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#### PHYSICAL THERAPY BOARD

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

#### Staff

CHARLES D. HARVEY, MPA  
Executive Director

MURIEL MORIN-MENDES  
Licensing Coordinator

CHELSEA WILSON  
Administrative Assistant

DANIELLE DEVINE  
Administrative Assistant

### BOARD MEETING MINUTES November 2, 2018

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- Item 1-** Call to Order/ Roll call to determine the presence of a quorum. The meeting was called to order at 9:00 a.m. by Chairperson Smith.

**Board Members in Attendance:** Sherise Smith, PT, MSPT, CBIS, Chairperson; Brian Fearnley, PT, MPT, Vice-Chairperson; Eathan O'Bryant, Public Member, left the meeting at 12:37 p.m.; Jim McKivigan, DC, PT, MPA, MA Secretary/ Treasurer; Rebecca Cheema, PTA.

**Staff in Attendance:** Debbie Dieter, PT, Investigator; Greg Ott, Deputy Attorney General; Sarah Bradley, Deputy Attorney General; Charles Harvey, Executive Director; Muriel Morin-Mendes, Licensing Coordinator; Danielle Devine, Administrative Assistant; Alex Tanchek, Assistant to Lobbyist Neena Laxalt.

- Item 2-** Pledge of Allegiance

- Item 3-** Public Comment:

Chairperson Smith mentioned a few items that would be taken out of order during the meeting.

- Item 15-** Report from Board Chair.

D. Thank you to Board Member Jim McKivigan

Chairperson Smith - It is with great sadness that this is Jim McKivigan's last meeting on the Nevada Board of Physical Therapy. We were recently notified that his replacement has been appointed but the transition will not be made until after this meeting. His replacement is Jennifer Nash. Jim has been on the Board for 6 years. He has been through a lot of change and progression and has been a big part of moving that progression forward these past 6 years. I know I speak for the other board members as well when I say that he has been a calming steady presence and a good voice of reason to

many of us and it makes me a little emotional. Jim, thank you for your service. We have a little something to present to you.

Board Member McKivigan was given a token of the Board's appreciate for service. Jim McKivigan - I have a few words. I really enjoyed my time here. It was wonderful working with such a great staff and other colleagues on this Board through quite a trying time, especially the last four years. It was a pleasure working with all of you. Thank you very much.

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

A. September 7, 2018

**Motion-** I move that we approve the board minutes for September 7, 2018: Jim McKivigan

**Second:** Rebecca Cheema

**Motion Passes Unanimously**

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

Laura Cerame, PTA #A-0471- Good Morning! Laura Cerame, representing the Nevada Physical Therapy Association with an update. The annual membership meeting that occurred on October 6, 2018 was streamed to all members and to a private YouTube account. If you missed it and would like more information about that meeting, you can view it on YouTube. There was a very successful PT Day of Service that occurred on October 13, 2018 with the NVPTA with the collaboration of the American Red Cross. The Blood Drive was hosted by Carrington College and they collected approximately 20 units of blood. The grass roots efforts continue to grow with the Nicole Lange and Susan Priestman spearheading the events. Elections have been completed with the inclusion of a new student special interest group board for the Nevada Physical Therapy Association. The NVPTA lobbyist has reached out to schedule a meeting with the chiropractic association and board in regards to AB 456. That is all the updates we have. Thank you for your service, especially you, Mr. McKivigan.

**Item 6- Review of Applicant's plan of study for the National Physical Therapy Examination (NPTE).**

A. Physical Therapist Applicant

i. Jason Yokubison

Chairperson Smith stated that it looked that some thought had been put into coming up with the study plan. Board Member Cheema stated that she agreed but would recommend that some of the individual practice test be added to the plan. Chairperson Smith asked that Director Harvey make Mr. Yokubison aware of that suggestion.

**Item 7- 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. Mary Alcantara - Chairperson Smith spoke with Ms. Alcantara and due to the fact that she holds a license in New Jersey with no discipline reported she will qualify for licensure by endorsement as long as she applies again as an endorsement candidate because the current application has been expired for some time. No further action was required.
- B. Renae Lyn Krug- Ms. Krug stated that she was unaware of the action taken by the California Board but that her license was active when she sent in her application. Ms. Krug was directed to send in a new application for initial licensure due to the expired license.

**Motion:** I make a motion that we conditionally accept Ms. Krug's application for licensure pending the submission of the documentation of the resolution of the action in California, the fingerprinting, and the other parts of the application: Sherise Smith

**Second:** Rebecca Cheema

**Motion Passes Unanimously**

**Item 10-** Disciplinary Actions (For Possible Action). The Board will hold formal hearings wherein it may impose disciplinary action in the following cases:

- A. Donald Nobis, Pt #2630, Case No. 2017-012, Case No. 2017-013, Case No. 2017-023, Case No. 2017-024, Case No. 2017-027, Case No. 2017-028, Case No. 2017-029, Case No. 2017-030, Case No. 2017-034, Case No. 2018-05

DAG Bradley discussed whether Mr. Nobis and his attorney were properly notified due to their absence at the current meeting. The Board determined that Mr. Nobis' attorney was notified of the hearing date. Chairperson Smith swore in court reporter Vanessa Lopez. Please refer to the transcription of the hearing by the court reporter.

**Meeting recessed at 11:25 AM.**

**Meeting reconvened at 11:35 AM.**

**Item 18-** Legislative Update- Neena Laxalt - Alex Tanchek representing Neena Laxalt. Since your last meeting there have been a few BDR's introduced that are of interest to the board. In particular is 514 the physical therapy compact, sponsored by Senator Gansert. The other one I would note is 518 from the Sunset Subcommittee which includes multiple boards and the suggestions made by the committee. We believe you all have access to our bill tracker list. Those were all we felt the need to discuss. Are there any others that you were looking to discuss?

Chairperson Smith confirmed that more training on tracking bills would be presented by Mr. Tanchek and Ms. Laxalt at the January 4, 2019 meeting. It was stated that more information may need to be passed on to the physical therapy compact before it moves forward for drafting.

**Item 16-** Election of Board liaison to ACCC Committee to replace Jim McKivigan (For Possible Action)

Chairperson Smith asked that this item be tabled until the election of Board positions and the newest board member can be present at the January 4, 2019 meeting.

- Item 17-** Election of legislative liaison / committee (**For Possible Action**). The Board will discuss and possibly select members to serve on as legislative liaison and/ or committee member. Chairperson Smith asked that this item be tabled as well until elections and the newest board member can be present at the January 4, 2019 board meeting.

**Item 8, 10B, and 10C have been moved to the January 4, 2019 meeting per DAG Bradley.**

- Item 9-** 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 ratify the licenses issued by the authority of the Board in Item 9: Brian Fearnley

**Second:** Rebecca Cheema

**Motion Passes Unanimously**

- Item 11-** Investigation Department

- A. Review and Discussion of Outstanding Cases Status Report
- B. Review of Cases Recommended for Dismissal (**For Possible Action**)
  - i. 2016-128

DAG Bradley noted that this case was looked into by Director Harvey and he found that a licensed physical therapist is employed to practice the services advertised.

**Motion:** I would happily make a motion to dismiss case no 2016-128: Sherise Smith

**Second:** Brian Fearnley

**Motion Passes Unanimously**

- C. Status of hiring inspectors for Northern and Southern Nevada

Director Harvey gave the board an update about the hiring process. It was also discussed how the board would like to train incoming inspectors and that inspections would begin at the start of 2019.

- D. Set tentative schedule and percentage of licensees to inspect for inspection to be conducted in 2019.

The board discussed the percentage that may be taken into consideration but ultimately was left to be decided at the January 4, 2019 meeting.

- Item 12-** Request for fee waiver. (**For Possible Action**). The Board will discuss and possibly approve a request from the Office of Suicide Prevention and the Nevada Coalition for Suicide Prevention, to waive the review fee on the following classes:

- A. safeTALK, .4 units- \$10.00
- B. Youth Mental Health First Aid, .8 units- \$50.00
- C. Youth Mental Health First Aid, .8 units- \$30.00
- D. Gatekeeper Training, .2 units- \$10.00

These four items were discussed as a group. Action would have to be taken in the NAC's to allow the board to waive the fee for another agency in Nevada.

**Motion:** I make the motion we grant the request for fee waiver for the four courses listed as a gesture of goodwill to another state agency: Brian Fearnley

**Second:** Jim McKivigan

**Motion Passes Unanimously**

The discussion continued that the board will amend the language of the NAC during workshop to allow a waiver to possibly be accepted for another state agency to make it clear.

**Item 13- Advisory Committee on Continuing Competence (ACCC)**

**A. Review and update of the White Paper, ACCC guidelines**

Discussion about how the model is changing with the change of the NAC's when they are completed. The audit will be a hybrid of the two models due to the delay in change. The only change to be made to the white paper was the change of the 1 hour to 1 unit which can be updated. Changes were directed to be made by Board staff.

**Item 14- Board Operations/ Report by Executive Director**

**A. Continuing Competence Audit**

Discussion on the successful completion rate and follow-up actions for non-compliance.

**B. Board Financial Reports**

- i. Balance Sheet
- ii. Profit and Loss Report
- iii. Expenses by Vendor Summary/ Check Detail

Financial statements were reviewed for the FY through 10/22/2018.

**C. Update on Minimum Data Set collection process in Nevada**

Director Harvey explained his findings regarding those entities that are collecting information about health care fields in Nevada and pending legislation that will require data to be made available for a similar data set collection.

**D. Schedule calendar of meetings of 2019**

Meetings for 2019 were listed as follows:

January 4, March 1, May 3, July 19, September 6, and November 1. Chairperson Smith also discussed the scheduling of a board retreat in Las Vegas. It was decided that the retreat would be scheduled through a Doodle polling tool.

**Item 15- Report from Board Chair**

**A. FSBPT Annual Meeting Update**

Board members who attended the latest FSBPT conference gave an update about their thoughts about the licensure compact, including changes in the disciplinary format.

**B. Newsletter**

Discussion on a Winter 2018 Newsletter.

**C. Board Facebook page**

Opinions and possible plans on the Board's Facebook page will be presented at the January 4, 2019 Board Meeting by Board staff.

**D. Thank you to Board member Jim McKivigan (done previously)**

**Item 19- Public Comment**

**Item 20- Adjournment (For Possible Action) - The meeting was adjourned at 1:40 p.m.**