

### Board Members

SHERISE SMITH, PT, MSPT  
*Board Chair*

BRIAN J. FEARNLEY, PT, MPT  
*Board Vice-Chair*

JENNIFER NASH, PT, DPT  
*Board Secretary/Treasurer*

VACANT, PTA  
*Board Member*

EATHAN O'BRYANT  
*Board Public Member*

## STATE OF NEVADA

STEVE SISOLAK  
*Governor*



### PHYSICAL THERAPY BOARD

3291 North Buffalo Drive, Suite 100  
Las Vegas, NV 89129

### BOARD MEETING MINUTES

January 17, 2020

### Staff

CHARLES D. HARVEY, MPA  
*Executive Director*

MURIEL MORIN-MENDES  
*Licensing Coordinator*

CHELSEA WILSON  
*Administrative Assistant*

DEBORAH DIETER, PT  
*Board Inspector*

**Item 1 -** Call to Order/ Roll call to determine the presence of a quorum.

Meeting called to order at 9:01 a.m. by Chair Smith.

**Board Members in Attendance:** Sherise Smith, Chair; Brian Fearnley, Vice-Chair; Eathan O'Bryant, Public Member; Jennifer Nash, Secretary/Treasurer.

**Staff in Attendance:** Charles Harvey, Executive Director; Neena Laxalt, Lobbyist; Deborah Dieter, Investigator; Muriel Morin-Mendes, Licensing Coordinator; Michael Detmer, Deputy Attorney General.

**Item 2 -** Pledge of Allegiance

**Item 3 -** Public Comment

None.

**Item 4 -** Review, discuss, amend, and approve Board Meeting Minutes (**For Possible Action**)

A. November 15, 2019

**Motion:** I make a motion to accept the minutes as presented with edits as given by Chair Smith: Sherise Smith

**Second:** Eathan O'Bryant

**Motion passes unanimously**

**Item 5 -** Nevada Physical Therapy Association (NVPTA) Update

Update provided by Nicole Lange, Secretary Nevada Physical Therapy Association. The NV PT Association is henceforth called APTA Nevada, as they are aligning with the national branding. APTA Nevada is looking to sponsor two students to attend APTA's House of Delegates in June in Phoenix, AZ.

**Item 6 –** Review and Decision Regarding Pending Licensure Application. **(For Possible Action).**  
The Board will review, discuss and possibly decide the following pending licensure applications. The Board may grant or deny the applications, and the Board may grant licensure to the applicants under specific terms and conditions as specified in the meeting. If the applicant is present, the Board may ask questions of the applicant, and the applicant will have an opportunity to address the Board regarding his or her licensure application.

A. Eric Powell

Mr. Powell was present and the Board discussed his pending application with input from him.

**Motion:** I make a motion that we accept Mr. Powell's application for licensure:  
Brian Fearnley

**Second:** Sherise Smith

**Motion passes unanimously**

**Item 7 -** Ratification of licenses approved and issued by the authority of the Board pursuant to NRS 640.090, NRS 640.146, NRS 640.240, and NRS 640.250 **(For Possible Action).**

**Motion:** I make a motion to approve the licenses as presented: Jennifer Nash

**Second:** Brian Fearnley

**Motion passes unanimously**

**Item 14 -** Legislative Update - Board Lobbyist Neena Laxalt **(Taken Out of Order)**

A. Legislative Commission Review of New Regulations

Ms. Laxalt provided an update on the following:

- Sunset Committee Reviews;
- Governor's Fiscal Financial Audit Committee review of Boards and Commissions;
- Legislative Commission review of regulations regarding dry needling and the Boards efforts with LCB legal to redraft R054-19, hold another public hearing, and resubmit the regulation for final adoption;
- PT Compact;
- Status of proposed NAC changes submitted to the LCB in 2018 (R138-18).

**Item 8 -** Advisory Committee on Continuing Competence (ACCC) **(For Possible Action)**

A. Consideration of Applicant for open position on the Advisory Committee on Continuing Competency

i. Jennifer Luthy, PT

Jennifer Luthy's application was reviewed and discussed. It was discussed that her background in home health and wound care would be advantageous to the committee.

**Motion:** I make a motion that we appoint Jennifer Luthy, PT, to the Advisory Committee on Continuing Competence: Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

- B. Review, discussion and possible approval of recommended changes to the Continuing Competency Model.

Board Member Nash presented an update from the Advisory Committee on Continuing Competency, and recommended changes to the Continuing Competency Model. Board members discussed the existing continuing competency model, pro bono services, how licensees demonstrate that they've provided pro-bono services and how those activities will be verified by the board, and advanced competency activities.

Chair Smith asked Member Nash to update the draft continuing competence model and bring it to the Board retreat for further discussion, and thanked the Advisory Committee for their input.

- C. Review, discussion, and possible approval of Mergener Calculator for use in counting words for particular continuing competence courses.

Jennifer Nash reviewed the evidence based validity of the tool and it is the recommendation of the committee that this tool be implemented.

**Motion:** I make a motion that we approve the Mergener Calculator as the standard for the ACCC: Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

- D. Consideration of recommendations of the Advisory Committee on Continuing Competence for continuing competence courses reviewed at the ACCC Meeting.  
i. December 20, 2019

**Motion:** I make a motion to approve the continuing courses as recommended by the Advisory Committee on Continuing Competence: Jennifer Nash

**Second:** Brian Fearnley

**Motion passes unanimously**

- E. Chair Smith noted and congratulated Jennifer Nash for being appointed to the FSBPT Continuing Competence Committee

## **Item 9 - Investigation Department (For Possible Action)**

- A. Overview and Discussion of the Board Hearing Process

Deputy Attorney General Detmer provided an overview of the hearing process. Executive Director Harvey provided an overview of the complaint process.

- B. Status of Outstanding Cases Inventory

Executive Director Harvey presented the case inventory for review and discussion. Status of outstanding cases were discussed.

- C. Cases recommended for dismissal (**For Possible Action**). The Board will review and discuss and possibly approve cases recommended for dismissal.

No cases were approved for dismissal.

- Item 10 -** Contract for Bookkeeping & Payroll Services. (**For Possible Action**). The Board will review, discuss and possibly approve a contract for Bookkeeping & Payroll Services for Numbers Inc. (Carol Woods).

Executive Director Harvey presented a two-year contract for Numbers Inc. The previous contract was awarded for a one-year period and expired on December 31, 2019. The proposed new contract is for a two-year period at a cost of \$1,500 per quarter with a total not to exceed budget of \$12,000.

**Motion:** I make a motion to approve the contract for Bookkeeping & Payroll Services for Numbers Inc.: Eathan O'Bryant

**Second:** Jennifer Nash

**Motion passes unanimously**

- Item 11 -** Contract for Outside Auditing Services. (**For Possible Action**). The Board will review, discuss and possibly approve a contract for outside auditing of Board financials for Campbell, Jones, Kohen CPAs.

Executive Director Harvey presented a proposal for a two-year contract for auditing of the Board's annual finances. Campbell, Jones, Kohen CPAs conducted the Board's 2019 financial audit on a one-year contract for \$7,500, which was completed in November 2019. The proposed new contract is for a two-year period at a cost of \$7,500 per year with a total not to exceed budget of \$15,000.

**Motion:** I make a motion to approve the contract for Bookkeeping & Payroll Services for Numbers Inc.: Eathan O'Bryant

**Second:** Jennifer Nash

**Motion passes unanimously**

- Item 12 -** FSBPT Update (**For Possible Action**).

- A. Election of FSBPT 2020 Delegates and Funded Administrator

The FSBPT Annual Meeting was discussed. It will be held in Orange County, California October 22 – 24, 2020, and the delegates and funded administrator should be able to attend the conference.

**Motion:** I make a motion that Brian Fearnley be approved as the 2020 Delegate, Jennifer Nash serve as the Alternate Delegate, and Charles Harvey as the Funded Administrator: Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

B. 2020 FSBPT Conference Dates

Chair Smith updated Board members on 2020 dates as follows:

**2020 Annual Meeting & Delegate Assembly**

Date: 10/22/2020 - 10/24/2020

Location: Orange County, CA

**2020 Regulatory Training for Members and Board Staff**

Date: June 19-21, 2020

Location: Alexandria, VA

It was discussed that Board member O'Bryant, our new PTA Board member (once appointed) and Debby Dieter, Investigator, would all be eligible to apply to go to the regulatory training. Executive Director Harvey will forward the information to the above-named individuals.

**2020 Leadership Issues Forum**

Date: 7/18/2020 - 7/19/2020

Location: Alexandria, VA

Attendance: 2020 committee chairs, 2020 Voting Delegates, 2020 Funded Administrators, and 2020 Candidates for the Board of Directors will be expected to attend.

It was discussed that Vice Chair Fearnley and Director Harvey will attend the Leadership Issues Forum.

Debby Dieter will attend the Boundary Violations Taskforce meeting funded by the FSBPT on March 26-27, 2020. Chair Smith will also be attending as a funded member of the FSBPT as she is on the Boundary Violations taskforce.

**Item 13 - Board Operations Update (For Possible Action)**

A. Board Staffing

Executive Director Harvey presented a position description for a newly created position – the Board Operations Support Specialist.

**Motion:** I make a motion to approve the position: Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

B. Upcoming Board Meetings

Executive Director Harvey presented the 2020 Board Meeting schedule. After discussion, the Board agreed to change the July meeting date to July 31, 2020.

C. Review of Board Financials

Executive Director Harvey presented the Balance Sheet and the FY Profit and Loss Statement. Director Harvey was asked to review bank fees and report back to the Board. Other discussion related to the balance sheet and profit and loss statement was held.

D. Public Employee Benefit Program

Executive Director Harvey presented information on the Nevada Public Employees' Benefits Program (PEBP) for Board consideration. Additional information relating to employee eligibility and costs will be presented at a subsequent Board meeting to assist the Board in making a determination.

E. Board Retreat Update

Executive Director Harvey presented a packet containing conference dates, possible travel dates, retreat schedule, meals and lodging information. Board members provided feedback on topics that they would like to add to the agenda, including: Strategic Plan; Continuing Competency Model; Legislative Update; Nevada Administrative Code review; Jurisprudence Assessment Module (JAM); and Model Board Action Guidelines.

**Item 15 - Report from Board Chair**

A. Status of regulations still at LCB

Discussed during Item 14.

B. Newsletter Update

Chair Smith thanked Executive Director Harvey for creating a new format and Board newsletter. The Board would like the newsletter to become a quarterly publication. Director Harvey will distribute the newsletter to licensees.

C. FSBPT Update

Jennifer Nash announced that she had been appointed to the FSBPT Impaired Practitioner Task Force, responsible for the review and reporting of laws and rules of jurisdictions and practitioners for mandatory reporting. Chair Smith announced that she has been appointed to the FSBPT Boundary Violations Taskforce.

D. Status of vacant Board position

Chair Smith reported that she had spoken to the Governor's office about the vacant position and they had several applicants, but the governor has not yet made a decision on the appointment.

**Item 16 - Board Elections (For Possible Action).** The Board will vote for officers for the 2020 year, to include Chairperson, Vice Chairperson, Secretary/Treasurer.

**Motion:** I make a motion to appoint Brian Fearnley as Board Chair for 2020: Sherise Smith

**Second:** Jennifer Nash  
**Motion passes unanimously**

**Motion:** I make a motion to appoint Jennifer Nash as Board Vice-Chair for 2020:  
Eathan O'Bryant

**Second:** Brian Fearnley  
**Motion passes unanimously**

**Motion:** I make a motion to appoint Eathan O'Bryant as Board Secretary/Treasurer  
for 2020: Jennifer Nash

**Second:** Brian Fearnley  
**Motion passes unanimously**

**Item 16 -** Public Comment

None.

**Item 17 -** Adjournment

The meeting adjourned at 12:27 pm.