

**Oregon Physical Therapist Licensing Board**  
**Emergency Board Meeting**  
**March 6, 2009**

**MINUTES**

**Friday, March 6, 2009**

**Board Members Present:** Joana Freedman, PT, Chair; Steve Alstot, PT, Vice Chair; Daiva Banaitis, PT, PhD; Burke Selbst, PT; Nancy Wilson, PTA, Cindy Cunningham, Public Member

**Board Members Absent:** Jason Fiske, PT

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

**Legal Counsel:** Carol Parks, AAG

**EXECUTIVE (CLOSED) SESSION**

The Emergency Board Meeting was held via telephone conference. There was less than 24 hours notice of the meeting. Pursuant to ORS 192.640(3) notice of the meeting was not provided to interested parties.

The timeframe for the meeting was critical to the settlement of a single contested case hearing. Costs and time associated with the hearing preparation, for both the Board and the Licensee were critically tied to the settlement of the case. Availability and notice of a settlement was critical to the Board's out of state professional witnesses. The party, directly related to the sole topic of the meeting, had notice and encouraged the meeting.

At 3:00 PM, Board Chair, Joana Freedman 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 information relative to the settlement of the pending contested case hearing. Also, under legal advisement, from Board Counsel, the Board considered possible actions regarding the settlement of the case.

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, Joana Freedman closed the Executive Session and convened the Board, into Public Session, to entertain any Motions, publicly vote on any actions so moved, before the Board, and cover any other Public Session business.

**PUBLIC (OPEN) SESSION**

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.

## **Board Motions**

### **Case PT 202-8/05**

Motion, by Nancy Wilson, for Board to issue a Stipulated Agreement and Final Order accepting the voluntary surrender of Licensee's physical therapist license with the following conditions: Licensee not eligible to reapply for licensure with the Physical Therapist Licensing Board for a period of three years, upon which time the Licensee will make a personal appearance before the Board and provide evidence of her compliance with the stipulated agreement; Licensee will continue with the Board approved after care program for the three years, during which time, she will submit to random monthly drug screening tests. If, after two years, all the screens have been clean, Licensee will test randomly once quarterly for the remaining year; Licensee to submit to a mental health evaluation by a Board approved provider and comply with the recommendations and any follow-up recommendations of the provider; Licensee must refrain from performing any activity which must be performed by a licensee of the Board, and shall refrain from providing patient treatment in any capacity.

Seconded by Daiva Banaitis

Motion passed, by quorum; 6-0; absent, for the vote, was Board member Jason Fiske.

### **Other New Business**

The Board Chair called for other new business. With none noted, Board Chair, Joana Freedman adjourned the Board Meeting at 3:45 PM.