

**Oregon Physical Therapist Licensing Board
Board Meeting
March 02, 2007**

MINUTES

Friday, March 02, 2007

Board Members Present: Jerry Nickell, PT, Chair; Jason Fiske, PT; Nancy Wilson, PTA, Cindy Cunningham, Public Member

Board Members Absent: Joana Freedman, PT, Vice Chair; Steve Alstot, PT; Daiva Banaitis, PT, PhD

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Mindy Tucker, Contract Investigator

Legal Counsel: Carol Parks, AAG

PUBLIC (OPEN) SESSION

The public and interested parties are invited to attend this portion of the meeting. To better accommodate guests wanting to attend the Public Session, Jerry Nickell convened the Board directly into Public Session at 8:30 AM. The Public Session is 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.

Proposed Rule Changes

The Board reviewed and discussed the testimony presented at the January 25, 2007 Proposed Administrative Rules Hearing. After discussion and consideration, the Board decided to adopt the proposed rule changes and file them, with the Secretary of State's Office, incorporating the amendments, as discussed by the Board.

"Body Talk Portland" & Gilly Adkins

The Board Investigator reported, to the Board, that Ms. Adkins had been contacted with regards to Ms. Adkins' use of the term "Physical Therapist". Ms. Adkins stated she will stop the use of the term Physical Therapist. The Board Investigator reported that Ms. Adkins has indeed removed the term "Physical Therapist" from her web advertisements.

General Topics/Business

- Consideration for appointment of new Board Chair- Because three of the Board members were absent from the meeting, after Board discussion, it was determined that the appointment, of a new Board Chair, would be tabled until the April 27, 2007 Board meeting. Chair Nickell agreed to return for the April 27th meeting and will officiate, as Chair, over that meeting.
- Applicants for vacant Board member position- The Executive Director reported, to the Board, that he had contacted the Office of Executive Appointments (OEA) to make them aware that, although the OEA had received two Interest Forms for the open PT position

on the Board, the Board staff was actively recruiting licensees, from the Central and Eastern Oregon areas, as potential candidates.

- Director's leave of absence- The Executive Director reported, to the Board, that he will be out on a medical leave-of-absence beginning on April 02, 2007. The anticipated leave will include fulltime Short Term Disability benefits for the first six weeks, following the surgery. Then, he may be released to return part-time for an additional six weeks.
- Board Affirmative Action Plan- The Executive Director reported, to the Board, that the Governor's Office of Affirmative Action had approved the Board's 2007-2009 Affirmative Action Plan, as submitted by the Board. Copies of the Board's Affirmative Action Plan may be obtained by contacting the Board office.
- Technology Update and Future Enhancements- The Executive Director reviewed, with the Board, the history of the technical advances made, by the Board, over the last two years. He then shared, with the Board, the future proposed enhancements to include: posting of Board Disciplinary Actions on the Board website, on-line applications and renewals, on-line real time update by licensees of address, phone, employment information.
- TIES Conference in Eugene, PT Board participation- The Board Clinical Advisor/ Investigator reported, to the Board, that Therapists in Educational Setting had asked the Board to participate in the 2007 Conference scheduled for April 17, 2007 in Eugene, Oregon. The Board Executive Director and Clinical Advisor attended and presented at the 2006 Conference. The Board felt that this was an important forum and the Board should be represented. However, the Board felt the travel costs (mileage), and the costs to produce handouts should be reimbursed by the TIES group.

Non-Compete Agreements and Statutory Authority

The Board Clinical Advisor provided the Board with information on statutory authority with regards to non-compete agreements. Although not specifically related to the physical therapy Scope of Practice, the Clinical Advisor gets numerous calls of concern from therapists asked to sign non-compete. ORS 653.295 specifically outlines the requirements for binding non-compete agreements. The Board takes no position with regard to the use of or enforcement of non-compete agreements. Inquiries, from licensees, should be referred to statutory reference.

2007 Legislative Watch List

The Executive Director provided the Board with a list of legislative bills that Board staff is tracking for the Board. Of particular interest to the Board are: HB 2386, sponsored by the OPTA, citing specific amendments to the current PT Scope of Practice; SB 326, creating an Orthotic and Prosthetics Licensing Agency, and requiring licensure for any person who practices orthotics or prosthetics; SB 326, prohibiting high velocity, low amplitude spinal manipulation or chiropractic spinal adjustment by any person who does not meet certain requirements; SB 493, provides that home address, telephone number and electronic mail address of medical professional are exempt from disclosure.

Board Proposed 2007-2009 Biennium Budget

The Executive Director presented the Board with the proposed 2007-2009 board operating budget. The Director's presentation included a financial narrative supporting the 5% increase in the operating budget over the prior biennium. The Board approved the proposed budget and instructed the Director to proceed with Notice of Public Hearing. The Public Hearing has been scheduled for Friday, April 27, 2007, and will be held at 800 NE Oregon Street, Portland, Room 445, and will begin at 8:30 AM. A copy of the Hearing Notice and Fiscal Impact Statement, along with the proposed budget and narrative, can be found on the Board website at www.ptboard.state.or.us, under the heading Proposed Administrative Rule Changes.

Future Board Meeting Dates

As established by the Board, the future Board meeting dates are as follows: April 27, 2007; June 22, 2007; August 10, 2007; October 05, 2007; November 30, 2007. The Board did change the August date from the 17th to the 10th, the meeting room has been rescheduled and the web notices have been updated. Also, the Board Clinical Advisory is still working with Pacific University to schedule either the October or November 2007 meeting at the PT school in Hillsboro. Meeting dates, Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Approval of Meeting Minutes

The Minutes, from the January 05, 2007 Board Meeting, were presented to the Board. The Chair opened the floor for discussion and comments. With no noted changes, the Minutes were approved as written.

Ratification of PT/PTA Licenses & Temporary Permits

The Board was presented a list, of new licensees, for the period of January 05, 2007 through March 01, 2007. The Chair opened the floor, for discussion, with regards to the new licensees. Without noted discussion, the Board voted unanimously to ratify the new licensees and permit holders for the above-noted period.

EXECUTIVE (CLOSED) SESSION

Following the majority of the Public Session agenda, Board Chair Jerry Nickell 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, and Board Policy and Administration.

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

At the completion of the Executive Session, Board Chair Jerry Nickell brought the Board back into Public Session to entertain any motions, and publicly vote on any actions so moved before the Board.

PUBLIC (OPEN) SESSION

Board Motions

Rule Amendments

Motion, by Cindy Cunningham, to adopt amendments to Division 1 of the Board Administrative Rules.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Motion, by Cindy Cunningham, to adopt amendments to Division 10 of the Board Administrative Rules.

Seconded by Fiske

Motion passed, by quorum; absent for the vote were Board members Daiva Banaitis, Steve Alstot, and Joana Freedman.

Motion, by Cindy Cunningham, to adopt amendments to Division 15 of the Board Administrative Rules.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Motion, by Cindy Cunningham, to adopt amendments to Division 20 of the Board Administrative Rules.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Motion, by Cindy Cunningham, to adopt amendments to Division 40 of the Board Administrative Rules.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Case PT 202-08/05

Motion, by Cindy Cunningham, to ratify Notice of Proposed Disciplinary Action, Revocation of License.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Case PT 222-08/06

Motion, by Cindy Cunningham, to issue an Advisory Letter.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Case PT 227-10/06

Motion, by Cindy Cunningham, to issue an Advisory Letter.

Seconded by Fiske

Motion passed, by quorum; not present to vote were Board members Daiva Banaitis, Steve Alstot and Joana Freedman.

Other New Business

The Board Chair called for other new business. With no additional other new business cited, Board Chair, Jerry Nickell, adjourned the Board Meeting at 3:08 PM.