

NEVADA STATE BOARD OF

PHYSICAL THERAPY EXAMINERS

BOARD MEETING MINUTES AUGUST 19, 1017

- Item 1- Call to order / roll call to determine the presence of a quorum. The meeting was called to order at 8:05 am by Vice Chairman Smith. Board members present in the Northern Board office: Sherise R. Smith, PT, MSPT, CBIS, Vice Chairman; Brian Fearnley, PT, MPT, Secretary/Treasurer, Andrea Menicucci, MS, CCC-SLP, Public member. Non-members Sara Bradley, senior deputy attorney general, Hal Taylor, legal counsel and Debby Dieter, investigator, were also present. Board members present in the Southern Board office: James McKivigan, DC, PT, MPA, MA. Non-members Muriel Morin-Mendez, licensing coordinator and Chelsea Venturino, office assistant. Board members present telephonically: Chairman Tina Baum, PT, DPT, WCS, ATC, CLT. Chairman Baum lost connection telephonically several times during the meeting and was inconsistently present during voting; however, a quorum was present without her presence.
- Item 2- Pledge of Allegiance
- Item 3- Public comment period- no public comment. Housekeeping items discussed included informing Board that Lisa Cooper, Executive Director, would be coming back to work from medical leave on Monday, August 21. Items 20 and 22 will be removed from today's agenda due to Executive Director not being present and not having enough information.
- Item 10- Application Review:
- A. Gail Loreth: Counsel Taylor reported that Ms. Loreth did return a waiver. Motion made by Andrea Menicucci to grant PTA license. Second: McKivigan. Passes unanimously.
 - B. Barbara Ann Gabut: Counsel Taylor reported he did not receive waiver back. Tabled at this time.
 - C. Greg Knepper: Counsel Taylor reported that Mr. Knepper did return a waiver. The Board discussed that before licensure, Mr. Knepper is required to obtain 15 hours of continuing education and 7.5 hours of the 15 hours must be "hands-on" or "onsite" courses. Motion made by Sherise Smith to grant Mr. Knepper a license with the following conditions: he will take a total of 30 hours of continuing education during the first year, at least 15 hours being hands-on and 15 hours being completed prior to his license being issued and will submit a list the courses to the Board. He will appear before the Board at the end of one year to ensure these conditions have been met. Jim McKivigan will be available to answer questions related to the continuing education that Mr. Knepper may have. Second: Menicucci. Passes unanimously.

- Item 4- Formal Hearing for Sarah Webber, License #A-0216– Case # 2016-06. Counsel Taylor reported that he has received additional information that needs to be reviewed and this will be tabled for now.
- Item 5- Formal Hearing for Matthew Holt, License # – Case # 2016-04. Counsel Taylor reports a waiver was received. He would like to move to settlement in this matter. Mr. Holt has agreed to and paid the \$350 and we have received a copy of the agreement.
Motion to accept settlement agreement: Smith
Second: McKivigan.
Passes unanimously.
- Item 6- Formal Hearing for Patricia Hadley, License # 1717 – Case # 2016-23. Counsel Taylor recommends tabling for now as a settlement agreement has not yet been received back, although Ms. Hadley has agreed to the settlement.
- Item 8- Formal Hearing for Curtis Jensen, License # 2557 – Case # 2016-07. Counsel Taylor recommends tabling as he does not have waiver back and is not sure if Mr. Jensen received waiver in enough time to return it.
- Item 9- Formal Hearing for Keri Graves, License # A-0592 – Case # 2016-11. Counsel Taylor has received a waiver from Ms. Graves and she has returned the settlement agreement and has paid the \$350.
Motion to accept settlement agreement: Menicucci
Second: McKivigan.
Passes unanimously.
- Item 7- Formal Hearing for John Giles, License # 2343 – Case # 2016-16. Counsel Taylor has received a waiver from Mr. Giles. Mr. Giles is requesting we revisit this matter due to his trying to alert the Board that he would not be present for the previous meeting and made a mistake when emailing the board with the wrong email address. He did show he made good faith effort to notify Board.
Motion to rescind our previous order and accept the settlement presented by Mr. Giles of \$350 to settle the case: Smith
Second: McKivigan
Passes unanimously.
- Item 11- Renewal Review: waiver received from Ms. Lopes.
Motion to approve Ms. Lopes’ renewal under the condition that she submits the records from court once she receives them: Smith
Second: Fearnley.
Passes unanimously.
- Item 13- 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.
Motion to ratify the licenses as presented: Menicucci
Second: McKivigan

Passes unanimously.

Item 14- Contract for Legal Services – Hal Taylor. Deputy Attorney General Bradley informed the Board that Counsel Taylor’s contract expired on June 30th and so Counsel Taylor currently does not have a contract. She discussed making contract retroactive to July 1. Board member Smith expressed concern over this not being in the budget.

Motion made to approve extension of Counsel Taylor’s contract retroactively to July 1, 2017 for 120 days total dates of July 1-October 31, 2017: Menicucci.

Second: McKivigan.

Passes unanimously.

Item 12- Investigation Department

A. Status of outstanding cases: Deputy Attorney General Bradley reported she has 25 cases that are outstanding and Counsel Taylor has 29 cases, but many of these are the same as Deputy Bradley’s cases, so he actually has 8 or 9. Discussion of restructuring of way cases are handled so that IBM doesn’t get case until investigation is complete. Vice Chairman Smith relayed that she feels it is important for IBM to still be involved in the process and Counsel Taylor agreed. Continue this to the next agenda to discuss.

B. Dismissed Case: 2016-116. Deputy Attorney General Bradley stated that Lisa is recommending dismissal and she agrees. The reason is that there is no proof that he moved longer than two days, so that would not be a violation of the 30 days.

Motion made to approve the dismissal of case 2016-116 as per board counsel’s recommendation: Smith.

Second: McKivigan.

Passes unanimously.

C. Investigation Process: Deputy Attorney General Bradley discussed our regulation review and that we should have a more outlined process. Board member Fearnley recommended there be a running list of cases that is presented at each meeting so the Board knows where we are with the cases on an ongoing basis. It was discussed that this the Board has been asking for this for 2 years and there is still not process in place in written form

Motion made by Menicucci and modified by Smith to direct Executive Director to work with Board counsel to provide a list of when complaint was received with allegation and status update and there also be a written process put into place for dissemination of complaints. Also that all inspectors be asked to reapply so that we have a clear list of who are inspectors are so updated training can be initiated.

Second: McKivigan.

Passes unanimously.

Item 15-Board Meeting Minutes

A. April 24, 2017 minutes presented in draft form. Muriel Morin-Mendes mentioned that there was a typo and the minutes are actually from the April 25, 2017 and that this date is correct on the minutes. Board member Smith noted that her edits are not included in the draft presented. Board member Smith noted what her edits were, many of which were related to errors with the budget that was presented.

Motion made by Menicucci to approve the minutes for April 25 with Board member Smith's edits.

Second: Smith.

Passes unanimously.

- B. June 8, 2017 minutes presented in draft form. Board member Smith stated that her edits were also not added into these minutes and reviewed what those edits were. Board member Fearnley does not believe his edits are in this as well. Board member Smith also noted that the minutes were not complete and were differently formatted from the April minutes and difficult to understand and that edits were made to make them clearer. Decided that we could not approve these minutes as they were not complete. It was discussed that the Executive Director needed to be more timely with the minutes to be in compliance with open meeting law.

Motion made by Menicucci that the Executive Director be directed that minutes be completed and sent to all Board members by August 25 for edits so they can be approved at the August 28 meeting.

Second: Smith.

Passes unanimously.

Item 16- Board Operations and Updates

- A. 2017 Budget to send to Auditors: no information presented on this.
- B. 2018 Proposed Budget for discussion, review, and approval: Discussed the year end financials for 2017 and the 2018 budget was also discussed. The changes discussed previously were reflected on the updated 2018 budget. Concerns were discussed regarding the 2018 budget when compared to the 2017 year end financials now that the Board has these figures. Reviewed the proposed 2018 budget with lengthy discussion regarding suggested revisions that need to be made.

Motion made for Board member Fearnley to review recommended changes with Executive Director so that the budget can be updated to reflect the changes and be presented with the changes at the October Board meeting: Smith.

Second: McKivigan.

Passes unanimously.

- C. Update of InLumon – New Software Database: Chelsea Venturino, office assistant, updated Board members that the renewal process got smoother toward the end of renewal. She also reported that they will start working on initial applications in the next month. Board member Smith reported she was involved in an InLumon meeting and that she feels they understand what our needs are and regular meeting have been set up to keep communication going in a positive direction.
- D. October Newsletter Topics: Board member Smith presented ideas re: Aptitude, ProCert and Option, Board member bios being in the next newsletter. Deputy Attorney General Bradley suggested an article regarding our regulation changes and asking for feedback.
- E. Electronic Signature Software: has been distributed to Board members.
- F. Upcoming Board Member Positions and application deadlines due to Governor's Office: Board member Smith reports her first term is ending and that Chairman Baum's second term is ending. Her position will be filled with a PTA. The public member position is also still open.

- G. Group Email Capability: It was discussed by Board member Smith to task the Executive Director to get the group email set up by the end of September so that it is in use by the time the next newsletter goes out.
- H. Board Administrative Manuals: To be discussed at a later meeting.
- I. Update on meeting with Oriental Medicine Board and future meetings: Deputy Attorney General Bradley reported that there was a meeting with herself, Lisa Cooper and Chairman Baum with the Oriental Medicine Board chairman and attorney to talk to discuss dry needling. The next meeting is set for September 19th at 1:00 pm.

Item 17- Original Physical Therapy License Parchment

- A. Discussion of original signature of Board Members: original signatures have been obtained and the new licensees will now be getting the nicer looking original license.

Item 23-Update on James Dunning Case # A-14-701094-C: Deputy Attorney General Bradley reported that this case is closed and all required items have been completed.

- A. Mailing of the Retraction Statement: these were sent twice as the original postcard was incorrect.
- B. Website Retraction Statement: was properly put on website
- C. Emailing Retraction Statement: Deputy Attorney General Bradley reported that her assistant was able to get this out as Executive Director Cooper was not able to as she had not set up the group email yet.

Item 18- Update regarding FSBPT

- A. Physical Therapy Compact: Board member Smith updated Board that there are now 14 states in the compact.
- B. Foreign Educated Standards Committee: Board member reported on updates from this committee and NAC changes that will need to be made regarding Course Work Tool.
- C. Ethics and Legislation Committee: no information presented
- D. Jurisprudence Exam: Board member Smith reported information regarding utilizing the JAM rather than our current jurisprudence exam. The FSBPT will provide the service with an updated exam based on our current statutes and regulation. It was discussed that this would be a good exam to implement once our new NACs are in place.

Motion to task Lisa Cooper to speak with FSBPT to implement the JAM and start this process: Smith

Second: McKivigan.

Passes Unanimously.

- E. ProCert, aPTitude, oPTion: Board member Smith presented information regarding implementing ProCert, aPTitude and oPTion and recommends that we start educating licensees regarding all of these in the newsletter. Discussion regarding the possibility of carrying over CEUs from one year to the next or making a two year CEU period of 30 hours versus 15 hours yearly and what this would entail. Discussion that it is best to start with aPTitude roll out first.

Item 25-Report from Legal Counsel: Counsel Taylor expressed thanks to Muriel, Chelsea and Deputy Attorney General Bradley for working together as a team in getting things done with Lisa being out. Counsel Taylor talked about a case 2016-53 where licensee didn't have their original license posted in primary location within the hospital system she worked in, but had given the license to the right person within the hospital system and was moving around within the hospital. He feels there is enough mitigating circumstances to dismiss this. Board member Smith reported that the case discussed earlier, Item 6, falls into this same category. It was discussed that because we no longer have "original" licenses as they are printed and all copies are considered original, this is really no longer an issue.

Motion made to return to Item 12B on the agenda and dismiss Item 6 Case # 2016-23, as well as Case # 2016-53: Smith

Second: Fearnley

Passes unanimously

Recommendation from Counsel Taylor to discuss another case under item 12B, Case #2016-30

Motion made again under Item 12B to dismiss Case #2016-30 to dismiss this case as recommended by legal counsel: Smith

Second: Fearnley.

Passes unanimously.

Item 19-Advisory Committee on Continuing Education:

A. July 24, 2017 Minutes: minutes not completed or presented.

B. ACCE meetings and course review process: Chairman Baum has worked with Chelsea to get two meetings set up to get us caught up. It was discussed that it will be a while before ProCert is implemented and that we should continue with the ACCE process as it stands for this year.

C. Review of the White Paper, ACCE guidelines: Tabled until October meeting.

Item 20-Request of an Attorney General's Opinion regarding the scope of practice of a physical therapist. Tabled at start meeting.

Item 21-Nevada Administrative Code 640.

A. Consideration of public comments - Public Workshops held April 22, 2017 and May 20, 2017: It was discussed that we need to have another public workshop.

B. NAC Chapter 640 Review: Discussion that NACs must be turned into LCB by June 30, 2018.

C. Legislative Interim session

i. Report on Meeting with Lobbyist June 21, 2017: not presented as Executive Director not present.

ii. Legislative Plan of Action - interim session activities including stakeholder involvement, roles of lobbyist and staff: It was discussed what activities the Board would like our lobbyist to engage in during the interim session.

Legislative training was discussed and getting her involved in our public workshop when they happen. Also discussed that the next legislative session will involve less time from the Executive Director.

Item 22-Parking Lot of outstanding Board Agenda Items. Tabled at start of meeting.

Item 24-Report from Board Chair: Chairman Baum was not on teleconference at the time of this item.

A. Future Agenda Items

i. Board Meeting Schedule - change of October Board Meeting date: Board member McKivigan stated he was the one who suggested the change of this meeting date. It was discussed that we would still have a quorum without Board member McKivigan and that changing the date would be difficult, so the original meeting date of October 17 will stand. It was also discussed that the next meeting will be on August 28 for the Executive Director performance review.

Item 26-Public Comment: no public comment.

Item 27-Meeting adjournment: the meeting was adjourned at 11:30 am.