

Physical Therapist Licensing Board

Board Meeting

May 16, 2003

MINUTES

Present: Board Members: Cathy Zarosinski, PT, MS, Chair; Daiva Banaitis, PT, PhD; Jerry Nickell, PT, Vice Chair; Pat Moore, MD Physician Member, Nancy Wilson, PTA; Board Member Appointee: Joana Freedman; James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator. Contract Investigator: Frank Mussell. Legal Counsel: Carol Parks, AAG

Absent: Board Members: Cindy Cunningham, Public Member.

OPEN SESSION

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

Pursuant to ORS 192.660 (1) (k), Ms. Zarosinski took the Board into Executive Session to discuss licensee investigations.

EXECUTIVE SESSION

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

The Board discussed including Emergency Suspension Orders in the newsletter and decided that YES Emergency Suspension Orders would be published. Under the heading "Reason for Discipline" it will only list "investigation ongoing". The reason will not be listed until a final order has been issued.

The closed door meeting of the executive session is recorded and labeled on sides A and B of two recording tapes.

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

OPEN SESSION

Case PT 116-1/03

Motion by Ms. Banaitis to close the case. No violation.

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 114-1/03

Motion by Ms. Banaitis to close the case and send the licensee a letter of concern regarding his communication with patients.

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 135-4/03

Motion by Ms. Banaitis to grant his application for licensure.

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 133a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 133b-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$500.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 132a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 132b-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$500.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 128a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 128b-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$500.00 on the licensee

Seconded by Dr. Moore.

Motion passed unanimously.

Case PT 127a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 127b-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$500.00 on the licensee
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 130a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 125a-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$2000.00 on the licensee
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 125b-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$562.50 on the licensee and place the licensee on 2 years probation.
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 132-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$75.50 on the licensee.
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 129-4/03

Motion by Ms. Banaitis to impose a civil penalty of \$100.00 on the licensee and to send a letter to the licensee's employer regarding licensure requirements.
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 136a-5/03

Motion by Ms. Banaitis to impose a civil penalty of \$250.00 on the licensee.
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 136b-5/03

Motion by Ms. Banaitis to close the case. No violation.
Seconded by Dr. Moore.
Motion passed unanimously.

Case PT 136c-5/03

Motion by Ms. Banaitis to close the case. No violation.
Seconded by Dr. Moore.
Motion passed unanimously.

Topic-Request for refund of renewal fee from Megan Scudder, PT- The Board can not refund Ms. Scudder the fee from renewing her license since her license was already issued. The only way to take back a license that was already issued would be to revoke her license. Ms. Paru will contact the licensee and tell her that she can not get a refund.

Topic- Incomplete license renewal form from Julie Maslen, PT- Ms. Maslen mailed her renewal application on time, however she neglected to answer one question on the application, therefore her license could not be issued. She did not know that her application was incomplete so she worked for 1 day without a license. The Board decided that since her application was timely, she will not be penalized.

Case No. PT 77-11/01 Chris Whetstine, LMT- The Board continues to wait for information from the Massage Therapy Board re: Notice on file. The Board decided to give the Massage Board 6 more weeks to produce the documents.

Case No. PT 90-04/02 Dan Taylor, LMT- Investigation ongoing.

Case No. PT 111- 12/02 Fitness Creators Studio- Investigation ongoing.

Topic- Approval of Meeting Minutes- meeting minutes approved as written from March 21, 2003 with 2 corrections. On page one "Mr." Zarosinski should be changed to "Ms." Zarosinski. On page two, under heading "Avon Walk for Breast Cancer", first "Aide" should be changed to first "aid".

Topic- Ratification of PT/PTA Licenses- All licenses ratified.

Topic- License Renewal Forms- The suggestion was made to change the deadline for postmarking renewal forms to March 15th. That way licensees can have their license IN HAND by April 1st and employers will have time to make sure that all employees are licensed.

Topic- Mary Ann Gard, PT Requesting Continuing Education Credits for Courses on Spiritual Pain- The Course Provider was going to send Board staff some additional information regarding these continuing ed courses that the Board voted not to approve at the March 21, 2003 meeting. The information was not received by this meeting so this topic was not discussed.

Topic- Question from Home Health PT at Kaiser? Can PT's remove staples from a surgical site? The Board decided that it is OK for a PT to remove staples if under the direction of a physician to do so.

Topic- Question from Rick Martin? Is the use of low level lasers within the scope of practice of PT in Oregon? The Board would like Ms. Paru to gather more information about the lasers and their clinical application. The Board especially wants to find out what the lasers are used to treat and are they FDA approved.

Topic- Question from Aaron Saari PT regarding exemption from initial medical screening course for direct access- Mr. Saari graduated from Central Michigan University in 2001 and the Board determined that his coursework taken has exempted him from taking the initial medical screening course. The Board desired to send Mr. Saari a letter stating that he now can be certified for practice without referral and the reason is because of his schooling, not due to the PT shortage at his clinic.

Topic- Proposed Rule Changes- Board staff discussed timelines for rule filing and hearing dates with the Board. The Budget rules hearing will be on June 24, 2003 at 12pm and the hearing for other proposed rules (direct access and record keeping) will be on July 18, 2003 at 9am. The will take place at the beginning of the Board meeting.

Topic- Board Budget/Financial Report- The Executive Director discussed the budget for 2003-2005 with the Board. He explained that the increase in the budget is in part due to the following:

1. There are now 3 employees that are all receiving health benefits and will all be receiving PERS benefits.
2. The new Executive Director's salary is higher than the previous Executive Director's salary. And the prior biennium budget included 18 months of expense for an investigator as opposed to 24 months.
3. Use of the contract investigator and the DOJ AAG is expected to maintain or even increase over the next biennium given that the number of case files to investigate has quadrupled over the past 2 years.

Further discussed was by adoption of the proposed budget the Board would be operating in a deficit over the next two years. Noted was that there is enough in the reserve account to support this operation but when considering long term planning, consideration need be taken with regards to raising fees.

The Board discussed raising fees for licensure in 2004. There was also discussion about raising the application fee for PT's who are applying for licensure through endorsement but not for PT's who are applying for initial licensure.

Topic- Contract Investigator's Contract-The Executive Director discussed the Contract Investigator's contract with the Board. This year the cap on his contract was set at \$75, 000. The recommendation was to decrease the cap to \$50, 000. All were in agreement that the Contract Investigator will continue to be utilized in the future.

Topic- Secretary of State Audit- The Executive Director reviewed the audit findings and the proposed audit responses with the Board. The audit responses are due back to the audit division by May 20, 2003. The final report has still not been issued. The Executive Director and the Board are very frustrated with the cost of the audit and with the fact that another separate audit will have to be done this year. The Executive Director has appealed the audit and may appeal to the Secretary of State.

Topic- Next Two Board meeting- The next two Board meetings are July 18, 2003 and September 19, 2003.

Ms. Zarosinski adjourned the meeting.