

Board Members

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Board Chair

JENNIFER NASH, PT, DPT
Board Vice-Chair

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Board Secretary/Treasurer
Public Member

SHERISE SMITH, PT, MSPT
Board Member

Laura Cerame, PTA
Board Member

STATE OF NEVADA

STEVE SISOLAK
Governor



Staff

CHARLES D. HARVEY, MPA
Executive Director

MURIEL MORIN-MENDES
Licensing Coordinator

CHELSEA WILSON
Administrative Assistant

APRIL RAMIREZ
Board Operations Support
Specialist

DEBORAH DIETER, PT
Board Inspector

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES

July 31st, 2020

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

The meeting was called to order at 8:59 a.m. by Chair Fearnley.

Board Members in Attendance: Brian Fearnley, Board Chair; Jennifer Nash, Vice-Chair; Ethan O'Bryant, Secretary/Treasurer; Laura Cerame, PTA Board Member; Sherise Smith, Board Member.

Staff in Attendance: Charles Harvey, Executive Director; Michael Detmer, Deputy Attorney General; Deborah Dieter, Investigator; Muriel Morin-Mendes, Licensing Coordinator; April Ramirez, Board Operations Support Specialist.

Item 2 - Pledge of Allegiance

Item 3 - Public Comment

None.

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

A. May 8th, 2020

Motion: Motion to approve May 8th, 2020 meeting minutes with the edits provided:
Sherise Smith

Second: Brian Fearnley

Motion Passes Unanimously

Item 9- Item Taken Out of Order

Disciplinary Actions (**For Possible Action**). The Board will discuss, review, and possibly approve a settlement agreement for disciplinary action in the following cases:

A. Lawrence Flisser, PT #3031, Case No. 2018-12

Attorney General Detmer provided an update on case number 2018-12, and presented a proposed settlement agreement regarding Mr. Flisser's case. Resolution has been reached with a payment of fines and fees of \$350.00 paid within 6 months which will give a payment due date by 2/1/2021

Motion: Motion to accept the settlement agreement as presented: Brian Fearnley

Second: Sherise Smith

Motion Passes Unanimously

Item 5 -

Review and decision regarding pending licensure applications (**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. James Gregow

The Board discussed Mr. Gregow's application for licensure and prior forfeiture of his license with the Massage Therapy Board. Mr. Gregow participated via teleconference and informed the Board that he has relocated to Houston TX, Board. Chair Fearnley suggested that Mr. Gregow's application be tabled until he decides to move back to Nevada. The board explained to Mr. Gregow that the Nevada Board does not have any jurisdiction in Texas.

No Action taken.

B. Jacob Schulte

The Board discussed Mr. Schulte's application for licensure and pending court case. Mr. Schulte participated via teleconference, and addressed the Board's questions.

Motion: Motion to grant Mr. Schulte a probationary license with a one-year duration. The provisions of the probationary license include the requirement for Mr. Schulte to provide an update to Executive Director Harvey prior to each Board meeting on the status of his case at that present time, and to appear before the board if the disposition of his current case changes. After Mr. Schulte's one-year probationary period is completed, Mr. Schulte must be re-fingerprinted and appear before the board:

Sherise Smith

Amendment to Motion: If or when disposition of Mr. Schulte's cases is provided, the Board can consider it at a future meeting and modify the probationary terms as allowed by law: Sherise Smith

Second: Chair Fearnley

Motion Passes Unanimously

Item 6-

Nevada Physical Therapy Association (APTA Nevada) Update

Nicole Lange, Secretary. APTA NV kicked off the mighty network intended to replace

list serve. The mighty network platform is similar to a social media platform. 200 people have already signed up APTA NV sent out an advertisement to their members for APTA Centennial Scholarship. The APTA has one applicant so far. This scholarship enables someone to come up with a project related to development of the APTA chapter. The goal would be for the applicant to become a future leader member. A special interest group was created for wound care related to Physical Therapy, focused on compliance and regulations. NV APTA Annual Business meeting will be held virtually on Saturday October 10th, 2020.

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: Motion to ratify the license as presented: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

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

A. Consideration of Applicants for Advisory Committee on Continuing Competency

i. Gina Tulimero

ii. Krysta Ann-Marie Boyd

The Board wanted to recognize both applicants and thank them for their interests in the Advisory Committee on Continuing Competency. Both are great candidates and have excellent experience.

Motion: Motion to appoint Krysta Ann-Marie Boyd as the new member of the Advisory Committee:

Second: Ethan O'Bryant

Motion Passes Unanimously

B. Consideration of recommendations of the Advisory Committee on Continuing Competence for continuing competence courses reviews at the ACCC meeting

i. May 26th, 2020

ii. July 9th, 2020

Motion: Motion to approve the courses as presented, and deny the courses as presented from the Advisory Committee on Continuing Competency meeting on May 26th, 2020 and July 9th, 2020: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

C. Approval of APTA National Conferences: Next & CSM

Motion: Motion to approve all APTA National Conferences specifically Next and CSM for approved continuing competence credit: Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

Item 10 - Investigation Department (**For Possible Action**)

A. Review and Discussion regarding outstanding cases and case inventory

Deputy Attorney General Detmer informed the Board that the Investigation team and the Executive Director have been attending to the disciplinary actions and trying to find a way to streamline the investigations and process. The Board possibly has five more complaints to be added to the investigation list. These may be resolved without prosecution.

B. Cases Recommended for dismissal. The Board will review.
Cases have been reviewed, investigated, inspections have been completed.

- | | |
|------------------------|------------------------|
| i. Case No. 2017-016 | iv. Case No. 2019-11 |
| ii. Case No. 2017-017 | vii. Case No. 2019-27 |
| iii. Case No. 2017-033 | viii. Case No. 2020-03 |
| iv. Case No. 2018-18 | ix. Case No. 2020-04 |
| v. Case No. 2019-02 | |

Motion: Motion to dismiss the cases as listed on the agenda. Sherise Smith

Second: Brian Fearnley

Motion Passes Unanimously

Item 11- Report from Legal Counsel

Deputy Attorney General Detmer updated the Board on a possible disciplinary hearing that may take place in the future. This case is still on going. Attorney General Detmer is unsure if this case will resolve without having a hearing. Seeking options on hearing process if the case does go to a hearing. Possibly may have to be a virtual hearing.

Item 12- Board Operations (**For Possible Action**)

A. Update on Board Actions Relating to Covid-19

Executive Director Harvey informed the Board of actions that have been taken since the May 15th, 2020 Board meeting, including: Distribution of emails containing updates on Board actions relating to Covid-19, and posting of the same information on the Board website. Currently we have fifty-eight 90-day forbearance request. Board request to continue the 90-day forbearance through the end of 2020.

Motion: Motion to extend the forbearance to any license that is renewed to December 31st, 2020. It is upon the applicant to contact Executive Director Harvey or the Board Office for this request: Sherise Smith

Second: Brian Fearnley

Motion Passes Unanimously

B. License Renewal Update

Director Harvey updated the Board that so far 1700 online renewals have been completed and 100 mail in renewals have been completed. Director Harvey stated that the Licensees are still having issues with online renewals such as wrong birthdates, online payments, uploading courses and registrations. We continue to

track forbearance request and will determine next month (August) who has not renewed and not requested the forbearance and contact them via a letter.

C. Licensing System Update

Per Director Harvey, there are still several significant issues with our InLumon licensing system. These include issues with bulk emails not being sent out in a timely manner or not being sent out at all. Our request for functionality to create our own bulk emails has not been provided by InLumon. Other, more significant issues involve the discovery of a system glitch that may have compromised the security of our licensee's data. At this time Director Harvey has communicated with InLumon and gave them notice that the relationship between Inlumon and the Board has been severely compromised, and the issue needs to be addressed. Inlumon has stated that they have addressed the glitch and the glitch has been fixed. Director Harvey is still seeking additional information regarding this issue.

Director Harvey stated that Board staff had began the process of exploring other database software options. We are following a project management plan for technology, identification, evaluation, and selection. This involves the following:

1. Contacting other boards and licensing agencies in Nevada and other states to gather info. Asking questions about satisfaction and/or problems with their product.
2. Conducting our best practice research on licensing systems and new technology.
3. Participating in vendor demos.
4. Developing criteria and requirements list.
5. Reviewing marketing material, technical details and costs
6. Evaluating proposals, we will come back to the next Board meeting with options for new database software to present to the Board

The Board suggested possibly setting up a social Media page to post Updates and think it may be an effective way to streamline communication, Strictly informational.

D. Review of Board Financials.

Director Harvey updated the Board on the following financial reports:

1. Balance sheet
2. Profit and loss Sheet
3. Expenses by Vendor Summary
4. Chart Comparing financials for fiscal year 20 and fiscal year 19

E. Board Assessment Resource

Director Harvey provided a report containing the results of his Board-Assessment. Director Harvey responded to yes/no questions in the areas of:

- Board performance
- Outreach and Education
- Licensure
- Complaint Resolution.

At the conclusion of the assessment, a list of resources is provided to help improve in

the areas where the individual answers “no”. Jurisdictions are not able to compare answers nationally, regionally, or against any other jurisdiction.

F. June 2020 Newsletter

Director Harvey presented the June 2020 Newsletter that was posted on the Board website on June 23, 2020. The Newsletter was not sent out via bulk-email by inLumon as requested. The Board discussed updating the Newsletter and reissuing it in August. The Board thanked Director Harvey for doing an excellent job on the June 2020 Newsletter.

G. Sunset Subcommittee of the Legislative Commission: Special Survey for Certain regulatory Bodies

Director Harvey updated Board on the Sunset Subcommittee of the Legislative Commission Survey that was requested to be completed by June 10th, 2020. Director Harvey had to complete this survey in a short amount of time and the Board would like to acknowledge his work in completing this request. The Survey provided recommendations for reform and improvement of Nevada’s professional and occupational licensure requirements.

Item 13- Board Lobbyist Legislative Update

No Update

Recess at 11:42 a.m.

Reconvene at 11:54 a.m.

Item 14- Review, Discussion, and Possible Action regarding the Jurisprudence Assessment Model. **(For Possible Action)**. The Board will review, discuss, and possibly approve changes to the current JAM.

A. Jurisprudence Assessment

Board Members discussed the current JAM and how possibly changing to FSBPT Jurisprudence Exam may benefit the licensees as well as staff. The current JAM is on paper and must be submitted to the Board office with the licensee’s application. The FSBPT Jurisprudence Exam would be done at a Prometric site and the applicant would then have register and schedule the Jurisprudence Exam. The benefits of using the FSBPT Jurisprudence Exam would be going Paperless, Scores being sent to our Board office directly. Law changes must be provided to FSBPT once changes are made and approved.

Motion: Motion to approve to go forward with the FSBPT Jam program for our Licensees. Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

Item15- Review, Discussion and Possible Action regarding Nevada Administrative Code 640. (For Possible Action). The Board will review NAC Chapter 640 and possibly approve revisions or other additional actions.

- A. The changes to the NAC 640 were initially submitted two years ago in 2018 to the Legislative Counsel Board for approval. Executive Harvey was informed by the Legislative Counsel that the initial document was never reviewed or ratified and was given the option to re submit with updated changes.
The Board reviewed and discussed the 39-page NAC 640 document. Small revisions have been made throughout the document. The following revisions will be submitted to the Legislative Counsel Board for approval/Ratification.

Recess at 1:41 p.m.

Reconvene at 2:01 p.m.

Motion: Motion to accept the minimal changes made that are more administrative changes to the NAC 640 and get the document sent to the LCB as soon as possible, also to task our Attorney: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

Item 16- Review, Discussion, and possible Action regarding the Model Board Action Guidelines. (For Possible Action) The Board will review, discuss, and possibly approve Model Board Action Guidelines

Tabled for Agenda for future Board Meeting

Item 17- Report from Board Chair

- A. Future Agenda Items

Board Chair Fearnley discussed the following items for future board meetings:

- Revisit Strategic planning.
- Determine a larger approval process for Continuing Competency from the APTA without requiring payment and applications. Follow up to see how much of a financial impact this would be to the Board.
- Review and possibly reappoint Continuing Competency Committee Members who are beyond their 2-year term.
- Review Foreign Educated Physical Therapist applicants and their ability to take the Physical Therapist Assistant Exam.
- Review the role of the Physical Therapist Assistant in Functional capacity evaluations.
- Discuss possible creation of a Social media/Facebook account for the Board.
- Electronic Signature software for Board Members

- B. Report from Board Chair

Board Chair Brian Fearnley thanked the Board Members and staff for all their good work. Chair Fearnley discussed the following items:

- FSBPT Life Forum Conference to take place in October.
- LCB Emailed Chair Fearnley and Director Harvey to inform the Board of the upcoming financial audit that has to be completed before December 2020.
- Update on the next Board Newsletter for possible distribution in August 2020.

Item 19- Public Comment

None.

Item 20- Adjournment

Meeting adjourned at 3:43 p.m.