

Physical Therapist Licensing Board

**Board Meeting**  
September 19, 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; Joana Freedman, PT; Cindy Cunningham, Public Member. Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator. Contract Staff: Frank Mussell, Contract Investigator Legal Counsel: Carol Parks, AAG

**PUBLIC (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 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.

**PUBLIC (OPEN) SESSION**

**Case PT 118-2/03**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 147-8/03**

Motion by Ms. Wilson to issue a notice of proposed discipline with civil penalty of \$500.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 131-4/03**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 113-12/02**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 141-7/03**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 117(a)-2/03**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case PT 117(b)-2/03**

Motion by Ms. Wilson to close the case. No violation.  
Seconded by Mr. Nickell.  
Motion passed unanimously.

**Case No. PT 90-04/02 Dan Taylor, LMT-** Records received from Rehab Medicine Associates. As per Oregon Statute, they overcharged the Board for copies made. Jim Heider will write a letter and alert them to the legal allowable amount. Investigation ongoing.

**Topic- Approval of Meeting Minutes-** meeting minutes approved as written from July 18, 2003. Meeting minutes from August 20, 2003 Board meeting approved as written except for changes to the following typographical errors: change "nay" to "any", change "nye" to "nay".

**Topic- Ratification of PT/PTA Licenses-** All licenses ratified for period of July 18, 2003 through September 18, 2003.

**Topic- Readleaf Institute course for gender, sensitivity and boundary issues-** Ms. Paru received information from course provider regarding this course. This course may be appropriate for some PT's who through investigation, are found to have issues in these areas. Course provider stated that this course is not for licensees that have been disciplined for sexual abuse. Ms. Paru will review the course material and report back to the Board at a future meeting.

**Topic- Bradford Williams, PT- question regarding medical screening refresher class for practice without referral certification-** Licensee signed up to take the refresher course this Saturday (Sept 20) and was told by the OPTA that he was too late to take the class. He called the Board office and explained that he took his last refresher course in Sept 2000 and he was allowed to take that course without any problem. The Board had sent him a letter at that time and confirmed that he has met all of the requirements for direct access. After reviewing his file, it was noted that he should not have taken the Sept 2000 class since his original practice without referral date is July 8, 1996. The Board decided that since the Board allowed him to take the class in Sept 2000, his error was not completely his fault and he should be allowed to take the class on Sept 20, 2003. Ms. Paru will send the licensee a letter and explain what the future timeframes are for completion of continuing education hours and taking the refresher course. He will not be allowed to take a late class in the future.

**Topic- Shawna Papworth, PTA Applicant- question regarding review courses for the NPTA examination-** Applicant has failed the NPTA exam three times. By rule, she must take an exam review course prior to sitting for the exam a fourth time. She called the Board office to get information about Board approved review courses. Review courses are currently offered in 2 formats: online and live. They are offered by three companies. At the present time, the only live courses that are offered are 9 days long and cost \$795 dollars. The courses are all out of state. The two day courses are not being offered for PTA's at this time and the company did not know when they will have a course scheduled. Applicant was questioning if an online course would be approved. The Board reviewed the online course offered by therapy team ([www.therapyteam.com](http://www.therapyteam.com)) and approved it for any applicant needing to take a review course. The Board felt that it is up to the applicant to choose to take either the online course or the live course, depending on the applicants' individual learning style.

**Topic- Jeff Winery, PT-question regarding the use of diagnostic ultrasound and needle EMG by Physical Therapists-** Dr. Banaitis recalls that the AG looked into this approximately 20 years ago and determined that a PT must have proof of advanced training to do needle EMG's. She suggested that Carol Parks, AAG and Sherri Paru look into the history of this AG decision years ago. Dr. Moore did not feel that it was appropriate for a PT to do needle EMG's since they require a lot of skill to perform and it takes so much training to interpret the test results. The Board agreed that diagnostic ultrasound is not in the scope of PT in Oregon. Sherri Paru will research the history of the AG decision and correspond with the licensee.

**Topic- Jeff Guiletti, PT- question regarding referrals, direct access and 30 day referral requirement-** Licensee contacted the Board and was questioning the correct interpretation of ORS 688.132. He felt that this statute gives all PT's the ability to treat certain patient populations without an initial referral and allowed licensees with direct access to treat patients for greater than 30 days without a referral. Board legal counsel, Carol Parks, reviewed the legislative history of this statute and reported to the Board that the original draft of the bill was for all PT's to treat patients in the special populations listed under 688.132 (b)(A) (B) (C) without a referral. However, this is not how the statute was written. The statute, as it is currently written, allows PT's with direct access treating these patients not to obtain a referral after 30 days have passed.

It does not allow PT's without direct access to see these patients without an initial referral.

In researching this question, Sherri Paru found several old newsletters in which the Board answers questions from licensees and gave out incorrect information. Carol Parks, AAG advised the Board that it can not discipline a PT for doing something that the Board initially said was allowed. Ms. Parks will write a letter of clarification to be published in the next newsletter and will ask the OPTA to send out info to its members as well. Licensees will be notified that if they would like to treat these patients without a referral, they will need to take the Medical Screening Course, currently scheduled for April 2004.

**Topic- Lieselotte (Lotti) Baird, foreign educated PT applying for a license-**

Jim Heider reported to the Board that a written understanding had been reached between Mrs. Baird and the Board regarding Lotti Baird's credentialing deficiencies. See Memo dated August 28, 2003, to Baird's credentialing file for list of agreed upon items and actions.

**Topic- Financial Report-**

Jim Heider presented the current financials reporting all expense categories for period 7/1/03-8/31/03 were in order. He explained the difference between cash accounting system and an accrual accounting system. The Board is on an accrual accounting and budgeting system. Mr. Heider presented the Board with two future budget exceptions. The first is a Risk Management expense classification where the cost for Risk management expense will come in \$3,000 over plan for the biennium 2004-2005, this is due to loss assessments not known or recognized at the time the budget was prepared. Also, the liability for the prevailing unemployment claim from the prior director with her most recent employer will fall back on the Board creating a deficit in payroll expense of \$7,290 for 2003 and possibly up to \$9,000 in 2004.

**Topic- General Office Update-**

A) Jim Heider presented the Board with copies of the old website pages and the new website pages. The Board reviewed the new pages and with some minor changes, they were enthusiastic about the change. Heider was unable to report to the Board when the new site would be available to the public, noting that it was dependent on the State going live with the new Oregon.gov parent site. Also relative to the new site will be the ability for the public to do a licensure look-up online. Mr. Heider presented two options to the Board for consideration. One option was a quick fix currently used by several of the other Boards who share the same licensure data base. The cost was nominal and the startup time minimal but the look and feel was not very professional, it is cumbersome to use and it does not offer the ability to search for a particular name. The other option had a search engine built in and has a very professional look. The cost associated with the second option was 5 to 10 thousand dollars and had a server charge of \$140.00/month. There was much discussion among the Board members and it was decided to temporarily go with the quick fix until the second option could be further researched. B) Also presented was the PEBB Interagency Agreement to be submitted by the Board for benefit year 2004. The Board agreed to the current benefit levels adding the ability for a Board employee to opt out of the medical plan for a predetermined subsidy incentive. The Board set the subsidy incentive at 50% of the total assessment for coverage less the cost for

mandatory coverage's, i.e. dental and life insurance. Jim Heider will complete the agreement and write the internal policies for the policy to allow an employee to opt out of the medical plan. C) Lastly, for the upcoming licensing renewal period 2004, Jim Heider shared with the Board plans to change the licensing font back to its original font. He cited complaints from the field and his own personal observation that the current font has an unprofessional look and feel. The Board agreed with the change.

**Topic- Next Two Board meetings-** The next two Board meetings are November 14, 2003 and January 23, 2004.

Ms. Zarosinski adjourned the meeting.