

Board Members

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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 Inspector

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES

September 11th, 2020

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 Chair Fearnley.

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

Staff in Attendance: Charles Harvey, Executive Director; Michael Detmer, Deputy Attorney General; Deborah Dieter, Investigator; Muriel Morin-Mendes, Licensing Coordinator.

Item 2 - Pledge of Allegiance

Item 3 - Public Comment

1. Samuel Aylyestock, newly licensed PTA asking about the required 2000 hours and how difficult it is to be hired without getting the 2000 hours. Deputy Attorney General Mike Detmer stated we have to agenized this issue to discuss at a future meeting.
2. Mr. Ryan Solberg requesting clarification on dry needling regulations Item 13.

Item 14- Taken Out of Order

Board Lobbyist Legislative Update

1. Sunset Subcommittee Brought up the PT compact and mentioned that the hurdles of getting licensed in the state of Nevada can be challenging. The Bill Draft was submitted for the upcoming session.
2. Special Session of the Nevada Legislature- Due to COVID-19 the next legislative session may be virtual. During the special session, there was nothing that was discussed or brought up that significantly impacted board.

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

A. July 31, 2020

Motion: Motion to approve July 31, 2020 meeting minutes with the edits provided: Jennifer Nash

Second: Brian Fearnley

Motion Passes Unanimously

Item 5- Nevada Physical Therapy Association (APTA Nevada) Update

Nicole Lange, Secretary, update: September meeting with the board of directors, conducted membership survey from members, APTA NV received good feedback from members, The APTA NV will use the info collected and devise a strategic plan. The annual business meeting will be Saturday, October 10, 2020. All meetings are being done via Zoom until further notice due to COVID-19. APTA NV Will be announcing the results of the association elections and introducing the new director. APTA NV centennial scholar was announced and awarded to Michelle Young.

Item 6 - 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. Connie Marie Pirkle

The Board discussed Ms. Pirkle's application for licensure. Ms. Pirkle participated via teleconference and addressed the Board's questions.

Motion: Motion to grant Connie Marie Pirkle a physical therapist license without restriction: Brian Fearnley.

Second: Sherise Smith

Motion Passes Unanimously

B. Nolan Michael Daniels

The Board discussed Mr. Daniel's application for licensure and pending court case. Mr. Daniel's participated via Video conference and addressed the Board's questions.

Motion: Motion to grant Nolan Michael Daniels a two-year probationary physical therapist license with the contingency that he reports the disposition of the pending case as well as monitoring further stipulation. Nolan must attend a twice a month chemical dependency support group for one full year and complete another background check at the end of the first year of his probationary licence. Nolan must complete another background check after his second year of probation and appear before the board to be granted an unconditional physical therapist License: Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

C. Update on Probationary Licensee Jacob Schulte, A-1315
Updated provided in writing to the Board on Mr. Shulte's status. **(No Action Taken)**

Item 7- 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: Motion to ratify the license as presented: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

Item 8 - Advisory Committee on Continuing Competency **(For Possible Action)**

A. Review, discussion, and possible approval of a process for APTA Continuing Competency courses, without requiring a Course Review Application and Payment.

Motion: Motion to approve all APTA sponsored course for continuing competency without a course fee, however, the course needs to be submitted with an application to be reviewed as clinical or non-clinical hours: Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

B. Reappointment of Continuing Competency Committee Members. The Board will review, discuss, and possibly reappointment members who have exceeded their two-year term. **(Tabled for next meeting)**

Member	Appointment	Time on ACCC
1) Katherine Joines	3/20/2014 - Present	6 years, 3 months
2) Tiffany Barrett	1/27/2018 – Present	2 years, 5 months
3) Chris Kegler	2/9/2018 - Present	2 years, 5 months

Recess at 11:02 a.m.

Reconvene at 11:14 a.m.

Item 13- Item Taken out of Order

Dry Needling Credential **(For Possible Action)**. The Board will review, discuss, and possibly approve a review/approval process for licensee credential evaluations.

A. Dry Needling Regulations

B. Dry Needling Verification Form

C. Dry Needling Attestation Form

The Board has decided that the verification form will be modified to be more user friendly. **(No Action Taken)**

Item 9- Investigation Department (For Possible Action)

A. Review and Discussion regarding outstanding cases and case inventory

Deputy Attorney General Detmer informed the Board that the investigation department will have more help joining soon. Harry Ward will be joining the investigation team to assist the investigation department with pending cases.

B. Cases Recommended for dismissal. The Board will review.
Cases have been reviewed, investigated, inspections have been completed.

i. 2020-06

ii. 2020-07

Motion: Motion to dismiss the cases as listed on the agenda: Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

Item 10- Petitions for Criminal History Review (For Possible Action).

A. The Board will review, discuss, develop and implement a process by which a person with a criminal history may petition the Board to review their criminal history to determine if the person's criminal history will disqualify them from obtaining a license, in accordance with NRS 522.085.

- a. The board discussed that a person who submits a criminal history petition is not automatically disqualified from obtaining a license. This is based on a case by case basis. The Board may request additional information as well as fingerprinting to be done and may be asked to appear before the board before a decision will be made.

Motion: Motion to continue utilizing the criminal history petition letter with the modifications suggested by Director Harvey. The applicant must provide a criminal history letter that outlines what is required. A fifty dollar administrative fee may require, along with additional information including fingerprints; the following information will be reviewed at Board Meeting: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

B. Review, discussion, and determination on the Petition for Criminal History Review submitted by Jesse Steffens. **(No Action Taken)**

- b. The Board discussed the petition for criminal history regarding Mr. Steffens. The Board discussed this in much detail regarding the criminal history petition. The Board is requesting the petition for Mr. Steffens to be resubmitted with a background check. Director Harvey will be rewriting the criminal history letter. Once Mr. Steffens resubmits his petition the Board will have 90 days to review and decide.

Recess at 1:01 p.m.

Reconvene at 1:19 p.m.

Item 11- Report from Legal Counsel

- A. Update on proposed changes related to Nevada Administrative Code 640.
 - a. Deputy Attorney General Detmer updated the Board on the discussion of the 2018 proposed amendments to its regulations. Unfortunately, the submitted proposed amendments fell through the cracks at the LCB. Our option was to either redo the amendments or resubmit with minor modifications. The Board chose to resubmit with modifications. A letter has been drafted by Deputy Attorney General Detmer explaining the minor modifications and has been sent with the proposed draft of the modifications. Director Harvey stated the letter and draft were sent over to the LCB last week. No response from the LCB to date.

Item 12- Board Operations **(For Possible Action)** the Board will review, discuss and Possibly approve the following items.

- A. FY2021 Budget
 - 1. Director Harvey gave a summary of the FY2021 budget as well as the past year's Budget. The Budget provides a year in review and the strategic plan. Budget Highlights for FY 2021 were reviewed, COVID-19 protocols that have been put into place, and the information that our financials have continued to be strong. Director Harvey stated the Board reserves that will allow us to close any deficit gaps.
 - o 900,000 in reserves
 - o Recommend Board change to a 1-year reserve and create a separate account for the 1-year reserve.
 - o Create a capital budget to fund Board operations costs and projects.
 - 2. The capital budget would include the following:
 - o Board video conferencing system
 - o Board video conferencing platform
 - o Licensing System
 - o Office computers and network operation
 - o Funding Full-time employees medical benefits (discussed in detail by the Board)
 - o Joining the PT Compact
 - o Jurisprudence Assessment Model

Motion: Motion that we support health benefits for our fulltime employees through PEBS: Jennifer Nash

Second: Sherise Smith

Motion Passes Unanimously

Motion: Motion that we adopt the FY2021 Budget as proposed: Brian Fearnley

Second: Sherise Smith

Motion Passes Unanimously

B. Jurisprudence Assessment Model Update

1. Director Harvey informed the Board that we had a meeting with FSBPT Jeff Rosa in regards to the Jurisprudence Assessment Model. Director Harvey informed the Board about the funding models for the Jurisprudence Assessment Model. The dollar amount starts at \$48 to take the assessment annually or \$65 if it is a one time assessment. The third option would be the Board would pay a lump sum amount to the FSBPT to lower the fees for the Jurisprudence Assessment Model. The Board suggested that we update our jurisprudence assessment in-house rather than going with the JAM and find a way to have the assessment available to take online in the near future.

Motion: Motion that we will not be using the FSBPT JAM and go with an in house version of what Director Harvey comes up with: Brian Fearnley

Second: Sherise Smith

Motion Passes Unanimously

Item15-

Strategic Plan **(For Possible Action)**. The Board will review, discuss, and possibly approve changes, updates, or revisions to the Board Strategic Plan.

The Board has requested that the following be updated in the strategic plan;

- Remove poor financial records under weaknesses
- Remove Board staff turnover under weaknesses
- Remove Board Sunset Review as this was completed
- Remove conflicts with other state boards as a threat

Motion: Motion that we add the updates as discussed to our updated strategic plan: Sherise Smith

Second: Jennifer Nash

Motion Passes Unanimously

Item 16-

Review, Discussion and Possible Action regarding the role of the physical therapist assistant in functional capacity evaluations **(For Possible Action) Tabled for next meeting.**

- The Board discussed FCE's and the role of the physical therapist assistant. It was discussed that you cannot bill for a PT and a PTA visit at the same time. Per Deputy Attorney General Detmer, our statutes stat that a PTA is not allowed to perform any activity that requires the unique skills, knowledge, and judgment of a PT. This item will be tabled for the next Board meeting as Deputy Attorney General Detmer needs to research this topic in further detail prior to the Board having a discussion on it.

- Item 17-** Review, Discussion, and Possible Action for foreign or domestically educated physical applicants and their ability to take the physical therapist assistant exam **(For Possible Action).**
- Chair Fearnley stated that he has been in contact with Leslie Adrian from the FSBPT, who stated that different jurisdictions have different stances on this issue. Per Director Harvey, the Board has had a handful of applicants who've requested to take the PTA exam who were initially trained to be a PT. Per Sherise, the pros of allowing a PT to practice as a PTA would be possible increased access to care in more rural areas, and the negatives would be whether a trained PT truly be able to practice as a PTA and take their PT hat off while doing so. In addition, there is question of how this would affect those going to PTA school in finding jobs after they graduate.
 - No action to be taken at this time

- Item 18-** Future Agenda Items. Board members may request that items be added to the next Board meeting agenda and future meeting dates may be scheduled or changed, as needed.

Item 19- Report from Board Chair

A. Future Agenda Items

Board Chair Fearnley discussed the following items for future board meetings:

- Discuss the practice advisor position.

B. Report from Board Chair

Board Chair Brian Fearnley thanked the Board members and staff for all of their hard work. Chair Fearnley discussed the following items:

- The next Board meeting will be held on November 13, 2020
- FSBPT strategic planning webinar is being held on October 4, 2020
- FSBPT regulator roll in prevention of boundary violations webinar is being held on November 4, 2020

Item 20- Public Comment

- Samuel Aylestock wanted to thank the Board and staff for all of their hard work and their assistance. This was his first Board meeting and found it very informative.

Item 21- Adjournment

Meeting adjourned at 3:33 pm.