

Board Members

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PHYSICAL THERAPY BOARD

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Staff

CHARLES D. HARVEY, MPA
Executive Director
MURIEL MORIN-MENDES
Licensing Coordinator
CHELSEA WILSON
Administrative Assistant
DEBORAH DIETER, PT
Board Inspector

BOARD MEETING MINUTES

November 15, 2019

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

Meeting called to order at 9:12 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; Sarah Bradley, Senior Deputy Attorney General.

Item 2 - Pledge of Allegiance

Announcement by Chair Smith. Item #8 will be tabled due to the Board not receiving supporting documents in time to consider the request for an advisory opinion. There will be a public hearing at 2:00 pm. We have a full agenda so we will need to move through the agenda with that in mind and limit public comment to five minutes.

Item 3 - Public Comment

A. Alyssa Hatch, UNLV PT Student.

Ms. Hatch stated that she is in favor the item on the agenda regarding giving CCUs to clinicians who are involved in pro bono work. She stated that this is a great opportunity for clinicians to come and connect with the community.

B. Gavin Brady, UNLV PT Student.

Mr. Brady stated that he believes the pro bono work from this clinic would be beneficial to both patients and to physical therapists. He stated that he believes the core values list pro bono work as one of the things therapists can do to satisfy altruism.

C. Felicia Doblado, UNLV PT Student.

Ms. Doblado stated that she is also in favor of this and believes this will incentivize therapists to support their program.

D. Gilberto Carrillo, UNLV PT Student.

Mr. Carrillo stated that he is also in support of PTs getting CCUs for pro bono work and that this may allow clinicians to work with a different population than they are accustomed to. He also stated that it brings home the APTA's vision of transforming society by optimizing movement to improve the human experience.

Chair Smith noted that the Board had received the students' information and the item was on the agenda today, so we appreciate you taking the time to be here.

E. Dr. David Rovetti, Chiropractic Physician, Northern NV and Director for the Nevada Chiropractor Association.

Dr. Rovetti stated that he continues to be concerned about physical therapists performing joint thrust manipulation. He stated that he attended the ACCC meeting and expressed his concern about this not being a technique that physical therapists should be performing. He stated that he thinks this matter has not been settled and that he would like to express in a discussion his viewpoints of why he believes manipulation is not within the scope of practice of physical therapy. He also stated he wanted to know if any complaints have come before the board related to thrust manipulation.

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

A. September 20, 2019

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

Second: Eathan O'Bryant

Motion passes unanimously

Item 5 - Nevada Physical Therapy Association (NVPTA) Update

No update

Item 6 – 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 that we ratify the licenses as presented: Brian Fearnley

Second: Jennifer Nash

Motion passes unanimously

Item 7 - Request for Approval of continuing competence units for pro bono physical therapy (UNLV). (**For Possible Action**). The Board may review, discuss and possibly approve a request to allow clinicians to attain 1 CCU per session for volunteering their expertise and supervision. This course was reviewed and discussed by the Advisory Committee on Continuing Competence at its June 25, 2019 meeting. There was discussion that this should be for any pro bono work, not just the UNLV program to encourage work in this area.

Motion: I make a motion to approve continuing competence units for pro bono physical therapy that are a minimum of two hours per instance, with each instance being one CCU, and a cap of four CCUs per year, as an approved activity: Jen Nash

Second: Sherise Smith
Motion passes unanimously

Item 8 - Request for Advisory Opinion (**For Possible Action**). The Board may review and discuss a request for an advisory opinion related to Edward Ernst, PTAs ability to perform Grade V spinal mobilization.

Item Tabled.

Item 9 - Investigation Department

- A. Review and Discussion of Outstanding Cases Status Report. Outstanding cases were reviewed.
- B. Review of Cases Recommended for Dismissal (**For Possible Action**). No cases were recommended for dismissal at this time.
- C. Board Inspector Positions (**For Possible Action**). The Board will review, discuss and possibly select an applicant to fill a Board Inspector position.

Chair Smith informed the Board that Southern Nevada licensee Tel Winegar applied for a position on the Advisory Committee on Continuing Competence in September 2019. He was notified that the ACCC vacancy was for a northern Nevada position, and was informed of the Board Inspector position opportunity. Mr. Winegar subsequently applied for this position. If the Board approves this position, they will then have two inspectors in southern Nevada, two inspectors in northern Nevada, and one investigator. There was discussion regarding Mr. Winegar's experience and willingness to participate in the board inspector position.

Motion: I make a motion to approve Tel Winegar, PT for the inspector position in the Las Vegas area: Sherise Smith

Second: Brian Fearnley

Motion passes unanimously

Item 10 - Update from Executive Director (For Possible Action)

- A. Status of DAG to replace Sarah Bradley.
Executive Director Harvey stated that upon receiving notification of Senior Deputy Attorney General Bradley's pending departure, he sent a request to the Chief Deputy Attorney General over Boards and Open Government Division for the appointment of Deputy Attorney General Michael Detmer as new Board counsel. He subsequently met with Mr. Detmer for an introductory meeting in which they discussed pending cases and a transition plan. Mr. Detmer will be the Board counsel at least through the transition period and the and the hope is that he will be able to be the Board counsel permanently.

Scheduling of meeting dates for 2020 (**For Possible Action**). Executive Director Harvey presented a list of possible 2020 meeting dates for the Board's review and approval. The dates were discussed by all Board members with changes being made as needed.

Motion: I make a motion to approve the following board meeting dates for 2020:
Sherise Smith

- January 17, 18, 19, 2020 (hearing)
- March 6, 2020
- May 8, 2020
- July 17, 2020
- September 11, 2020
- November 13, 2020

Second: Eathan O’Bryant

Motion passes unanimously

B. Update on Open Meeting Law training held on November 7, 2019.

Executive Director Harvey stated that three Board and three staff members had attended the Open Meeting Law training presented by Senior Deputy Attorney General Bradley, on Friday, November 7, 2019. He found the information to be helpful in educating us on the requirements of the state’s open meeting law, which requires that most meetings be open to the public and governs other things including communication between board members and public notice of meetings. Chair Smith noted that each member had now satisfied the training requirement for Board and staff members. A copy of the OML Training power point was distributed to each member, and added to the Board’s new member training manual.

C. Upcoming Boards and Commissions Training on November 18, 2019.

Executive Director Harvey discussed the upcoming full-day Boards and Commissions session being offered by the Attorney General’s Office on Monday, November 18, 2019. In addition to Open Meeting Law training, this session includes training on: state contracting and audits; ethics in government; Administrative Hearing Procedure; Administrative rulemaking; and Nevada Public Records Act. A copy of the agenda and registration form was provided to each member for their review and sign up, if interested.

D. Update on Board staffing and employee roles.

Executive Director Harvey presented an updated organizational chart depicting each approved position, and a summary of roles and responsibilities of Board office staff. He mentioned staffing changes within the board office and discussed several possibilities of filling the vacant position. He stated that his goal was not to merely refill the position, but to explore options that allow the board office to go from good to great.

Item 11 - Board Audit. The Board will review and discuss the annual financial audit conducted by Campbell, Jones, Cohen CPAs.

Executive Director Harvey informed the Board that the financial audit was being finalized by Campbell, Jones, Cohen CPAs and was not available for review today. He stated that he was unaware of any issues or deficiencies in the financial review, and noted that the audit report would be completed and forwarded to the Board for review, and to Executive Branch in time to meet their December deadline.

Item 12 - Executive Director Annual Review. (For Possible Action). Director Harvey’s annual review was comprised of input from all current Board members and Board staff. It was noted that

Director Harvey has done an exceptional job in this position over the past year and that the Board is very pleased with all of the positive changes that have been made. Different levels of salary increase were discussed and it was felt that Director Harvey's salary should be more in line with other Board's of this Board's size and level of work.

Motion: I make a motion to give Director Harvey an 11% salary increase: Eathan O'Bryant

Second: Brian Fearnley

Motion passes unanimously

Item 13 - Board Retreat. **(For Possible Action).** The Board will review, discuss and possibly approve a 2020 Board Retreat and related funding.

Executive Director Harvey presented a proposal and funding request for a board retreat, to be held in 2020. The finalized date is not yet determined, but Director Harvey presented two possible locations with costs to the Board for consideration. It was also discussed how valuable last year's retreat was in making a strategic plan and moving the Board forward in a positive manner.

Motion: I make a motion to approve the 2020 Board Retreat as presented and have Executive Director Harvey finalize the location and dates, and that we fund it as presented: Sherise Smith

Second: Eathan O'Bryant

Motion passes unanimously

Item 14 - Legislative Update - Neena Laxalt.

Board Lobbyist Laxalt discussed the focus on boards from the Governor's Executive Branch Audit Committee, Board of Examiners, and Sunset Committee. Her update touched on the following areas: board appointments; board oversight; executive director salaries; hiring of lobbyist; concerns and issues related to the dental board; board consolidation discussions; open meeting law training for board members; requirement for contracts to go through the Board of Examiners; hiring of outside legal counsel; review of licensing fees; planning for interim legislative committees and the upcoming legislative session.

Item 10 - Update from Executive Director **(For Possible Action)** - Reopened

A. Status of DAG to replace Sarah Bradley

Chair Smith welcomed Deputy Attorney General Michael Detmer to the meeting and thanked him for joining the Nevada Physical Therapy Board. DAG Detmer provided an overview of his background and appreciation to the Board for their confidence in him.

Item 15 - Report from Board Chair **(For Possible Action)**

A. Update from Federation of state Boards of Physical Therapy (FSBPT) National Meeting.

Three board members and the Executive Director attended the 2020 National Meeting. We learned a lot about best practices from other jurisdictions.

Highlighted topics included: the new Board Assessment Tool; information on professional development; Board Model Action Guidelines; managing of sexual assault discipline cases. Jen Nash provided an update on the FSBPT Compact Commission Meeting. The Compact Commission's goal for 2020 is to have 30+ states in the compact and be issuing compact privileges by the end of that year. That will be about 1,200+ compact privileges issued if they hit their goal.

B. Status of vacant PTA position on Board

Director Harvey reported that the Governor has a few applications and is finalizing a decision. Board Member O'Bryant has reapplied for his position and is waiting to hear about his reappointment. He has agreed to remain on the Board in the meantime.

C. Winter Newsletter; Request for input of items for Newsletter.

The Secretary/Treasurer has volunteered to take over doing the winter newsletter with help from the Executive Director

D. Thank you to Senior Deputy Attorney General Sarah Bradley.

Chair Smith stated that the Board would like to acknowledge and thank Sarah Bradley, Senior Deputy Attorney General, for the great leadership and support that she has brought to the Board for the past several years. Chair Smith stated that she will be sincerely missed and that the Board wishes her good luck in her new job.

Item 16 - Public Comment

None.

Item 17 - Adjournment

The meeting adjourned by Chair Smith at 12:10 p.m.