

## 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

September 10<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 9:01 a.m. by Chair Fearnley.

**Board Members in Attendance:** Brian Fearnley, Board Chair; Jennifer Nash, Vice-Chair;

**Item 2 -** Public Comment - None

**Item 8 B -** **Item Taken out of Order**

**Disciplinary Action (For Possible Action).** The Board will hold formal hearings wherein it may impose disciplinary actions, approve a complaint for further prosecution, or accept a stipulated settlement agreement if one is presented in the following cases:

- A. DAG Michael Detmer provided an update to the Board on Item 8 B. Case No. 2019-24 & 2019-25. What's being presented for the Board's consideration today is a proposed settlement agreement with the respondent, Christopher Frehner. A complaint was filed against the respondent when there were allegations that were made against him that he had violated the Board's Practice Act, specifically as it relates to a delegation of activities. In resolution of that complaint, an agreement was reached between the parties, the terms of which include that the respondent pay a fee totaling \$785.77, and complete specifically entitled documentation. Everything after the evaluation until discharge as well as another be entitled decision making and discharge planning in the acute care. This is just a summary of the terms. The primary in the document itself. This agreement was

reached with consideration of multiple factors, including the facts and circumstances of the allegations, the age of the case, the respondent's cooperation.

**Motion:** Motion to accept the settlement agreement as presented: **Brian Fearnley, Chair**

**Second:** Laura Cerame, PTA Board Member

**Motion Passes Unanimously**

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

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

**Motion:** Motion to approve the July 16th, 2021 meeting minutes as presented:

**Brian Fearnley, Chair**

**Second: Jennifer Nash, Vice Chair**

**Motion Passes Unanimously**

**Item 4 -** Approval of NAC 640 Subcommittee Meeting Minutes (**For Possible Action**)

A. August 13, 2021, August 20, 2021, and August 26, 2021

**Motion:** Motion to accept the August 13, 2021, August 20, 2021, and August 26, 2021 meeting minutes as presented: **Jennifer Nash, Vice Chair**

**Second: Brian Fearnley, Chair**

**Motion Passes Unanimously**

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

Nicole Lange, APTA NV Secretary provided update. APTA NV is finalizing details for their annual meeting which will be held on September 25<sup>th</sup>, 2021.

**Item 6 -** Legislative Update (Neena Laxalt)

No update provided

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

A. ACCC Update

Jen Nash, Vice Chair - The ACCC accepted the Board's recommendations and the edits on the white paper. We will be able to update the white paper on our website soon and we'll be using that going forward. The ACCC Committee has been informed that we entertained a presentation by CE Broker. The ACCC was able to review the information, and wanted the Board to know they felt it was a fabulous idea to be able to have access to that information online, and have it in a more logical fashion. As we move forward, we hope that our software allows that to happen or that we utilize CE Broker for their services in Nevada.

- B. Consideration of ACCC recommendations for continuing competency courses reviewed at the August 6<sup>th</sup>, 2021 Meeting

**Motion:** Motion to Accept the ACCC recommendations as presented for the August 6<sup>th</sup>, 2021 Meeting: **Jennifer Nash, Vice Chair**  
**Second: Laura Cerame. PTA Member**  
**Motion Passes Unanimously**

**Item 8 -**

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, if one is presented, in the following case(s):

- A. Case No. 2021-06

No action taken at this time.

- B. Case No. 2019-24 & 2019-25

Item previously taken out of order .

- C. Case No. 2018-15; 2019-26; 2021-05

DAG Michael Detmer - This agenda item is an amended complaint for possible approval of future disciplinary action. The complaint as it relates to the first two cases was previously approved by this Board. However, since that initial approval, additional allegations against the respondent were processed and it was deemed appropriate to have it amended to the existing charging document. What is being sought is the Board's review and approval of this amended complaint, which now contains additional allegations against the same respondent. The allegations relate to improper billing wherein the respondent was continuing to bill the patient, despite the patient having met their deductible.

**Motion:** Motion to approve the complaint as presented in Case No. 2018-15; 2019-26; 2021-05 as presented by Mr. Detmer: **Brian Fearnley, Board Chair**  
**Second: Laura Cerame, PTA Board Member**  
**Motion Passes Unanimously**

**Item 9 -**

Investigative Department Update. **(For Possible Action)**

- A. Review and Discussion of Outstanding Cases Status Report
- B. Review of Cases Recommended for Determination of Possible Disposition
  - i. 2020-01
  - ii. 2021-02
  - iii. 2021-09
  - iv. 2021-10

**Motion:** Motion to approve the discharge of the following cases 2020-01, 2021-02, 2021-09, 2021-10 as presented by Mr. Detmer: **Brian Fearnley, Board Chair**  
**Second: Katherine Joines, PT Board Member**  
**Motion Passes Unanimously**

**Item 10-**

Board Counsel Update

- A. Dry Needling Language Discussion on Certification Educational Requirements.

DAG Mike Detmer provided an update on his research, and requested additional time to further research the unclassified version of the primary dry needling statute that enumerates the requirements to practice. His research has raised several questions on the potential ambiguity in the statute, and this needs to be developed and researched. DAG Detmer wants to do a survey as to the requirement in the regulation regarding the graduate level curriculum, because this is an undefined term within the regulations. This item will be brought back to the Board after the completion of his research.

**Item 11-**

Discussion and possible action on the Board approval process for new licensees (**For Possible Action**). The Board will discuss the licensure application approval process and may authorize the Executive Director and/or one Board member to approve licenses for physical therapists and physical therapist assistants, or can/will take other relevant actions regarding the same.

The Board discussed the possibility that the Executive Director and or one Board Member review and approve the license for Physical Therapist and Physical Therapist Assistants. Per DAG Detmer the Board does have a statute in place. After discussion, the item was tabled for a future agenda. No action was taken.

**Item 12-**

Board Operations (**For Possible Action**)

- A. 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: **Jennifer Nash, Vice Chair**  
**Second: Brian Fearnley, Chair**  
**Motion Passes Unanimously**

- B. Board Inspection Update

Board Operations Support Specialist April Ramirez - From January 2021 to present we have completed 173 inspections. We are currently seeking to add a Board Inspector to southern Nevada. A Facebook post has been created with the Inspector job posting, and we are reaching out to the APTA NV to see if we can get post the announcement on their website.

- C. Board Software & Technology Update

1. Director Harvey provided an update on the network issues the Board

office has been experiencing, and his efforts working with the internet provider to troubleshoot and upgrade our services.

2. Director Harvey is currently reviewing and evaluating licensing system contracts with the goal of bringing a contract to the Board for review at their November meeting. Director Harvey updated. At the last meeting, the Board received vendor presentations on licensing software systems and directed Director Harvey to enter into negotiations and further explore the three vendors. Since that time, he has been in discussions with vendors, reviewing proposals, and has reached out to other state Boards to get a status report on other projects with the three vendors. Director Harvey is currently reviewing and evaluating licensing system software contracts with the goal of bringing a contract to the Board for review in November. He is hoping to reduce the Board's risks, as they relate to service levels, termination rights, reporting obligations, auto renewals, and data removal.
- B. Budget Report. The Board will review, discuss and possibly approve a budget for FY2022, and other administrative actions.

Director Harvey presented the proposed FY22 budget report. During the previous year, the Board experienced growth in licenses and renewals. As a result, the Board maintains a healthy reserve fund balance. In addition to existing projects that are currently underway, the Board has the opportunity to explore new initiatives, including a new licensing software system, online Jurisprudence examinations, document scanning and digitization project, website redesign, the hiring of an additional inspector, and staff training and development. To summarize our financial performance over the last year, in FY21, revenue was \$513,761, which is a 12% increase from the prior fiscal year. Expenditures during that period were \$414,204, which is a 5% increase, over the prior fiscal year, and bank fees were \$8,522, an 8% decrease over the prior fiscal year. The FY22 budget funds all necessary expenses and obligations of the Board while fully supporting planned enhancements. The major elements of the FY22 budget include the following: Budget proposal and highlights; revenue and expense schedules with supporting graphic presentations, and a final look back at performance for the previous year.

Director Harvey presented several initiatives for Board consideration on how they could utilize excess reserves. These included a diverse workforce scholarship for PT and PTA students; an outstanding service award for PTs and PTAs, reduced or free application processing for a period of time, reduced or waived application or renewal fees for military veterans and spouses, reduced or waived renewal fees for PTs and PTAs for a period of time. Vice Chair Nash thanked Director Harvey for his hard work on the Budget. Chair Fernley discussed a salary increase for Director Harvey. After discussion, the Board members agreed and placed this on the next meeting agenda.

**Motion: Motion to approve the FY22 budget as presented:**

Second:  
Motion Passes Unanimously

Meeting Recess - 10:30 A.M

Meeting Reconvene- 10:43 A.M

**Item 13-** NAC 640 Subcommittee Update: Proposed Changes to Nevada Administrative Code (NAC) 640 **(For Possible Action)**. The Board will review, discuss and possibly approve proposed changes recommended by the NAC 640 Subcommittee, or take other relevant actions regarding the same.

Chair Fearnley presented the proposed NAC 640 changes to the Board. The NAC 640 Subcommittee held public meetings on August 13, 2021, August 20, 2021, and August 26, 2021, to discuss and review suggested changes presented by licensees, board members, staff and the Subcommittee. The Board reviewed and discussed Chapter 640 of Nevada Administrative Code (NAC 640), going section by section through existing language and proposed changes. The proposed changes will be distributed to licensees via email and a small business impact statement will be completed. The next step will be to hold a public workshop.

**Motion:** Motion to accept the changes as presented for NAC 640: **Brain Fearnley, Board Chair**

**Second:** Katherine Joines, PT Member

**Motion Passes Unanimously**

**Item 14-** Report from Board Chair  
No update

**Item 15-** Future Agenda Items

The following items be placed on the next Board Meeting Agenda:

- Executive Director salary increase
- Board member appointment and nomination and election for positions of Board Chair, Vice-Chair, Secretary/Treasurer, and ACCC liaison
- Licensing system contract review
- Results of Board annual financial audit
- New contract for outside auditing services
- Scheduling of Board meetings for 2022
- Dry Needling language discussion on Certification Educational Requirements
- Board Commission Training & Open meeting law trainer refresher

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

**Item 17-** Adjournment  
Meeting adjourned at 2:01 P.M