

## 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*

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

July 16<sup>th</sup>, 2021

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**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;

**Staff in Attendance:** Charles Harvey, Executive Director; Michael Detmer, Deputy Attorney General; Deborah Dieter, Investigator; April Ramirez Board Operations Support Specialist, Deborah Dieter Investigators; Neena Laxalt Board Lobbyist.

**Item 2 - Public Comment**

From Jenelle Lauchman, PT, DPT, OCS,

A letter was sent in to director Harvey in regards to our NAC regulations changes that Jenelle would like to see made. 1. Possibly consider changing the Physical Therapy Board renewals from yearly to every two years 2. Jenelle stated that she had reviewed the OT and Speech therapy Board NACs and NRS. The OT and ST Boards not as stringent in regards to long term and short-term goals in EMR documentation.

**Item 10- Item Taken out of Order**

Consent Decree Update and Evaluation Review (**Possible Action**). For Michel Rantissi, PT License No. 1735 to appear to address the results of his March 4, 2021 evaluation pursuant to the Board's December 2020 Consent Decree, and for the Board to determine if any action is necessary.

**A.** DAG Michael Detmer gave a brief update to the Board on Mr. Rantissi. Mr. Rantissi is part of an agreement yearly evaluations are done based on the provision. Vice Chair Nash stated that she has no questions in regards to the evaluation as the Licensee holds no threat as a PT/OT after reviewing the completed evaluation. DAG Michael Detmer informed the Board no action needs to be taken and that this is solely for the Board to review. **No Action Taken**

**Item 11 C i- Item taken out of order**

Administrative 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. Richard Routi, PT, License No. 1954**

DAG Michael Detmer gave the Board a brief Summary, A formal complaint was filed by Director Harvey based on improper billing and improper delegation, both parties met and came to an agreement that Mr. Routi pay fines and fees of \$1,009.61 and complete 6 hours of continuing education, The type of continuing education is specified in the document itself.

**Motion:** Motion to Accept the Settlement Agreement as presented,  
**Brian Fearnley**  
**Second: Katherine Joines**  
**Motion Passes Unanimously**

**Item 3 -** Review, Discuss, Amend and Approve Board Meeting Minutes (For Possible Action)

A. May 7th, 2021

**Motion:** Motion to approve the May 7<sup>th</sup>, 2021 meeting minutes with the suggested edits. **Brian Fearnley**  
**Second: Katherine Joines**  
**Motion Passes Unanimously**

**Item 4 -** Nevada Physical Therapy Association (APTA NV) Update  
Nicole Lange, Secretary provided update: Nicole Lange informed the Board that APTA NV is finalizing details for their annual meeting which will be held on September 25<sup>th</sup>, 2021. They have sent out a fourteen-page newsletter on July 15<sup>th</sup> 2021. The APTA NV Special Interest group will be holding a trivia night via zoom on July 27<sup>th</sup>, 2021.

**Item 5- Legislative Update (Neena Laxalt)**

**A.** Board Lobbyist Neena Laxalt provided the Board with an update and overview of the legislative session. The Board was provided two

documents a final report and summary of all the bills. Neena stated this had been an odd legislative session, very difficult to present in committee because everything had been done virtually, via zoom and Meets. It was very difficult to meet with the legislatures. It was extremely restrictive as to who could testify and support our opposition other than the presenters themselves. Allot of technical difficulties. Neena addressed the public comment from Jenelle Lauchman, in order for the Board to extend the licensing renewal to every two years it would be a statutory change and could not be done in regulation.

**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)**

**Motion:** Motion to ratify the licenses as presented: **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

**Item 8 (Item taken out of order)**

**Board Operations (For Possible Action)**

A. Licensing Software Demonstration. The Board will Review, Discuss and possibly approve utilizing on-line providers for License Application, Renewal and Registration, or other actions.

- i. Thentia Licensing Software Presentation
- ii. Certemy Licensing Software Presentation
- iii. BigPicture Licensing Software Presentation

The Board was given the opportunity to see each licensing software Vendors 30-minute presentation. The Board was able to ask questions and follow a matrix and check off what each software vendor has to offer. The Board can direct Director Havery to proceed with moving forward in the process of selecting a vendor and bringing back contracts at a future Board meeting so the Board can review them.

**Recess at 11:21 AM**

**Reconvene 11:26 AM**

**Motion:** Motion to task Director Harvey with entering into negotiations and further explore the licensing software vendors Thentia, Big Picture and Certemy, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

B. Continuing Competence System Demo, The Board will review, discuss and possibly approve utilizing an online provider for continuing competence course application reviews, or other actions.

i. CEBroker Software Presentation

The Board was given a presentation by CEBroker Software. The Board had the opportunity to ask questions to the Vendor. CEBroker is a vendor for continuing competency. There is no cost of fee to the Board itself to implement and utilize CEBrokers.

**Motion:** Motion to tasks Director Harvey with exploring CEBroker once he has established a licensing platform as he sees fit, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

C. Board Financial Review

Director Harvey gave the Borad a brief update on Fiscal year July 1<sup>st</sup>, 2020 to May 31<sup>st</sup>, 2021. The cash balance \$799,699.00 a 16% increase year to date, Year to date revenue is \$441,785.00 an 18% increase of the previous year, Year to date bank fees \$7,769.00 a 3% decrease of the previous year, year to date expenditures \$379,977.00 a 7% decrease from the previous year. Per Director Harvey we have experienced an increase in active licenses. The state of our finances looks very well, and we currently have \$300,00.00 in excess reserve.

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

A. Consideration of ACCC recommendations for continuing competency courses reviewed at the June 4, 2021 and July 2<sup>nd</sup>, 2021 meeting.

**Motion:** Motion to Accept the ACCC recommendations as presented for the June 4<sup>th</sup>, 2021 and July 2<sup>nd</sup> 2021 Meetings. **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

B. Review, Discussion and Approval of Revised White Paper  
Jennifer Nash Vice Chair and Liaison to the ACCC Committee briefed the Board, there has been allot of changes due to the pandemic, the ACCC feels that they need to be a bit more transparent and explicit in the white paper. The ACCC Committee does not want to change the white paper but wanting to be clearer to our stake holders and be clearer to the Board on the reasons for denials. The courses that involve psychosocial classes such as nutrition, PTSD, etc that have no crossover to Physical Therapy. Katherine Joines expressed concern that if we deny of courses that may not have any crossover to physical therapy is a

cause for concern, as clinicians we need to be aware of psychosocial issues. Katherine Joines asked for examples of courses that may have brought about the request to add letter 1.S in the denial reason for courses. Chair Fearnley recommends we re-word this to say "as it relates to the practice of healthcare"

**Motion:** Motion to approve with conditions the white paper ACCC Committee guidelines, and to change the wording from Physical Therapy on Denial 1.S to Healthcare, **Katherine Joines**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

**Item 9 -** 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. James Gregrow-

Mr. Gregrow appeared before the Board to request unrestricted licensure as a Physical Therapist Assistant. Chair Fearnley asked if Mr. Gregrow obtained his Nevada Massage Therapy License, Mr. Gregrow stated he is able to get his Nevada Massage Therapy License back but chose not to reapply for it. Director Harvey confirmed there are no complaints filed against Mr. Gregrow at this time. Katherine Joines asked Mr. Gregrow if he had any conditions or restrictions on his PTA license in Texas, Mr. Gregrow stated he has no conditions on his Texas license. Katherine Joines stated she would feel more comfortable adding conditions to Mr. Gregrow's Nevada PTA license as she feels she has an obligation to protect the public. Vice Chair Nash is in support of granting Mr. Gregrow an unrestricted license. A Physical Therapist Assistant is always under a supervisory Physical Therapist.

**Motion:** To grant James Gregrow an unrestricted Physical Therapist Assistant License, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion carries by Majority**

**Item 11-** Administrative Disciplinary Actions **(For Possible Action).**

A. The Board will review, discuss and possibly approve a request for reconsideration of administrative action from Lawrence Flisser, PT, #3031.

B. The Board will review, discuss and possibly approve a request for removal of discipline from Jennifer Bainton, PT, #1404.

i. The Board reviewed the following request to remove discipline on request A and B. Chair Fearnley stated that this is not something we can remove from one's record without changing the statutes. DAG Michael Detmer informed Chair Fearnley that is indeed the case, unless there was presence of new evidence. Our Practice Act does not have a remedy to remove discipline from one's record. Director Harvey stated that based on our statute we are unable to remove the discipline, and he is working with the new licensing vendors to be able to show what type of discipline the licensee has on record. This is something that will be for future reference as we implement a new software vendor. Director Harvey stated that he does write letters as well as speaks to one's employer to clarify the disciplines if there are questions. Chair Fearnley states No Action can be Taken on this.

**Item 12-** Investigation Department Update. (For Possible Action)

A. Review and Discussion of Outstanding Cases Status Report

i. DAG Michael Detmer gave the Board an update 2018-15, 2019-16 Complaints that were approved at the last Board meeting have been sent out, once an answer is received or the time allotted to answer has passed, we can then proceed with further discipline. Cases 2019-10, 2019-24, 2019-25 Complaints will be filed shortly. The primary focus since the last meeting has been case 2021-06 This case was initially scheduled for hearing in June and was pushed back. The case is still ready for hearing and it remains in a holding pattern, Conversation is ongoing with the Defense counsel for possible resolution. Case 2021-07 Investigation is ongoing, Subpoenas have been issued, once those documents have been received and reviewed, then prosecution can begin.

B. Review of Cases Recommended for Determination of Possible Disposition

i. Case #2018-13

DAG Michael Detmer gave the Board a brief overview on the following case. This matter is being taken to the Board for possible discharge. The available evidence was a matter of she said verses she said. There is insufficient evidence for a successful prosecution, lack of witnesses and lack of available evidence DAG Detmer stated discharge would be appropriate.

**Motion:** Motion to Discharge Case no. 2018-13 as recommended by DAG Michael Detmer, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

ii. Case #2021-08

DAG Michael Detmer updated the Board on the following case. In summary of the allegations the complaint alleged that the respondent was being verbally abusive. While investigating these claims, there were very limited witnesses available to substantiate the claims. Investigator Dieter stated that the person who filed the complaint was a witness, When Investigator Dieter tried to contact the subject of the alleged statements, she did not respond to Investigator Dieter.

**Motion:** Motion to Discharge Case no. 2021-08 as recommended by DAG Michael Detmer, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

**Recess** 1:31 PM

**Reconvene** 1:38 PM

**Item 13-** Administrative Review of Nevada Administrative Code 640 (For Possible Action). The Board will review and discuss NAC Chapter 640 and possibly approve revisions or other actions.

The Board discussed and suggested that creating a committee would be the best course of action to go through the NAC Regulations. Chair Fearnley is in favor of a committee as well as Katherine Joines. DAG Michael Detmer suggested that the Board would be creating a "Sub-Committee" and this is a formal process. The Board agreed upon a date of Friday August 13<sup>th</sup>, 2021 at 12:00 PM to review the NAC regulations.

**Motion:** Motion to Appoint Brian Fearnley, Jennifer Nash, Charles Harvey, Katherine Joines to review the NACs to be presented at the next Board meeting, **Brian Fearnley**

**Second: Jennifer Nash**

**Motion Passes Unanimously**

**Amend Motion** to include Jenelle Lauchman from the APTA NV to be included in the committee, **Brian Fearnley**

**Second: Katherine Joines**

**Motion Passes Unanimously**

**Item 14-** Future Agenda Items **(For Possible Action)**. 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.

i. Dry Needling Language Discussion

**Item 15-** Report from Board Chair

i. Vacant Public Member position update, there is still an opening for Public Member.

ii. Chair Fearnley wanted to thank Former Public Member Ethan O'Bryant for his time and service to the Board.

**Item 16-** Public Comment (None)

**Item 17-** Adjournment

Meeting adjourned at 2:03 P.M.