

Board Members

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MENDES
Licensing Coordinator

APRIL RAMIREZ
*Board Operations Support
Specialist*

DEBORAH DIETER, PT
Board Investigator

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES

January 14th, 2022

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

Board Chair Nash called the meeting to order at 9:03 2m.

Board Members in Attendance: Jennifer Nash, Chair; Katherine Joines, Vice-Chair; Laura Cerame, Secretary/Treasurer-PTA Member/Board Secretary-Treasurer; Jessie Fisher Board Member; Aaron Stevens Public Member.

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

Item 2. Public Comment

Dr. Keoni Kins, Board Member, Nevada Athletic Trainers Board, introduced himself as a meeting participant.

Mike McKay, PT, ATI Physical Therapy. We attended some of the last board meetings and public comment sessions regarding the recent changes to the Practice Act. We appreciated and were impressed by a lot of the changes that were made that were beneficial to the public and the practice of physical therapy. There was one change that we were concerned about and felt like we didn't have a lot of clarity in terms of how it would impact patient access to physical therapy and really what the impact of the operations would be for outpatient physical therapy clinics. The change that was made to the language surrounding what physical therapy aides or physical therapy rehab technicians would be able to do. The language itself felt a little bit ambiguous and is potentially more restrictive than what's currently being done. I am hoping to get a little bit

of clarification around that language and what was truly decided about skilled care versus unskilled care. I would like to understand what impact the new language would have on access to physical therapy. Our concern is about the new language, and how it might be interpreted that simple activities that rehab techs currently provide supporting clinics would be restricted with this new language. This would make a significant impact on access to care. One of the things that we were concerned about is that Nevada currently ranks the lowest in access to care in terms of physical therapists per capita in the entire nation. I understand that we can wait until the regulation comes back from LCB for additional public comment. But it still feels like we don't know. I've talked to some other private practice owners who had opportunities as opposed to attending some of these public forums. But it feels like a lot of them are unsure what this means and if they would be required to change what their current practice is based on the new language or if it is just a clarification around some of the aspects of physical therapy. But by and large, most practices would be able to continue as they currently stand. So, again, just kind of hoping to get a little bit of clarification on some of that language in terms of what was meant. skilled care, specifically with the rehab technician.

Brandon Godin, PT, License Number 4081. I would like to go back to the November 12, 2021, meeting. I want to comment that there was an idea brought up about changing supervision limits from two to one to three PTAs. That seemed to not be decided on. I was just going to make a comment on the fact that, again, access to patient care, mainly kind of trying to preserve the current levels we have and expand on it rather than change the limitations.

Item 3. Introduction of New Board Members

Chair Nash introduced Jessie Fisher, PT, MPT, MBA as the new northern Nevada Board Member, and Aaron Stevens as the new Public Member. Both members were appointed by Governor Sisolak to serve three-year terms through 11/31/2024.

Item 4. Approval of November 12th, 2021, Board Meeting Minutes **(For Possible Action)**

Motion: Motion to approve and accept November 12, 2021, Meeting Minutes as edited: Laura Cerame, Secretary/Treasurer-PTA Board Member

Second: Katherine Joines, Vice Chair

Motion Passes Unanimously

Item 5. Nevada Physical Therapy Association (APTA NV) Update.

Nicole Lange, APTA NV Secretary. Our Payment Chair, Jenelle Lauchman is staying up to date on all the payment updates that are continually coming through. We have been notified that there is going to be a roundtable with our federal legislators alongside other health care professionals. So, we are looking to participate in that, and the details are still emerging. That will likely be sometime next month. At the association level, we have started the process of investigating forming a committee for the Equity Inclusion Committee. We are still in the early stages of that, so if there is anyone on this call looking to be involved in that process, please contact us. Our membership committee just rolled out a discount for the gym for our members. So that's pretty exciting, kind of getting more perks associated with our membership at EOS. There are other projects in the works with the membership committee.

Item 6. Report from Board Lobbyist

Neena Laxalt, Board Lobbyist. We've been pushing legislation the last two sessions to bring Nevada into the PT Compact, and we'll try again this session. We've had difficulties, not necessarily with the PT Compact, but with legislators who were not in favor of compacts. Nevada rates very low in the number of practitioners per client, and that was before COVID. We continue to argue the point that Nevada needs the PT Compact to bring in more qualified licensees and enable PTs and PTAs to more easily transition into the state. Our top ally in this effort is the military. We work with Kelli Douglas who is a representative of the Department of Defense – State Liaison Office in Sacramento, CA, and she will be assisting us again in presenting proposed legislation in the next legislative session in 2023.

Item 7. 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.

Dr. Keoni Kins, Board Member, Nevada Athletic Trainers Board. The Athletic Trainers Board is facing a challenge relating to the requirement in NRS 640B.170 for one member of the Board of Athletic Trainers to be licensed as a physical therapist and licensed as an athletic trainer. Dr. Kins has served two terms on the Athletic Trainers Board as a dually licensed physical therapist and athletic trainer, and his term has come to an end. The Athletic Trainers Board is having difficulty filling this position because there are a limited number of dually licensed individuals to satisfy the prerequisite. The Athletic Trainers Board is therefore looking to amend NRS 640.B170 and is seeking support from the Physical Therapy Board and would like to work collaboratively to enact changes to their statute.

Item 8. Probationary License Review (For Possible Action). The Board will review and discuss the licensee's request for release from probation, for

approval, denial, or other administrative action pursuant to NRS 640.160 (1)(d).

- a. Nolan Daniels, License #4407

Mr. Nolan Daniels participated via videoconference and requested an early release from his probationary license. The Board reviewed and discussed the terms contained in their September 11, 2020, Board Order Granting Licensure with Probation, and the documentation provided by Mr. Daniels to ensure that all conditions of his probation had been satisfied.

Motion: Motion to release Nolan Daniels, License # 4407, from probation: Chair Nash

Second: Katherine Joines, Vice-Chair

Motion Passes Unanimously

- Item 9. Advisory Committee on Continuing Competence Update (ACCC) (For Possible Action).

- a. Review and approval of revised ACCC Review Guidelines

Laura Cerame, Secretary/Treasurer-PTA Board Member. During the last ACCC meeting, it came to the attention of the Committee that we are receiving quite a few requests for continuing competence that are very much reader-based courses. There is no post-test, no video, or interaction involved with another person who would be leading the meeting. It is just reading material. Based on this information, the Committee felt that what was not there was not the efficacy that we needed for continued competence for physical therapy, and for PTs and PTAs at that level. Many of these courses are at an entry-level. So that was one of the recommendations that the ACCC made regarding that portion of the guidelines. The self-paced courses would need to be a combination of a live webinar and self-paced portion and then eliminate the basic reading courses with no video content. So that would be on the denials list. Psychosocial content not related to the practice of physical therapy would also be on the denial list. If there's going to be a psychosocial aspect, which we all support, it needed to be related to physical therapy. Several courses came across that were not specifically related to physical therapy and the psychosocial aspect. And let's see, what's this one recorded content with or without a reading component? There is a hybrid course so that circles back to the conversation regarding only having reading material. The ACCC would like to add the approval of a self-paced course if it had recorded content with or without a reading component. So, it would be a combination of a live webinar and self-paced

portions. They crossed out the CD, DVD journal, audio, or Web-based course, and they determined that it would need to be a live webinar in combination with the self-paced course. The rationale behind that was at this point, due to the pandemic. A lot of courses are now virtual live webinar courses. Licensees would be able to log on to that live webinar portion of the course and of course, continue with the rigorous post.

Kat Joines, Vice-Chair. When you're limiting approval only to physical therapy, there are a lot of other courses, a psychoemotional and psychosocial that don't have to do with physical therapy alone. I'll bring this up again. Pediatrics, we were talking about social, emotional, and a specific diagnoses. They don't just come up with physical therapy, but it will be open to interprofessional, which means that it will be PT, OT, and speech. So, again, I implore you guys to please reconsider that. It shouldn't just only say PT it should maybe say interprofessional that it addresses therapies because then you're limiting a lot of those courses That's very important in my practice for psychosocial, social-cultural and if we're trying to follow the ICF, it's not alike because now we're just limiting to PT.

Laura Cerame, Secretary/Treasurer-PTA Board Member. We did have that conversation and I will bring that back to the committee for further review. Again, it's a very valid point and I'm sure they'll support that decision as well. I agree that we should be more interprofessional versus just physical therapy.

Jennifer Nash, Board Chair. I think it's a great idea to objectify the entry-level as much as possible. A conversation that always comes up is that we need to have material accessible to those who are switching settings. For example, they've always done acute care and now you're doing outpatient, although if you don't have any entry-level, what's going to help you.

No Action Taken. This item will be brought back to the ACCC for discussion.

- b. Consideration of ACCC recommendations for continuing competency courses reviewed at the December 3, 2021, meeting.

Motion: Motion to approve ACCC recommendations for Continuing Competency Courses reviewed at the December 3, 2021, meeting: Jennifer Nash Board Chair.

Second: Kat Joines, Vice-Chair
Motion Passes Unanimously

Item 10. License Ratifications (For Possible Action). The Board will review, and approve licenses 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 approve the license ratifications as presented: Jennifer Nash, Board Chair

Second: Laura Cerame, Secretary/Treasurer-PTA Board Member

Motion Passes Unanimously

Item 11. Contract for Bookkeeping & Payroll Services. (For Possible Action). The Board will review, discuss, and possibly approve a contract for Bookkeeping & Payroll Services for Numbers Inc.

Motion: Motion to approve the contract for Bookkeeping & Payroll Services for Numbers Inc.: Jennifer Nash, Board Chair

Second: Kat Joines, Vice-Chair

Motion Passes Unanimously

Item 12. Discussion regarding complaints and investigations

a. Active Case Inventory Report

The Board has 20 active cases. Several cases have been consolidated as the complaints involve similar allegations against the same licensee. Two cases are being recommended for dismissal.

b. Review and possible action regarding the dismissal of the following cases:

i. 2019-03

ii. 2021-11

Motion: Motion to dismiss cases 2019-03 and 2021-11: Katherine Joines, Vice-Chair

Second: Laura Cerame, Secretary/Treasurer-PTA Board Member

Motion Passes Unanimously

Item 13. Report from Executive Director

a. Annual Audit of Board Finances

The Board's FY2021 financial review was completed by the CPA firm Campbell Jones Cohen. The audit report contained one finding relating to the recording of receivables from Board consent decrees and/or stipulated agreements. Monetary fines

resulting from these Board actions should be recorded in our financial system as a receivable, rather than a normal payment.

b. Status of Proposed Changes to NAC 640

The Board's proposed regulation was submitted to the Legislative Counsel Bureau (LCB) for review and drafting after the public workshop in November 2021. The regulation has been assigned the LCB File Number R124-21. When the draft regulation is returned from the LCB, the Board will post a notice of intent to adopt, amend or repeal a regulation, and conduct a public hearing to introduce and explain the proposed regulation and consider additional public comment.

c. Status of Contract for Software Services

The Board approved a contract for new licensing software on November 12, 2021. The contract was submitted to the State Board of Examiners for approval. We have received confirmation of final approval and will contact the vendor to schedule a project kickoff date. We anticipate the project lasting approximately six months for full implementation.

d. Board Website

Staff continues its work on the website redesign project with the State IT Department. We anticipate another couple of months of work until we are ready to deploy the new website.

e. Board Inspections

Staff continues to schedule and coordinate licensee compliance inspections. We currently have three physical therapists serving as part-time inspectors – one in Southern Nevada, and two in Northern Nevada. We are recruiting additional individuals who are interested in serving as Inspectors. A planning meeting has been scheduled for the inspection and investigative staff to gather information and feedback from team members, identify and address challenges, solve problems, and create new ideas to improve our effectiveness.

f. Administrative Collaborative of Professional and Occupational Licensing Boards.

The Administrative Collaborative is an information-sharing forum for board executives. Several notable accomplishments have

resulted from participation in this collaborative, First, the creation of relationships between boards, and the sharing of information. Second, the creation of a reporting requirements guideline containing useful information for board administration. Meetings are scheduled every couple of months and participants bring their items of interest to the agenda.

Recess 10:00 AM

Reconvened 10:56 AM

Item 14. Board Member Training

All Board members and staff are required to attend Board and Commission training to prepare them to carry out their duties and responsibilities. The training is now offered online. Director Harvey provided links to access online training and asked everyone to participate and retain a record of their attendance. It is not uncommon for Boards to need to demonstrate completion of this training requirement.

Item 15. Report from Board Chair

Chair Nash, Board Chair. The Nevada Physical Therapy Board protects and promotes the health and safety of Nevadans by pursuing the highest quality of physical therapy practice through education, communication, licensing, legislation, regulation, and enforcement. The FSBPT is offering board member training online and in-person this year. Chair Nash encouraged Board members to participate in this training. The 2023 legislative session is coming up. Our big focus this year will be our compact bill. Chair Nash asked members if they would like to share any goals they have for the year. Vice-Chair Joines would like to see a push for Diversity, Equity, and Inclusion (DEI) and possibly work with APTANV on a collaborative approach. Secretary/Treasurer PT stated that she would like to see how we can get out into the public and increase our outreach and get people to attend board meetings.

Item 16. Federation of State Boards of Physical Therapy (FSBPT) (For Possible Action)

a. 2022 FSBPT Meeting and Conference Dates

The Board discussed the following upcoming FSBPT meeting and conference dates: Regulatory Training for Members and Board Staff - May 20-22, 2022; Leadership Issues Forum - July 23-24, 2022; Annual Meeting & Delegate Assembly - October 27-29, 2022.

b. Election of FSBPT 2022 Delegates and Funded Administrator

Motion: Motion to select Jennifer Nash as the 2022 Delegate and Laua Cerame as the Alternate Delegate: Katherine Joines, Vice Chair

Second: Jessie Fisher, Board Member

Motion Passes Unanimously

Motion: Motion to send Jessie Fisher and Debby Dieter to FSBPT Regulatory Training for Members and Board Staff: Jennifer Nash, Chair

Second: Laura Cerame, Secretary/Treasurer-PTA Board Member

Motion Passes Unanimously

Item 17. Report From Legal Counsel

No Report from Board Counsel at this time.

Item 18. Discussion of Future Agenda Items

1. Diversity Scholarship fund.
2. Dry Needling Language

Item 19. Public Comment- None

Item 20. Adjournment

Chair Nash adjourned the meeting at 12:02 pm.