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BOARD OF PHYSICAL THERAPY

7570 Norman Rockwell Lane, Suite 230
Las Vegas, NV 89143

BOARD MEETING MINUTES

February 9, 2018

Item 1 - Call to Order/Roll call to determine the presence of a quorum: The meeting was called to order at 9:10 a.m. by Chairperson Smith.

Board Members in attendance: Sherise R. Smith, PT, MSPT, CBIS, Chairperson; Jim McKivigan, DC, PT, MPA, MA, Secretary/Treasurer; Tina Baum, PT, DPT, WCS, ATC, CLT; Brian Fearnley, PT, MPT, Vice Chairperson, joined the meeting at 12:30 p.m.

Staff in attendance: Charles Harvey, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Sarah Bradley, Senior Deputy Attorney General; Debbie Dieter, Investigator. Neena Laxalt, Lobbyist joined the meeting at 9:30 a.m.

Item 2 - Pledge of Allegiance

Item 3 - Public Comment

Chairperson Smith read written public comments submitted by Jenelle Lauchman, PT, regarding Item 13 – Review and Discuss of Nevada Administrative Code (NAC) changes in preparation for the March 2, 2018 NAC Workshop. Her comments included offering suggestions to help clarify and define all relationships in the practice setting which may broaden the board's intent but will help clarify as public is broad and should include all stakeholders that PTs/PTAs come in contact with. Also, Ms. Lauchman asked if the board could clarify the intent behind this NAC is if for: a) record review or b) physical contact of the PT. She also asked if the board could combine NAC 640.610 Records Confidentiality and NAC 640.620 Fees. After review a number of other states these 2 are together in 1 area as documentation and coding/billing are closely tied. She also stated that she would like to thank the board for all their hardworking and stated she has enjoyed the generative discussions of these planning sessions and feel these changes are greatly improving PT practice in Nevada.

Item 4 - Disciplinary Actions (**For Discussion and Possible Action**). The Board will review and possibly approve a settlement agreement for disciplinary action in the following case:

A. Todd A. Mansel, PTA License Number A-0261, Case Number 2013-01

Senior Deputy Attorney General Bradley presented a settlement agreement for Case Number 2013-01, recommending Board acceptance. The licensee in this case is not admitting the alleged conduct. However, he agrees to accept a public reprimand and complete three hours of continuing competence units on fall prevention and/or stroke rehabilitation within six (6) months from the date of the Board's Order approving this settlement. The CCUs earned in these courses cannot be used to satisfy renewal requirements. Licensee understands that the settlement agreement is discipline and will be reported publicly to all databanks the Board reports to, and available to anyone that asks for a copy. Chairperson Smith acknowledged that all members had reviewed the agreement.

Motion: Motion to accept the settlement agreement for Case Number 2013-01: Jim McKivigan

Second: Tina Baum

Any Opposed: None

Motion Passes Unanimously

Item 5 - Investigation Department (For Discussion and Possible Action)

- A. Discussion on the Hearing process
- B. Status of outstanding & dismissed cases

Senior Deputy Attorney General Bradley provided a summary of the hearing process, and report on the Board's case inventory list.

Item 6 - Consideration of requests to take the National Physical Therapy Examination (For Possible Action)

A. Physical Therapist Assistant Applicants

i. Natasha Kleinman

Applicant Kleinman requests Board approval to take the National Physical Therapy Assistant Examination for a fourth time. Discussion regarding applicant's previous attempts and what she is doing to succeed in her fourth attempt.

Motion: Motion to grant Ms. Kleinman approval to take the National Physical Therapy Assistant Exam for a fourth time in April or July 2018: Jim McKivigan

Second: Tina Baum

Motion Passes Unanimously

ii. Ryan Kristofer Rayo

Applicant Rayo requests Board approval to take the National Physical Therapy Assistant Examination for a fifth time. Discussion regarding applicant's previous attempts and what he is doing to succeed in his fifth attempt.

Motion: Motion to grant Mr. Rayo approval to take the National Physical Therapy Assistant Exam for a fifth time in April or July 2018:

Jim McKivigan
Second: Tina Baum
Motion Passes Unanimously

- iii. Timothy Lim
Applicant Lim requests Board approval to take the National Physical Therapy Assistant Examination for a third time. Discussion regarding applicant's previous attempts and what he is doing to succeed in his third attempt.

Motion: Motion to grant Mr. Lim approval to take the National Physical Therapy Assistant Exam for a third time in April or July 2018:
Jim McKivigan
Second: Tina Baum
Motion Passes Unanimously

Chairperson Smith recognized public member, Rebecca Cheema, Program Director – PTA at Pima Medical Institute, and asked for comments. Mrs. Cheema invited the three PTA applicants to participate in an upcoming Score Builders workshop, and thanked the Board for their advice to the applicants.

Item 7 - PTA Licensure by Endorsement with Foreign Trained PT Education (For Discussion and Possible Action)

Discussion on the Federation of State Boards of Physical Therapy (FSBPT) resource paper "Educated as a PT, Testing and Working as a PTA." Chairperson Smith reviewed the current position outlined in NRS 640.230 for licensing as a Physical Therapist Assistant by the Board, and the standards in NRS 640.240 for approval of programs of professional education for a physical therapist assistant. Ten states currently allow physical therapists to come in who may be foreign trained or have graduated in the United States in a PT approved program, and work as a PTA.

Item 8 - Report from Board Chair (For Discussion and Possible Action)
A. ProCert

Chairperson Smith updated the Board on her discussions with Heidi Herbst-Paakkonen, Continuing Competence Program Manager with FSBPT, and feedback provided on the Proposed Implementation of the Continuing Competence Model. This item is presented to ensure that regulations reflect that this model can be implemented as soon as new regulations go into effect, and allow for more effective auditing. Discussion on Proposed Implementation of the Continuing Competence Model and approved activities, which consists of the following:

- Start distributing information to new licensees announcing the rollout, which will be August 1, 2018, or when the NACs are ratified.
- Include education in newsletters and emails going out to licensees so they are well prepared.
- Allow people to use ProCert or continue to utilize the traditional ACCC

approval process for continuing competency courses.

- Mandate the use of Aptitude for uploading certificates as of August 1, 2018. Starting in 2019, licensees will be required to use Aptitude to upload any continuing competence certificates that they receive. ProCert courses will automatically upload into the licensee's account.

Motion: Motion to implement the Continuing Competence Model with the changes discussed: Sherise Smith

Second: Tina Baum

Motion Passes Unanimously

B. Jurisprudence Assessment Module (JAM)

Discussion on the JAM and FSBPT redoing our jurisprudence exam. FSBPT recommends that this Board mandate that licensees retake the exam every 2 or 5 years (years ending in 0 and 5), to help ensure that licensees stay updated with our regulations. The exam cost approximately \$45 to take and the licensee gets 2 CCUs.

Motion: Motion to move forward with the utilization of the JAM for the jurisprudence exam: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

C. Newsletter Topics

Discussion on newsletter topics and the biannual newsletter, with the next edition going out in May 2018.

D. Executive Director PERS Benefits

Chairperson Smith advised the Board that the new Executive Director was previously employed in an employer based PERS system, which cannot be changed. The net result is an additional \$11,000 in PERS costs for the Board.

Item 9 - Advisory Committee on Dry Needling Update (**For Discussion and Possible Action**)

Discussion on the February 6, 2018 Advisory Committee on Dry Needling Meeting and upcoming meetings. Next meeting is scheduled for March 20, 2018.

Item10 - Legislative Update (**For Discussion and Possible Action**)

Discussion on the regulatory process, the April 2018 Sunset Subcommittee meeting, training for the new ED and Board Members once they are appointed, and the Physical Therapy Compact.

Item 11 - Review, Discuss and Consider Contract for Bookkeeping & Payroll Services for Carol Woods (**For Discussion and Possible Action**)

Discussion on the proposed contract for bookkeeping & payroll services through 12/31/2019.

Motion: Motion to approve the bookkeeping & payroll services for Carol Woods:
Tina Baum

Second: Jim McKivigan

Opposed: None

Motion Passes Unanimously

Item 12 - Advisory Committee on Continuing Competency (ACCC) **(For Discussion and Possible Action)**

- A. Consideration of recommendations for Continuing Education Courses reviewed at the January 30, 2018 ACCC Meeting.

Motion: Motion to approve the Courses from the January 30, 2018 Advisory Committee Meeting: Sherise Smith

Second: Jim McKivigan

Motion Passes Unanimously

- B. Consideration of Applicants for open position recruitment for Advisory Committee on Continuing Competency
- i. LuAnn M. Tucker, PT
 - ii. Christopher Kegler, PT, DPT, CSCS

Discussion on the makeup of the Advisory Committee on Continuing Competency (ACCC), number of positions needing to be filled, and a review of the two applicants.

Motion: Motion by Sherise Smith to appoint LuAnn Tucker to the ACCC Committee, and seek more information from Christopher Kegler regarding his availability both in number of meetings per year and limitations in the June/July timeframe, and have him clarify and put it on the next agenda if he is still interested.

Second: Jim McKivigan

Motion Passes Unanimously

Meeting recessed at 11:25 a.m.

Meeting reconvened at 11:38 a.m.

Item 13 - Review and Discussion of Nevada Administrative Code (NAC) changes in preparation for the March 2, 2018 NAC Workshop **(For Discussion and Possible Action)**

Review and discussion of Nevada Administrative Code (NAC) changes.

Meeting recessed at 12:05 p.m.

Meeting reconvened at 12:40 p.m.

Item 13 - Review and Discussion of Nevada Administrative Code (NAC) changes in preparation for the March 2, 2018 NAC Workshop (**For Discussion and Possible Action**)

Chairperson Smith welcomed Jennifer Nash, Nevada Physical Therapy Association President to the meeting and invited her to participate in the discussion of Item 13. Review and discussion of Nevada Administrative Code changes.

Meeting recessed at 3:00 p.m.

Meeting reconvened at 3:09 p.m.

Review and discussion of Nevada Administrative Code Changes.

Motion: Motion to approve draft of NAC 640 changes - Jim McKivigan

Second: Tina Baum

Motion Passes Unanimously

Item 14 - Public Comment: None

Item 15 - Adjournment. The meeting was adjourned by Chairperson Smith at 4:36pm.