

**Physical Therapist Licensing Board  
Board Meeting  
December 02, 2005**

**MINUTES**

**Friday December 02, 2005**

**Board Members Present:** Jerry Nickell, PT, Chair; Joana Freedman, PT, Vice Chair; Nancy Wilson, PTA; Steve Alstot, PT; Cindy Cunningham, Public Member; Pat Moore, MD, Physician Member.

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

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

**Legal Counsel:** Carol Parks, AAG

**EXECUTIVE (CLOSED) SESSION**

Citing ORS 192.660(2)(h) at 10:55 AM, Mr. Nickell convened the Board into Executive Session. Pursuant to ORS 192.660(2)(h), 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 Counsel, regarding investigative cases, pending contested case hearings, administrative rule making and, Board policy and administration.

The entire meeting, including the closed door meeting of the Executive Session, is recorded and labeled, on Sides A and B of two recording tapes, dated 12/02/06.

**PUBLIC (OPEN) SESSION**

Upon completion of the Executive Session, Mr. Nickell took the Board into Public Session for motions and additional business. The public and interested parties are invited to attend this portion of the meeting.

**BOARD MOTIONS**

The Board Chair opened the proposed amendment, to Division 1, for discussion by the Board. With no additional discussion, Nancy Wilson moved to accept the proposed amendment, to Division 1 Rules, as written, motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the proposed amendments, to Division 5, for discussion by the Board. After discussion and consideration of testimony, by the Board, Nancy Wilson moved to accept the proposed amendments, to Division 5 Rules, after adding wording to OAR 848-050-0030(3) ...electronic mail address "if available", the motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the proposed amendments, to Division 10, for discussion by the Board. After discussion and consideration of testimony, by the Board, Nancy Wilson moved to accept the proposed amendments, to Division 10 Rules, as written, the motion was seconded by Joana Freedman, motion passed unanimously

The Board Chair opened the proposed amendments, to Division 15, for discussion by the Board. With no additional discussion, Nancy Wilson moved to accept the proposed amendments, to Division 15 Rules, as written, motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the proposed amendments, to Division 20, for discussion by the Board. After discussion and consideration of testimony, by the Board, Nancy Wilson moved to accept the proposed amendments, to Division 20 Rules, as written, the motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the Repeal, of Division 30, for discussion by the Board. With no additional discussion, Nancy Wilson moved to accept the repeal, of Division 30 Rules, motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the proposed adoption, of Division 35, for discussion by the Board. Nancy Wilson moved, to table the adoption, of Division 35 Rules, pending further review and discussion by the Board, motion was seconded by Joana Freedman, motion passed unanimously.

Because the Board postponed the adoption of the new Division 35 Rules, Continuing Education, Nancy Wilson moved to delete the wording, in the newly adopted Division 10 Rules, that makes reference to Division 35, motion was seconded by Joana Freedman, motion passed unanimously.

Nancy Wilson moved to keep the time frame, for the first continuing education certification period in Division 35, to 01/01/06 through 03/31/08, regardless of the other possible changes, to Division 35 Rules, motion was seconded by Joana Freedman, motion passed unanimously.

At 1:16 PM, citing ORS 192.660(2)(h) at 10:55 AM, Mr. Nickell convened the Board back into Executive Session. Pursuant to ORS 192.660(2)(h), this portion, of the Meeting, is closed to the public.

Upon completion of the Executive Session, Mr. Nickell took the Board back into Public Session for motions and additional business. The public and interested parties are invited to attend this portion of the meeting.

The Board Chair opened the proposed amendments, to Division 40, for discussion by the Board. After discussion and consideration of testimony, by the Board, Nancy Wilson moved to accept the proposed amendments, to Division 40 Rules, as written, the motion was seconded by Joana Freedman, motion passed unanimously.

The Board Chair opened the proposed amendments, to Division 45, for discussion by the Board. After discussion and consideration of testimony, by the Board, Nancy Wilson moved to accept the proposed amendments, to Division 45 Rules, as written, the motion was seconded by Joana Freedman, motion passed unanimously.

**Case PT 198-7/05**

Motion by, Nancy Wilson, to impose an Emergency License Suspension order based on public safety concerns, and pending the completion of an on-going investigation.

Seconded by Joana Freedman

Motion passed unanimously

**Case PT 190-5/05**

Motion, by Nancy Wilson, to issue a Proposed Notice of Disciplinary Action citing treatment of a patient without a prescription, which is a violation of OAR 848-040-0120(2)(3), 848-040-0115 (2), 848-045-0020(2)(h), and imposing a civil penalty of \$500.00.

Seconded by Joana Freedman

Motion passed unanimously

**Case PT 29**

Motion, by Nancy Wilson, to send former Licensee a letter, from the Board, denying request for Board to consider reinstatement of suspended license.

Seconded by Joana Freedman

Motion passed unanimously

**Case PT 202-8/05**

Motion, by Nancy Wilson, to issue a Proposed Notice of Disciplinary Action for allowing non-trained office personnel to act as an aide, which is a violation of OAR 848-020-0040(1), 848-020-0000(3), 848-045-0020(2)(h), and imposing a civil penalty of \$500.00.

Seconded by Joana Freedman

Motion passed unanimously

**Case PT 205-11/05**

Motion, by Nancy Wilson, to approve Oregon practice license subject to a probation period of two years, citing violation of OAR 848-010-0044(2)(3).

Seconded by Joana Freedman

Motion passed unanimously

**Case PT 206-12/05**

Motion, by Nancy Wilson, to issue a Proposed Notice of Disciplinary Action, citing violation of ORS 688.140(2)(n), practicing without a license, and imposing a civil penalty of \$500.00.

Seconded by Joana Freedman

Motion passed unanimously

### **Staffing Considerations/Issues**

Sherry Paru reported, to the Board, that the new Contract Investigator was working 10 to 15 hours, per week, and is meeting expectations, as established by the contract. Sherry further reported, to the Board, that the Executive Director would be returning from medical leave part-time, effective December 12, 2005, and would be working a reduced schedule through January 20, 2006.

### **Clinical Advisor/Investigator APTA dues and attendance at Combined Section Meeting.**

After Board discussion and consideration, the Board voted in support of the Clinical Advisor Investigator attending the APTA Combined Section Meeting in San Diego, CA. The Board also noted the value of having the Clinical Advisor/Investigator, as a member of the National and Local Chapters of the APTA, and further approved Board payment or reimbursement of the annual dues for membership.

### **Future Board Meeting Dates**

As established by the Board, the future Board meeting dates are as follows: January 27, 2006; March 17, 2006; May 19, 2006; July 14, 2006; September 12, 2006; November 3, 2006; and January 5, 2007. Meeting date, 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 with a list, of new licensees, for the period of September 30, 2005 through December 1, 2005. The Chair opened the floor, for discussion, with regards to the new licensees. Without noted discussion, the Board voted unanimously to ratify the new licensees and permit holders for the above-noted period.

### **Approval of Meeting Minutes**

The Minutes, from the September 30, 2005 Regular Board Meeting, were presented to the Board. The Chair opened the floor for discussion and comments. Without any noted discussion, the Board voted unanimously to accept the September 30, 2005 Board Meeting Minutes, as submitted.

### **CALL FOR OTHER NEW BUSINESS**

None noted.

Mr. Nickell adjourned the Meeting at 4:15 PM.