chairperson – What percentage of the records were not there?

Beth Kohn-Cole, Partner Kohn & Company – The percentage of missing records was enough that it was material to your financials. I went back and forth with Lisa looking for records, and that is why we are so late. Not having an opinion is a red flag; there was nothing I could do I had to disclaim the opinion.

Next, we will review the Management's Discussion and Analysis go to page 7; this is your Balance Sheet. The first column is your Budget; the middle column is the adjustments we made to get to the Government-wide Financial Statement, this includes your PERS. We made some changes for fixed assets. The other items relate strictly to PERS. Your cash and investments are approximate \$483,000.00. That does not change to the Government-wide. There are some prepaid expenses, your total assets on the General Fund basis are \$485,000.00. Let us move onto the third column, as of June 30, 2016 that is \$504,000.00, and that primarily relates to the PERS changes. Your liabilities are approximate \$119,000.00 on a fund basis and the largest money we receive in advance for licensee licensing fees. The third column shows a net pension liability of \$219,000.00. The opinion was given on this report; we verified the cash; we received the audit from PERS, verified accounts payable, accrued liabilities. The next page is the report represents your Statement of Revenue and Expenditures, and this is what we did not give an opinion on. We conducted extensive testing, with licensing fees and we tried to get support for expenditures. However, we could not give an opinion because what was missing was significant to the audit.

Tina Baum, Chairperson – When you say there is a lack of information, is that because the prior Executive Director is not here for you to ask or is it paper documentation that is missing.

Beth Kohn-Cole, Partner Kohn & Company – When you do an audit, you have to get enough audit evidence, and that would be original receipts. Inquiries are part of the audit evidence. However, you have to have to substantiate that information to outside source documents as opposed to someone writing a note saying that this is what this expense is for. To summarize, what your books reflected for the fiscal year 2016, page

8 your total expenditures are \$391,000.00; you brought in \$382,000.00 of earned revenue a little bit of investment income; you had a slight deficit of \$9,013.00.

Sherise Smith, Vice Chairperson – I have a question, the previous year we had a deficit of \$35,000.00. Is that correct?

Beth Kohn-Cole, Partner Kohn & Company – That is correct. The footnotes continue, move to page 21, normally this is a Statement of Revenue and Expenditures Actual, you will see actual compared to years. There was no budget approved for 2016, and there was not budget prepared for 2015. That is one of the items we put in the findings; we feel this is a critical piece of your management process. Page 24 is an Independent Auditors' Report in accordance with Government Auditing Standards. A byproduct of a Government Audit is a report on Internal Controls although we do not do a full Internal Control Review we do have to do a report if we note anything. With our disclaimer on Revenue and Expenses, we do have a finding, and it starts on the bottom of page 24. Finding 2016-001: Financial Review Oversight – Criteria: Expenditures should have proper supporting documentation such as invoices detailing actual amounts paid and should be approved before payment by the appropriate personnel. All supporting documentation should be filed and maintained for future reference. I would like to point out that a signed credit card receipt is not an original document, you need the supporting documentation on what was purchased.

Finding 2016-002 Financial Review Oversight – Criteria: Good oversight by the members of the Board is managed with the use of an annual budget. We recommend you have an annual budget.

Sherise Smith, Vice Chairperson – I have a question about that, going forward our Treasurer should be confirming we have original receipts on all expenditures?

Beth Kohn-Cole, Partner Kohn & Company – Also an addition to the Audit Report is a two page required Board Communication Page letter that summarizes the estimates that are embodied in your Financial Statements. Lastly, there are three levels of Management Letters; there is an Information Letter because you are a Governmental Entity, I just bring things to your attention and then there are the findings which are included in your report. I also did an FYI letter, and that is a two-page letter, and in the middle of the page it says Assets and Liability Balances, we noted there are several errors on the Assets and Liability Balances on a monthly basis. Employee vs. Contractor, – We recommend that the Board review and obtain an understanding of the Internal Revenue Service requirements for classifying individuals as contractors and employees and ensure that the current independent contractors are appropriately classified. Scanned Images of Canceled Checks – A critical review points, if a Treasurer is going to look at supporting documents, you can go online and review the images of canceled checks. If not, then I would suggest you have the bank send you the images of the canceled checks to make sure that the payments are going to the right people.

Sherise Smith, Vice Chairperson – There were several statements that said, "Except as known to you, we have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, alternatively, abuse, whose effects should be considered when preparing financial statements." What does this statement mean?

Beth Kohn-Cole, Partner Kohn & Company – The Management Representative Letter, this is a letter that Lisa gave us, stating that she gave us all the information to the best of her knowledge. I still have not gotten the Attorney Letter from Richard Dreitzer, Esq. I need that letter to complete your audit. I would also send your audit with a cover letter with a disclaimer explaining that you had changes in staff starting in March of

2016, that you have implemented internal controls going forward, just because it will be a red flag.

Andrea Menicucci, Board Member – There were recommendations made from the 2014/2013 audit; the recommendations were not presented to the Board, and therefore, the changes were never put into place.

Beth Kohn-Cole, Partner Kohn & Company – I need a motion of approval for the audit.

Motion: Tina Baum made a motion to accept the audit for June 30th 2016/2015 performed by Kohn & Company

Seconded: James McKivigan

Motion Passes Unanimously

Beth Kohn-Cole, Partner Kohn & Company – You have the option to do an annual audit or a Biannual audit, I could do an annual audit for \$5,000.00, this would be a special price. However, with what has gone on, this option may give the Board a higher comfort level. Currently, our contact is for \$8,000.00 so it would be a \$2,000.00 increase over the biennium. That is a decision the Board will need to make if you feel this will increase your comfort level due to the issues in the past.

c. Expectations of Board Meeting Minutes

Tina Baum, Chairperson – Calls item number ten (c) Expectations of Board Meeting Minutes. Lisa and I talked about this topic this morning. We have tried to collaborate on a few things we can do to get the minutes done sooner. We discussed having Chelsea and Muriel taking assisting with the minutes while we are at Board Meetings. One person to record the substance and the other to record the motions. We also discussed getting a draft to a Board Member for edit and to put that into one of the job descriptions of an Executive Board Member.

Brian Fearnley, Board Member – I can do that, I have not volunteered as much because of my schedule. I would be happy to do that.

Tina Baum, Chairperson – As discussed, we are not putting the draft minutes on the website, only the approved minutes will be available on the website.

Sarah Bradley, Senior Deputy Attorney General – The Board is required to have a Draft available within 30 business days of the Board Meeting, and the Board needs to approve them within 45 business days or the next Board Meeting whichever is later.

Lisa Cooper, Executive Director – I will try and have a rough draft to Brian within 3 weeks for editing. We are not putting draft minutes on the website only approved minutes will be posted on the website. Draft minutes are available 30 business days after the Bard Meeting to satisfy public records requests.

Sarah Bradley, Senior Deputy Attorney General – Per NRS 241.035 each public body, shall keep written minutes for five years, after that time the minutes may be sent to archives. Each public body shall keep the recordings of meetings for one year and then destroy securely. The minutes become the permanent record.

No Action Taken

d. Website

i. Adding Supporting Docs to Website

Tina Baum, Chairperson – Calls item number ten (d) Website

Lisa Cooper, Executive Director – My notes for the website are office hours 9:00 am to 4:00 pm, normally we are in the office from 8:00 am to 8:30 or 5:00 pm. The State

Holiday Schedule is on our website. Board Package supporting documentation will not be on the website.

No Action Taken

ii. Newsletter

Sherise Smith, Vice Chairperson – I have wanted to restart this project. I feel that this is something that I would like to spearhead.

Andrea Menicucci, Board Member – Is this something we can discuss at the Board Retreat?

Tina Baum, Chairperson – Can we task Sherise for the next Board Meeting the format and content of the newsletter, and the minimum frequency of the publication.

Sherise Smith, Vice Chairperson – Yes.

Motion: Sherise made a motion that we reinstitute a newsletter that will be available online and email once available. The newsletter will be produced at a minimum semi-annually.

Second: James McKivigan

Motion Passes Unanimously

e. Continuing Education Audit

Tina Baum, Chairperson – Calls item number ten (e) Continuing Education Audit

Lisa Cooper, Executive Director – The 5% continuing education audit letters were dated October 22nd, and they were all sent by the end of October via U.S. Postal Service. As of November 28, 2016, out of the two-hundred sent we had 35 had not responded, 9 possible denials due to not on approved continuing education list, 14 did not have the correct mailing address.

No Action Taken

f. Dry Needling Survey Information

Tina Baum, Chairperson – Calls item number ten (f) Dry Needling Survey Information

Lisa Cooper, Executive Director – The information on the Survey Monkey for Dry Needling; we sent 1818 invitations, out of that 1040 opened the email, 332 completed the survey.

Andrea Menicucci, Board Member – We want to use this information to gather information on how much education was appropriate for the protection of the public and physical therapists that perform dry needling. It would be interesting to provide some education on a minimum level of education for dry needling and then conduct the survey again to see what the numbers are at that time.

No Action Taken

g. Update of InLumon – New Software Database

Tina Baum, Chairperson – Calls item ten (g) Update of InLumon – New Software Database.

Lisa Cooper, Executive Director – I have contacted the State IT Department to assist me in finding a vendor for future Database projects. I discovered on November 29, 2016, that an ACCE Committee Member did not receive a request for the Dry Needling Survey. I went to the database looked up this person and their email was in their account. I looked on the email list, provided to me by InLumon and I could not find this person's email address. During this process, 44 emails bounced back as incorrect, and we had just completed the renewal process. I cannot trust the data, once I discovered there was an issue I went back to the original email file given and discovered that there

were multiple email addresses that were the same and some that were not in the data at all.

No Action Taken

h. ProCert

Tina Baum, Chairperson – Calls item ten (h) ProCert.

Sherise Smith, Vice Chairperson – ProCert is the organization that approves and offers the courses; Aptitude stores your individual information. If the ACCE Committee approves a course, we can submit the course to our continuing education, and it would be available to our licensees. Once you have enrolled in Aptitude, what your requirements are each depends on what state that you are licensed in.

Tina Baum, Chairperson – If this were something we adopted; it would be nice to have this in our first newsletter. We could get people registered so we could use it for the 2017 renewal period.

James McKivigan, Secretary/Treasurer – I would like to discuss the Continuing Competence Units vs. Continuing Education. It looks like on the list if you are not taking an exam or assessment or you are not in a residency or a fellowship the only two options that clinicians have available to them are conferences and continuing education. It looks like a continuing education until one hour is only worth a half an hour for a CCU. The clinician will have to take as many as 40 hours of continuing education just to get your 15 hours that we currently require.

Sherise Smith, Vice Chairperson – That is part of why we need to discuss this as a Board and have a presentation given to us from the ProCert. This process is revamped, it is not purely hours based anymore. Certain classes will be worth more; continuing competence Units are worthless, this is something that we need to decide as a Board.

James McKivigan, Secretary/Treasurer – Currently, we require fifteen hours of continuing education every year. Under this system, the way I am reading it, a clinician would need to take approximately 40 hours of continuing competency to meet our requirement; I cannot see that happening.

Sherise Smith, Vice Chairperson – I am not the expert on this, I think we all need to listen to the information. They offer a self-assessment for \$59.00; some states give fifteen hours for taking this course.

Andrea Menicucci, Board Member – Is ProCert Annual?

Sherise Smith, Vice Chairperson – The model is 30 CCU within a 2 year period. If we would like to keep ours fifteen a year, we are still following the model.

Andrea Menicucci, Board Member – The way that ASHA does it, we have a minimum competency that is every three years; for your state licensure, the requirement is fifteen hours. Those hours can apply to your clinical competence; they have to be ASHA. Certified courses. We have both of them going at the same time.

Sherise Smith, Vice Chairperson – Can we have a ProCert presentation at the February Meeting?

Lisa Cooper, Executive Director – Yes.

Sherise Smith, Vice Chairperson – I will call a few of the states that utilize ProCert, I can get more information. Jim, could you reach out to some states and ask them how did the change affect them?

James McKivigan, Board Member – Agreed to contact some states regarding ProCert.

No Action Taken

i. 2017 Board Meeting Schedule

Tina Baum, Chairperson – Calls item ten (i) Board Meeting Schedule.

Lisa Cooper, Executive Director – We have a Board Retreat Scheduled for January 12 & 13, 2017, February 23, 2017, April 25, 2017, June 13, 2017, August 15, 2017, October 17, 2017, and December 11, 2017.

No Action Taken

j. Executive Director's Evaluation

Tina Baum, Chairperson – Calls item ten (j) Executive Director's Evaluation, critical element one, does anyone have comments or concerns?

Brian Fearnley, Board Member – On item two, how would I know how to rate that? I am not privy to that information.

Tina Baum, Chairperson – I think the people that are directly involved with that will know the timeline. We will have the Board operations, updates, and Investigation Department on the agenda. We need to utilize support staff; we may try to condense the bookkeeping staff. She read through her rating and did not have anything to add. The overall rating based on everyone was four. Critical element two, we discussed a payroll report from Carol. Regarding the investigation process, we need to create job descriptions and have everyone reapply for the positions. Relocation of the Las Vegas office, final audit report, and InLumon has changed. We discussed DPS and the fingerprinting process, archiving records and the working history of the Board to keep that moving forward. Performance review for Muriel and Chelsea, the Board Policy Manual that online needs to be revamped. The overall rating is a 4 with the biggest priority being the complaint and investigation process. Her priority is a database, cases, and inspection process. Critical element number three, we discussed the stakeholders; where we are posting meetings and notifications. It was discussed that a Board Member would review the FSBPT website to stay current on information, discussion of consumer advocacy or rights of consumers, overall rating three. Critical element number four, I did not put anything on there.

Sherise Smith, Vice Chairperson – I had something in critical element number four. You have been to every FSBPT Meeting; you attended Board Member training with the Board members. We appreciate your hard work.

Motion: Brian Fearnley made a motion to approve the Executive Director's six-month evaluation.

Second: James McKivigan

Motion Passes Unanimously (Tina Baum was not present for motion)

11. Investigation Department

a. Status of outstanding cases

Tina Baum, Board Chairperson - Calls item eleven, (a) Status of outstanding cases

Sarah Bradley, Senior Deputy Attorney General – After reviewing the cases, I see that you have one from 2012, five from 2013, I do not see any that are older for display. One thing that I was thinking of is a 233B letter only has to go out in the event there is a revocation of a license. For the simple cases, you could just send the short form to the licensee and let them know the investigative findings; "if you would like to settle this matter, here is the agreement please pay within 20 days." If you send that out for the 2015/2016 cases, potentially half could settle. That would remove a significant portion of the cases.

Lisa Cooper, Executive Director – A large portion of the cases could be resolved with the short form agreement. If there are one or two violations, we can initiate contact with that form and move forward from there. I will be in Las Vegas next week I will go through all the cases by December 7th. I can have those to Hal, and we can move forward in the cases. I hope that all the information will be in the files in the Las Vegas office. First, I will send you the case numbers so you can review the file, then we will begin the process of scanning in the cases and move them to the Dropbox, and you can review the case, and we can move forward with the short form.

Sarah Bradley, Senior Deputy Attorney General – We need a blanket cover letter, in the letter the dates and the violations will change depending on the case.

Sherise Smith, Vice Chairperson – My question is, what is the reason behind looking at them? Once, we start the short form, “citation” process; those will be issues without being seen. I am not feeling comfortable with that.

Hal Taylor, Board Counsel – Training, will alleviate that problem. For some investigations, we need more information before we move forward with the case. I will communicate with the Executive Director.

Andrea Menicucci, Board Member – Hal, are you saying that you have reviewed some investigative reports with this Board that needed additional investigation?

Hal Taylor, Board Counsel – The simple cases are not going to be the issue, there are other cases where I felt there needed to be an additional investigation done. I am not anticipating being a road block on this. I would just like to make sure what we are dealing with on the hearing side if that is the road we end up on.

Andrea Menicucci, Board Member – I have a huge concern that this has been too long of a process, we need to get resolution on these cases.

Lisa Cooper, Executive Director – I will get you the case numbers by December 7th; you will have the cases reviewed by December 21st.

Hal Taylor, Board Counsel – Not a problem.

Lisa Cooper, Executive Director – We should be able to have a majority of the short form cases out by the end of January.

Sarah Bradley, Senior Deputy Attorney General – How long do they get to respond?

Hal Taylor, Board Counsel – Of course we will have attorneys calling us back, and that will be another issue we need to work with.

Tina Baum, Chairperson – My final comment on this is case number 2012-46, I would like to see a timeline established for this case. We can discuss this at the next Board Meeting.

No Action Taken.

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

Tina Baum, Chairperson – Calls item twelve, James Dunning case #A-14-701094-C

Sarah Bradley, Senior Deputy Attorney General – We have reached a settlement agreement in the Dunning case, I have the documents for you, simple minor changes. There is a stipulation and a settlement agreement. It requires Board Action to approve. It summarizes what the court said, and the large addition is on page four, it discusses the notice of retraction, they have stated what the notice should state. Page nine, 10.7, the parties agree to assume their respective cost, expenses and attorney’s fees incurred in the matter. I need a motion, for approval of the two documents. I will ask that Tina signs both documents as Board Chairperson.

Motion: Sherise Smith made a motion to approve the settlement agreement and the stipulation in the James Dunning case number A-14-701094-C as presented by counsel.

Second: James McKivigan

Motion Passes Unanimously (Tina Baum was not present for the remainder of the Board Meeting.)

13. Report from Board Chair (For Possible Action)

a. Future Agenda Items/Meetings Schedule

Sherise Smith, Vice Chairperson – Calls item thirteen (a), Future Agenda Items/Meetings Schedule.

Lisa Cooper, Executive Director – We are going to have the After-Action Report which consists of any points or projects that the Board has requested at a Board Meeting projects moving forward. The agenda for the retreat will first be that we will work on regulations, Board member training with the AG's Office and Legislative training with Neena Laxalt.

Not Action Taken

b. Review number 10 Continuing Education Approval Process of Policy Manual

Sherise Smith, Vice Chairperson – Calls item thirteen (b), Review number 10. Continuing Education Approval Process of Policy Manual.

Lisa Cooper, Executive Director – This was something that Tina requested to be on the agenda. She did not give me notes to move forward.

Motion: Andrea Menicucci made a motion to table Item thirteen (b) to the next Board Meeting.

Second: Sherise Smith

Motion Passes Unanimously

c. Review number 18 Adopted guidelines for Board members, including Appointment of Positions of Chairman, Vice Chairman, Secretary/Treasurer and Board Representative to Advisory Committee on Continuing Education

Sherise Smith, Vice Chairperson – Calls item thirteen (c) Review number 18, Adoption guidelines for Board members, including the appointment of Positions of Chairman, Vice Chairman, Secretary/Treasurer and Board Representative to Advisory Committee on Continuing Education.

Lisa Cooper, Executive Director – I have been reviewing the policy manual, and this is a policy that we have in place, and I have never seen this type of policy in an agency. Under NRS 640.035 Election of officers. The Board shall elect a Chair and other officers from among its members. The statute is what needs to be followed if you want to create something you can put it in regulation.

Sarah Bradley, Senior Deputy Attorney General – I am reviewing the NRS, I do not see where it says what officers need to be elected.

Motion: Sherise Smith made a motion to eliminate policy number 18 of the Policy Manual and replace it with Job Descriptions for the Executive Members.

Second: James McKivigan

Motion Passes Unanimously

d. Executive Members' Job Description

Motion: Sherise Smith made a motion to task Tina Baum, Chairperson with the creation of the Job Descriptions for the executive members for our next Board Meeting.

Second: Brian Fearnley

Motion Passes Unanimously

14. Election of Officers (For Possible Action)

a. Chairperson

Sherise Smith, Vice Chairperson – Calls item fourteen (a), Election of Officer, Chairperson

James McKivigan, Secretary/Treasurer – Nominated Sherise Smith as Chairperson. No second on the nomination.

Sherise Smith, Vice Chairperson – Nominated Tina Baum as Chairperson.

Andrea Menicucci, Board Member – Seconded the motion.

Motion Carries Unanimously

b. Vice Chairperson

Sherise Smith, Vice Chairperson – Calls item fourteen (b), Election of Officer, Vice Chairperson.

Andrea Menicucci, Board Member – Nominated Sherise Smith for Vice Chairperson.

Brian Fearnley, Board Member – Seconded the motion.

Motion Carries Unanimously

c. Secretary/Treasurer

Sherise Smith, Vice Chairperson – Calls item fourteen (c), Election of Officer, Secretary/Treasurer.

James McKivigan, Secretary/Treasurer – Nominated Brian Fearnley for Secretary/Treasurer

Sherise Smith, Vice Chairperson – Seconded the motion

Motion Carries Unanimously

15. Report from Legal Counsel (Non-meeting, attorney-client privilege)

16. Public Comment - None

17. Adjournment (For Possible Action) 3:55 p.m.