

**Physical Therapist Licensing Board  
Board Meeting  
November 14, 2008**

**MINUTES**

**Friday, November 14, 2008**

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

**Board Members Absent:** Daiva Banaitis, PT Member

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

**Legal Counsel:** Carol Parks, AAG

Board Chair, Joana Freedman convened the Board into Executive Session at 8:30 AM, 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.

**PUBLIC (OPEN) SESSION**

At the completion of the Executive Session, Board Chair, Joana Freedman brought the Board into Public Session. In Public Session, the Board considers inquiries from licensees and the public; approves the prior Board Meeting minutes; ratifies new licensees; reviews general correspondence; entertains any motions; publicly votes on any actions so moved before the Board; and conducts any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. 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 203-10/05**

Motion, by Jason Fiske, to issue Confidential Advisory Letter citing concerns relative to Licensee's behavior. The Advisory Letter will require Licensee to submit monthly reports, to the Board, regarding his mental health status assuring the Board he is still taking his medication; and, quarterly reports, from his mental healthcare provider (or more frequently as specified by the healthcare provider) relative to Licensee's mental health status.

Seconded by Cindy Cunningham.

Motion passed by unanimous vote.

### **Case PT 289-8/08**

Motion, by Jason Fiske, to issue Confidential Advisory Letter citing concerns with, and the need for improved patient communication skills related to boundary issues and informed consent.

Seconded by Cindy Cunningham.

Motion passed by unanimous vote.

### **Case PT 261a-12/07**

Motion, by Jason Fiske, to issue Confidential Advisory Letter citing concerns relative to Licensee allowing a physical therapist aide to treat a patient prior to an evaluation and the need for improved documentation. Also, to issue a Stipulated Agreement and Final Order citing violations of ORS 688.140(2)(a) and (c) and OAR 848-035-0020(10) for completing only 14.5 of the required 24 CE hours required for renewal, and imposing a civil penalty of \$350.00.

Seconded by Cindy Cunningham.

Motion passed by unanimous vote.

### **Case PT 261b-12/07**

Motion, by Jason Fiske, to issue a Stipulated Agreement and Final Order citing violations of ORS 688.140(2)(a) and (c) and OAR 848-035-0020(10) for completing only 23.25 of the required 24 CE hours required for renewal, and imposing a civil penalty of \$350.00.

Seconded by Cindy Cunningham.

Motion passed by unanimous vote.

### **Case PT 299-10/08**

Motion, by Jason Fiske, to issue a Stipulated Agreement and Final Order citing violations of ORS 688.140(2)(c) and ORS 848-045-0020(2)(a), to issue a probationary license for two (2) years, provide evidence, to the Board, that Licensee has successfully completed the APTA course on Ethics, as ordered by the Washington Physical Therapy Board, and pay a civil penalty of \$500.00.

Seconded by Cindy Cunningham.

Motion passed by unanimous vote.

### **Administrative Rules Hearing**

The Administrative Rules Hearing was held just prior to the Board meeting. All of the Board members present, at the Board meeting, attended the Hearing. After consideration of all the testimony presented, at the Hearing, the Board decided to move forward with the adoption of the proposed language with a few amendments. Jason Fiske moved to adopt the proposed language for OAR 848-010-0122 with amendments. Cindy Cunningham seconded. The motion passed five to one with Cunningham opposing. After further discussion of the remaining proposed language,

Nancy Wilson moved to adopt the remaining proposed rules language, with noted amendments and an effective date of January 2, 2009. Cindy Cunningham seconded. The motion passed four to zero. Burke Selbst and Jason Fiske were not present for this portion of the meeting.

### **General Topics/Business**

- FSBPT Continuing Competency Presentation - Susan Layton, VP of Administration for the Federation of State Boards of Physical Therapy (FSBPT) will attend the OR PT Board's January 23, 2009 Board meeting. At the Board meeting, Ms. Layton will present the FSBPT's current continuing competency model and share with the Board the FSBPT plans for the continued development of the model.
- Newsletter Sanctions - The Board discussed the listing of Board sanctions in the Newsletter. The Board determined that, in the future, all sanctions will be listed by date of Final Order.
- FSBPT Ethics Research – The Director provided copies of the FSBPT ethics research literature to the Board.
- On-line Renewal - The Director informed the Board that Oregon E-Gov will not support the PT Board's efforts to move to on-line renewals this year. Because of the delay in the E-Gov Group decision, taking over 3 months to get a response, there is not enough time to look at other merchant processing options prior to the 2009 renewals. This year will be a paper renewal year. The Director, working with the other semi-independent Boards, will evaluate other on-line merchant account processing options.
- Governor's Budget Reduction Plan – The Director shared the Governor's Budget Reduction Plan. The Director noted that the Board was entering into a new budget biennium and would have to seriously look for ways to maintain, or even reduce current budget levels.
- Board File Purge Policy – Due to file storage restrictions, the Director introduced a concept to purge current licensure files. Prior to moving forward with the concept, the Board AAG Carol Parks is going to see if there is any State record keeping requirements that would prevent the Board from adopting a policy to purge information from active files.

### **2009 Legislation, Interim Committee on Healthcare Legislative Concepts**

SIBA strategic legislative plan – The Director informed the Board that SIBA has hired Stephen Kafoury, as a Lobbyist, to work the Greenlick legislative concept that would repeal the Statute that gives the Physical Therapist Board its independent status.

OPTA 2009 Legislation – Per Ricci Susick OPTA Legislative Committee Chair, the OPTA will not be moving any legislative concepts forward in 2009 that would open the Physical Therapy Statute. The OPTA will, however, look to sponsor or partner in sponsorship with legislators to present a legislative concept that would open ORS 676 and initiate a change that would add physical therapists to the list of healthcare providers, who can use the term “doctor”, associated with their name and their practice.

### **Board review and approval NPTE ADA policy**

After Board review and consideration, Nancy Wilson moved to accept the ADA policy as written after editing out Counsel legal references. Cindy Cunningham seconded the motion. The motion passed unanimously.

**Question about CE presentation by Diana Godwin, Attorney at Law**

The Board reviewed the OPTIP request to accept CE hours for a program presented by OPTIP attorney Diana Godwin entitled, "Oregon Statute and Rules Governing the Practice of Physical Therapy". The Board accepted the program as 3 hours of CE.

**CASE PT 271-4/08: GIL GUZMAN** \*\*\* complaint of alleged unlicensed practice. Still under investigation.

**CASE PT 282-6/08: CHARLES BEAN** \*\*\* personal trainer advertising on craigslist, possible unlicensed practice of PT. Still under investigation.

**CASE PT 283-6/08: TAMARA FELIX, LMT** \*\*\* complaint of alleged unlicensed practice. Oregon Board of Massage is investigating.

**Approval of September 19, 2008 Meeting Minutes**

The Minutes, from the September 19, 2008 Regular Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Without any noted corrections, Nancy Wilson made a motion to ratify the September 19, 2008 Minutes, as written. The motion was seconded by Cindy Cunningham and the motion passed by a unanimous vote of the Board.

**2009 Board Meeting Dates**

As established by the Board, the future Board Meeting dates are as follows: January 23, 2009; March 13, 2009; May 8, 2009; July 17, 2009; September 18, 2009; and, November 13, 2009. 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).

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

The Board was presented a list of new licensees and temporary permit holders for the period of September 19, 2008 through November 13, 2008. The Board Chair opened the floor, for discussion, with regard to the new licensees and permit holders. Without noted discussion, Nancy Wilson made a motion to ratify the issuance of the new licenses. The motion was seconded by Cindy Cunningham and the motion passed by a unanimous vote of the Board.

**Other New Business**

The Board Chair called for other new business. With no additional new business cited, Board Chair, Joana Freedman adjourned the Board Meeting at 4:12 PM.