

NEVADA STATE BOARD OF PODIATRY

TELEPHONIC BOARD MEETING MINUTES OF MARCH 10, 2014

1. *Call to order, roll call of members, and establish a quorum.* The meeting was called to order at 5:07pm by Dr. Douglas Stacey, President. Board members in attendance: Dr. Douglas Stacey, President; Dr. Clark Pillsbury, Vice President; Dr. Christine Clark, Secretary/Treasurer; Dr. Kenneth Jarvis; Mrs. Donna Baushke, Public Member. Non-members in attendance: Richard Dreitzer, legal counsel; Allison Tresca.
2. *Public comment.* There was no public comment.
3. *Review and consideration of retaining Rocky Finseth as the Board's lobbyist, and discussion of terms related to same.* Board member Baushke stated that on May 14th, 2013, Mr. Finseth was interviewed as a potential lobbyist, and although no decision was made at that time, it was a thorough interview. She stated she believed he was a great candidate. Dr. Stacey asked Mr. Finseth to introduce himself and provide a brief background. Mr. Finseth stated that he is the president and CEO of a government affairs firm, Carrara Nevada. He stated the firm represents a number of local companies, city and county entities, as well as representing private companies and regulatory boards. He stated he has offices in northern and southern Nevada. He noted that he relocates to Carson City for the legislative session. He stated that he interacts with the legislature in the interim session, and noted his firm is known for their work on pharmaceutical issues. He stated that his firm represents the Nevada Association of Realtors, the City of Sparks and a wide range of clients, and handles matters both in and out of session. He stated he has been working in this arena for 20 years, and lobbying for 14 years. He noted that he has excellent relationships with legislators both in the north and south, and advised he would be happy to provide references. Vice President Pillsbury asked if there was any potential conflict with any physician groups Mr. Finseth currently represents. Mr. Finseth stated there was not. Board member Baushke asked if Mr. Finseth's firm still had 18 clients, as was represented at the May 2013 meeting. Mr. Finseth stated clients come in and go out, and the number of clients at this time is 11 as they are out of session. He stated that the number will increase as they get closer to the next legislative session. Board member Baushke asked Mr. Finseth what he would do if he perceived a conflict with a current or potential client. Mr. Finseth stated he considers who he represents, and would not represent a client if a possible conflict with a current client. He stated he avoids such conflicts to protect all involved. Secretary/Treasurer Clark stated she recalls a conflict with this Board and the Physical Therapy Board regarding wound debridement, but cannot recall the specifics without the minutes. Richard Dreitzer noted that it was the professional association, not the Physical Therapy Board. Secretary/Treasurer Clark stated that Mr. Finseth lobbying for physical therapy professional association and the Podiatry Board could possibly be a conflict. Mr. Finseth stated that if a specific conflict arises, he would need to sit down and determine if it was an actual conflict. If it was, they he would suggest the president of

the association talk to the Podiatry Board. If it was determined a conflict existed, Mr. Finseth would assist the Board in finding someone else. He noted that the physical therapy association is not pursuing anything in the legislature at this time, but if that changes he will bring it to the Board's attention. Board member Baushke stated that at the August Board meeting, a printout of proposed language of the association was reviewed and it contained language on debridement and orthotics fabrication. Mr. Finseth stated he recalls that wound debridement is part of the scope of practice for physical therapy and is included in the educational curriculum. Mr. Finseth stated that his firm has stepped aside in issues where a conflict exists, and will do the same again if necessary. Mr. Finseth stated there is not a lot of work in the interim session, and suggest retention from January to June of the session months, with a monthly rate of \$2,100 while in session,. He also suggested a \$150 per hour rate while out of session to watch for any upcoming matters of concern to the Board. President Stacey thanked Mr. Finseth for attending the meeting. Mr. Finseth reiterated that if the Board members have any issue or concern regarding matters with the physical therapy association, he will work with the Board to find someone else to represent them. Board member Baushke stated she was very impressed and noted Mr. Finseth was very forthcoming. She noted that they went through an awful lot of potential candidates, and not a lot of people wanted to work with the Board. Vice President Pillsbury stated he does not think it would be conflict for Mr. Finseth to represent the Board, and stated he is confident Mr. Finseth would handle any concerns appropriately. President Stacey stated that a previous lobbyist really didn't understand the profession and perhaps having someone with more knowledge would be beneficial. Mr. Finseth stated that is common, as lobbyists are not typically representing a profession they actually practice, and noted that is why open communication with the Board members is vital. Vice President Pillsbury stated he is confident in accepting Mr. Finseth based on the presentation today and the previous interview done with Public member Baushke. Board member Jarvis inquired as to when the legislative was. Mr. Finseth stated the next session formally begins in February 2015. Vice President Pillsbury stated that anyone they bring in will have a learning curve, and Mr. Finseth has enough interest to learn the profession. Board member Jarvis asked Richard Dreitzer if he was confident in Mr. Finseth representing the Board. Richard Dreitzer stated he is confident and he appreciates that Mr. Finseth was forthcoming as to how he would handle any potential conflict. Board member Jarvis stated that knowing the mechanics of the legislature is even more important than knowing the profession itself, as the members can assist with professional questions and clarifications.

Motion to accept Rocky Finseth as lobbyist for the Board at the monthly rate of \$2,100 during the legislative session and \$150 per hour prior to the session as needed; and stipulated a 30-day right of rescission for either side: Board member Jarvis.

Second to motion: Vice President Pillsbury.

4. *Appointment of Allison Tresca as Interim Executive Director for the Nevada State Podiatry Board and discussion of terms of employment related to same.* Richard Dreitzer advised the Board that he is also legal counsel to the Physical Therapy Examiners Board and has been working with Ms. Tresca for 10 years. He noted that due to the special nature of regulatory

boards, it is prudent to bring someone in to help during the transition to a new director. He noted that the office is not staffed, and Allison stepped in voluntarily to conduct business as usual to ensure board matters are not delayed. He stated that he suggests the Board retain Allison at this time, as she can hit the ground running and get the Board back on track. He stated the Board could hire her on as a contractor, and she can assist the Board later down the road in their search for a permanent director. Dr. Pillsbury stated that he had been working with Allison thus far, and she has been awesome to work with. It was noted the Board executed a 10 year lease in Reno, which is unusual. Allison stated she would look into the matter. Allison stated she is excited to assist the Board and had received some office items thus far and has been working on several matters. Allison stated she earns \$40 per hour with the physical therapy board, and would be willing to work as a contractor for the Podiatry Board for \$30 per hour. She noted that she has been with the Physical Therapy Examiners Board over 14 years. Allison stated that based on the number of licensees, the Board can likely operate at 5-10 hours per week. It was noted that the hours will be more at first to get the Board caught up on matters, and she is not sure if the records are in good order. She noted it was difficult to determine as all office files must be received to see what needs to be done.

Motion to hire Allison Tresca as a contractor at the rate of \$30 per hour: Public member Baushke.

Second to motion: Vice President Pillsbury.

Motion passes unanimously.

5. *Review and consideration of securing a financial audit.* President Stacey noted that the state looked at the Board's accounting records based on the required reporting, and the numbers were not adding up which resulted in an investigation. He questioned how often the Board was to conduct audits. He stated that based on the current situation, it may be wise for the Board to perform annual audits. Richard Dreitzer noted it is a money issue, as audits are very expensive. He suggested following the state requirement and to not make any changes at this time. Allison advised she would look into the state requirement to ensure the Board is in compliance. She noted some that some Boards are not required to conduct audits, it depends on the income of the Board. Some Boards only require the submission of financial statements.

Motion to follow what the regulations are pertaining to financial reporting: President Stacey.

Second to motion: Board member Jarvis.

Passes unanimously.

6. *Review and consideration of submitting changes to NRS 635.* President Stacey inquired of it was appropriate for the Board to submit statutory changes. Richard Dreitzer stated that if it pertains to expanding scope of practice, that is an association role. The function of the Board is to protect the public safety and welfare, therefore the scope of practice issues are pursued by the professional association. Allison asked if anyone contacted the association regarding

potential changes. She noted that the Board can certainly support changes they agree with by submitting letters or testimony when the matter is before the legislature. No action was taken.

7. *Board to consider if needle EMG is within the podiatrist scope of practice.* Allison noted that she does not have the Board's agenda mailing list, and suggested that the matter be tabled for input should the Board's regulations not be clear. Board member Baushke referenced Nevada Revised Statute 635(1):

NRS 635.085 Authorized activities of licensed podiatric physician.

1. Except as otherwise provided in subsection 2, a podiatric physician licensed by the Board may:
 - (a) Administer electricity to the foot or leg by means including electrodes, machinery and rays.
 - (b) Use his or her hands and machinery to work upon the foot or leg and its articulations.

Board member Baushke stated the statute supports that EMG is within scope. Vice President Pillsbury agreed with Board member Baushke. President Stacey stated he agrees EMG is appropriate and within scope based on the language of NRS 635.085.

Motion that needle EMG is within scope of practice, and for Board communications on this topic are to cite the statute: Board member Jarvis.

Second to motion: Secretary/Treasurer Clark.

Passes unanimously.

8. *Public comment.* There was no public comment.
9. *Items for future agendas.* Allison asked how often the Board meets and if there was a set schedule. Public member Baushke noted that statute requires quarterly meetings at a minimum. Allison noted that the Board can meet more often, and suggested to allow the meetings to occur quarterly, more often if need be based on items to consider. This will allow matters to be addressed as needed. Allison stated she will poll the members for a June meeting. Public member Baushke stated that Mondays seem to work well. Secretary/Treasurer Clark requested a start time of 5:30 or 6pm as 5pm does not work for those with patients on their schedule. President Stacey stated the Board can set the dates ahead of time, such as the second Mondays at 5:30pm. Secretary/Treasurer Clark stated to let the items drive how often the Board meets, but ensure at least quarterly to be in compliance with the statute. Vice President Pillsbury stated that quarterly meetings on the second Monday at 5:30 works, but it can be flexible. Allison stated she will send a poll for the meeting date and time.
10. *Attorney-client meeting.* These minutes are not available to the public.
11. *Adjournment.* Dr. Stacey adjourned the meeting at 6:30pm. Dr. Stacey thanked Dr. Pillsbury for arranging to get all of the Board records to Allison in Las Vegas and for looking in on the Reno

office. He noted it was important that Board matters be addressed timely and appreciated the time involved in securing access to the office and moving the records.