

STATE OF NEVADA

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BOARD MEETING MINUTES July 25, 2025

Item 1. Call to Order, Confirmation of Quorum

The meeting was called to order at 9:06 am by Vice Chair Gina McDade.

Roll Call:

Board Members Present: Gina McDade, Vice-Chair; Louis Hillegass III, Member; Joe Indrieri, Member; Anita Wagner, Public Member

Board Members Absent: Michael Laymon, Board Chair

Board Staff: Charles Harvey, Executive Director; Deborah Dieter, Board Investigator; Deanna Irby, Board Operations Support Specialist; Jennifer De Rose, Licensing Coordinator.

Legal Counsel: Joseph Ostunio, Deputy Attorney General

Item 2. Board Mission Statement (*For Possible Action*).

The Board's Mission Statement was read into the record by Vice Chair McDade.

The Nevada Physical Therapy Board protects and promotes the health and safety of Nevadans by pursuing the highest quality of evidence-based physical therapy practice through education, communication, legislation, licensing, regulation, and enforcement.

Item 3. Public Comments

None.

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

A. Nevada Physical Therapy Association (APTA NV)

Report from Susan Priestman, President of APTA NV

Thank you for keeping us on the agenda today. We truly appreciate the continued collaboration with the Licensing Board. I've just returned from the APTA Leadership Congress, held annually in Washington, DC. During this event, we held our House of Delegates, which is the representative body that guides and directs the mission of the Association.

This year, we had 500 individuals on Capitol Hill advocating for key initiatives, including Medicare changes, fall risk prevention, and several other important initiatives aimed at protecting the public and improving the lives of those within the physical therapy community. Our delegation included 9 individuals, with 3 students from Touro, UNLV, and Carrington who are now deeply engaged in the profession.

There were a few resolutions passed in the House of Delegates that may be of interest to the Board. One of the resolutions calls for state boards to allow physical therapists to use the DPT initials alone, instead of the PT, DPT designation. This is part of a long-term initiative driven by APTA, and we may want to collaborate on this to ensure consistency with other professions that utilize doctorate-level credentials.

Additionally, there was a resolution regarding pharmacology, which advocates for PTs to be in a position to provide medication counseling and nutritional supplement counseling as part of our scope of practice. This could enhance patient care and safety.

Two other important resolutions focused on supporting physical therapists as primary care providers within our scope. This could play a critical role in future legislative efforts. In terms of our Hill Day, as mentioned, 500 PTs were present in DC. Our 9 delegates had productive meetings with both Senators and our four Representatives, where we made significant progress in getting co-sponsorship for several of our bills, including an initial companion bill.

I believe that the Association and the Board had a successful state legislative session. The PT Association is eager to strategize with the Board on how best to inform our members and licensees about compact

privileges, disability placards, and student loan eligibility. These are important opportunities that need to be communicated to our community.

Thank you for your time and continued support.

Meeting Recess at 9:25 am

Meeting Reconvened at 9:30 am

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

A. Nevada Physical Therapy Association (APTA NV) - *Continued*

I believe the Association and the Board had a very successful state legislative session. The PT Association would like to explore ways to collaborate with the Board on educating members and licensees about compact privileges, disability placards, and student loan eligibility. These are important opportunities that need to be communicated effectively to those individuals. Thank you.

B. Government Relations

i. Tri-Strategies

Report from Paul Klein, Tri-Strategies.

We haven't had a chance to discuss things since the legislative session ended, so I'll provide a brief recap. We had a very successful session, working closely with the Association. Susan and her team were fantastic, and of course, the Board's Government Affairs Subcommittee team was excellent. Our primary focus was passing the Nevada Physical Therapy Compact, a project that has been six years in the making by Charles and his team, and we got it done. AB 248 was passed, allowing Nevada to now participate in the Physical Therapy Licensure Compact. This was the only compact to pass this session out of six or seven others under consideration.

Additionally, we worked to support SB 113, which also passed. This bill allows physical therapists to certify an applicant's disability status for parking privileges. Lastly, we supported AB 269, which was successful as well. This bill adds physical therapists to the Healthcare and Underserved Communities Program, enabling them to receive student loan repayment.

It was a highly successful session for the PT and PTA community. A highlight was being invited by the Governor to attend a bill signing ceremony, where Charles, Gina, Michael, and representatives from the

Association were present. We had great photo opportunities and even received commemorative pens from Governor Lombardo.

Regarding board reform, there were several proposals circulating. SB 78, the primary board reform bill, eventually evolved into multiple pieces of legislation. However, no proposals passed, so there was no compromise reached. Ultimately, we were successful in ensuring that this Board's authority, operations, and effectiveness were safeguarded, which will allow you to continue effectively serving your licensees.

Looking ahead, the interim session begins now. The interim period, which lasts about 20 months, is an important time for stakeholder meetings. The Joint Interim Standing Committee on Health and Human Services will meet, and we will be involved in that. The Legislative Commission and the Interim Finance Committee (IFC) will meet frequently to oversee the State government's fee-based operations. Additionally, the Patient Protection Commission will start meeting soon. This commission advocates for licensing efficiency and is a strong proponent of compacts, including the Physical Therapy Compact. We'll monitor that closely. The State Government has also established a new health authority, which will oversee Medicaid and health insurance exchanges. We'll keep an eye on these developments to ensure we support their efforts.

Overall, it was an extremely successful legislative session, and I look forward to working with the Association on the initiatives Susan just mentioned. From all of us at Tri-Strategies, it's been an honor to represent you, and we look forward to continuing our work together. I'm happy to answer any questions, and I'll provide a written summary of everything I've just covered for you to review. Thank you.

Vice Chair McDade thanked Paul and the Tri-Strategies team for their hard work.

C. Advisory Committee on Continuing Competency (ACCC)

As the liaison for the ACE Committee, I have the following update: We are continuing to implement the policies we've established, with the administrative team handling the majority of approvals for courses under 4 credits. The ACE Committee is reviewing courses that are above 4 credits. This approach is proving to be highly efficient, and we are very satisfied with the process. It has significantly reduced the time required for course approvals and has allowed us to make courses available to licensees more quickly.

That is the only update I have from the ACE Committee at this time. Does anyone have any questions regarding continuing competence issues?

D. NVPTB Legal Counsel

Thank you, Madam Chair, for the opportunity to speak today. I'm pleased to report that we are nearly through our backlog of cases. We may have some disciplinary hearings scheduled for the next meeting, and possibly a special meeting to address additional matters. Overall, I'm pleased with the progress we've made, and I want to thank Charles and Deborah for their support in moving these cases forward.

Item 5. Review and Decision Regarding Pending Licensure Application. (For Possible Action).

Vice-Chair McDade introduced the item and recognized the applicant, Marcus Ainsworth, who attended the meeting via videoconference. We are here today to make a decision regarding Mr. Ainsworth's licensure. After reviewing all of the information pertaining to his case, I do not have any objections to issuing him a license.

Member Hillegass asked the applicant if he would like to verbally provide any additional information regarding his application for licensure before the Board proceeds to a vote.

Marcus Ainsworth provided a brief overview of his application and prior disciplinary action in the State of Oregon, regarding a patient complaint. The Oregon Board asked that I take an 8-hour risk management course, which I completed. There were no fines, no suspension, and my license remained active. I was simply required to take this course, which I did. Since then, my license has been in good standing. I've gone on to become licensed in Texas, New Mexico, Idaho, and Wyoming, and I'm currently waiting for licensure approval in Nevada and a few other states. Additionally, I'm a telehealth physical therapist now working from home. I've hired an attorney to have the Oregon disciplinary document removed from the National Provider Database, as it is defamatory and damaging to my professional reputation. We are actively working on this, and the stipulated agreement that I signed at the time is currently under litigation. My attorney is confident that due to several legal errors, they will be required to set aside and dismiss the complaint, which would nullify this document. Mr. Ainsworth offered to answer questions from the Board or provide contact information for his attorney.

Motion: I make a motion to approve the application for licensure for Marcus Ainsworth: Member Indrieri

Second: Member Wagner

Motion Passes Unanimously

Item 6. **Board Disciplinary Matters** *(For Possible Action)*.

- A. Order to Show Cause: Alleged noncompliance with Board Order dated July 25, 2024. Licensee: Bernard Miller, License No. 0801, Case No. 2021-15.

Deputy Attorney General Ostunio introduced this item and welcomed Mr. Miller, who attended the meeting via videoconference. DAG Ostunio explained that an Order to Show Cause was issued because he was aware that the licensee had been unable to make payments. Mr. Miller was asked to come before the board to explain why he hadn't been able to make the required payments, and make any requests regarding the conditions the Board set in his July 25, 2024, disciplinary action.

Mr. Miller informed the Board of various health-related issues sustained since the July 25, 2024, Board Order. The bulk of this year has been devoted to making sure he was back in shape well enough to be able to treat and take care of patients. He informed the Board that he has not been working and has been living off of savings. He has been unable to make any payments or complete the continuing education requirements. He stated that he is amenable to a payment arrangement and is asking for a little bit of extension on the continuing education requirements, because I'm completing his annual CCUs.

Deputy Attorney General Ostunio proposed that the Board extend the terms of their Board Order and allow Mr. Miller to submit a proposed payment plan to the Executive Director.

Motion: I make a motion to take this up at a future board meeting, pending Mr. Miller's submission of a proposal to the Executive Director, including a proposed payment plan and a proposed date for Mr. Miller to finish his CCU requirements. Member Indrieri

Second: Member Hillegass

Motion Passes Unanimously

Deputy Attorney General Ostunio instructed Mr. Miller to email the Executive Director a proposal on when he can repay and when he thinks he can complete his CCU requirements, and then we will bring it back before the Board to vote on it in a future meeting. Mr. Miller acknowledged that he will send the agreement to Mr. Harvey.

- B. Recommendation for approval of Consent Decree (if presented)
Licensee: Boyd Etter, PT, License No. 0869, Case No. 2019-26

Deputy Attorney General Ostunio presented a Consent Decree and informed the Board that we were able to settle with Mr. Etter and his attorney. This case involved records and the requirement to release records in a timely manner.

Motion: I make a motion to accept the recommendation for approval of the Consent Decree regarding licensee Boyd Etter, PT, License Number 0869: Member Indrieri

Second: Member Hillegass

Motion Passes Unanimously

C. Disciplinary Hearing.

- i. Licensee: Paras Goel, PT, License No. 3099, Case No. 2019

Deputy Attorney General Ostunio introduced Dr. Goel's attorney - Chandon Alexander, who participated via videoconference. DAG Ostunio informed the Board that the disciplinary hearing had been canceled based on a request from the licensee's attorney. Attorney Chandon Alexander then informed the Board that Dr. Goel had experienced a family emergency. A formal request for a continuance, along with supporting documentation from Dr. Goel's treating physician, had been submitted to the Attorney General's office. Attorney Alexander requested that the hearing be postponed, as Dr. Goel would not be able to attend in person until the Board's next session.

Motion: I make a motion to accept the request for continuance to the September Board meeting: Member Indrieri

Second: Member Wagner

Motion Passes Unanimously

D. Recommendation for Case Dismissal

- i. Case 2018-15

Deputy Attorney General Ostunio presented Case 2018-15 for dismissal by the Board.

Motion: I make a motion to dismiss Case #2018-15: Member Indrieri

Second: Member Wagner

Motion Passes Unanimously

Item 7. **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. Draft Board Meeting Minutes, May 16, 2025.
- C. Ratification of PT/PTA Licenses Approved (May – June 2025)
- D. Ratification of Advisory Committee on Continuing Competence (ACCC) Recommendations for Courses Reviewed - June 13, 2025.

Vice Chair McDade introduced the Consent Agenda Items for bulk approval.

Motion: I move to approve Item 7, Consent Agenda items: Member Indrieri
Second: Member Hillegass
Motion Passes Unanimously

Item 8. Board General Discussion & Action Items (*For Possible Action*).

- A. Proposed FY2026 Budget.

Executive Director presented the FY2026 Budget Proposal and informed the Board that a comprehensive package had been developed, which included an executive summary and a detailed budget report. Director Harvey stated that the Board continues to maintain a healthy reserve, is able to cover all anticipated operating expenditures for the upcoming year, and offered to answer questions and to walk the Board through each section of the proposal.

Member Wagner commended the Executive Director for doing a great job in providing an informative budget.

Motion: Motion to accept or approve the proposed budget by Director Harvey for the upcoming fiscal year operating budget: Member Indrieri
Second: Member Wagner
Motion Passes Unanimously

- B. Possible rescheduling of the September 2025 Board Meeting.

Motion: Motion to reschedule the September 2025 Board Meeting from September 12th to September 5th, 2025: Member Indrieri
Second: Member Wagner
Motion Passes Unanimously

- C. Development of Guidance for Physical Therapists Regarding SB 113 – Certification of Disability Status for Parking Privileges

The Board reviewed the current DMV form, which patients must complete with their licensed physician, nurse practitioner, or physician assistant. Director Harvey and Deputy Attorney General Ostunio will

contact the Department of Motor Vehicles (DMV) to discuss the implementation of SB 113 and provide guidance for physical therapists. Board staff will follow up with additional guidance for licensees, and the Board will revisit this topic at the next meeting.

D. Strategic Plan Updates.

Vice-Chair McDade reported that she and Member Wagner had written a proposal for the mentorship of board members. No updates or changes have been made since the last board meeting. Additionally, with the assistance of Director Harvey, an 8 ½ x 11 consumer notification poster was created. The poster communicates that the NVPTB is here to serve the consumer and includes the following points:

- NVPTB's function
- NVPTB contact information
- How to verify a license
- How to file a complaint
- What information to include in a complaint

The poster also clarifies that PTs and PTAs are licensed and regulated by the NVPTB, while Physical Therapy Technicians (also called Aides) are not licensed healthcare providers and are not regulated.

Members Indrieri and Hillegass reported on their tasks of addressing the regulation of non-physical therapists and term protection. They discussed the regulation of non-physical therapy owned practices, the protection of physical therapy terms, and the autonomy of the profession. They raised concerns about the challenges associated with protecting PT terms and regulating non-PT owners, particularly those involved in unethical or illegal practices such as Medicare fraud. Other concerns included the need for stricter regulations on non-PT-owned practices, citing issues like overbilling, kickbacks, and lack of supervision in some settings, all of which could pose safety risks for patients. They noted that non-PT-owned clinics may undermine the public's right to choose their healthcare providers and the quality of care, particularly in large corporate practices that employ less experienced physical therapists. They proposed several regulatory measures, including:

- Restricting ownership of PT clinics based on prior unethical behavior.
- Implementing continuing education requirements for non-medical owners.
- Potentially limiting where new PT graduates can work in the early years of their careers to ensure proper mentorship.

Another concern raised was the need for greater autonomy within the profession, especially in comparison to countries where PTs have more

privileges, such as prescribing medications or performing certain procedures. The discussion also touched on term protection, with a suggestion to update the Nevada Practice Act to include additional terms like "PTA" (Physical Therapist Assistant) and "DPT" (Doctor of Physical Therapy), in order to safeguard against the misuse of these terms. Furthermore, support for pushing for PTs to be designated as primary care providers, following the example of states like Utah and Montana, which have already passed laws recognizing PTs in this role. The discussion concluded with plans to engage with legislative committees and lobbyists to advocate for changes to the Practice Act.

E. Review and Planning for Potential Revisions to the Nevada Practice Act

The Board discussed the process for reviewing and potentially revising the Nevada Physical Therapy Practice Act to ensure it aligns with updated standards, particularly the recently revised Model Practice Act developed by the Federation of State Boards of Physical Therapy (FSBPT). A primary goal is to ensure key areas, such as ethics, are included, as many states lack specific ethical practice language in their Practice Acts, which could be a gap in Nevada's Act.

Key Points:

- The FSBPT's Model Practice Act has been updated, and the Board agreed to use it as a baseline for comparison.
- The review will focus on language, missing elements, and alignment with best practices, including ethical standards in physical therapy.

Proposed Committee Structure:

The Board discussed forming a committee to oversee the comparison process. Suggested members for the committee include:

- 2 Physical Therapists (PTs)
- 1 Physical Therapist Assistant (PTA)
- 1 Representative from the Physical Therapy Association
- 1 Public Member (non-Board member with a patient perspective)
- 1 Board Member

Committee Size and Composition:

The committee will consist of 5-6 members to ensure efficiency.

Committee Workflow:

The Board agreed to break down the review process into manageable sections. Each committee member will review specific parts of the

Practice Act, comparing them to the corresponding sections in the Model Act. This approach allows for a comprehensive review while preventing committee overload. A step-ladder approach, as used by FSBPT, will ensure thoroughness.

Legal Considerations:

The Board discussed legal requirements for open meetings for committees. Legal counsel clarified that:

- A committee with fewer than 3 board members does not trigger quorum, thus no full open meeting procedures are required.
- A committee consisting of 2 board members and 1 external member is acceptable under open meeting laws.

Committee Formation and Next Steps:

The Board agreed to proceed with the formation of the committee. Next steps include:

- Volunteer Recruitment: The Board will reach out to APTA for volunteers.
 - Primary Committee Members: Lou H. and [Board Member] volunteered as primary members.
 - Alternate Committee Member: Joe will serve as an alternate if necessary.
- The committee structure will be finalized, and progress will be reviewed at the next meeting.

Motion: I motion to create a subcommittee to participate in a step ladder review of the Nevada Physical Therapy Practice Act as compared to the Model Practice Act through FSBPT.

Second: Member Hillegass

Motion Passes Unanimously

F. Open Roundtable.

G. Vice Chair McDade provided a report on the 2025 FSBPT Leadership Issues Forum (LIF). The LIF meeting covered several key topics affecting the physical therapy field:

- Designation Protection: Ongoing efforts with FSBPT and APTA to protect professional designations.
- DPT Education: The trend of shortening DPT programs, driven by financial aid concerns, with discussions around maintaining educational quality.
- State Practice Acts: Focus on updating language to align with current standards, avoiding outdated references.
- Mental Health and Burnout: Addressing mental health challenges and burnout among physical therapists.

- Strategic Planning: Emphasis on the importance of strategic plans for regulatory boards and continuous follow-up.
- AI in Practice: Discussed the ethical use of AI in treatment programs, stressing that it should not replace professional reasoning.
- Workforce Data: The need for better tracking of physical therapist licensure and workforce trends, with potential use of FSBPT's database.
- Veterinary Rehab: Collaboration with the Veterinary Board on integrating physical therapists into animal rehabilitation.
- Social Media: Discussed improving social media use for board updates and public engagement.

Item 9. Report from Board Chair and Members (*Informational Only*).

Board Chair Laymon is out on an excused absence.

Item 10. Future Agenda Items (*Informational Only*).

- i. Committee Update on the Step Ladder Review
- ii. Disability Placards
- iii. Support for Physical Therapist Assistants, giving support to physical therapists in the animal rehab industry in our state.
- iv. Discussion on scheduling an October 2025 Board Meeting for a possible disciplinary hearing.

Item 11. Public Comment

Comments from Jen Nash, Secretary, APTA NV.

APTA NV is excited to be a part of the Committee, and we want to thank the Board for including the Association on the Step Ladder, also referred to as crosswalking between the Model Practice Act and the State Practice Act. We look forward to that.

Item 12. Adjournment

The meeting adjourned at 11:17 am.