

Physical Therapist Licensing Board

**Board Meeting**  
November 14, 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. 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 142-6/03**

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

**Case PT 150-10/03**

Motion by Ms. Freedman to issue a notice of proposed discipline citing practice of PT without a valid license with an imposed civil penalty of \$1500 and 2 years of probation.  
Seconded by Ms. Wilson.  
Motion passed unanimously.

**Case PT 144a, 144b, 144c-8/03**

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

**Case PT 105-9/02**

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

**Case PT 139-6/03**

Motion by Ms. Freedman to issue an order of proposed discipline citing five separate violations; suspend licensee's license for one month; levy a civil penalty of \$5,000; request a copy of the licensee's clinic's practice and procedures manual; extend the licensee's probationary period to five years from date of execution of the order; and at its discretion, reserve the Board's right to have licensee appear before the Board annually.  
Seconded by Ms. Wilson.  
Motion passed unanimously.

**Case PT 59**

Motion by Ms. Freedman to send licensee letter acknowledging progress but noting need for additional improvement. Citing specifically, need for functional and measurable goals and progress specific to those goals, recommend completion of documentation course. Case will close when the Board is satisfied that terms are met.  
Seconded by Ms. Wilson.  
Motion passed unanimously.

**Case PT 148-10/03**

Motion by Ms. Freedman to issue an order of proposed discipline citing practice of PT without a valid license with an imposed civil penalty of \$187.50. Noting the reduced penalty because Board accepted a share of the responsibility because a renewal form was not generated and sent to licensee.  
Seconded by Ms. Wilson.  
Motion passed unanimously.

**Case PT 104-09/02**

Case closed off probation as of 11/08/2003.  
Motion by Ms. Freedman to issue letter of concern, additional improvement needed. Citing specifically, need for functional and measurable goals and progress specific to those goals. Board to revisit in six months.  
Seconded by Ms. Wilson.  
Motion passed unanimously.

### **Case PT 143-8/03**

Ms. Zarosinski recused herself from this case. Ms. Freedman motioned to issue an order of proposed discipline citing failure to cooperate with the Board with an imposed civil penalty of \$2,500.00 and poor record keeping with an imposed civil penalty of \$1,000.00; also to issue a letter of concern with regards to questionable practice techniques regarding a patients right to privacy; successfully complete a documentation course and probation for six months.

Seconded by Ms. Wilson.

Motion passed unanimously.

### **Issue- Matthew Walsh Rescind Prior Approval to Apply for Licensure**

Mr. Heider presented Board with additional information indicating that Mr. Walsh was still deficient in general education course work including Chemistry and Physics.

Motion by Ms. Wilson, based on new information, to rescind prior Board approval allowing Mr. Walsh to apply for an Oregon PT license.

Seconded by Ms. Banaitis.

Motion passed unanimously.

### **Issue- Sheri Ann Woroschuk Request to Waive General Education Requirements**

Mr. Heider presented request letter from Ms. Woroschuk noting her post baccalaureate education and training and her experience in the field. Based on this information, Ms. Woroschuk requested the Board to waive the requirement for general education course work in Chemistry and Physics. The Board denied Ms. Woroschuk's request citing OAR 848-010-0015 (3) (b) (A) (ii).

### **Issue- Miguel Alonso-Diez Request to Approve Supervised Clinical Practice Program**

Mr. Heider presented to the Board a supervised clinical practice plan developed by Sacred Heart Hospital. The Hospital wants to sponsor Mr. Miguel Alonso-Diez in his efforts to earn the additional 170 hours needed to meet the clinical practice credentialing requirements. Once the requirements are met, Mr. Alonso-Diez may sit for the national exam and be licensed in Oregon. The Board reviewed the plan and voted to accept it as is.

### **Issue- Request for Board Approval to Accept CLEP Exam for Credentialing General Education Credit Requirements**

As presented by Mr. Heider, the Board voted and approved the use of CLEP Exam results for credentialing of general education credits for foreign educated physical therapists.

**Issue- Request for Board Approval to Allow The Transfer of Excess Professional Education Credits to Satisfy Related General Education Deficiencies**

As presented by Mr. Heider the Board voted and approved the transfer of excess related professional credits to satisfy the general education credit deficiencies.

**Topic- Mary Anne Gard, PT Request for CE Approval**

Ms. Paru presented the Board with request from licensee for approval of CE credit for course entitled The Sacred Art of Dying sessions 3 & 4. Ms. Paru reviewed the course content with the Board the Board voted to approve the CE hours.

**Topic- Tim Palmesano, PT Question Regarding Treatment of Student Athletes**

Ms. Paru presented the Board with a question from licensee regarding the treatment of student athletes on the field and in the training room without referral. The Board response was, representing himself as a PT; he would have to have a practice without referral certification to treat these patients. Further, unless certified as an Athletic Trainer, they can not represent themselves as an Athletic Trainer. Board requested an article to clarify position in the next newsletter.

**Topic- Bill Temes, PT Question Regarding Use of real-Time Ultrasound**

Ms. Paru presented the Board with a question from licensee regarding PT scope of practice and the use of Real-Time Ultrasound. The Board tabled the question asking Ms. Paru to gather more information from licensee regarding the application of, training methodology and results. Ms. Paru to gather information for next Board meeting.

**Topic-Jonathan Sampson, PT Request for CE Approval**

Ms. Paru presented the Board with request from licensee for approval of CE credit for course on canine PT. The Board denied the request noting that PT work on animals is not within the scope of practice as stated by current statute. Further the Board clarified their position with regards to PT working on animals stating that they can only practice in partnership with a Veterinarian and therefore would be working under the statutes and rules of the Veterinarian Board. Also, in the PT Board statutes, the term physical therapy relates directly to human beings, therefore when working with a Veterinarian on animals a PT may not refer to their work as physical therapy.

**Topic- Annual FSBPT Delegate Conference**

The annual FSBPT Delegates Conference was held this year in Kansas City Missouri. Ms. Zarosinski reported to the Board that program provided a good forum for Jim Heider to meet and network with the FSBPT and FCCPT staff.

### **Topic-General Office Update**

Jim Heider reported on the Website project, stating that the requested changes from the Board had been implemented to the new site. Further he reported that the new site should be ready to go live by mid December. Mr. Heider also reported that the new licensure verification program was in place on both the new site and the old site. This was the version that was a quick solution to the problem. Mr. Heider will continue to research option for a more sophisticated name search verification program and report back to the Board.

Jim Heider also reported that the process of renewal for 2004-2005 has begun with establishing a calendar, revision of renewal forms and the changing of the print font on the license certificates. All is on target for the 1/05/04 mailing.

Lastly, Jim Heider reported that the biennial financial audit has begun with preliminary data gathering and reporting already complete. The on site audit will last two days December 10<sup>th</sup> and 11<sup>th</sup>, 2003 and will cost approximately \$3,000 to \$5,000 dollars.

### **Topic- Board Financials**

Jim Heider presented the Board with a summary financial report for period July 1, 2003 through October 31, 2003. Mr. Heider also gave the Board a financial report narrative covering the same period. Pointed out in the narrative was only one area of concern. Currently payroll costs expense number 5100 is over budget by \$6,595.87. This can be directly related back to the payment of an unbudgeted unemployment claim assessed against the Board. Further Mr. Heider explained to the Board that this claim could extend into 2004 and the total exposure for liability could be \$9,000.00. All other expense categories were reported as on target.

**Topic- Approval of Meeting Minutes-** Board meeting minutes approved as written from September 19, 2003.

**Topic- Ratification of PT/PTA Licenses-** All licenses ratified for period of September 19, 2003 through November 13, 2003.

**Topic- Next Two Board meetings-** The next two Board meetings are January 23, 2004 and April 2, 2004.

Ms. Zarosinski adjourned the meeting.