

Board Members

- SHERISE SMITH, PT, MSPT, CBIS
Chairperson
- BRIAN J. FEARNLEY, PT, MPT
Vice Chairperson
- JENNIFER NASH, PT, DPT
Secretary/Treasurer
- VACANT, 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

July 19, 2019

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

Meeting called to order at 1:05 p.m. by Chairperson Smith.

Board Members in Attendance: Sherise Smith, PT, MSPT, CBIS, Chairperson; Jennifer Nash, PT, DPT, Secretary/ Treasurer; Rebecca Cheema, PTA joined via teleconference. Brian Fearnley, PT, MPT, Vice-Chairperson joined at 11:40 a.m.

Staff in Attendance: Charles Harvey, Executive Director; Danielle Devine, Administrative Assistant; Deborah Dieter, Investigator; Sarah Bradley, Senior Deputy Attorney General; Bryan Stockton, Senior Deputy Attorney General, Acting Board Counsel.

Item 2 - Pledge of Allegiance

Item 3 - Public Comment (No Comment)

Item 13- Report from Board Chair

A. Thank you to Rebecca Cheema, Board member for her service on the Board. Board Chair Smith thanked Board member Cheema for trailblazing the role of the PTA Board Member with the highest level of ethical behavior as well as her preparedness for each meeting, her positivity and even keel. She will be greatly missed. Executive Director Harvey presented Board Member Cheema with a plaque for her time serving the Board. Board Member Cheema thanked the board for her time.

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

- A. May 3, 2019
- B. June 28, 2019

Motion- I make a motion that we approve the minutes with the edits as sent to Dani for the May 3, 2019 and the June 28, 2019 minutes; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

Item 5 - Nevada Physical Therapy Association (NVPTA) Update
Nicole Lange, Secretary for the NVPTA. The Nevada Physical Therapy Association has a Tri-State Conference October 12th and 13th. The Annual Business Meeting will be held on October 12th during the conference. The highlight of this meeting will be the a forum with the leadership of the three state chapters as well as Sharon Dunn, the American Physical Therapy Association (APTA) President. During the conference, the NVPTA will hold a shoe drive with Shoes for Kids, a charity that has worked with the APTA before with good results. The NVPTA has been developing more special interest groups including the new professional interest group that is ongoing, a private practice special interest group is in development, and a pediatric special interest group will be in development soon. The student special interest group just had their first national advocacy dinner which was a first for Nevada, where students and speakers came together to talk about the APTA, NVPTA and the opportunities within the organizations. Elections will be coming up this fall for the NVPTA, with a call for nominations coming out soon.

Item 6 – Ratifications 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 that we approve the licenses as listed; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

Item 7 – Consideration of recommendation of the Advisory Committee on Continuing Competence (ACCC) for continuing competence courses review at the Advisory Committee on Continuing Competence Meeting (**For Possible Action**)

A. June 14, 2019

Chairperson Smith asked that Course 195 be removed as it was being reviewed again to allow for more public comment.

Motion- I make a motion that we approve courses recommended for approval and deny those courses recommended for denial with the exception of course 195; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

B. June 25, 2019

Motion- I make a motion that we approve or deny courses as recommended by the course list from June 25, 2019 meeting; Jennifer Nash

Second- Sherise Smith

Motion passes unanimously

Item 8 - Board member appointment, nomination and election for position of member for the Advisory Committee on Continuing Competence (**For Possible Action**)

Board Member Nash expressed interest in the position. Chairperson Smith added that it would be beneficial to have Board Member Nash involved as she is an educator.

Motion- I will nominate Jennifer Nash as the liaison to the ACCC; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

- Item 9-** Discussion and possible action on the board approval process for new licensees (**For Possible Action**). The Board may discuss and authorize the Executive Director and/ or one Board member to approve licenses for physical therapists and physical therapist assistants.

Chairperson Smith discussed the option to allow the executive director and one board member approve the applications rather than the current system of two board members. Board member Cheema agreed with the change. Board Member Nash said that she had a checklist that another jurisdiction used that the Board could implement allow final approval to be with Director Harvey. Chairperson Smith agreed that though there is a checklist used by board staff, it could be amended to insure all pieces are in place before licensing.

Motion- I make a motion to amend the board approval process for new licensees in which the licensing coordinator fills out a checklist that once complete the executive director can sign off unless the matrix requires the presence at a board meeting; Jen Nash

Chairperson Smith asked that the motion be amended to include the approval of one board member.

Second- Rebecca Cheema

Motion passes unanimously

- Item 11-** Consideration of Donald Nobis, PT #2630, Request to Set- Aside Decision Entered on November 19, 2018 or In the Alternative Request to Reopen Evidence to Receive Additional Evidence Not Previously Presented (**For Possible Action**)

Mr. E. Breen Arntz, Esq., attorney for Mr. Nobis, explained to the Board his position for the Request to Set- Aside. The opposition to this request was presented by DAG Bradley. For further information, please refer to the transcripts of this item.

Recessed 10:28 a.m.

Reconvened 10:30 a.m.

Motion-I make a motion that we deny the request to set- aside the decision based on the fact that the final order being filed and received by Mr. Nobis on November 19, 2018 and this motion being filed on May 20, 2019. That is an untimely filing of the motion based on NRS 22A.300 that indicates that there is a fifteen (15) day period in which to do that and NRCP. Mr. Nobis does have the burden here and has not carried that; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

- Item 10-** Formal Hearing for Donald Nobis, PT #2630, Case Nos.: 2018-16, 2018-20, 2018-21, 2018-25, and 2019-08. (At the Board's discretion, the Board may convene in closed

session to consider the character, alleged misconduct, professional competence or physical or mental health of a person, NRS 241.030 and NRS 241.033) **(For Possible Action)**

This hearing was continued from the May 3, 2019 meeting and started with deliberation regarding the claims for relief. Additional information is available in the transcripts.

Motion- I make a motion that the first claim for relief was proven on all counts except for Case 2018-25; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

Motion- I make a motion that the second claim for relief was proven to be true on three of the four counts, excluding case 2018-25; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

Motion- I move that the third claim for relief was proven to be true on three of the four counts, excluding case 2018-25; Rebecca Cheema

Second- Sherise Smith

Motion passes unanimously

Motion- I make a motion that the fifth claim for relief was proven in three of the four counts with the exception of 2018-25; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

Motion- I move the that sixth claim for relief was proven to be true on three of the four counts, excluding case 2018-25; Rebecca Cheema

Second- Jennifer Nash

Motion passes unanimously

Motion- I make a motion that the seventh claim for relief was not proven to be true; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

Motion- I make a motion that the eighth claim for relief was found to be true; Jennifer Nash

Second- Sherise Smith

Motion passes unanimously

Motion- I make a motion that the factual allegations support the ninth claim for relief is true. That he engaged in the practice of physical therapy on a suspended license which does constitute immoral or unprofessional conduct; Jennifer Nash

Second- Rebecca Cheema

Motion passes unanimously

Motion- I make a motion that the tenth claim for relief is not true; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

While considering discipline, the Board decided to suspend this item to continue with Item 12 to be able to decide discipline as a whole.

Item 12- Disciplinary Hearing: Case No. 2018-18, State of Nevada Physical Therapy Board v. Donald Nobis, PT #2630. Formal disciplinary hearing regarding the allegation contained in the Complaint and Notice of Hearing filed in the matter. The Board may also hear and decide any pending motions filed by the parties in this matter. (At the Board’s discretion, the Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. NRS 241.030 and NRS 241.033)(**For Possible Action**)

DAG Bradley asked for a few typographic errors be fixed in the complaint notice of hearing. Mr. Arntz, attorney for Mr. Nobis, had not objection to changes. The Board acknowledged the changes to the complaint notice of hearing.

Recessed 11:25 a.m.

Reconvene 11:40 a.m.

Please refer to transcripts.

Motion- I make a motion that factual allegations 1 through 5 have been proven based on the fact they are from the previous order; Sherise Smith

Second- Brian Fearnley

Motion passes unanimously

Motion- I make a motion that factual allegation 6 has been proven true; Sherise Smith

Second- Rebecca Cheema

Motion passes unanimously

Motion- I make a motion that factual allegation 7 has been proven true; Sherise Smith

Second- Brian Fearnley

Motion passes unanimously

Motion- I make a motion that factual allegations 8 through 10 have been proven by the exhibits presented to us today; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

Motion- I make a motion that factual allegation 11 has been proven true; Sherise Smith

Second- Brian Fearnley

Motion passes unanimously

Motion- I make a motion that factual allegations 12 and 13 are proven true; Brian Fearnley

Second- Jennifer Nash

Motion passes unanimously

Motion- I make a motion that factual allegation 14 is true; Sherise Smith

Second- Brian Fearnley

Motion passes unanimously

Motion- I make a motion that Mr. Nobis' actions did violate the law as stated in factual allegation 15; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

Motion- I make a motion that factual allegation 16 has been proven true; Sherise Smith

Second- Jennifer Nash

Motion passes unanimously

Factual allegations 17 and 18 are statements.

Motion- I make a motion that the first claim for relief was proven; Sherise Smith

Second- Brian Fearnley

Motion passes unanimously

The Board discussed possible penalties based on the findings. DAG Bradley stated that the Board could consolidate the discipline for both hearings as allowed per Nevada Revised Statute (NRS). The Board thought consolidation of discipline was appropriate. Chairperson Smith gave a brief overview of the hearing from item 10. Chairperson Smith stated that she believed the amount of time that this case has taken as well as the history of non-compliance lead her to believe a revocation of longer than a year would be more appropriate. Board Member Cheema stated she was comfortable with a revocation period of at least two years. Vice-Chairperson Fearnley asked whether the Board could require all the previous conditions be met before the licensee is allowed to re-apply. DAG Stockton stated that it was within the Board's ability to do so. Chairperson Smith stated that Mr. Nobis would have to have documentation of the previous requirements having been met before applying for a new license. Board Member Nash asked if the Board could require Mr. Nobis keep up with continuing competence requirements during his revocation period. Chairperson Smith stated that she believed that routine inspections would also need to be done during the period of revocation to maintain confidence that no unlicensed practice is occurring.

Motion- I make a motion that the Board revokes Mr. Nobis' license for a period of two years and that upon reapplication he must meet all the conditions set forth as well as cost and all attorney's fees as previously ordered as well as new costs incurred as decided upon; Brian Fearnley

Second- Sherise Smith

Motion passes unanimously

Item 13- Report from Board Chair

- A. Thank you to Rebecca Cheema, Board member for her service on the Board. (covered earlier in the meeting)
- B. Opening for PTA position on the Board
Chairperson Smith stated that Board Member Cheema's last day on the board is July 31. Director Harvey will post the opening on the Board's website for all interested PTA's.
- C. Discussion on Board reimbursement for half day meetings starting after 12:00 pm. **(For Possible Action)**

Chairperson Smith opened discussion for changing the reimbursement to a half day for those times a meeting starting after 12:00 p.m. Board Member Nash stated that if the Board sets the time aside that regardless of the start time it should be the same. No action was taken.

D. Thank you to Board staff for a successful renewal period

Chairperson Smith thanked the board staff for their work to make the renewal season process successful. Director Harvey acknowledged the work staff did through renewals to continue to improve the process.

E. Update from Jennifer Nash and Director Harvey

Director Harvey updated the Board about the ongoing efforts of the FSBPT to communicate to members about how they use suggestions to improve. One topic that was covered was the discontinuation of aPTitude, ProCert and oPTion. Our previous board member, Tina Baum, gave a presentation on criminal background checks. Nevada was once again recognized as a 5 star state. Board Member Nash also touched on the future of continuing competence and the use of tools being developed for reflection in the practice of physical therapists and physical therapist assistants.

Item 14- Public Comment (No Public Comment)

Item 15- Adjournment

Meeting adjourned at 12:46 p.m.