

**Physical Therapist Licensing Board  
Board Meeting  
February 4, 2011**

**MINUTES**

**Friday, February 4, 2011**

**Board Members Present:** Joana Freedman, PT, Chair; Jason Fiske, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member; Troy Costales, Public Member

**Absent:** Steve Alstot, PT, Vice Chair

**Staff:** James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

**Legal Counsel:** Carol Parks, AAG

At 8:30 AM, Acting Chair Jason Fiske convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

The closed door Executive Session is digitally recorded and stored electronically on the Board's file server.

**PUBLIC (OPEN) SESSION**

At 12:50 PM, Board Chair Freedman convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public; approved the prior Board Meeting minutes; ratified new licenses; reviewed general correspondence; entertained motions; publicly voted on any actions so moved before the Board; and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties, for the administrative cost to reproduce the audio file.

**Board Motions**

**Case PT 359-6/10**

Motion, by Richard Rutt, to issue Final Order by Default, Revocation of License.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Case PT 374-12/10**

Motion, by Richard Rutt, to close case citing no violations.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Case PT 373-11/10**

Motion, by Richard Rutt, to close case, referring complaint to the Chiropractic Board with a directive to PT Board staff to track status of case with the Chiropractic Board.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Cases PT 377-1/11; PT 378-1/11 and PT 380-1/11**

Motion, by Richard Rutt, to issue license upon completion of the application process.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Case PT 379-1/11**

Motion, by Richard Rutt, to deny application for licensure citing ORS 688.080(1)(c) and 688.140(2)(j), applicant does not hold an unrestricted license to practice in another state.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Case PT 375-7/10**

Motion, by Richard Rutt, to close case pending receipt of new application.

Seconded by Carol Sutton

Motion passed by unanimous vote 7-0

**Approval of Board Meeting Minutes**

The drafted Minutes, from the November 19, 2010 Regular Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. With one noted correction, Carol Sutton moved to accept the minutes. Richard Rutt seconded the motion. The November 19, 2010 minutes were unanimously accepted as corrected.

**Ratification of PT/PTA Licenses & Temporary Permits**

The Director presented the Board with a list of new licensees and temporary permit holders for the period of November 19, 2010 through February 3, 2011. The Board Chair opened the floor for discussion. Without noted discussion, Richard Rutt moved to ratify the issuance of the new licenses and permits as submitted. Carol Sutton seconded the motion. The new licenses and permits were unanimously ratified.

**General Topics/Business**

- **2011-2012 Renewals** – The Director reported that the updated on-line renewal process was implemented and, with few exceptions and problems, has been received well by licensees. Based on the first month of activity and low number of requests for paper renewal forms, the projected usage of the new system is going to be in the 80% range.
  
- **FSBPT 2011 Budget** – The Director noted, per the Federation of State Boards of Physical Therapy By-laws, copies of the FSBPT 2011 adopted operating budget were provided to all the Oregon Board Members.

- **FSBPT Board Member Training** – In August 2011 the Federation of State Boards of Physical Therapy hosting another Board Member Training Session. This is a three-day session covering the attributes and accountabilities of serving on a regulatory Board, covering topics of public safety, credentialing, scope of practice, emerging trends and services available to member boards of the Federation. The Director suggested that the new Board members, who have not yet attended the orientation, consider doing so. All expenses associated with the travel, stay, meals and incidentals are covered by the FSBPT. Board members Sutton and Wood indicated their interest and will check their availability and get back to the Director.

### **Dry Needling**

The Director updated the Board regarding dry needling issues since the last Board meeting. He noted an article titled “Fighting Over the Needle” published in the January 19, 2011 issue of the Willamette Week. The article alluded to a “turf battle” between the Chiropractic Examiners Board and Acupuncturists. The article also cited a “similar scrap” in 2009 between Oregon acupuncturists and physical therapists. On Thursday, January 20<sup>th</sup>, the Chiropractic Board held a public hearing determining “dry needling” is within the scope of chiropractic practice under ORS 684. Further, the Board noted that Chiropractic physicians may not seek to perform dry needling until all requirements are specified and adopted in a permanent Administrative Rule (projected to be adopted in May 2011).

### **2011-2013 Proposed PT Board Budget**

The Director indicated that the proposed first draft of the budget was not ready to be presented. The first draft of the budget will be presented at the April 8, 2011 Board meeting. Following Board approval, the Notice of Rule Making Hearing will be published in the May 1<sup>st</sup> Oregon Bulletin. At that time, notice of the hearing will also be sent to the Legislature, Interested Parties and all Licensees. The Administrative Rules Hearing will be held on June 10, 2011. Following the Hearing, the Board will make any necessary adjustments and adopt the 2011-2013 Board Budget, effective for July 1, 2011.

### **2011 Legislative Session Overview**

The Director shared information regarding a number of legislative Bills that the Board office was tracking through the 2011 Legislative Session. The Director indicated that the Board will be updated, as needed, as the session progresses. Also, the director indicated that there may be need, from time to time, to call a special telephone Board meeting to address this legislation and to solicit a position from the Board.

### **Review of Board Policy Regarding Issuing Licenses to Applicants with prior Arrest or Actions**

This policy was established in August of 2007. Based on certain criteria, the policy gives authority to issue a new or renewal license to an applicant with a previous criminal offense, to the Board Chair, Vice Chair, Executive Director or Clinical Advisor/Investigator, without taking the case before the entire Board for consideration. Applications not meeting the criteria must be brought to the entire Board for consideration. Sometimes timing and extenuating circumstances can play a large part in the processing of an application and a polling of the Board is justified. In these cases, when staff polls the Board for any reason, a deadline date for Board response must be indicated. Pending the deadline date, no communication or action should be taken, by staff, until the deadline for Board Member response has been reached. At that time, and not before, the Board Members can be made aware of the outcome of the poll.

### **2010 – 2011 Board Meeting Dates**

As established by the Board, the future Board Meeting dates are as follows: April 8, 2011; June 10, 2011; August 26, 2011 and November 4, 2011. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

### **Other New Business**

Board member Jason Fiske reported on his attendance at the Federation of Associations of Regulatory Boards (FARB) Conference in January 2011. Jason shared case study information, new initiatives, public media outreach opportunities, trends in disciplinary actions and Board safety.

With no additional new business cited, Board Chair Freedman adjourned the Board Meeting at 2:40 PM.

**END OF PUBLIC SESSION AGENDA**