

Board Members
TINA BAUM, PT, DPT, MSPT, WCS, ATC, CLT <i>Chairperson</i>
SHERISE SMITH, PT, MSPT, CBIS <i>Vice Chair Person</i>
JAMES MCKIVIGAN, PT, DC, MPA, MA <i>Secretary/Treasurer</i>
BRIAN J. FEARNLEY, PT, MPT <i>Board Member</i>
ANDREA MENICUCCI, M.S., CCC-SLP <i>Public Member</i>

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 **April 24, 2017**

- April 24, 2017 - Roll Call:** Roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 9:16 a.m. Monday, April 24, 2017, by Chairperson Baum.

Board Members in attendance: Tina Baum, PT, DPT, WCS, ATC, CLT, Chairperson; Sherise Smith, PT, MSPT, CBIS Vice Chairperson; Brian Fearnley, PT, MPT, Secretary/Treasurer; James McKivigan, PT, DC, MPA, MA, Board Member.
9:45 Andrea Menicucci MS, CCC-SLP joined the meeting telephonically.

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.

- Pledge of Allegiance**

- Public Comment – None**

- Formal Hearing** (for possible action)

- Amanda Cowles

Short Form Complaint Agreement Case # 2016-55 presented by Hal Taylor, Board Counsel. Upon inspection on or around January 14, 2015, Ms. Cowles' primary professional address in the Board office file was Custom Physical Therapy 1450 Prater Way, Sparks, Nevada, when Ms. Cowles' actual primary professional address was Custom Physical Therapy located at 1450 Prater Way, Sparks, NV. Ms. Cowles' changed her primary professional address with the Board office on or about March 11, 2015. This constitutes a violation of NAC 640.061 (2) Display of original license. Ms. Cowles was sent a Short Form Complaint and has stipulated to the agreement of a Fine of \$100.00 and Administrative Cost of \$150.00, for a total fine and cost of \$250.00.

Motion: Tina Baum made a motion to approve Short Form Complaint Agreement Case # 2016-55.

Second: James McKivigan

Motion Carries Unanimously

- Ercel Basilio

Short Form Complaint Agreement Case # 2016-48 presented by Hal Taylor, Board Counsel, on or about January 19, 2015, Mr. Basilio's primary professional address was Renown Home Health, 3935 S. McCarran, Reno, NV while the primary professional address in the Board files was Renown Skilled Nursing, 1835 Oddie Blvd. Sparks, NV.

The license posted was a copy not an original; Mr. Basilio reportedly began work at Renown Home Health on approximately, October or November of 2014. Therefore, Mr. Basilio was guilty of violating NAC 640.560 (1) Display of original license and NAC 640.061 (2) Notification or change of primary professional address. Mr. Basilio was sent a Short Form Complaint Agreement with an Administrative Fine of \$200.00 with a cost of \$150.00, for a total fine and cost of \$350.00.

Motion: Tina Baum made a motion to approve a Short Form Complaint Agreement for Case # 2016-48

Second: James McKivigan

Motion Carries Unanimously

c. Daniel Thour

Hal Taylor, Board Counsel, with regards to Mr. Thour, there were issues for the meeting location and Mr. Thour was able to sign a waiver. I am requesting that this matter be moved to the next meeting.

No action taken

d. Hyung Monk Lee

Hal Taylor, Board Counsel, with regards to Mr. Lee, there was an issue with his apartment number on the Board's side. I am requesting that this matter be moved to the next meeting.

No action taken

5. Investigation Department (for possible action)

Lisa Cooper, Executive Director, was able to go through all the outstanding cases with the Board. 46 cases that need to be dismissed, the reasons for dismissal are for various reasons. We do not have a witness that is willing to move forward, an inspector identified violations of the 72-hour notes. However, there were no dates, patient names or copies of records in the file only an allegation. Some of the cases Board Members have dismissed. Discussion of the types of cases of dismissed: address issue, display issue, and 72-hour issues. There is one case that we do not have a witness to subpoena. Review of complaint process: A complaint is received in the office, the complaint is given a number and assigned to an investigator, once the investigation is complete, they will submit a report, once the file is put together, our attorney and myself will review the case and issue a 233B letter for the licensee to provide a defense to the complaint. Once that information is received, we will submit the complaint to the Investigating Board Member for further review. Discussion of adding infraction to dismissed list.

Motion: Tina Baum made a motion for the Executive Director to give a list of infraction from the dismissed cases, potentially by the June 8, 2017 meeting.

Second: James McKivigan

Motion Carries Unanimously

6. Consent Agenda (for possible action)

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

Discussion of the dates of licensing and what parameters are used. A full month of data is given at a time.

Motion: Sherise Smith made a motion to approve the list of ratified licenses.

Second: Tina Baum

Motion Carries Unanimously

7. Application Review (for possible action)

A. Review application of Robert Grow for approval, denial or other administrative

action pursuant to NRS 640.0160(2)(a).

Travis Wakefield spoke to the Board about Mr. Grow's character and his ability to practice as a PT technician under the supervision of Mr. Wakefield. Mr. Grow spoke to his wanting to continue on the path that he is on, he is attending support meetings as frequently as possible. The Board discussed Mr. Grow's clinical level of knowledge due to the length of time he has been out of practice and taking the Option Self-Assessment Exam. Discussion of requiring a log of support meetings that Mr. Grow attends.

Motion: Sherise Smith made a motion to grant Mr. Grow a probationary license with the probationary period through June of 2018 with the following conditions: 1. Complete the Option self-assessment tool within 6 months. 2. Submit a meeting log to show attendance of support meetings, a minimum of 9 meetings per quarter. 3. Submit to a fingerprint background check for the 2018 Renewal Period. 4. Re-appear before the Board to be released.

Second: Brian Fearnley

Motion Carries Unanimously

- B. Review application of Steven Bolick for approval, denial or other administrative action pursuant to NRS 640.160 (2)(k).

Bradley Slighting, Esq. License # 10225 representing Steven Bolick. Discussion of a Consent Decree signed by the Board February 12, 2014. The Board revoked your license and gave the opportunity to reapply after 2 years with the following conditions:

1. Submit an evaluation by a physician who specializes in substance abuse and counseling.
2. You are compliant with any treatment that is recommended by physician before subsequent application.
3. Submit to a new fingerprint application and has sustained no new arrests, charges or convictions between the date of this order and subsequent application.

We have received the evaluation submitted by Dr. Holm. In summary, Dr. Holm stated that Mr. Bolick is psychiatrically fit for re-licensure and he will not have any additional episodes of immoral or unprofessional conduct.

Discussion of the way Mr. Bolick answered his screening questions on his application based on what happened since the last licensure. Discussion of options of following Mr. Bolick while licensed. Mr. Bolick would need to be placed on probation, restricted or probation license if the Board wanted to follow while he is practicing in Nevada.

Motion: Tina Baum made a motion that we grant Mr. Bolick a probationary license with the following conditions. 1. Submit to re-fingerprinting with the 2019 renewal. 2. Submit to an evaluation with Dr. Horn prior to the renewing his license for the 2019 renewal year. 3. Appear before the Board for probation termination.

Second: James McKivigan

Motion Carries Unanimously

8. Review, Discussion, Action of Board Meeting Minutes (for possible action)

- A. February 23, 2017

Motion: Sherise Smith made a motion to approve the minutes from February 23, 2017 with the edits as recommended.

Second: James McKivigan

Motion Carries Unanimously

9. Review, Discussion, Action of 2017 Legislative Session (for possible action)

- A. SB 142

B. SB 437

C. AB 456

Discussion regarding legislative session. SB 142 did not make it out of committee and died. Senator Atkinson was gracious enough to allow the contents of SB 142 to be amended to his Committee Bill SB 437 (NPTA bill). SB 437 was a difficult bill to get through; we ended up removing section 2 to make the bill less controversial. Sherise commended Lisa Cooper and Neena Laxalt for the hours and all the hard work that went into this legislation. SB 437 was voted out of the Senate and is heading to the Assembly side, once on that side, SB 437 will be sent to Assembly Commerce and Labor. Within the next two or three weeks we will have a hearing on the bill and a subsequent workshop.

AB 456, was the Chiropractic Board's Bill. This bill did not make it out of the Assembly Committee and died.

10. Review, Discussion, Action of Board Operations and Updates (for possible action)

A. 2017 Year-to-Date Budget

Questions on Year-to-Date Budget: Line item 5010 Administrative Cost for income is the cost that is collected from licensees for their cost owed to the Board. Examination Fees are off due to no history from previous years. The way this money was categorized did not allow for a projection. Discussion of what types of purchases are made on the Board credit card vs. actual check. Line item 7300 Dues and Registration – the registration for FSBPT and the cost of computer classes for Muriel. Discussion for medical insurance line item to be removed as this was not ever approved. Discussion for net operating expenses, based off the projections we will end the year \$21,000.00 in the black.

B. 2018 Proposed Budget

Questions for the 2018 Proposed Budget: Line item 5015 is projected at \$15,000.00 and when we utilize ProCert this income will reduce. Discussion regarding line item 6300 medical insurance, and that this should be removed as it has never been approved by the Board. Discussion of line item 6003 Salary, Cost of Living being 12,000 more than last year. Line item 7067 lobbyist amount needs to be adjusted from \$24.00 to \$24,000.00. Line item 7240 Host fund and cleaning amount needs to be adjusted to \$6,000.00 as we have spent \$4,000 so far this year and it is \$0 on the proposed budget. Line item 9001 needs be adjusted after account is reviewed as it is budgeted for \$7,000 and it was only \$1,000 last year and we are currently on budget. Line item 7030 encompasses the merchant charges from all credit cards processed and discussion to research merchant account. Discussion that the error with the lobbyist amount now puts our budget in the red and adjustments will need to be discussed to balance the budget. Updated budget recommendations to be presented at next meeting.

C. Update of inLumon – New Software Database

Discussion of negotiations from March 17, 2017, for items to be completed prior to the start of the June 1, 2017. Staff is double entering information into Access and the new database. We pay inLumon \$995.00 per month until we have a functioning database.

11. Report from Board Chair (for possible action)

Update on the outstanding cases

12. Report from Legal counsel (non-meeting, attorney-client privilege)

10:39 - The Board Meeting was recessed.
10:47 – The Board Meeting back from recess

13. Public Comment – None

14. Adjournment (for possible action)