

Board Members

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Chair

JENNIFER NASH, PT, DPT
Vice-Chair

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Public Member

SHERISE SMITH, PT, MSPT
Board Member

VACANT, PTA
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 Investigator

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES

March 6, 2020

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

The meeting was called to order at 9:23 a.m. by Chair Fearnley.

Board Members in Attendance: Brian Fearnley, Board Chair; Sherise Smith, Member; Jennifer Nash, Vice-Chair.

Staff in Attendance: Charles Harvey, Executive Director; Deborah Dieter, Investigator; Neena Laxalt, Lobbyist; Michael Detmer, Board Counsel; 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. January 17, 2020

Motion: Motion to approve the minutes from the January 17, 2020 Board Meeting with the edits provided by Members Smith and Fearnley: Brian Fearnley

Second: Sherise Smith

Motion Passes Unanimously

Item 5 Nevada Physical Therapy Association (APTA Nevada) Update

Nicole Lang, Secretary, APTA Nevada –
Nicole Lang mentioned that APTA Nevada was looking for students to receive scholarships for the APTA House of Delegates Meeting in Phoenix, Arizona in June. APTA Nevada had already selected three students from three different cohorts, from three different schools. A physical therapist assistant student was selected from PIMA, and a physical therapist student was coming from UNLV, and Touro. A district meeting is scheduled for Tuesday, March 10, 2020 at 7:00 pm, in the southern district – details to be determined. A couple of members of the APTA Nevada Board will be attending the Federal Advocacy Forum in Washington DC. One standing item that the APTA Nevada has been working on is that PTs are not currently a covered provider for dry needling. PTs have performing dry needling, previously done under manual therapy. Now there is a code for it, and PTs are listed as a covered provider, so we are hashing that out.

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)**

Member Smith commented on the quick turnaround of licenses.

Motion: Motion to ratify the licenses as presented: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

Item 7 - Advisory Committee on Continuing Competence (ACCC) **(For Possible Action)**

- A. Review, discussion and possible approval of recommended changes to the Continuing Competency Model.
- B. Review, discussion and possible approval of recommended changes to the ACCC White Paper.

Vice-Chair Nash provided an ACCC committee update and led a discussion of recommended changes to the Continuing Competency Model and the ACCC White Paper. Board provided recommendations for edits to each document and requested to review at next board meeting.

Recess at 10:36 am

Reconvene at 10:42 am

- C. Consideration of recommendations of the Advisory Committee for continuing competence courses reviewed at the ACCC Meeting.

- i. February 24, 2020

Motion: Motion that we approve the courses recommended by the ACCC at

the February 24, 2020 meeting and that we deny those recommended for denial: Sherise Smith.

Second: Brian Fearnley

Motion Passes Unanimously

Item 8 Legislative Update – Board Lobbyist Neena Laxalt

Presentation and discussion on the Governor's Executive Budget Audit Committee.

Item 9 Investigation Department (**For Possible Action**)

- A. Status of Outstanding Cases & Case Inventory
- B. Cases Recommended for Dismissal. The Board will review, discuss and possibly approve cases recommended for dismissal.

Executive Director Harvey provided an update on the pending case inventory. No cases were recommended for dismissal. Deputy Attorney General Detmer provided a status of several cases in which 233B letters had been issued and possible scheduling for a pending disciplinary hearing.

Item 10 Board Operations Update (**For Possible Action**)

A. Board Staffing

Executive Director Harvey presented an updated copy of the Board organizational chart. In February, April Ramirez was hired as the new Board Operation Support Specialist. A copy of her resume was provided in the board package. He welcomed Jennifer Luthy as the new ACCC Member, replacing Kirk Sachtler, and thanked Mr. Sachtler for his time on the Advisory Committee.

B. Review of Board Financials

Executive Director Harvey provided an update of the following Board financials.

1. The Year-to-Date Balance Sheet presents assets, liabilities, and equity for the period July 1, 2019, through January 31, 2020, which represented the last reconciled month of activity. As of January 31, 2020, assets totaled \$752,000, and liabilities totaled \$260,000. According to Director Harvey, total assets represent approximately one year of Board reserves, as required by the Board's Reserve Fund.
2. The Year-to-Date Profit and Loss Statement presents total income of \$234,000, and total expenses of \$211,000.
3. The Year-Over-Year Income Comparison presents total income over the last three fiscal years and current partial fiscal year totals.

4. Review of Bank Fees reflects spending in that line item since 2013. This chart highlights the increase in banking fees before and after the Board's transition to online banking and credit card acceptance. The Board pays less than 2% in banking fees.
5. Review of Continuing Competency Course Review Fees. The Board receives approximately \$22,000 per year in course review fees.

C. Public Employee Benefit Program

Executive Director Harvey provided an update on the financial impact of the Public Employee Benefit Program. The Board discussed PEBPS and considered the cost of providing this benefit to employees. The Board requested additional information consisting of:

- The projected financial impact of the PT Compact on total annual revenue, based on the number of licenses approved by endorsement over the past 4 years;
- Information from Nevada Boards of similar size and revenue, including whether they offer PEBPs and the costs/benefit to their organization;

Motion: Motion to table this item until the next board meeting: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

D. Board Retreat Update

Executive Director Harvey provided an update on the canceled Spring 2020 Board Meeting Retreat. During the last discussion, the Board talked about several items that would be included on the agenda. Director Harvey wanted to discuss those items and see if the Board would like to plan another retreat or agendaize these items for upcoming board meetings. They include:

- Strategic Planning
- Updating the Continuing Competence Model
- Jurisprudence Assessment Model
- Review of Proposed NAC Changes
- Model Board Action Guidelines

After discussion, the board decided to place the following items on the agenda for the next meeting for possible action:

- Strategic Plan
- Jurisprudence Assessment Model

- InLumon Update
- Continuing Competence Model
- Model Board Action Guidelines Discussion

A review of regulations will be scheduled for the July 31, 2020 Board Meeting, with all board members and the Executive Director to be present in one location. A review of Model Board Action Guidelines will be scheduled for the following meeting.

Item 11 Report from Board Chair (**For Possible Action**)

A. Goals and Objectives for 2020

Chair Fearnley thanked previous Board Chair Sherise Smith for her mentorship and help getting him up to speed over the last three years. Chair Fearnley thanked the Executive Director and staff in Las Vegas for helping him get up to speed, and stated that we have a pretty strong Executive Director and staff which has put us in a good position.

Chair Fearnley stated that his process for determining objectives for 2020, included a review of the Board Mission Statement which reads “The Nevada Physical Therapy Board protects and promotes the health and safety of Nevadans by pursuing the highest quality of physical therapy practice through education, communication, licensing, legislation, regulation, and enforcement.”

Chair Fearnley’s objectives for 2020 include:

1. Education and communication with licensees through newsletters, transparency through clear regulations and an environment of collaboration. Chair Fearnley stated that this was one of his primary objectives because the historical perception of the board wasn’t always positive. He acknowledged the efforts of Executive Director Harvey for an outstanding job of fostering a more positive perception of our Board, compared to where it had been a few years ago.
2. Creation of a new part-time position within board staff. This position would be a practice advisor, serving as the go-to-person for practice questions and advisement on issues.
3. Incorporation of the Jurisprudence Assessment Model (JAM)
4. Filling the PTA Board position before the end of the year
5. Revisit and adopt updated regulations, including the adoption of Model Board Action Guidelines.

B. Vacant Board Position

Covered in Item 11A.

- C. Review, discussion, and action regarding Scope of Service Questions
 - i. Can PTAs perform Manipulation?
 - ii. Can PTAs perform Functional Capacity Evaluations (FCEs)?

After discussion with the Executive Director, this item was tabled until a later date, until all interested parties have had the opportunity to have input. No action will be taken on Item 11C i or ii.

D. Recommendations for Agenda Items for Future Board Meetings

Member Smith recommended an update on FSBPT Boundary Violation Training from herself and Investigator Dieter.

Item 12 - Public Comment

None.

Item 13 - Adjournment

The meeting was adjourned at 12:31 pm.