

STATE OF NEVADA

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Governor



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Board Chair

REGINA MCDADE, PTA
Vice-Chair

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Secretary/Treasurer

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Board Member

AARON STEVENS
Public Member

Staff

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Executive Director

MURIEL MORIN-MENDES
Licensing Coordinator

GABRIELLA FUENTES
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

July 25, 2024

Item 1. Call to Order, Confirmation of Quorum

Chair Laymon convened the meeting at 9:06 am.

Board Members Present: Michael Laymon, Board Chair; Gina McDade, Vice-Chair; Jennifer Nash, Member; Aaron Stevens, Public Member

Board Members Absent: Jessie Fisher, Secretary/Treasurer

Staff: Charles Harvey, Executive Director; Deborah Dieter, Board Investigator; Gabriella Fuentes, Board Operations Support Specialist; Muriel Morin Mendes, Licensing Coordinator; Sydney Apperson, Administrative Assistant

Legal Counsel: Todd Weiss, Senior Deputy Attorney General; Joseph Ostunio, Deputy Attorney General

Item 2. Public Comments

None.

Item 3. Board Mission Statement (*Informational Only*).

Vice-Chair McDade read the Board Mission Statement into the record.

Item 4. Board Reports and Updates (*Informational Only*).

A. Nevada Physical Therapy Association (APTA NV)

None.

C. Government Relations [*Item Taken Out of Order*]

- i. Tri-Strategies
- ii. Jeff Rosa, FSBPT PT Compact

A PT Compact update and overview were provided by Paul Klein from Tri-Strategies and Jeff Rosa from FSBPT.

B. NVPTB Legal Counsel

Introduction of Deputy Attorney General Joseph Ostunio, as new Board Counsel. Senior Deputy Attorney General Todd Weiss informed the Board that he would continue to oversee several board cases through to the conclusion.

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

The Board held a formal disciplinary hearing for Case #2021-15, Bernard Miller, PT, License #0801. Deputy Attorney General Ziwei Zheng served as prosecutor in this matter. Senior Deputy Attorney General Todd Weiss served as Board Counsel. Licensee Bernard Miller attended the hearing in person.

After the presentation of arguments, evidence, and witness testimony from both the Board prosecutor and Licensee, the Board made the following motions, findings, and conclusions in the matter:

Motion: I motion that the allegation in case number 2021-15 that the allegation for failing to treat with professional skill and competence has been proven by a preponderance of the evidence: Jen Nash.

Second: Gina McDade

Motion Passes Unanimously.

Motion: I motion that in Case #2021-15, the allegation of engaging in misleading or deceptive filing practices has not been proven by a preponderance of the evidence: Jen Nash

Second: Gina McDade

Motion Passes Unanimously

Motion: I motion that in Case #2021-15, the allegation of failure to provide clear, legible, complete, and accurate records for patients has been proven beyond a preponderance of the evidence: Jen Nash

Second: Aaron Stevens

Motion Passes Unanimously

Motion: I motion that in Case #2021-15, the allegation of failing to comply with statutes and regulations has been proven by a preponderance of evidence: Jen Nash

Second: Gina McDade

Motion Passes Unanimously

FINDINGS OF FACT

Motion: I make a motion for findings of fact for the following allegations: Numbers 1, 3-10, 12-17, 19-24, 26-34, 36, and 37-40: Gina McDade

Second: Jen Nash

Motion Passes Unanimously

CONCLUSIONS OF LAW

Motion: We find conclusions of law consistent with the First Claim for Relief, Second Claim for Relief, and Fourth Claim for Relief, as provided in Complaint 2021-15: Gina McDade

Second: Jen Nash

Motion Passes Unanimously

Based on the Board's findings and conclusions in the matter, it ordered the following discipline for Licensee:

ORDER FOR DISCIPLINE

Motion: I make a motion for discipline of the respondent in Case 2021-15 for the following: Board investigation fees in the amount of \$500. A fine in the amount of \$2,500, both to be paid within six months from the date the order is finalized. A fine for probation for a term of three years. A requirement of six hours of continuing education for remediation in the areas of ethics, patient care, and documentation including billing and coding in the area of practice, and to retake the jurisprudence exam, to be completed within and by the next license cycle ending in 2025, in addition to the current license requirements: Gina McDade.

Second: Jen Nash

Motion Passes Unanimously

Item 6. **Consent Agenda Items** *(For Possible Action)*.

Board Meeting Minutes, Draft - May 10, 2024.

- A. Ratification of PT/PTA Licenses approved May – June 2024.
- B. Ratification of ACCC recommendations for continuing competence courses reviewed May - July 2024.
- C. Board Operations Report

Motion: Motion to approve: Jennifer Nash

Second: Gina McDade

Motion Passes Unanimously

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

- A. Review and Discussion on revised Advisory Opinion regarding physical therapist-patient referrals for diagnostic imaging studies.

Motion: Motion to approve the revised Advisory Opinion: Gina McDade

Second: Jennifer Nash

Motion Passes Unanimously

- B. Future effective date for implementation of a new requirement for an Annual Nevada Jurisprudence Exam relating to NAC 640.040(2).

Motion: Motion to approve a January 1, 2025 implementation date for the annual NV Jurisprudence Exam: Gina McDade

Second: Jennifer Nash

Motion Passes Unanimously

- C. Future effective date for implementation of a new requirement for one approved course or continuing competency activity concerning diversity, equity, inclusion, or social justice, NAC 640.400

Motion: Motion to approve a January 1, 2025 implementation date: Gina McDade

Second: Jennifer Nash

Motion Passes Unanimously

- D. Review and possible approval of the FY2025 Budget

Motion: Motion to approve the FY2025 Budget: Gina McDade

Second: Aaron Stevens

Motion Passes Unanimously

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

Vice Chair McDade offered insights on the July 17, 2024, ACCC meeting and shared her experience with the newly implemented CE Broker course review and approval process.

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

- Possible approval of one hour of continuing competence for completion of the annual NV JAM.
- Board retreat/in-person meeting.

Item 10. Public Comment

None.

Item 11. Adjournment

The meeting was adjourned at 1:46 pm.