

**Board Members**

SHERISE SMITH, PT, MSPT, CBIS  
*Chairperson*  
  
BRIAN J. FEARNLEY, PT, MPT  
*Vice Chairperson*  
  
JENNIFER NASH, PT, DPT  
*Secretary/Treasurer*  
  
REBECCA CHEEMA, PTA  
*Board Member*  
  
EATHAN O'BRYANT  
*Public Member*

**STATE OF NEVADA**

STEVE SISOLAK  
*Governor*



**Staff**

CHARLES D. HARVEY, MPA  
*Executive Director*  
  
MURIEL MORIN-MENDES  
*Licensing Coordinator*  
  
CHELSEA WILSON  
*Administrative Assistant*  
  
DANIELLE DEVINE  
*Administrative Assistant*

**PHYSICAL THERAPY BOARD**

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

**BOARD MEETING MINUTES**

**March 1-2, 2019**

**Day 1 - - March 1, 2019**

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

Meeting called to order at 9:00 a.m. by Chairperson Smith.

**Board Members in Attendance:** Sherise Smith, Chairperson; Brian Fearnley, Vice-Chairperson; Jennifer Nash, Secretary/ Treasurer; Rebecca Cheema, PTA; Eathan O’Bryant, Public Member.

**Staff in Attendance:** Charles Harvey, Executive Director; Muriel Moring Mendes, Licensing Coordinator; Danielle Devine, Administrative Assistant; Deborah Dieter, Board Investigator; Sarah Bradley, Senior Deputy Attorney General, Board Counsel, Mike Detmer, Deputy Attorney General.

**Public Members:** Tracy L. Singh, Attorney for Cherie Yorro; Cherie Yorro, PT; Julie Petersen, Kindred Healthcare Rehabilitation Supervisor; Mattie Harris, Kindred Healthcare Med. Surg. Nurse Floor Supervisor; Deborah Cochran, Kindred Healthcare Patient Advocate; Molly Gonzalez, Kindred Healthcare Rehab Tech; Dominador Illano, PTA Applicant; Jeremy Nordfelt.

**Item 2 -** Pledge of Alligence

**Item 3 -** Approval of the Agenda for today’s meeting

**Item 4 -** Public Comment. None.

**Item 5 -** Review, discuss, amend and approve Board Meeting Minutes **(For Possible Action)**.  
A. January 4, 2019

**Motion:** Motion to approve January 4, 2019 Meeting Minutes with edits previously sent in.: Sherise Smith.

**Second:** Rebecca Cheema

**Opposed:** None

**Motion passess unanimously.**

**Item 6 -** Nevada Physical Therapy Association (NVPTA) Update. None.

**Item 7 -** Consideration of request to take the National Physical Therapy Examination (**For Possible Action**).

- A. Physical Therapist Assistant Applicant
  - i. Domanidor Topacio Ilano Jr.

Mr. Ilano presented practice test scores as requested at the January 2019 Board Meeting, and discussed his study methods, preparation and extenuating circumstances for consideration of his appeal to retake the NPTE. Chairperson Smith and Board Member Cheema explained the NPTE appeal process to ensure Mr. Ilano understood the FSBPT was the final decision maker of his appeal.

**Motion:** Motion to grant Mr. Ilano the chance to appeal for a seventh attempt with the NPTE: Bryan Fearnley

**Second:** Sherise Smith

**Opposed:** None

**Motion passes unanimously.**

**Item 8 -** Disciplinary Actions (**For Possible Action**). The Board will hold formal hearings wherein it may impose disciplinary action or accept a stipulated settlement agreement, if one is presented, in the following cases:

- A. Cherie Yorro, PT #2649, Case No. 2015-14

Chairperson Smith recused due to her role as Investigative Board Member in this case. Vice Chair Fearnley chaired the hearing for Case No. 2015-14. Senior Deputy Attorney General Sarah Bradley served as prosecuting attorney. Deputy Attorney General Mike Detmer served as Board Counsel. Attorney Tracey Singh served as counsel for Cherie Yorro. The hearing was recorded by LIT Court Reporting Service.

Witnesses Called:

Debbie Dieter, PT, Board Investigator

Julie Petersen, Director of Operations, Kindred Healthcare

Molly Gonzalez, Kindred Healthcare Rehab Tech

Deborah Cochran, Kindred Healthcare Patient Advocate

Matte Harris, Kindred Healthcare Med-Surg. Nursing Supervisor

**Meeting recessed at 12:00 pm**

**Meeting reconvened at 12:17 pm**

**Meeting recessed at 1:10 pm**

**Meeting reconvened at 1:40 pm**

The Board discussed and voted on each factual allegation contained in the Complaint and Notice of Hearing.

**Motion:** I move that factual allegations 1 and 2 are proven true.: Brian Fearnley

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

**Motion:** I move that factual allegation 3 was not proven as true; Brian Fearnley

**Second:** Jennifer Nash  
**Nay:** Rebecca Cheema  
**Motion passes**

**Motion:** I make a motion that factual allegation 4 was not proven; Brian Fearnley

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

**Motion:** I move that factual allegation 5 was proven as true; Brian Fearnley

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

**Motion:** I move that factual allegation 6 was not proven; Brian Fearnley

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

**Motion:** I make a motion that factual allegation 7 is not true: Brian Fearley

**Second:** Eathan O'Bryant  
**Nays:** Rebecca Cheema and Jennifer Nash  
**Motion does not pass**

**Motion:** I make a motion that factual allegation 8 is true; Jennifer Nash

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

**Motion:** I make a motion that factual allegation 9 is not true; Brian Fearnley

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

**Motion:** I move that factual allegation 10 is true; Brian Fearnley

**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I move that factual allegation 11 is true; Brian Fearnley

**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 12 not proven; Brian Fearnley

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

**Motion:** I move that factual allegation 13 was proven true; Brian Fearnley

**Second:** Rebecca Cheema

**Motion passes unanimously**

**Motion:** I move that factual allegation 14 was not proven; Brian Fearnley

**Second:** Jennifer Nash

**Nay:** Rebecca Cheema

**Motion passes**

**Motion:** I move that factual allegation 15 has been proven true; Brian Fearnley

**Second:** Rebecca Cheema

**Nay:** Eathan O'Bryant and Jennifer Nash

**Motion does not pass**

**Motion:** I make a motion that factual allegation 16 is true; Brian Fearnley

**Second:** Rebecca Cheema

**Motion passes unanimously**

**Motion:** Motion that factual allegation 17 was proven true; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** Motion that factual allegation 18 was proven true; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 19 is true; Brian Fearnley

**Second:** Eathan O'Bryant

**Motion passes unanimously**

**Motion:** Motion to accept factual allegation 20 as true; Jennifer Nash

**Second:** Rebecca Cheema

**Motion passes unanimously**

**Motion:** Motion to accept factual allegation 21 as true; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I move that the factual allegation 22 is true; Rebecca Cheema

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I move that the factual allegation 23 is not supported; Rebecca Cheema

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 24 was not proven; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I move that the factual allegation 25 is true; Rebecca Cheema

**Second:** Jennifer Nash

**Nay:** Brian Fearnley

**Motion passes**

**Motion:** I make a motion that factual allegation 26 was not proven; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I move that the factual allegation 27 was not proven; Rebecca Cheema

**Second:** Eathan O'Bryant

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 28 is true; Jennifer Nash

**Second:** Eathan O'Bryant

**Nay:** Brian Fearnley

**Motion passes**

**Motion:** I make a motion that factual allegation 29 was not proven; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 30 was not proven; Jennifer Nash

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I move that factual allegation 31 was not proven; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 32 was not proven as true; Jennifer Nash

**Second:** Rebecca Cheema

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 33 was proven true; Jennifer Nash

**Second:** Rebecca Cheema

**Motion passes unanimously**

**Motion:** I move that the factual allegation 34 is true; Rebecca Cheema

**Second:** Eathan O'Bryant  
**Motion passes unanimously**

**Motion:** I move that factual allegation 35 is true; Rebecca Cheema  
**Second:** Brian Fearnley  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 36 is true; Jennifer Nash  
**Second:** Brian Fearnley  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 37 is true; Jennifer Nash  
**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 38 was proven true;  
Brian Fearnley  
**Second:** Rebecca Cheema  
**Nay:** Eathan O'Bryant  
**Motion passes**

**Motion:** I make a motion that factual allegation 39 was proven true; Brian  
Fearnley  
**Second:** Rebecca Cheema  
**Nay:** Jennifer Nash  
**Motion passes**

**Motion:** I move that factual allegation 40 was proven as true; Brian  
Fearnley  
**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 41 is true; Jennifer Nash  
**Second:** Brian Fearnley  
**Motion passes unanimously**

**Motion:** I move that the information in factual allegation 42 is true;  
Rebecca Cheema  
**Second:** Brian Fearnley  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 43 is true; Jennifer Nash  
**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 44 is true; Brian Fearnley  
**Second:** Rebecca Cheema  
**Motion passes unanimously**

**Motion:** I move that item 45 is not proven true; Rebecca Cheema

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

**Motion:** I move that item 46 was proven true; Rebecca Cheema  
**Second:** Brian Fearnley  
**Nay:** Eathan O'Bryant and Jennifer Nash  
**Motion does not pass**

**Motion:** I move that item 47 is true; Rebecca Cheema  
**Second:** Jennifer Nash  
**Motion passes unanimously**

**Motion:** I move that 49 was proven; Brian Fearnley  
**Second:** Jennifer Nash  
**Motion passes unanimously**

**Motion:** I move that factual allegation 57 was not proven true; Rebecca Cheema  
**Second:** Jennifer Nash  
**Motion passes unanimously**

**Motion:** I move that factual allegation 59 is not true; Jennifer Nash  
**Second:** Brian Fearnley  
**Nay:** Rebecca Cheema  
**Motion passes**

**Motion:** I make a motion that factual allegation 60 was not proven due to subsection 3; Brian Fearnley  
**Second:** Jennifer Nash  
**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 63 has not been proven true; Jennifer Nash  
**Second:** Eathan O'Bryant  
**Nay:** Rebecca Cheema  
**Motion passes**

**Motion:** I make a motion that factual allegation 64 was not proven true; Jennifer Nash  
**Second:** Brian Fearnley  
**Nay:** Rebecca Cheema  
**Motion passes**

**Motion:** I make a motion that factual allegation 58 was not proven as true; Brian Fearnley  
**Second:** Jennifer Nash  
**Nay:** Rebecca Cheema  
**Motion passes**

The Board dismissed case number 2015-14 based on findings of the Board. Board Counsel to draft Order of Dismissal memorializing the Board's decision.

- B. Karen Crawford, PT #0675, Case No. 2017-01
- C. Kim Miranda, PTA #A-0665, Case No. 2017-20

Case No. 2017-01 and Case No. 2017-20 were combined and heard together. Senior Deputy Attorney General Sarah Bradley served as prosecutor. Deputy Attorney General Mike Detmer served as Board Counsel. Attorney Ryan Dennett served as counsel for Karen Crawford and Kim Miranda.

The hearing was recorded by LIT Court Reporting Service.

Witness Called:  
Debbie Dieter, PT, Board Investigator

**Meeting Recessed at 6:55 pm**  
**Meeting Reconvened at 7:00 pm**

**Factual allegation 1-2 were deemed true.**

**Motion:** I move that factual allegation 3 was found to be true; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Factual allegations 4-6 were deemed as true.**

**Motion:** I make a motion that factual allegation 7 was proven true; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that 8 has proven to be true; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that 9 was found to be true; Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I make a motion that number 10 has been proven true; Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I make a motion that number 11 has been proven true; Sherise Smith

**Second:** Jennifer Nash



**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 12 was not proven true;  
Sherise Smith

**Second:** Brian Fearnley

**Nay:** Jennifer Nash

**Motion passes**

**Motion:** I make a motion that number 13 is true; Brian Fearnley

**Second:** Jennifer Nash

**Motion passes**

**Motion:** I motion that factual allegation 14 was proven true; Sherise  
Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I make a motion that number 15 was proven true; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 16 a was proven as true;  
Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 16 b is true; Jennifer Nash

**Second:** Sherise Smith

**Nay:** Brian Fearnley

**Motion passes**

**Motion:** I make a motion that factual allegation 16 c was proven true;  
Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I move that factual allegation 16 d was not proven; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Factual Allegation 17 was deemed as true.**

**Motion:** I make a motion that factual allegation 18 was proven true;  
Sherise Smith

**Second:** Brian Fearnley

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 19 was proven true;  
Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that 20 is true; Jennifer Nash

**Second:** Sherise Smith

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 21 was proven true;  
Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that number 22 was proven true; Sherise Smith

**Second:** Jennifer Nash

**Motion passes unanimously**

**Motion:** I make a motion that factual allegation 23 was not proven true;  
Brian Fearnley

**Second:** Sherise Smith

**Nay:** Jennifer Nash

**Motion Passes**

**Factual allegations 24-25 were withdrawn.**

Based on the Board's decision in Case #2017-01 (Karen Crawford), Board Counsel withdrew it's complaint in Case #2017-20 (Kim Miranda). Board Counsel to draft Order of Dismissal memorializing the Board's decision.

**Item 10 -** Public Comment. None.

**Item 11 -** Adjournment. Meeting adjourned at 8:00 pm.

**Day 2 - - March 2, 2019**

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

Meeting called to order at 9:24 a.m. by Chairperson Smith.

**Board Members in Attendance:** Sherise Smith, PT, MSPT, CBIS, Chairperson; Brian Fearnley, PT, MPT, Vice-Chairperson; Jennifer Nash, PT, DPT, Secretary/ Treasurer; Rebecca Cheema, PTA; Eathan O'Bryant, Public Member

**Staff in Attendance:** Charles Harvey, Executive Director; Muriel Moring Mendes, Licensing Coordinator; Danielle Devine, Administrative Assistant; Chelsea Wilson, Administrative Assitant; Deborah Dieter, Investigator; Sarah Bradley, Senior Deputy Attorney General, Board Counsel; Tina Baum, Chairperson of the Ethics and Legislative Committee for the FSBPT.

**Item 2 -** ( Revisited) Pledge of Allegiance

**Item 4 -** ( Revisited) Public Comment. None.

**Item 9 -** Board Retreat

A. Investigation Department Update

i. Review and Discussion of Outstanding Cases Status Report

DAG Bradley discussed the outstanding cases and her methodology for cases that move forward.

ii. Review of Cases Recommended for Dismissal (**For Possible Action**).

DAG Bradley recommended dismissal of the following cases: 2018-02; 2018-23; 2018-24; 2019-05; 2019-07.

**Motion:** Motion to dismiss cases 2018-02, 2018-23, 2018-24, 2019-05, and 2019-07: Sherise Smith.

**Second:** Brian Fearnley

**Motion Passes Unanimously**

iii. Board Member Training on Investigative Process

Deputy AG Bradley provided an overview of the complaint, investigation and hearing process. Board members discussed the merits and drawbacks of anonymous complaints.

iv. Inspections Schedule Update

Executive Director Harvey provided updates on hiring of Board Inspectors, the inspection process moving forward, and forms that will be used for citations.

B. 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:** Move to ratify the licenses issued by the authority of the Board in Item 9B: Rebecca Cheema

**Second:** Sherise Smith

**Motion Passes Unanimously**

C. Contract for Lobbying Services (**For Possible Action**). The Board will review, discuss, and consider a new contract for lobbying services for Neena Laxalt.

Executive Director Harvey presented the proposed contract for lobbying services and the reasoning for a new contract.

**Motion:** Motion to approve the contract for Lobbyist Neena Laxalt and make it retroactive to December 2018; Sherise Smith

**Second:** Jen Nash

**Motion Passes Unanimously**

#### D. Board Operations Update

##### i. Board Property Donation to Center for the Blind

Executive Director Harvey provided an overview of the property that was excessed through the State's Excess Property Program and donated to the Center for the Blind.

##### ii. Budget Review (**For Possible Action**).

###### a. Board Financial Reports

Executive Director Harvey presented a year-over-year financial review (Balance Sheet, Profit and Loss Report, Expenses by Vendor Summary/Check Detail).

###### b. ELDD Rating Update

Executive Director Harvey and Chairperson Smith explained the Exam, Licensure and Disciplinary Database (ELDD) maintained by the FSBPT, and the Board's current ratings, based on its data reporting.

#### E. Report from Board Chair

##### i. Legislative Update: Compact Bill and other updates ( Board Chair, Legislative Liaison, Lobbyist may report)

Legislative Liaison Jen Nash updated the Board on the PT Compact Bill including being sure that the language of the compact bill was appropriate for all parties.

##### ii. Mandatory state training for Board members: It was discussed that Board members Smith, Fearnley and O'Bryant have all undergone the mandatory state training. Members Cheema and Nash to undergo the next available training.

##### iii. Continuing Competence Model/ JAM update: Chairperson Smith updated the board on the Continuing Competence Model and the model was reviewed.

##### iv. Delegate and Alternate Delegate to FSBPT Annual Meeting (**For Possible Action**).

**Motion:** Motion to elect Brian Fearnley as the delegate and Rebecca Cheema as the alternate delegate for the 2019 Leadership Issues Forum and National Meeting: Sherise Smith

**Second:** Jen Nash

**Motion Passes Unanimously**

**Motion:** Motion that the Board fund the attendance of Jen Nash,

Sherise Smith, and either Sarah Bradley or Debby Dieter, at the 2019 FSBPT Annual Meeting: Sherise Smith  
**Second:** Brian Fearnley  
**Motion Passes Unanimously**

**Meeting Recessed at 12:26 pm.**

**Meeting Reconvened at 1:00 pm.**

- F. Review, Discussion, and Possible Action regarding the Board's Strategic Plan (**For Possible Action**). The Board will review its strategic plan to determine if changes or additions are needed

Executive Director Harvey delivered a strategic planning presentation and discussion about the Board's vision, mission, goals and objectives for the next 3 – 5 years. The Board had an indepth discussion and proposed renewed mission and vision statements. Comments and recommendations will be incorporated into the Board's Strategic Plan for approval at the next scheduled meeting.

- G. Model Board Action Guidelines (**For Possible Action**). The Board will review, discuss, and possibly adopt Model Board Action Guidelines specific to Nevada.

Tina Baum, Former Board Chairperson and current Chairperson of the Ethics and Legislative Committee for the FSBPT, joined the meeting to present the Model Board Action Guidelines. Ms. Baum provided updates and answered questions about the guidelines that would be put in place based on approval of regulation currently at the LCB in Nevada. The Board discussed the disciplinary matrix and the benefit of having an objective process to refer to when issues arise. Vice Chairman Fearnley will work on the Nevada document.

**Item 10 -** Public Comment. None.

**Item 11 -** Adjournment. Meeting Adjourned 3:00 pm.