

Board Members

- BRIAN J. FEARNLEY, PT, MPT
Board Chair
- JENNIFER NASH, PT, DPT, NCS
Board Vice-Chair
- VACANT
*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
- 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
November 12th, 2021

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

The meeting was called to order at 9:03 a.m. by Chair Fearnley.

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

Staff in Attendance: Charles Harvey, Executive Director; April Ramirez Board Operations Support Specialist; Muriel Morin Mendes, Licensing Specialist; Deborah Dieter, Investigator; Henna Rasul, Board Counsel.

Item 2. Public Comment: None.

Item 3. Approval of September 10, 2021 Board Meeting Minutes **(For Possible Action)**

Motion: Motion to approve September 10, 2021, Meeting Minutes as presented: Brian Fearnley, Chair

Second: Katherine Joines, Board Member

Motion Passes Unanimously

Item 4. Public Workshop. Discussion on proposed amendments and additions to NAC Chapter 640. The Board will solicit comments from interested persons on proposed amendments and additions to Chapter 640 of the Nevada Administrative Code. The proposed amendments include changes that:

1. Change “State Board of Physical Therapy Examiners” to “Nevada Physical Therapy Board.

No Comments.

2. Change the term “continuing education” to “continuing competency” to align with the terminology used by the Federation of State Boards of Physical Therapy; defines “competence” and “continuing competence”; clarifies requirements, the Advisory Committee on Continuing Competence, the procedure for course approval, and the procedure to become a recognized provider of continuing competence.

No Comments.

3. Revise certain requirements for filing an application for licensure with the Board, and clarify requirements for reinstatement and annual renewal fees.

No Comments.

4. Revise the Schedule of Fees and establish an annual reinstatement fee.

No comments.

5. Clarify requirements for the reinstatement of a license.

No Comments.

6. Revise requirements for licensure as a foreign-educated physical therapist and physical therapist assistant.

No Comments.

7. Clarify requirements for the display of a license.

No Comments.

8. Define and clarify supervision requirements for licensed and unlicensed persons;

Public Comments from Jenelle Lauchman, PT.

I sent written comments to Director Harvey before the meeting. I would like the Board to consider changing the supervision ratios to three physical therapist assistants, one technician, two students, and two graduates. Her proposal would revise the language to read – a physical therapist shall not supervise more than a combined total of four persons at the same time based on the following limitations. A. one physical therapist assistant B. one physical therapist, technician C. two students D. two graduates.

I feel that since we're changing the definitions of what technicians can do, one should be quite sufficient. But allowing us more licensed staff would help us be able to get to patients in a timely manner.

Public Comment from Brandon Godin, DPT, Las Vegas.

I want to support Jenelle's changes on increasing total supervision to four and three on the PTA's. But I would like to comment on leaving the rehab technician provision at two, to allow places that don't have the ability to staff three PTA's to still have the extra resource to provide access to patients and delegate activities to.

9. Revise standards of conduct and establish new requirements.

No Comments.

10. Define and clarify the physical therapist technician position, limitations, and supervision requirements.

Public Comment from Chad Bible, PT.

I just had a quick question on the skilled intervention. Does that include ultrasound, EMR interaction? I wasn't clear on that. Can a technician provide those services? No, I think anything that we talk about, anything that's a skill unique to the qualifications of a physical therapist or a billable in terms of billable hours was we didn't include that, but I just think that might be important to put in there based on the inspections that I've been completing last year. I am seeing a lot of technicians performing these modalities, Suggest the Board possibly get a subcommittee on this topic of what PT techs can and cannot do.

Public Comment from Jenelle Lauchman.

Dr. Lauchman asked if we could use AMA codes? Further discussion with Board members will need to be had.

11. Revise requirements relating to the filing of a complaint.

No Comments.

12. Revise requirements for the filing of a pleading, motion, or other documents other than a complaint.

No Comments.

13. Revise procedures for petitioning the Board for declaratory orders or advisory opinions.

No Comments.

14. Create requirements to report criminal convictions or pending criminal actions to the Board.

No Comments.

15. Authorize the Board to grant provisional licenses.

No Comments.

16. Authorize the Board Chair to decide certain pre and post-hearing motions.

No Comments.

17. Revise certain standards of conduct for the practice of physical therapy.

Public Comments from Brandon Godin, DPT, Las Vegas
Dr. Godin asked if this is a provision that could fall under and possible review for adding Nevada as a compact state. Director Harvey informed the members of the public that the Board had sought approval of the physical therapy compact during the last two legislative sessions and anticipates resubmitting a bill at the next legislative session for approval.

18. Establish additional grounds for disciplinary actions.

No Comments.

19. Establish requirements and standards of conduct for patient care management; and relationships with a patient or client.

No Comments.

20. Require licensees to report and release certain confidential patient information, in certain circumstances.

No Comments.

21. Adopt a citation fine schedule for certain violations, and the imposition of fines.

No Comments.

22. Propose additional actions as may be necessary and proper to effectuate this stated purpose and/or enforce the requirements of NRS Chapter 640 and NAC Chapter 640.

No Comments.

Chair Fearnley read the following public comment submitted to the Board via email from Karen Siran-Loughery.

Dear Mr. Harvey, I would like to submit a public comment that I fully support/am in favor of the Nevada Physical Therapy Board removing the 2000 hour requirement for Graduated, licensed physical therapist assistants that is currently in the NAC 640 but is proposed to be removed. Please remove this part of the NAC. I believe that PTAs do not need an additional 2000 hours of direct supervision under a PT after they have

1. Been accepted into a fully accredited limited entry OTA program.
2. Completed/graduated from that PTA program including didactic education and clinical affiliation experiences, especially considering they do a minimum of 2 full-time, 8 week, clinical experiences with a fully licensed physical therapist totaling 640 hours.
3. Take and pass a national exam that tests their competence to practice as a licensed physical therapist assistant.
4. Become licensed after fulfilling all these requirements.

I believe that by completing 1 through 4 above, they have more than sufficiently demonstrated their ability to competently practice as a licensed therapist assistant without doing 2000 more hours under direct PT supervision. Thank you. for your time and thoughtfulness in this matter.

Item 5. Discussion & possible action regarding public comments generated on proposed amendments and additions to NAC Chapter 640 as stated in agenda item 4 (**For Possible Action**)

The Board discussed the public comments provided to the proposed changes to the NAC 640.

Motion: Motion to accept the Board's proposed changes to NAC Chapter 640: Brian Fearnley, Chair

Second: Jennifer Nash, Vice Chair

Motion Passes Unanimously

Item 6. Nevada Physical Therapy Association (APTA NV) Update.

No update.

Item 7. Legislative Update

Board Lobbyist Neena Laxalt stated that there were no major changes or updates at this time. State legislators have started a special session for redistricting.

Item 8. Advisory Committee on Continuing Competence **(For Possible Action)**

A. ACCC Update

Vice-Chair Nash informed the Board that the Advisory Committee met on October 1, 2021. The majority of the courses being submitted are great choices for our licensees. Nothing else to report at this time.

B. Consideration of ACCC recommendations for continuing competency courses reviewed at the October 1, 2021 meeting.

Motion: Motion to accept the course as presented from the October 1, 2021, ACCC meeting: Brian Fearnley, Chair

Second: Laura Cerame, PTA Member.

Motion Passes Unanimously

Item 9. Board Operations **(For Possible Action)**

A. Executive Director Salary Review. The Board will review, discuss and possibly approve a salary increase.

The Board discussed Director Harvey's salary and agreed that a 20% increase would be awarded.

Motion: Motion to increase Director Harvey's Salary by 20% from \$111,000.00 to 132,200.00 per year: Brian Fearnley, Chair

Second: Laura Cerame, PTA Member.

Motion Passes Unanimously

B. 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.

Motion: Motion to accept the licenses as presented: Brian Fearnley, Chair

Second: Jennifer Nash, Vice Chair

Motion Passes Unanimously

C. Board Inspection Update

April Ramirez, Board Operations Support Specialist provided an update on Board inspections. At this time, 200 inspections have been completed. No major infractions have been found at this time. More inspections are scheduled to be completed before the end of 2021. Director Harvey informed the Board that he plans to hold a meeting and update the plan for future inspections. He is planning to hire additional inspectors for northern and southern Nevada.

D. Board Software & Technology Update.

- i. The Board will review, discuss and possibly approve a contract for a new licensing software system.

Director Harvey provided an update. The contract for Thentia is available for Board review. The proposed contract is for a period of three years with an option to renew. The cost is \$16,470 per year, with a total not to exceed amount of \$49,999. In comparison, our current licensing software cost is about \$12,000. If the board approves this contract, it will be submitted to the State Board of Examiners for final approval at their next meeting in 2022. Upon final approval, we will schedule a project kick-off, with an expected deployment time of about six months. Vice-Chair Nash asked Director Harvey if the contract included everything we are seeking. Director Harvey stated that the scope of work includes all the functionality that we requested to meet the needs of our licensees.

Motion: Motion to accept the contract as presented in Item 9 d, for Thentia to provide the Board with Licensing Software: Brian Fearnley, Chair

Second: Jennifer Nash, Vice-Chair

Motion Passes Unanimously

- ii. The Board will review, discuss and possibly approve the termination of software support and maintenance with InLumon.

Director Harvey Informed the Board that there is a sixty-day clause that the Board must give InLumon the current licensing software. We do not have an exact date on when notice will be Given. Director Harvey has been in contact with InLumon and InLumon is aware that we will be moving in a different direction with licensing software.

Motion: Motion to terminate the licensing contract with InLumon: Brian Fearnley, Chair
Second: Jennifer Nash, Vice Chair
Motion Passes Unanimously

- E. Board Financial Audit. The Board will review, discuss and possibly approve the annual financial conducted by Campbell, Jones, Cohen CPAs.

Director Harvey stated that the financial audit report had not been received in time for the meeting. The deadline for submission of the audit to the State is December 1, 2021. He will follow up with Campbell, Jones, Cohen on the status of the report. This item will be tabled for the next Board meeting.

Director Harvey provided an update on the draft Board Newsletter and asked for review and comments. Director Harvey provided an update on a website redesign project that is currently underway.

Item 10.

New Board Counsel

- A. Board Counsel Update

Senior Deputy Attorney General Henna Rasul provided an update. The Attorney General's Office is in the process of hiring a couple of new DAG's in our division. It may or may not have already happened, but one of them will definitely be assigned to your board. Director Harvey stated that Chief Deputy Attorney General Rosalie Bordelove will serve as Board Counsel until a new DAG is appointed.

- B. Dry Needling Language Discussion on Certification Educational Requirements

This item will be tabled for a future Board meeting.

Item 11.

Disciplinary Actions (**For Possible Action**). The Board will hold formal hearings wherein it may impose disciplinary action, approve a complaint for future prosecution, or accept a stipulated settlement agreement, if one is presented. No update at this time.

This item will be tabled for a future Board meeting.

Item 12.

Investigative Department Update. (For Possible Action)

- A. Review and Discussion of Outstanding Cases Status Report

This item will be tabled for a future Board meeting.

B. Review of Cases Recommended for Determination of Possible Disposition

- i. Case 2019-06
- ii. Case 2021-11

Motion: Motion to dismiss the following cases 2019-06 and 2021-11: Brian Fearnley, Chair

Second: Jennifer Nash, Vice Chair

Motion Passes Unanimously

11:00 a.m. Meeting Recessed

11:06 a.m. Meeting Reconvened

Item 13. Board Diversity Scholarship (For Possible Action). The Board will review, discuss and possibly approve further action.

This item has been tabled for a future Board Meeting.

Item 14. Discussion on NRS 640B.170 requirement for one member of the Board of Athletic Trainers to be licensed as a physical therapist and also licensed as an athletic trainer.

The Athletic Trainers Board is finding it difficult to find a qualified ATC who also holds a PT license which is currently the requirement for one of their positions. The statute states that one member must be licensed as a physical therapist pursuant to NRS 640B.170 and also licensed as an athletic trainer. The AT Board is inquiring if there would be opposition from this board to investigate removing the dual-license requirement because they are having difficulty filling such board position.

Board Member Cerame suggested that they might want to continue the search versus just completely striking it from their Board membership. Chair Fearnley stated that he does not have any opposition that the ATC Board striking that language. Board member Joines stated that she would like some time to investigate this more before making a decision.

This item will be re-agendized for the next Board Meeting for additional discussion.

Barry Moore, PT provided a comment during the discussion. Mr. Moore stated that he has some interest in the ATC Board. Mr. Moore was informed to reach out to the ATC Board to gain further information.

- Item 15. Report from Board Chair
Chair Fearnley wanted to reflect on his time with the Board. Chair Fearnley stated that the Board had come a long way. The public perception of the Board being collaborative has been much improved over the past five or six years since he started. Chair Fearnley stated that this has been an amazing experience and thanked the Board Members and staff for all they have done.
- Item 16. Board Member Nomination and Election for Positions of Board Chair, Vice-Chair, Secretary/Treasurer, and Liaison/Member of the Advisory Committee on Continuing Competence. **(For Possible Action)**.
- Motion:** Motion to Nominate Jennifer Nash to Board Chair: Brian Fearnley, Chair
Second: Laura Cerame, PTA Board Member
Motion Passes Unanimously
- Motion:** Motion to Nominate Katherine Joines to Board Vice-Chair: Laura Cerame, PTA Board Member
Second: Jennifer Nash, Vice Chair
Motion Passes Unanimously
- Motion:** Motion to Nominate Laura Cerame as Secretary/Treasurer: Katherine Joines, PT Board Member
Second: Brian Fearnley, Chair
Motion Passes Unanimously
- Motion:** Motion to Nominate Laura Cerame as Board Liaison for the Advisory Committee on Continuing Competency: Katherine Joines, PT Board Member
Second: Jennifer Nash, Vice Chair
Motion Passes Unanimously
- Item 17. Scheduling of Future Board Meetings and Future Agenda Items **(For Possible Action)**. The Board will discuss and approve meeting dates for 2022. Discussion and identification of topics for future meetings.
- The Board discussed and approved Board meeting dates for the year 2022.
January 14, 2022
March 11, 2022
May 6, 2022
July 22, 2022
September 9, 2022

November 4, 2022

Item 18. Public Comment

None.

Item 19- Adjournment

The meeting adjourned at 11:49 a.m.