

STATE OF NEVADA

Board Members

MICHAEL LAYMON, PT, DSc, OCS
Board Chair

REGINA MCDADE, PTA
Vice-Chair

JOSEPH INDRIERI, PT, MPT
Board Member

LOUIS HILLEGASS III, PT, MHA
Board Member

ANITA WAGNER
Public Member

JOE LOMBARDO
Governor



Staff

CHARLES D. HARVEY, MPA
Executive Director

JENNIFER DE ROSE
Licensing Coordinator

DEANNA IRBY
Board Operations Support Specialist

DEBORAH DIETER, PT
Board Investigator

PHYSICAL THERAPY BOARD

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

Phone: (702) 876-5535 | Fax: (702) 876-2097 | www.ptboard.nv.gov

BOARD MEETING MINUTES January 24, 2025

Item 1. Call to Order, Confirmation of Quorum

The meeting was called to order at 9:00 am by Board Chair Michael Laymon.

Roll Call:

Board Members Present: Michael Laymon; Gina McDade; Anita Wagner; Louis Hillegass III.

Board Members Absent: Joseph Indrieri

Staff: Charles Harvey, Executive Director; Deborah Dieter, Board Investigator; Deanna Irby, Board Operations Support Specialist

Legal Counsel: Joseph Ostunio, Deputy Attorney General

Item 2. Board Mission Statement (*Informational Only*).

The mission statement was read into the record by Chair Laymon.

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.

Item 3. Public Comments

No members of the public were present. Vice Chair McDade noted that a written public comment had been received and confirmed that it was reviewed by each member. The written comment will be added to the January 24, 2025, meeting minutes and available on the board website.

Item 4. Board Member/Committee Reports and Updates *(For Possible Action)*.

A. Nevada Physical Therapy Association (APTA NV)

i. Dustin Clow, Program Director, APTA NV.

We just wanted to voice our support for the PT compact bill. APTA NV continues to have monthly continuing education for its members. Please let us know if there's ever any communication needed to our members or any changes in the requirements for continuing education.

ii. Tom Clark, Lobbyist, APTA NV

Good morning. This is Tom Clark. I am the Government Affairs strategist for the Association, and we very much look forward to working with your team, Tri-Strategies, and others as we embark on the legislative session, which begins very, very soon. Thank you.

B. Government Relations

i. Tri-Strategies

- PT Compact Discussion
- Discussion on State Boards and Commissions Consolidation Efforts.

Legislative update and report provided by Paul Klein, Tri-Strategies. NVPTB members discussed the proposed state boards and commissions' consolidation efforts. Vice-Chair McDade provided an update on changes to board consolidation language resulting from the combined efforts of the NVPTB and APTA NV and meetings with the Department of Business & Industry. Members reviewed the framework of SB 78.

Meeting Recessed at 10:16 am.

Meeting Reconvened at 10:26 am.

Item 5 Taken Out of Order

Item 5. Board Disciplinary Matters *(For Possible Action)*.

- A. 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 cases:

- i. Case 2023-09, Bryan Black, PTA, License #A-1295

Deputy Attorney General Ostunio presented the stipulated settlement agreement, discussed the violations, and recommended disciplinary action.

Motion: Motion to approve the stipulated settlement agreement for Case 2023, Bryan Black, PTA, License #A-1295: Member Wagner

Second: Vice-Chair McDade

The Motion Passed Unanimously

- B. Recommendation for Case Dismissal. The Board will review and possibly approve action regarding the dismissal of the following cases.

- i. Case No. 2024-16

Deputy Attorney General Ostunio presented Case No. 2024-16 with a recommendation for Board dismissal.

Motion: Member Wagner

Second: Member Hillegass

The Motion Passed Unanimously

Return to Item 4

- Item 4B Discussion on State Boards and Commissions Consolidation Efforts (*For Possible Action*).

The NVPTB conducted a comprehensive review of the goals, findings, and recommendations outlined on pages 25-30 of the Department of Business and Industry (B&I) policy paper. The Board concluded that each of the identified items in the B&I Policy Paper is currently being met by the NVPTB, as demonstrated by the following:

Recommendation #1: Conduct regular reviews of and establish sunset clauses for boards and commissions.

NVPTB Response: This practice is already in place.

The Sunset Subcommittee of the Legislative Commission has defined responsibilities outlined in NRS 232B.220 through 232B.250. These responsibilities include the following: (1) reviewing all boards, commissions, and similar entities in Nevada that have been created by statute to assess whether each entity should be continued, modified, consolidated with

another entity, or terminated; (2) recommending improvements for those entities that are to be continued, modified, or consolidated; and (3) evaluating whether any tax exemptions, abatements, or funds allocated for an entity should be maintained, altered, or eliminated.

Additionally, the Subcommittee is responsible for conducting a review of each professional or occupational licensing board and regulatory body to determine whether its restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

Source:<https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2023/Committee/1991/Overview>

Recommendation #2: Establish term limits and criteria for new boards.

NVPTB Response: This practice is already in place.

Members of the NVPTB Board are appointed by the Governor for a three-year term, with a limit of two consecutive terms. These details, including the qualifications, terms, powers, and duties of board members, are explicitly outlined in NRS 640.030 through 640.050. Additionally, the NVPTB has established a comprehensive board member manual that provides clear criteria, roles, responsibilities, and expectations for all members. This manual serves as a valuable resource to ensure consistency in board operations and alignment with the Board's mission and objectives. The Board believes that the existing framework ensures both continuity and fresh perspectives on the board while adhering to appropriate governance standards.

Recommendation #3: Permit boards/commissions to convene only when necessary.

NVPTB Response: This practice is already in place.

The NVPTB meets only as needed in accordance with the demands of its responsibilities and the needs of the profession. Meetings are scheduled strategically to ensure that the Board operates efficiently and effectively while minimizing unnecessary convening.

Recommendation #4: Centralize the administrative operations of the occupational licensing boards under the Department of Business and Industry.

NVPTB Response: The NVPTB believes that this action is unnecessary and would introduce significant challenges.

The current structure of the NVPTB is effective and aligned with the goals of accountability and transparency. Centralization comes with considerable risks, which we outline below:

1. **Loss of Industry-Specific Expertise:** Each occupational board, including the NVPTB, possesses specialized knowledge and expertise unique to the industry it serves. Centralizing administrative operations could dilute this expertise, resulting in a "one-size-fits-all" approach that would not address the unique needs of each profession.
2. **Displacement of Specialized Personnel:** The NVPTB is supported by dedicated personnel, including the Executive Director, who possess invaluable experience and expertise in managing the specific needs of the physical therapy profession. The loss of such specialized staff would significantly impact the Board's ability to achieve its mission effectively.
3. **Decreased Responsiveness:** A centralized system would likely result in slower response times to the unique needs or concerns of specific industries. The NVPTB addresses issues that are specific to physical therapy, and centralization would introduce delays in processing applications, responding to inquiries, and managing other key industry-specific matters.
4. **Overburdened Systems and Resources:** Centralizing administrative functions for multiple licensing boards would place additional strain on infrastructure, technology, and human resources. The collective demand from various boards could overwhelm the central authority, leading to inefficiencies, delays, and errors in crucial processes like licensing, renewals, investigations, and updates to the Practice Act.
5. **Increased Bureaucracy:** A centralized system could introduce additional layers of communication, coordination, and approval, slowing down decision-making processes. What is currently a streamlined and efficient process within the NVPTB could become encumbered by unnecessary bureaucracy, undermining our ability to operate effectively.

For these reasons, the NVPTB believes the existing structure provides the best balance of efficiency, responsiveness, and specialized expertise needed to serve both the public and the physical therapy profession.

Recommendation #5: Consolidate, merge, and eliminate certain boards and Commissions to better serve the citizens of Nevada.

NVPTB Response: The NVPTB believes that such actions are unnecessary, as the current structure is sufficient and aligned with the goals of accountability, transparency, and effective regulation.

The NVPTB operates efficiently and consistently meets its regulatory responsibilities, ensuring that physical therapy practitioners are held to the highest standards of care. The independence of the Board enables it to dedicate all resources and expertise toward addressing issues specific to the physical therapy profession and ensuring the public receives optimal service. Our ongoing collaboration with the Federation of State Boards of Physical Therapy and all 53 state and jurisdictional licensure boards positions the NVPTB to respond swiftly to the evolving needs of the profession, implement policies that ensure quality care, and continue supporting the professional development of physical therapists statewide. We are confident that maintaining the Board's independence is key to continuing this important work while contributing to the success of state-level reforms.

Consolidating and merging boards introduces several risks, as outlined below:

1. **Conflicting Priorities:** A consolidated board may face difficulties reconciling the different priorities and goals of various divisions or groups, which could hinder its ability to maintain a unified direction and focus.
2. **Cultural Differences and Resistance to Change:** Each board has its own distinct organizational culture, shaped by the profession it regulates. Centralization could lead to friction or resistance from staff, licensees, and stakeholders who may feel their profession's unique needs are being overlooked or compromised. This could negatively impact morale and productivity.
3. **Loss of Diverse Perspectives:** Smaller, specialized boards bring a diversity of thought and experience to the decision-making process. Centralizing boards could limit this diversity and lead to a narrower, less balanced approach to regulation, possibly hindering the ability to effectively serve individual professions.
4. **Risk of Uniform Regulation:** Centralization may push toward standardized rules and regulations across all industries. While this could streamline processes, it

might also result in regulations that do not adequately meet the specific needs of each profession, potentially creating regulatory gaps or overreach.

5. **Public Perception Issues:** Stakeholders, including licensees and the public, may view centralization as a loss of autonomy for their profession, which could lead to concerns about fairness, transparency, and the overall integrity of the system.
6. **Implementation Challenges:** Transitioning to a centralized system would be complex, requiring substantial changes in processes, technology, and governance structures. The time and cost involved in this transition could be significant, and there is always the risk that it will not go as planned, leading to operational disruptions.
7. **Reduced Stakeholder Engagement:** Stakeholders, including professional associations and licensees, often have strong relationships with their specific boards. Centralization could make it more difficult for these groups to engage with decision-makers, potentially reducing trust and communication within the system.

While the NVPTB strongly believes that its autonomous model offers the best flexibility and responsiveness to public needs and the evolving landscape of professional practice, the board will continue to communicate with the APTA/NV, licensees, stakeholders, and the B&I Board and Commissions office to carefully consider alternative proposals to enhance governance and oversight. These include exploring semi-autonomous board reforms, the potential consolidation of similar regulatory bodies, changes to board composition and voting structures, retaining the Executive Director and specialized staff, and possibly establishing a “liaison unit” to support boards and commissions with essential operational functions.

Item 4C Advisory Committee on Continuing Competency (ACCC)

Vice Chair McDade informed the Board that the ACCC has enacted the approved changes for the administrative review and approval of continuing competency course applications that consist of four or fewer hours of continuing competency credit.

Item 4D NVPTB Legal Counsel

Deputy Attorney General Ostunio reported that the investigative team is making progress through the backlog that we had during COVID-19, and there are only about 3 cases left from that timeframe.

Item 6. Consent Agenda Items *(For Possible Action)*. *These items are being presented as a consent agenda; the Board members review the consent agenda items ahead of the meeting and will adopt the items as a single motion unless specific items are flagged for discussion and/or individual motion.*

- A. Board Operations Report.
- B. Board Meeting Minutes, Draft – November 15, 2024.
- C. Ratification of PT/PTA Licenses approved November - December 2024.
- D. Ratification of ACC recommendations for continuing competence courses reviewed December 13, 2024.

The Board reviewed items 6A, 6B, 6C, and 6D. Director Harvey presented an update on Board performance for 2024 and the financial statements for the period November 2024 – January 2025.

- Active licenses: 3,505
- New licenses issued: 369
- Application processing time: 2 days
- Licenses renewed: 3,443
- New Continuing Competency Courses Approved: 1,581
- New NV Jurisprudence Exam implemented.
- Consumer complaints received: 25
- Investigations completed: 23
- Administrative hearings: 2
- Cases dismissed: 10

Motion: Motion to accept the Board Operations Report, the November 15, 2024, Meeting Minutes, the ratifications for PT and PTA licenses, and the ACCC recommendations for continuing competence courses reviewed December 13, 2024; Vice Chair McDade

Second: Member Watson

Motion Passes Unanimously

Item 7. Board General Discussion & Action Items *(For Possible Action)*.

- A. Open Roundtable.

No action was taken.

- B. Possible approval of allowing the Foreign Credentialing Commission on Physical Therapy (FCCPT) to complete educational equivalency

reviews for Nevada applicants for licensure as a physical therapist assistant. The Physical Therapist Assistant Educational Equivalency Review (PTA-EER) evaluates whether a foreign-educated applicant's education is substantially equivalent to a physical therapist assistant degree in the United States.

Motion: Motion to approve FCCPT educational equivalency reviews for PTA applicants in the State of Nevada: Chair Laymon

Second: Vice Chair McDade

Motion Passes Unanimously

- C. Selection of Additional Member to the Board's Legislative Committee for the 83rd (2025) Session of the Nevada Legislature.

Motion: Motion to approve Member Hillegass as a Legislative Committee Member for 2025:

Second:

Motion Passes Unanimously

- D. Federation of State Boards of Physical Therapy (FSBPT)

- i. Selection of 2025 Voting Delegate, Alternate Delegate, and Funded Administrator

1. 2025 Meeting Dates:

- a. Regulatory Workshop for Board Members and Administrators. Date: April 24-26, 2025 | Alexandria, Virginia.
- b. FSBPT Candidate Forum. Date: TBD (Early July 2025) | Virtual.
- c. Leadership Issues Forum. Date: July 19-20, 2025 | Arlington, Virginia.
- d. Delegate Assembly. Date: TBD | Virtual.
- e. Annual Education Mtg. Date: October 23-25, 2025 | Spokane, Washington.

Motion: Motion to approve Member Hillegass as the Voting Delegate, Member Wagner as the Alternate Delegate, and staff member Irby as the Funded Administrator for 2025: Vice-Chair McDade

Second:

Motion Passes Unanimously

- ii. Review and Possible Approval of Renewal Agreement for Thentia Cloud Licensing Software Services.

Motion: Motion to approve the renewal agreement for Thentia Cloud Licensing Software Services for three years: Member Hillegass

Second: Vice Chair McDade
Motion Passes Unanimously

Item 8. Report from Board Chair and Members *(Informational Only)*.

Chair Laymon passed along his appreciation to Director Harvey and Vice-Chair McDade for their work on the PT Compact and SB78.

Item 9. Future Agenda Items *(Informational Only)*.

Vice-Chair McDade mentioned that work with the government affairs team will continue through the legislative session, along with continued conversations on any updates regarding the Compact or changes regarding combined boards.

Item 10. Public Comment

None.

Item 11. Adjournment

The meeting adjourned at 12:39 pm.
