

Physical Therapist Licensing Board

Board Meeting

January 24, 2003

MINUTES

Present: Board Members: Cathy Zarosinski, PT, MS, Chair; Linda Barbee, PT; Daiva Banaitis, PT, PhD; Jerry Nickell, PT, Vice Chair; Nancy Wilson, PTA; Cindy Cunningham, Public Member. Staff: Sherri Paru, PT, Clinical Advisor/Investigator. Contract Investigator: Frank Mussell. Legal Counsel: Carol Parks, AAG

Absent: Board Members: Pat Moore, MD Physician Member

OPEN SESSION

The meeting was convened by Board Chair, Cathy Zarosinski, PT, MS

Ms. Zarosiski took the Board into Executive Session.

EXECUTIVE SESSION

The Board reviewed investigatory information regarding pending cases and new complaints.

The Board discussed office operations until a new Executive Director is hired, the status of the former Executive Director's departure and hiring of a new Executive Director. The Board outlined the roles of the contract investigator, clinical advisor/investigator and the Board's legal counsel.

Board Counsel will be responsible for the following:

1. settlements and negotiations with attorneys
2. sharing of evidence in investigations
3. preparation of consent orders and notices (with review by Executive Director)

Executive Director will be responsible for the following:

1. rule writing
2. signing of consent orders and notices
3. writing of subpoenas (Board Chair or Vice Chair need to sign)

The Clinical Advisor/Investigator and the Contract Investigator will not make recommendations to the staff re: disciplinary action. They may interact with

attorneys to set up interviews and may follow up with attorneys once a case is settled.

Ms. Zarosinski took the Board out of Executive session and into Open Session.

OPEN SESSION

Case PT 45-2/01

Motion by Mr. Nickell to accept the consent order as proposed by the licensee and his attorney. Ms. Parks is to discuss settlement with the licensee's attorney.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 74-12/01

Motion by Mr. Nickell to offer the licensee a consent order and notice of disciplinary action.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 83-3/02

Motion by Mr. Nickell to modify and reissue a proposed consent order.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 106-10/02

Motion by Mr. Nickell to issue an emergency license suspension and a notice of license revocation.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT-109-11/02

Motion by Mr. Nickell to close the case and continue as case #59
Seconded by Ms. Wilson.
Motion passed unanimously.

Applicant- Debra Smitzer Irvine

Board unanimously decided to grant her application for licensure.

Applicant- Grant Stephens

Motion by Ms. Zarosinski to deny application for licensure until investigated further.
Seconded by Ms. Wilson.
Motion passed unanimously.

Patricia Kortekaas, PT and Erik Verdow, PT

There was concern from the Veterinarian Board that these therapists are teaching PT Techniques to vets and practicing PT on animals. The Veterinarian Board has investigated this and it was decided that a Vet will teach the classes with them. The Board does not have any concern about their practice on animals. The licensees have been in contact with the OPTA and are working on changes to the practice act.

Topic- Approval of meeting minutes

The November 24, 2002 meeting minutes were approved as written with one change on page 3 of 3, first bullet point: change "line of shot" to "line of sight".

Topic- Signing of consent orders and notices of disciplinary action

Motion by Mr. Nickell to delegate authority to Sherri Paru to sign all consent orders and notices of proposed disciplinary action until the Board hires a new Executive Director.

Seconded by Ms. Banaitis.

Motion passed unanimously.

Topic- Ratification of PT/PTA licenses and temporary permits

The Board Ratified all licenses issued by staff.

Topic- Are Massage Therapists Medical Professionals?

Ms. Zarosinski attended a legislative meeting of the OPTA. There was discussions with Naturopathic Physicians, Acupuncturists and PT's re" removing "intent to cure" from Massage Therapist's rules. OPTA's lobbyist said that the the Board can ask for an official AG opinion on whether or not LMT's are medical professionals, however, this is very expensive. If they are considered medical professionals, then our Board may need to stop investigating so many LMT's. The lobbyist felt that the rule exists so that insurance companies would pay for LMT services. The Governor's office will follow law to see if the scope of massage practice needs to be limited.

Topic-Item 1a under "old business" on agenda

Motion by Mr. Nickell to assign a case number and offer the licensee a consent order

Seconded by Ms. Wilson.

Motion passed unanimously.

Topic-Item 1b under "old business" on agenda

Motion by Mr. Nickell to assign a case number and offer the licensee a consent order

Seconded by Ms. Wilson.

Motion passed unanimously.

Topic-Item 1c under "old business" on agenda

The Board voted to assign a case number and continue the investigation.

Topic- Federation of State Board of Physical Therapy (FSBPT) meeting

Ms. Zarosinski will attend and if there is a new Executive Director in place by the meeting, he or she may also attend. Ms. Paru will make hotel and travel arrangements.

Topic- Physical Therapist Aide Training Course

Jane Cedar at Mt. Hood Community College had some concern regarding the course content. The Board reviewed the brochure and asked Ms. Paru to contact the instructor and course coordinator to get more details about the course.

Topic- Question from Colorado PT Board re: Masters degree and Foreign Educated PT's

This is not an issue for our Board, we will keep our same policies that we have in place now.

Topic- Approval of Washington University program for Practice Without Referral in lieu of 18 hour course

Motion by Ms. Barbee to approve this program for practice without referral certification. This will apply to applicant Scott Cotes and for future graduates from Washington University.

Seconded by Mr. Nickell.

Motion passed unanimously.

Case PT-111-12/02- Investigation ongoing

Topic- Michael Giebelhaus, LMT- complaint from Karen Elton, PT

The Board decided not to take action on this complaint. Mr. Giebelhaus did not claim to be a PT nor did he say that he was practicing physical therapy.

Topic- APTA Medical Screening Class/Boissinnault Class

Ms. Paru will continue to look into these classes and Board will look at approving these classes when new rules re: Direct Access are adopted.

Case PT-77-11/01 Chris Whetstine, LMT

Board staff has made numerous attempts to schedule an interview with Mr. Whetstine, Ms. Parks will issue a subpoena for an interview at the Board's office.

Case PT-90-4/02 Dan Taylor. LMT

Investigation ongoing

Topic- Committee to Update Board Policies and Procedures

Ms. Cunningham and Ms. Wilson volunteered to take this on.

Topic- Committee to Interview Applicants for Executive Director

Mr. Nickel, Ms. Banaitis and Mr. Zarosinski will conduct the interviews.

Ms. Paru will send resumes to Mr. Nickel and Banaitis for review.

Topic- Nominations for Board Chair

Motion by Ms. Banaitis to nominate Catherine Zarosinski.

Seconded by Ms. Wilson.

Motion passed unanimously.

Topic- Nominations for Board Vice Chair

Motion by Ms. Zarosinski to nominate Jerry Nickell.

Seconded by Ms. Banaitis.

Motion passed unanimously.

Topic- Next Board meeting

The next Board meeting is March 24, 2003.

Ms. Zarosinski adjourned the meeting.