

Board Members

BRIAN J. FEARNLEY, PT, MPT
Board Chair

JENNIFER NASH, PT, DPT
Board Vice-Chair

EATHAN O'BRYANT
*Board Secretary/Treasurer
Public Member*

KATHERINE JOINES, PT,
Board Member

Laura Cerame, 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 Inspector

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES

January 15th, 2021

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

The meeting was called to order at 9:01 a.m. by Chair Fearnley.

Board Members in Attendance: Brian Fearnley, Board Chair; Jennifer Nash, Vice-Chair; Ethan O'Bryant, Secretary/Treasurer; Laura Cerame, PTA Board Member; Katherine Joines, Board Member.

Staff in Attendance: Charles Harvey, Executive Director; Michael Detmer, Deputy Attorney General; Justin Taruc, Deputy Attorney General, Deborah Dieter, Investigator; Muriel Morin-Mendes, Licensing Coordinator; April Ramirez, Board Operations Support Specialist

Item 2 - Pledge of Allegiance

Item 3 - Public Comment
Ross Miller Attorney for Mark Mabida spoke in regard to Item 11 B.

Item 11 B **Item Taken Out of Order-**
Mark Mabida's Attorney Ross Miller requested that the Board table this discussion for the next Board Meeting. Per Chair Fearnley, this item will be tabled for a future Board meeting.

Item 4 - The Board would like to acknowledge and thank Sherise Smith for her six years of service to the Nevada Physical Therapy Board. The Board introduced our new Physical Therapy Board Member Katherine Joines.

Item 5- Review, Discuss, Amend and Approve Board Meeting Minutes (**For Possible Action**)

Motion: Motion to approve the meeting minutes for November 13, 2020:

Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

Item 6- Nevada Physical Therapy Association (APTA Nevada) Update

1. Susan Priestman Vice President of the APTA Nevada stated no updates at this time. APTANV is looking forward to the upcoming legislative session as well as looking forward to the compact bill moving forward and are very supportive of the compact bill.

Item 7- Petition for Criminal History Review (**For Possible Action**)

- A. Review, discussion, and determination on the Petition for Criminal History Review submitted by Charles Steven Tobola.

Mr. Tobala Completed his degree in 2019 and sat for the NPT exam and passed in 2019. Mr. Tobala has been unable to obtain a PT License in California due to his past record. Mr. Tobala would like to apply for a Nevada PT License and is requesting the Board to Consider licensing him if he does apply to the Nevada Physical Therapy Board. Per the Board Mr. Tobala would be considered for licensure and would have to appear before the Board before he is granted a license to discuss the terms of his licensure. No Action Taken.

- B. Review, discussion, and determination on the Petition for Criminal History Review submitted by Jesse Joseph Steffens.

Per the Board Mr. Steffens would be considered for a Nevada PT License upon his graduation from a DPT Program as well and passing the NPT Exam. The condition would be that Mr. Steffens would have to stay out of any legal trouble during this time and would have to be off of probation. This would have to be revisited when Mr. Steffens applies for licensure with the Nevada Physical Therapy Board. Per Chair Fearnley on the record the Board would consider Mr. Steffens for Licensure based on the information that has been presented to the Board in the packets that were provided by Mr. Steffens. No Action Taken

Item 11- **Item Taken out of order.**

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 case:

- A. Ronald Peck PT, License #0495

Deputy Attorney General (DAG) Michael Detmer for the record on behalf of Executive Director Harvey. Deputy Attorney General (DAG) Justin Taruc serving as Board Counsel for the Nevada Physical Therapy Board. DAG Detmer request an oral motion to amend Page two, line two of the complaint the verbiage states August 14th 2019 should correctly reflect July 1st, 2019. Motion Granted by Chair Fearnly. DAG Detmer stated that a notice had been sent out to Mr. Peck on December 10th, 2020. The complaint was properly served, and the respondent had plenty of time to respond. Mr. Peck has not responded, and the mail was returned to sender. DAG Detmer asked for a Motion to deem the allegations in the amended complaint as true. Chair Fearnley approved the Motion. Justin

Taruc swore in Investigator Deborah Dieter. For the record, Deborah Dieter's occupation is a Physical Therapist. She has been employed by the Nevada Physical Therapy Board for 7 years. In summary facts and circumstance Investigator Dieter requested the respondent to produce the requested medical records. The respondent has not produced such records and stated that the records we either lost or destroyed. Violation NRS 622A.370 and NRS 233B.123 and is grounds for discipline.

Motion: Motion that the allegations as presented are found to be factual and true and such violations have been found: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

DAG Detmer's recommendation for penalty would be the cost of the investigation. If the respondent seeks to renew his license, he would have to appear before the Board. The respondent's license has been expired since 2018.

Motion: Motion that we impose the recommendations of DAG Detmer for the conditions upon re-licensure as well as the cost of the investigation: Brian Fearnley

Second: Ethan O'Bryant

Motion Passes Unanimously

- B. Mark Mabida, Unlicensed Individual.
Matter tabled for a future Board Meeting.
No Action Taken.

Item 9- Item Taken Out of Order

Inquiry on behalf of Doctor of Physical Therapy (DPT) graduates applying for new licensure during summer of 2021 (**For Possible Action**). The Board will Review, discuss, and possibly approve a request to accept verification of degree letters in lieu of official transcripts for certain students.

Motion: Motion that we accept a letter of conformation of graduation on a case-by-case basis for initial licensure in lieu of original transcript for calendar year 2021. Transcript to be received within thirty days from being conferred: Laura Cerame

Second: Brain Fearnley

Motion Passes Unanimously

Item 8 - Review of application to practice Dry Needling. (For Possible Action). The Board will review, discuss, and possibly take action on the application to practice Dry Needling from Scott Pensivy, P.T., LAT, ATC, License #0449.

The Board discussed the Dry Needling Bill (Senate Bill 186), and the resulting Dry Needling Regulation qualification for a physical therapist to perform dry needling. Based on the information provided by Mr. Pensivy in his Dry Needling Application, he will need additional education to be approved to practice dry needling in the State of Nevada.

Motion: Motion to deny Mr. Pensivy's application to practice dry needling:
Brian Fearnley
Second: Laura Cerame
Motion Passes Unanimously

Item 10 - Discussion on Cultural Awareness, Humility, and Responsiveness Education/Training as a possible requirement for initial PT licensure and Renewal.

Vice Chair Nash presented the Board with the discussion topic of increased awareness as a healthcare provider to cultural sensitivity, cultural compliance, and cultural responsiveness. Nevada is a culturally diverse State, our licensees and applicants could benefit from training and or resources. Our Board could possibly collaborate with other Boards.

Item 12- Investigation Department Update (For Possible Action)

A. Review and Discussion of outstanding cases status report.

Deputy Attorney General Mike Detmer provided the Board update on outstanding cases. The executive team continues to investigate and prosecute matters as they come in. Two matters were scheduled for today, one was adjudicated today, and one was continued. Possibly hearings at our next meeting, No other updates currently.

B. Review of cases Recommended for Determination of Possible Disposition

1. Case #2019-04, Richard Ruoti, PT, License #1954- tabled for a later meeting date.

Item 13- **Update on Probationary Licenses**

- A. Jacob Schulte, License # A-1315 Update provided via email.
- B. Nolan Daniels, License #4407 Mr. Daniels provided the Board an update via email.
No Action Taken.

Item 14- 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: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

Item 15- Advisory Committee on Continuing Competency (**For Possible Action**)

Consideration of Advisory Committee recommendations for continuing competence courses reviewed at the December 8th, 2020 ACCC Meeting.

Motion: Motion to accept the course list as presented by the ACCC dated December 8th, 2020: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

Item 16- Board Lobbyist Legislative Update-Neena Laxalt

Neena Laxalt provided the legislative update. Bill Draft Requests (BDRs) are getting listed which then turns into a pre-filed bill. No bills are currently impacting our Board. No other updates at this time.

Item 17- Board Operations Update (For Possible Action)

- A. Review of Employee Attendance and Leave Policy. The board will review, discuss, and possibly approve a revision to the carry-over policy for personal leave, contained in section IX (B,5) page 20 of the Employee Handbook.

Motion: Motion to approve the changes as discussed: Brian Fearnley

Second: Katherine Joines

Opposed: Jennifer Nash

Motion Passes Unanimously

- B. Review Discuss and Possible approval of NVPTB participation in the Administrative Collaborative of Professional and Occupational Licensing Boards.

Director Harvey informed the Board of his participation on occupational licensing working groups, and the goal of gaining knowledge about licensing policies, sunrise and sunset processes, technology and licensing systems and turnover in leadership staff, challenges other jurisdictions have faced and overcome, and the goals and strategies that other states are using to accomplish their goals.

Director Harvey mentioned that an Administrative Collaborative of Professional and Occupational Licensing Boards had been created in Nevada. He stated that he had participated in their meetings and found them to be productive, and discussed the benefits for the Nevada Physical Therapy Board in joining this collaborative effort, which include:

1. Improving communication between our State Boards.
2. Sharing of information for the affect of operations of Boards
3. Gesture to the Executive Branch and Legislative Committee that the Nevada Physical Therapy Board is taking positive steps to improve the administrative operations of Nevada Boards and Commissions.

Motion: Motion to approve the Board's participation in the Administrative Collaborative of Professional and Occupational Licensing Boards: Jennifer Nash

Second: Laura Cerame

Motion Passes Unanimously

- C. Review of Board Financials.

The Expenditure and Revenue Summary is as follows:

- The Board's Cash Balance as of July 1, 2020 totaled \$730,360,.84.
- Year-to-date FY20 Revenues totaled \$151,279.82
- Year-to-date FY20 Expenditures totaled \$199,367.47
- The Cash Balance as of December 31, 2020 was \$839,539.22

D. Board Update

1. Board Operations: Director Harvey stated that the Board office remains closed to the public. Office staff continues to assist applicants and licensees and applications continue to be processed in a timely manner. As of this date, there are 2,607 active licensees. 1,900 Physical Therapist and 707 Physical Therapy Assistants.
2. Proposed NAC Regulations: The Board's proposed NAC regulations were initially sent to the LCB in 2018 for approval. After discovery that no actions had been taken, the regulations were resubmitted with additional changes to the LCB in September 2020. The Board was subsequently notified that the matter would be placed on the Legislative Commission's agenda for an upcoming meeting.
3. Jurisprudence Assessment Module (JAM). The Board's JAM was revised and uploaded to our website. An online JAM was created, but not implemented because the written JAM is attached to our applications. Board staff has been working with our licensing software vendor to get our online license applications put into process and that has not been completed. We prefer to wait to get the JAM online until our online application process is up and running.
4. Licensing Software: The Board's licensing software is operating at about 75% effectiveness and functionality. Board staff continues to work with the vendor to address system shortcomings. Staff has performed best practice research and identified other possible solutions, and have conducted several vendors demonstrations. Staff will continue to analyze licensing software solutions, and will update the Board at future meetings on possible options moving forward.
5. Board Inspections. The inspection process slowed during the previous year due to COVID19. We continued to perform inspections throughout 2020, however, activity slowed dramatically out of concern for the health and safety of our inspectors. We anticipate increasing our inspection effort over the next several months.
6. Board Newsletter. Staff is planning to publish a newsletter in March 2021. If any of the Board Members have any input or would like to write and item, please send it to Director Harvey.

Item 18- Report from Board Chair

- A. All meetings will be conducted virtually now.
- B. The yearly review will be conducted for Director Harvey at the March 2021 Board Meeting.

Item 19- Public Comment

None.

Item 20- Adjournment

Meeting adjourned at 12:11 pm