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PHYSICAL THERAPY BOARD

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

NOTICE OF INTENT TO ADOPT A REGULATION

LCB File No. R124-21

Meeting Minutes

December 5, 2022

1. Call to Order, Confirmation of Quorum; Jennifer Nash, Board Chair, Jessie Fisher, PT Member, Aaron Stevens, Public Member, Laura Cerame, PTA Member/Secretary Treasurer. Board Staff Present: Charles Harvey, Executive Director, April Ramirez, Board Operations Support Specialist, Muriel Morin Mendes; Licensing Coordinator, Debby Dieter, Investigator, Chad Bible, Inspector, Neena Laxalt, Board Lobbyist, Harry Ward, Board Legal Counsel.

2. Introduction – Open Public Hearing (*Informational*)

Chair Nash opened the public hearing by introducing the notice of intent to adopt LCB regulation File No. R124.21

3. Public Comments on Proposed Regulation (*Informational*)

- Susan Priestman-President APTA NV Board, the association that represents physical therapist, Physical therapist assistants and students. The association members are in favor of adoption of the regulations. They would like to see these regulations adopted without further delay
- Wade Myer-Chief Compliance officer at ATI Physical Therapy, would like to address a couple of items, Comments have been submitted to the Board with proposal for changes, Language that relates to skilled intervention, and would like clarity around that language, clarifies the language of the utilization of physical therapy techs, and the continued use of Physical therapy techs.

- Keith McKeever- Program Director at Pima Medical institute PTA program. Is in favor and in support of the proposed changes
- Heidi Streeter-Director at Northern Nevada Medical Center out patient therapy, Address the language that goes with the changes in section 69 in regards to Tech usage. Feels that Techs are appropriate and important. Maintain the quality of care as Physical Therapist. Making sure that the verbiage is more particular in that skilled area.
- Mike McKay- Director at ATI Physical Therapy in the Las Vegas area. The use of the term Skilled intervention, Not looking to expand or modify the usage of technicians. More as to what they're allowed to do. What is defined as skilled intervention.
- Andrea Avruskin-Current Clinical Director at Pima Medical Institute PTA program, express support on the use of office personal and PT Techs for patient transport, room set up and re-supply the clinic. To keep all treatment of patients to license personal only, this is for the safety of the patients and to preserve insurance reimbursements so that they can be reassured that all treatment is being provided by license individuals.
- Brandon Godin- Voiced support of the removal of the 2000-hour rule for PTAs, as well as the use of PT Tech's, support staff is vital and the support from Techs especially in rural communities.
- Sean Ellis-Physical Therapist, has been practicing in the field for over thirty years. Feels that it is an important decision to define the rules as skilled intervention. Having the knowledge of knowing when to stop and public safety. Thinks that there is a risk to having no supervision for the entry level Physical Therapist Assistant out of school runs a risk of having unintended consequences and a risk to public safety.
- Lou Hillegass-Physical Therapist in Nevada, Clarify the use of Technicians. Supports the minor edits put for by Wade Myer and Mike McKay. Clarify the intervention that the technician can be part of. In support the use of technicians in patient care. Looking forward to practicing in less of a grey area.
- Chelsey Koehler- Director at Physical Therapy and Balance Centers, agrees that Technicians should not be involved in any aspect of skilled patient care, especially billable patient care, this is a safety concern in order to provide best practice a licensed PT or PTA should be readily available. Billable time equals skilled care. In considering long term effects by utilizing technicians this can harm the clinics that want to focus on quality of care rather than quantity of care.
- Brandon Smith- Atena Claims, as a public member reading through these changes it appears that the board is moving in the proper direction to ensure that only skilled licensed professionals are handling patients. With regards to use of technicians, I refer you to your APTA doctrine stating that only licensed Physical Therapists Assistants provide adjunct therapy to the Physical Therapist.
- Richard Perkins-ATI Physical Therapy, wanted to bring attention on the length it has taken to get these regulations back from the LCB. Stated that he has had a discussion with the LCB Legal Division more specially with Angela has indicated that if the Board has clarifying language that those would not have to be sent to the LCB for further review. Unless there are significant changes these would not have to be sent back.

- Sarah Cronk-Student Physical Therapist, agrees with Chelsey Koehler's comment. Worked as former technician at a high-volume clinic and was given more responsibility than she should have been given. Now that she knows more about Physical Therapy and all that is involved in patient care. She feels it was not safe for patient care, She feels she may have had a poor effect on some of the patient care that was given.
- James Mortenson- Regional Director as Fyzical Therapy and Balance Center, agrees with the regulations and clarity with clarity and asks that clarity be given as to what skilled care is. Agrees that there is a role for technicians and clinic.
- Lakayka Griggs- PIMA PTA Student, working as a Tech and moving into this field of physical therapy, she did do things she shouldn't have done as a tech. She questions some of the things she did with patients in the past.
- Debby Dieter- Physical Therapist and Board Investigator. 25% of investigations have to do with Tech interactions with patients. Tech providing services that are being billed for, there is a concern that patients are not sure who their therapist is at times due to clinicians not wearing proper badges that identify them by their name and not their job position. Clarification of practice for techs is very important for public safety and quality of care.
- Chad Bible- Board inspector, agrees with what Debby Dieter had to say, has run into situations at high volume clinics that Techs have been providing treatment to patients. The Board regulations will bring clarification as to what clinicians can and cannot do. According to the U.S Bureau of labor statistics PT Aides can assist in the following: clean treatment area, set up equipment, wash linens, help patients move to and from treatment area and clerical tasks, does not suggest treatment of any kind. These regulations moving forward are very important for the public protection and safety of those in Nevada being treated.

Chair Nash Stated that The Nevada Physical Therapy Board did request input from stake holders, small businesses and licensees that are likely to be affected by the proposed regulations.

A small business impact questionnaire was sent to approximately 3100 licensees and the APTA NV with the proposed regulation changes. These were sent out on the following dates, September 20, 2021, October 20, 2021 and, July 22, 2022. Less than 1% response, there were five respondents indicating that the proposed changes what create an adverse economic effect due primarily to restrictions on the use of unlicensed technicians.

4. Close Public Hearing- Moving forward to consideration of public comments.

5. Consideration of Public Comments *(For Possible Action)*

The Board held a discussion on the public comments that were presented today and that were submitted via writing. After much consideration the Board has decided to move forward with the adoption of the Board regulations.

6. Consideration of Adoption of Regulation *(For Possible Action)*

Motion: to Adopt the Regulation as written LCB File No. R124-21 Board Chair Jennifer Nash

All those in favor state your name: Aaron Stevens, Public Member, Laura Cerame PTA Member/Secretary treasurer, Jessie Fisher, PT Member, Jennifer Nash, Board Chair.

Unanimous with four Board members present that we adopt the regulations as written.

7. Public Comment

- Richard Perkins: Did not hear why ATI language was unacceptable, seemed to be consistent as to what the Board had. When mentioned to LCB legal it was stated that discussion would be clarifying language and would not necessarily need to be resubmitted to the LCB for consideration. In the decades he has been doing this he feels that it is a matter to get the language right rather than through. The clarifying language would have made these regulations better and would not have changed the intent on the Board to get these regulations through.
- Susan Priestman-President APTA NV Board, would like a better understanding and a road map on when these regulations would become official.

Board Counsel Deputy Attorney General Harry Ward informed the Board and the public that there is a process that the Board must go through with the LCB, it is up to the LCB on when the regulations will become in effect and it is out of the Boards hands once submitted to the LCB. The regulations will be reviewed to make sure the Board did not make any changes. There are certain filings that must be done with the secretary of state.

8. Adjournment at 4:05 pm