STATE OF NEVADA

PHYSICAL THERAPY BOARD

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

BOARD MEETING MINUTES
March 15, 2024

Item 1. Call to Order, Confirmation of Quorum

The March 15, 2024 Meeting of the Nevada Physical Therapy Board was called to order at 9:00 by Jessie Fisher, Acting Board Chair.

Members in Attendance: Jennifer Nash, Board Member; Gina McDade, PTA Member; Michael Laymon, Board Member; Aaron Stevens, Public Member; Jessie Fisher, Acting Board Chair.

Staff in Attendance: Charles Harvey, Executive Director; Gabriella Fuentes, Board Operations Support Specialist; Muriel Morin Mendes, Licensing Coordinator; Deborah Dieter, Board Investigator.

Board Counsel: Ziweng Zheng, Deputy Attorney General; Todd Weiss, Senior Deputy Attorney General.

Item 2. Public Comment
Dr. Alyssa Wu Hatch, PT.
I am a licensed physical therapist practicing in Las Vegas, Nevada. I'm also a business owner. I have my own practice and I'm a mom. I would like to appeal to the Board to change the current licensure renewal requirements from 15 continued competency units per year to 30 units every other year

Item 3. Report from Nevada Physical Therapy Association (APTA NV) ***(Informational Only).***

None Available.

Item 4. Review and Discussion of January 12, 2024, Board Meeting Minutes ***(For Possible Action).***

Motion: Motion to approve the January 12, 2024 Board Meeting Minutes: Michael Laymon.
Second: Gina McDade
Motion Passes Unanimously.

Item 5. Board Member Nomination and Election for Positions of Board Chair, Vice-Chair, Secretary/Treasurer, and Liaison/Member of the Advisory Committee on Continuing Competence ***(For Possible Action).***

Motion: Motion to approve Michael Laymon as Board Chair: Gina McDade.
Second: Aaron Stevens.
Motion Passes Unanimously.

Motion: Motion to approve Gina McDade as Board Chair: Michael Laymon.
Second: Aaron Stevens.
Motion Passes Unanimously.

Motion: Motion to approve Jessie Fisher as Secretary/Treasurer: Gina McDade.
Second: Aaron Stevens.
Motion Passes Unanimously.

Motion: Motion to approve Gina McDade as ACCC Board Liaison: Jennifer Nash.
Second: Aaron Stevens.
Motion Passes Unanimously.

Item 11 – Taken Out of Order

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. Bernard Miller, PT, License #0801

      Item tabled.

   ii. Channing Ware, PT, License #4255

      Recused: Jessie Fisher
      Motion: Motion to approve the Consent Decree with a follow up inspection to ensure the licensee is in compliance after completion of her continuing competence requirements: Michael Laymon.
      Second: Gina McDade
      Motion passes with one abstention.

   iii. Justin Hesselbart, PTA, License #A-1272

Recused: Jessie Fisher
Motion: Motion to approve the Consent Decree with a follow up inspection to ensure the licensee is in compliance after completion of her continuing competence requirements: Michael Laymon.
Second: Gina McDade
Motion passes with one abstention.

B. Recommendation for Case Dismissal. The Board will review and possibly approve action regarding the dismissal of the following cases.
   i. Case #2023-22
   ii. Case #2023-20
   iii. Case #2021-05

Motion: Motion to dismiss Case #2023-22, Case #2023-20, and Case #2021-05: Jennifer Nash.
Second: Michael Laymon
Motion Passes Unanimously.

Item 6. Professional Services: Contract for Board Services ***(For Possible Action).*** The Board will review and discuss proposals for professional services and possibly approve a contract. Each vendor will be allotted five minutes to present their approach towards the Board's goals and initiatives.

A. Kathleen Laxalt
B. I3 Public Affairs
C. TriStrategies
D. Pinion Public Affairs

Motion: Motion to approve TriStrategies as our new firm: Jennifer Nash.
Second: Gina McDade
Motion Passes Unanimously.

Meeting Recessed at 10:48 am.
Meeting Reconvened at 1:54 am.

Item 7. Review and Discussion on Practice Act Question ***(For Possible Action).*** The Board will review and discuss a request submitted by Susan Priestman, PT, DPT, President of APTA Nevada.

A. Does the Practice Act explicitly prohibit physical therapists from referring patients directly for diagnostic imaging studies?

Motion: There is no language in the Practice Act prohibiting physical therapists from referring patients directly for diagnostic imaging studies: Gina McDade.
Second: Jennifer Nash
Motion Passes Unanimously

Item 8. Review and Discussion on Practice Act Question ***(For Possible Action).*** The Board will review and discuss a request submitted by Dr. Jason Jaeger, D.C.

A. May PTs order imaging without referral, if they believe it is necessary. Precedence has been established in Colorado, Wisconsin, and Utah. Not sure about insurance reimbursement, but allowing us to order is the first step.

Motion: Motion that the Board put together an advisory opinion related to guidelines on physical therapists ordering imaging studies, and that we pass it by our legal counsel: Michael Laymon.
Second: Gina McDade
Motion Passes Unanimously

Item 9. Request for NRS and NAC 640 Language Updates, submitted by Dr. Jason Jaeger, DC. ***(For Possible Action)***. The Board will review and discuss a request submitted by Dr. Jason Jaeger, D.C. for board consideration of an interim Directive to not enforce:

A. Capitation of the number of PTA's, PT Techs, and PT Students to two (2) and three (3) respectively, but to be expanded to six (6) people total per licensed NV PT.
B. PT Provider/ Doctor supervision is required to be in person, but to be interim expanded to being present in person, video, or audio.
C. Examination requirements are to be every 7th visit or 21 days, but to instead follow Medicare Guidelines, or every 10 visits or 30 days.

After discussion, the Board determined that no action will be taken on Item 9A and 9B.
Motion: Motion that the Board defer an opinion on Item 9B: Gina McDade.
Second: Jennifer Nash
Motion Passes Unanimously

Item 10. Report from Board Legal Counsel ***(Informational Only)***.

Senior Deputy Attorney General Todd Weiss will be serving as the Board's new legal counsel, going forward.

Item 11. Update on Pending Administrative Regulations (NAC 640) ***(For Possible Action)***.

The Board's January 12, 2024 approved changes to NAC 640 were submitted to the Legislative Counsel Bureau (LCB) for review. The Board is awaiting notification of the LCB meeting date.

Item 13. Advisory Committee on Continuing Competence (ACCC) Update ***(For Possible Action)***

A. Consideration of recommendations for continuing competence courses reviewed at the February 9, 2024, ACCC Meeting.

B. Review, Discussion, and Approval of Revised White Paper.

Motion: Motion to accept the White Paper with the recommended changes: Gina McDade.
Second: Jennifer Nash.
Motion Passes Unanimously

Item 14. Board Operations

A. 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 approved licenses as mentioned: Jennifer Nash.
Second: Gina McDade.
Motion Passes Unanimously

B. Report from Executive Director ***(Informational Only)***

Director Harvey presented the Board Operations, highlighting licensing and financial data, key achievements, challenges faced, and strategies implemented to achieve organizational goals effectively.

Item 15. Diversity, Equity, Inclusion, and Justice (DEIJ) ***(For Possible Action).*** The Board will receive an update on DEIJ initiatives and possibly approve additional actions.

No Action Taken.

Item 16. Report from Board Chair and Board Members ***(Informational Only)***

Item 17. Discussion of Future Agenda Items ***(Informational Only)***

Possible future agenda items:

- Discussion on extending the license from a one-year to a two-year license with 30 units of continuing competence every two years.
- Discussion on changing license renewal dates from the current model to more evenly distribute the renewal workload over the year.
- Discussion on Nevada jurisprudence exam requirements.
- Discussion on the online licensure process.
- Discussion on the requirements to perform Dry-Needling in the State of Nevada.
- Discussion on holding in-person meetings in northern and southern Nevada.

Item 18. Public Comment

Bernard Miller, PT, requested an update on his case that was scheduled for hearing today, and stated that he did not have Internet access earlier in the morning. He was informed that the case was tabled by the Deputy Attorney General and he would receive proper notice of rescheduling for the next board meeting.

Dr. Andrea Avruskin, PT, DPT, shared an idea regarding leaving the annual renewal cycle as is and allowing licensees to roll over credits from a previous year.

Item 19. Adjournment

Meeting adjournded at 12:26 pm.