

NEVADA PHYSICAL THERAPY BOARD

BOARD MEETING MINUTES

NOVEMBER 14, 2017

- Item 1- Call to order / roll call to determine the presence of a quorum. The meeting was called to order at by Chairman Baum at 9:00 am. Board members present in the Southern Nevada location: Tina Baum, PT, DPT, WCS, ATC, CLT, Chairman, and James McKivigan, DC, PT, MPA, MA. Board members present in the Northern Nevada location: Sherise R. Smith, PT, MSPT, CBIS, Vice Chairman, and Brian Fearnley, PT, MPT, Secretary/Treasurer. Non-members Sarah Bradley, senior deputy attorney general, Hal Taylor, board counsel, Neena Laxalt, lobbyist, and Debby Dieter, investigator, were also present at the Northern Nevada location. Non-members present in the Southern Nevada location: Muriel Morin-Mendez, licensing coordinator, Chelsea Venturino, office assistant, and Charles Harvey, executive director.
- Item 2- Pledge of Allegiance.
- Item 3- Public comment period: Jenelle Lauchman, representing the Nevada Physical Therapy Association introduced herself. She welcomed the new Executive Director. She expressed interest in Item 14 and in being involved in the Dry Needling Advisory Committee. She would like to submit her name in for consideration for this advisory committee.
- Item 4- Introduction and welcome of new Executive Director, Charles Harvey.
- Item 6- Review and Discussion regarding pending licensure applications.
a. Physical Therapist Assistant Applicants
i. Barbara A. Gabut: discussion regarding her application
Motion made to issue Barbara Gabut a PTA license once she submits a new, corrected application: Baum
Second: McKivigan
Passes unanimously
- Item 5- Approval of Board meeting minutes. Edits have been forwarded to Executive Director and Chelsea Venturino, office assistant.
Motion to approve the October 17, 2017 minutes with edits as sent: Baum
Second: Fearnley
Passes unanimously
- Item 9- Consent Agenda. Discussion to change the “exam date” column to “application type” for clarity.
Motion to approve the consent agenda: McKivigan
Second: Baum
Passes unanimously

Item 13- North Board office lease, furniture and documents. Certified letter was sent to the office giving our 30 day notice (effective December 3, 2017). Rent will be prorated for December. Discussion regarding boxing up all documents to be sent to Las Vegas and what to do with the desk. Chairman Baum stated that Board member Fearnley volunteered to pack up the office items for shipping to the Las Vegas office.

Motion to task Board member Fearnley and Charles Harvey to work out the specifics of closing the office, shipping items to Las Vegas and moving furniture:
Smith

Second: McKivigan

Passes unanimously

Item 7- Investigation and inspection department.

a. Status of outstanding cases. Senior deputy attorney general Bradley reported on and reviewed the cases on the color coded spreadsheet, some of which have been dismissed. She reported there are approximately ten cases that should go to hearing and we will try to get these on the January and February agendas. Discussion regarding which cases attorney Taylor currently has at his office. Debbie Dieter has been working on new complaints as they have come in during the transition between executive directors. The Board thanked Debbie for her extra work during this transition. Chairman Baum made suggestions to further improve the spreadsheet by adding information regarding what happens after the hearing.

b. Investigative process was discussed.

Motion for Charles Harvey look at the investigative process along with senior deputy attorney general Bradley and come back to the Board with recommendation for our investigative process going forward: Smith

Second: McKivigan

Passes unanimously

c. Review a draft proposal for Model Board Action Guidelines from the Federation of State Board of Physical Therapy (FSBPT). The Board reviewed and discussed the guidelines, which have the intent of being more consistent both internally and with other states. Chairman Baum reviewed the model, as she is on this committee for the FSBPT. Discussion regarding the model and that it would be good for the Board to have some practice scenarios to work through with the new model. Discussion regarding adding advisory letters and public reprimand discipline to our statutes in the next legislative session. Discussed looking at the NRS in general regarding this.

Item 11- Board Audit. The Board discussed the option to opt in to an annual audit pursuant to NRS 218G.400. The Board's audit for FY2017(July 1, 2016 through June 30, 2017) would be completed and submitted to the Legislative Counsel Bureau (LCB) in early 2018 and the Board's audit for FY2018 (July 1, 2017 through June 30, 2018) would be completed and submitted to the LCB by December 1, 2018 as required by NRS 218G.400.

Motion made to return to an annual audit as outlined above: Smith

Second: McKivigan
Passes unanimously

Item 10- Contract for legal services.

a. Current Contract. The current contract expired on June 30, 2017. At the Board's August 19, 2017 Board meeting, it voted to extend its contract with Mr. Taylor through October 31, 2017, for a not to exceed amount of \$15,000. This new contract has not yet been approved through the State system. The Board will need to re-visit this contract and re-submit it to the Governor's Finance Office for approval by the Clerk of the Board of Examiners. Options are to have a retroactive contract from July 1, 2017 through November 30, 2017 for a not to exceed amount of \$18,750 or from July 1, 2017 through December 31, 2017 for a not to exceed amount of \$22,500. Chairman Baum discussed that monies for contract should be directed by Charles Harvey.

Motion made to approve the current contract through December 31 and from here on out his work will be at the discretion of the executive director and that the two of them communicate: Baum

Second: Smith

Passes unanimously

b. Future Contract.

Motion to table this as we have tasked our executive director with reviewing this.

Second: McKivigan

Passes unanimously

Chairman Baum convened the meeting for a half hour break.

Meeting reconvened at 11:02 am.

Item 16-Advisory Committee on Continuing Education

Review and discussion of the white paper and ACCE guidelines. Discussed different "activities" to be added as we move toward the ProCert model and how many CCUs these activities should be worth, including clinical instruction (3 hours CCUs for each 6 week or longer student for a maximal of 8 CCUs per year), attending Board meetings (1 hour CCU per each meeting attended), signing up for aPTitude and taking the oPTion self-assessment (8 hour CCU, able to repeat oPTion every five years). It was discussed that this should be put in the newsletter as well.

Motion made to task Chelsea with updating our ACCE white paper once updated version is found. Will add subsection on activities with the CCUs as outlined above:

Baum

Second: McKivigan

Passes unanimously

Item 14- Discussion on the Creation of a Sub-Committee to Discuss Dry Needling and Other Advanced Physical Therapy Modalities. Deputy attorney general Sarah Bradley discussed the new NRSs allowing subcommittee formation. Chairman Baum and senior deputy attorney general Bradley met with the oriental medicine board in July to discuss this idea of working together. It was discussed that the scope of this subcommittee should just be limited to dry needling. The make-up of the subcommittee was discussed: the Chairman of the PT Board or his/her designee, the President of the

OM Board and his/her designee, two licensee representatives from each board and a representative from the Nursing Board. The meetings will be public meetings subject to the open meeting law.

Motion made to form an advisory committee on dry needling to include: Board Chair or designee from PT Board, President or designee from OM Board, a nurse, two practicing physical therapists to include Tina Baum and Janelle Lauchman, and two oriental medicine board practitioners: Smith

Second: McKivigan

Passes unanimously

Recess called by Chairman Baum at 11:39 for lunch.

Meeting called back to order at 12:33 pm by Chairman Baum.

Item 12- Board operations and updates.

- a. inLumon: Chelsea Venturino discussed the phone conference with inLumon on 11/9/17 with Charles Harvey and Tuhin from inLumon. Chelsea is doing email recaps of their meetings to ensure that outstanding issues are addressed. Discussed different issues that they are having and what is being done with each issue. The Executive Director will be meeting regularly with inLumon to ensure issues are handled in a timely fashion.
- b. December newsletter topics: Executive Director letter, letter from the Chairman, signing up for aPTitude and getting 1 CCU, update on “activities” approved for CCUs, statute changes (letter that was sent out previously), NAC workshop information. Estimated publication of newsletter is December 15, 2017. Discussed issue of being able to get newsletter out via email to all licensees. Charles Harvey will work on this. Beren Shah stated that the association can also put it out through their linkserve.
- c. Board administrative manuals. Chairman Baum discussed going over policy manual that was previously discussed and the things that we wanted to change. It was discussed that Charles Harvey should have the opportunity to review the manual first and then we should go through the manual. He agreed. This was tabled for a later meeting. Tina clarified some questions with senior deputy attorney general Bradley related to PERS, background checks, medical insurance.
- d. Administrative process for addressing licensee questions regarding interpretation of NAC/NRS. Our old policy was that any questions would come before the Board; however, lately there have been a lot of questions from licensees and it was discussed that a policy in how to most efficiently these questions should be developed. It was decided to let Charles Harvey get more acclimated and then this can be discussed.
- e. Discussed options for implementing a system for data collection for various administrative functions. Action may be to assign staff and/or Board members to conduct additional research or follow up. It was decided to wait on Charles Harvey to get up to speed in this area and make his recommendation.

Item 15-Update regarding Federation of State Boards of Physical Therapy. Chairman Baum reported that Board members Baum, Smith and Fearnley attended the annual meeting in New Mexico recently. Some of the issues discussed at the annual conference were as follows:

a. Physical Therapy Compact was discussed. 14 states are now a part of the compact. Chairman Baum and Vice Chairman Smith attended the inaugural meeting of the compact commission while they were in New Mexico. The compact commission bylaws were shared. Concerns related background check discrepancies among states was discussed. Lobbyist Neena Laxalt will review compact information in preparation for the next legislative session.

b. Jurisprudence Exam. Discussed continuing with jurisprudence exam the way it is now, but going to the JAM once our NACs are updated.

c. Implementation of ProCert, aPTitude, oPTion. Reviewed that licensees can get 1 CCU for signing up for aPTitude, 8 CCUs for taking the oPTion self-assessment (only can do every 5 years). Discussed rolling out aPTitude and oPTion first and then to roll out ProCert in a hybrid approach to begin with, so that licensees can use ProCert or our state approval route to begin with and see how that goes. Board member Smith will contact Heidi from FSBPT to let her know where we are with this and copy Jim on the correspondence so that he can also be involved as he is the ACCE liaison for the Board.

d. Presentation and/or comments from Board members regarding their participation at the annual meeting of the FSBPT. Board members Baum, Smith and Fearnley discussed highlights from the annual meeting.

Board member Fearnley talked about the telehealth presentation and what is going on nationally with telehealth. Beren Shah discussed his experience with working on implementing telehealth. Jenelle Lauchman also discussed information regarding this and how Select is doing this in Texas. Senior deputy attorney general Bradley reviewed what it says in NRS 629.510 and 629.515 regarding telehealth for health care professions. Discussion about adding some simple provisions in our regulations regarding this. It was also discussed that physical therapy assistants need to be added to NRS 629 next session as it only acknowledges physical therapists currently. Board member Fearnley also discussed the issue of licensing those who get a non-CAPTE approved PTA education through the military. Discussion of using the PTA-Tool 2 to determine equivalence in education. Senior deputy attorney general Bradley will review this and get back to the Board.

Board member Fearnley talked about the Model Practice Act updates.

Board member Smith updated Board on the Alternative Approval Process for licensing, where the FSBPT determines eligibility to set for the test, rather than our staff doing it. Texas and Colorado are currently using this and it is supposed to streamline the process.

Board Fearnley discussed best practices for investigations, which was also a presentation. He discussed one jurisdiction who utilizes non physical therapist investigators.

Item 17-Review and Amendments to Nevada Administrative Code (NAC) 640. The Board discussed and determined the next steps to ensure that NAC 640 is up-to-date and appropriately revised.

a. Schedule for Public Workshop, Submission to LCB for an R #, and Public Hearing. Senior deputy attorney general discussed the different options for a workshop, either as a separate meeting or at a Board meeting. We need to have a workshop and then send a draft to LCB. She estimates it will take LCB 60 days because of the amount of

changes to our NACs that are being proposed. Board member Smith stated that she would like the Board to go through the NAC changes one more time prior to the public workshop happening. Senior deputy attorney general Bradley stated that we need to be done with our workshops by the Spring. Discussed dates for Board meeting to work on the NACs. Discussed that Board members would like to be in one location for this meeting. Decided on January 27, 2018 (which is a Saturday) for the meeting. Discussed dates for workshop. It was discussed that the week of February 20-25 is CSM and that the workshop shouldn't be during this time. The workshop can be held by teleconference. Decided on Friday, March 2, 2018, for holding the NAC workshop. We will have a Board meeting in the morning and the workshop in the afternoon. Senior deputy attorney general Bradley also discussed needing a meeting in January and possibly one in February for hearings.

Motion to hold meetings as outlined below: Smith

January 12, 2017: Board meeting for hearings to be video conferenced between the North and the South.

January 27, 2018 (Saturday): Board meeting to discuss NACs in Las Vegas.

March 2, 2018: Board meeting in am and public workshop in afternoon. To be held via teleconference.

Second: McKivigan

Passes unanimously

b. Continued review and process for amending NAC Chapter 640. It was discussed that all Board members should review the NAC changes in their entirety.

Item 6- Review and Discussion regarding pending licensure applications.

a. Physical Therapist Assistant Applicants

ii. Alan Oaxaca: discussion regarding his application

Motion made to grant Mr. Oaxaca a PTA license once he writes us a second letter disclosing all four instances from the report: McKivigan

Second: Fearnley

Passes unanimously

Item 18- Report from Board Chair: Chair asked Board member for future agenda items. No new items were added. Chairman Baum thanked the Board and reviewed her six years on the Board. She is confident the Board is heading in a strong and positive direction.

Item 19- Public Comment. Jenelle Lauchman, representing the Nevada Physical Therapy Association, offered to assist the Board in getting any information out to licensees. She also brought up the some of the licenses renewed initially did not have license numbers on them. She reported that she contacted the previous Executive Director several times regarding this. It was discussed that this has been since corrected and that staff would be happy to resend these licenses that Jenelle is referring to with license numbers on them. Senior deputy attorney general Bradley stated that it is not an issue if the number is not on the renewal license from a legal perspective. Chelsea Venturino verified that by the end of June this problem was rectified, but that licenses were not automatically resent to those who had received their licenses without the number on it. Staff reported they are happy to resend licenses with numbers to anyone who requests them with the number on it.

Item 20- Meeting Adjournment. The meeting was adjourned by Chairman Baum at 3:30 pm.