

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, MPT
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

March 5th, 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; Laura Cerame, PTA Board Member; Katherine Joines, Board Member.

Staff in Attendance: Charles Harvey, Executive Director; Michael Detmer, 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

Stacy Fisher commented on continuing education. Stacy would like the Board's support on considering bi-annual CPR certification be used as continuing competency in the future. Chair Fearnley commented that the best course of action would be to bring this to an ACCC Meeting.

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

A. January 15th 2021

Motion: Motion to approve January 15th, 2021 meeting minutes with the edits provided: Brian Fearnley

Second: Katherine Joines

Motion Passes Unanimously

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

Nicole Lange, Secretary provided update: APTA NV proceeded with monthly district meetings via zoom. Last month the APTA NV had a speaker on amputee rehabilitation; people who have had a limb amputated are underserved in the realm of therapy. This coming district meeting, UNLV students will be speaking about otago exercise program. APTA NV fully supports SB100.

Item 6 - **Taken out of order** Legislative Update-Board Lobbyist Neena Laxalt

The legislative session is moving along very slowly, 49 BDR's are on our tracking list. Any updates that Neena receives are sent to Vice Chair Nash and Director Harvey. SB 100 came up for hearing today; this is our bill for the Compact. A lot of questions came up from two legislators; Most of the questions were aimed towards the Compact folks. The Hearing went very well. Two questions need to be answered before moving forward. The deadline for introduction is March 15th, 2021. All bills have to be heard and passed out of the first committee on April 9th 2021. Neena informed the Board that the presentation went well and the Department of Defense was one of our presenters. As of right now we are on track and in good shape.

Item 7- Update on Probationary Licenses

A. Jacob Schulte, A-1315

Mr. Shulte's case has been dismissed by the court.

B. Nolan Daniels, 4407

Chair Fearnley requested a more detailed attendance report for Mr. Daniels, April Ramirez, Board Operations Support Specialist will follow up with Mr. Daniels and request further information. No Action Taken

Item 8- Investigation Department Update **(For Possible Action)**

A. Review and Discussion of Outstanding Cases Status Report

DAG Mike Detmer provided an update on outstanding cases.

- I. The disciplinary action team continues to work through complaints that have been filed with the Board.
- II. At this time there are varying levels of investigation and prosecution which includes substantiation, investigation, possible settlement as well as issuance of formal complaints.
- III. At the last Board meeting there were two cases submitted to the Board for review for a hearing, those two cases were not brought before the Board at this meeting as there are possible settlement agreements being contemplated.
- IV. Lastly, new complaints have been received and are in the process of being substantiated.

Chair Fearnley asked for a follow up on two cases from 2018. Both cases have been on the list for three years. DAG Detmer gave the Board an update on the two outstanding cases. Case 2018-15 this particular licensee has received additional complaints and those are being processed. Case 2018-13 has been assigned to DAG Harry Ward. DAG Detmer will be following up with DAG Ward on this case as well as additional cases that DAG Ward has been assigned. DAG Detmer will be scheduling a meeting with the investigation team and DAG Ward for a follow up. Chair Fearnley would like a disposition these cases.

B. Review of Cases Recommended for Determination of Possible Disposition

Motion: Motion based on Investigator Dieter and DAG Detmer's advice that we discharge this matter. Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

Item 9 - 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 licenses as presented: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

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

A. Continuing Competency Audit

Director Harvey updated the Board on the annual continuing competency audit. The Audit is conducted on 10% of renewed licenses which equates to roughly 270 licensees. A random selection is done and an effort is made to not select licensees two in a row. If a licensee renews without the required CCU's, the licensee is subject to disciplinary action. No compliance issues have been identified at this time. The Audit should be completed by the end of the month. (No Action Taken)

B. Board Compliance Inspections

April Ramirez, Board Operations Specialist provided an update on the Board's compliance inspection efforts from July 2020 - February 2021. During this period 102 inspections have been completed. Our goal is to complete at least 20 inspections a month if not more. Ms. Ramirez accompanied Investigator Dieter on an inspection outing and was gain valuable insight and on-the job training during this process. Investigator Dieter stated that Ms. Ramirez has the tools and knowledge to assist the Board with future inspections, Vice Chair Nash asked about dry needling questions during the inspections process, Vice Chair Nash asked if we verify the a practitioner who does practice dry needling has the proper credentials submitted to the Board office. Investigator Dieter stated that is an excellent question to ask in the future. We will include dry needling compliance checks in future inspections. Chair Fearnley as well as Vice Chair Nash agree that it would be a good idea to add that as a routine question to our inspection forms. Director Harvey agreed as well. (No Action Taken)

C. Survey of State Boards of Physical Therapy

Director Harvey updated the Board on a survey he created and sent out in February. The survey was created to collect data and was sent to all fifty states and jurisdictions. Chair Fearnley thought that the survey was an excellent way to get a metric as to where our Board is. We are able to obtain leads on using this survey. Vice Chair Nash agreed the questions in the survey were good, but maybe take out the fill in the blank questions for future surveys. (No Action Taken)

D. March 2021 Board Newsletter

Director Harvey presented a copy of the draft March 2021 Board newsletter, and a summary of the NAC 640 proposed Changes that will be going out with the newsletter to each licensee. Director Harvey suggested that the Board come up with some ideas to enhance future newsletters, such as reporting disciplinary data, articles, spotlights on different PT's/PTA's Industry related articles from Board members, Investigator as well as Board council. Chair Fearnley stated that the newsletter be posted on our social media page, Face book. Vice Chair Nash suggested we post weekly updates on Social Media as our licensees like to see information being posted regularly. Suggested social media post would include meeting agendas, heads up on inspections. (No Action Taken)

E. FSBPT Comment summary and Candidate Satisfaction Survey Report (January 2021)

Director Harvey provided an update. The FSBPT comment summary provides feedback in three areas:

- I. Comments on testing process
- II. Satisfaction on the application process in the state of Nevada- 98%.
- III. Customer Satisfaction

The FSBPT report does not include detail on the ratings that are specific to the licensing process, however Board staff receives constant feedback. Chair Fearnley stated that the Board is highly satisfied with the Board office staff. Director Harvey stated that the Board office would like to conduct its own survey after the licensing process is completed, possibly a two to three question survey that will allow us to have a better understanding of applicant satisfaction with the licensing process. PTA Board Member Cerame gave the Board office staff kudos for providing excellent service especially during the Covid-19 pandemic. (No Action Taken)

F. Nevada Exam Licensure & Disciplinary Database (ELDD) Rating Update

Director Harvey announced that the Nevada Physical Therapy

Board had achieved a 5-star ELDD rating. The rating is measured by providing feedback in three areas.

- I. Providing the license number when an applicant has taken and passed the exam
- II. Providing a monthly list of all licensees to the FSBPT
- III. Updating the FSBPT and the National Practitioner Data Bank on any disciplinary action that the Board finalizes.

G. Review of Board Financials

Director Harvey reported on Board financials for the fiscal year through January 31st 2021.

- I. YTD Cash Balance is \$827,866.00 a 12% Increase from the prior year
- II. YTD Revenue is \$ 308,428 a 32% Increase from the prior year
- III. YTD Expenditures are \$ 241,000 which is a 6% decrease from the prior year

Discussion on Board reserves levels, and increasing bank fees.
(No Action Taken)

Item 11- Executive Director Annual Review (For Possible Action)

Chair Fearnley led the Annual Review of Director Harvey. Key points included a staff rating of 5/5, which was an increase from the prior year. Chair Fearnley commented on a job well done, meetings are organized and Director Harvey makes our jobs a lot easier. Investigator Dieter commented that Director Harvey is one of the finest Directors with an ability to build a functional team, and his organization and financial background. Member Joines thanked Director Harvey for streamlining everything, stating that he makes the processes a lot easier, makes things run smoother, and is innovative and advanced. (No Action Taken)

Item 12- Report from Board Chair (For Possible Action)

- A. Upcoming Adoption Hearing for Proposed NAC Revision R137-18.

The best course of action is to have our Adoption Hearing on May 7th 2021 prior to our Board meeting. DAG Detmer suggested we schedule this meeting for two consecutive

days. All Board Members and staff agreed. Director Harvey contacted the LCB and a finalized Draft of the Proposed NAC changes will be sent to him. Once it is received, an email notification of the Adoption Hearing will go out to all licensees.

- B. FSBPT Delegate Selection. The Board will discuss and select delegates (voting, Alternate and Administrator) for the 2021 Leadership Issues Forum and 2021 Delegate Assembly)

Motion: Motion to send Laura Cerame PTA Board Member and Katherine Joines PT Board Member to the FSBPT 2021 Leadership Issues forum: Brian Fearnley

Second: Jennifer Nash

Motion Passes Unanimously

Motion: Motion to Nominate Jennifer Nash Vice Chair as the voting delegate, Laura Cerame, PTA Member as the Alternate Delegate and April Ramirez as the Administrator for the FSBPT 2021 Delegate Assembly: Brian Fearnley

Second: Katherine Joines

Motion Passes Unanimously

- C. Covid-19 Vaccination Authorization. The Board will discuss pursuing authorization for PT's to administer COVID-19 vaccinations in Nevada.

Vice Chair Nash stated that this item is in regards to a request from an association lobbyist for Physical Therapist to be able to administer the Covid-19 Vaccination. Two other states are currently allowing Physical Therapist to vaccinate. DAG Detmer stated that the Declaration of Emergency 11 is the authority. The guidance letter breaks down who can give vaccinations into two categories. The guidance letter specifies the professions. Physical Therapists were not on the list. The list is not an exclusive list. One thing that could be done by the Board is to contact the Governors office medical guidance team for further information. Member Joines expressed concern about PTs giving vaccinations, and questioned who the public would report to, if an adverse reaction occurred after an injection. Would the PT be covered and protected?

Chair Fearnley opened the discussion for public comment. Stacy Fisher commented that Emergency Medical Response was becoming part of the Physical Therapist Curriculum. Vice Chair Nash stated that not every PT has to vaccinate. Some PTs want the opportunity to administer the Covid-19 Vaccine. Member Cerame asked Vice Chair Nash how this question of Physical Therapist wanting to be part of administering the Covid 19 Vaccination came about. Vice Chair Nash stated that about ten PT's had shown interest. Chair Fearnley stated that the Board does not have enough information at this time to take action on this Item. Chair Fearnley stated that it would be in our best interest to gather additional information and report at the next meeting. DAG Detmer will make inquiries and research more information for the next meeting.

Chair Fearnley discussed ensuring that requested items were not left off the agenda. Director Harvey spoke to the process of board meeting preparation, the review and dissemination of the draft agenda, and additional steps that can be taken to obtain Board member review, comments and feedback prior to publication of the agenda. A standing item for discussion of future agenda items will be placed on each board meeting agenda. Vice Chair Nash requested we agendaize a discussion on continuing competence on Diversity, equality and inclusion.

- Item 13-** Public Comment
Nicole Lange with APTA NV wanted to comment and support Physical Therapists potentially being able to administer the Covid-19 vaccination. Physical Therapist are spread through the state and especially in rural areas. Physical Therapist are also direct access providers.
- Item 14 -** Adjournment
Meeting adjourned at 10:53 A.M.