

**Physical Therapist Licensing Board  
Board Meeting  
March 8, 2013  
MINUTES**

**Friday, March 8, 2013**

**Board Members Present:** Jason Fiske, PT, Vice Chair; Jennifer Wood, PTA Member; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Troy Costales, Public Member; Carol Sutton, Public Member.

**Board Members Absent:** Steve Alstot, PT, Chair

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

**Legal Counsel:** Carol Parks, AAG

**EXECUTIVE (CLOSED) SESSION**

At 8:54 AM, Vice Chair Jason Fiske, convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), 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 Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

The closed door Executive Session is digitally recorded and stored electronically on the Board's file server.

**PUBLIC (OPEN) SESSION**

At 1:18 PM, Board Vice Chair Fiske convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

## **Board Motions:**

### **Case PT 461-11/12**

Motion by Jennifer Wood to issue license with Confidential Advisory Letter requiring the licensee to share the letter with their employer and requiring both the licensee and the employer to provide quarterly progress reports to the Board for a period of one year.

Motion by Troy Costales to amend Wood's motion to require the one year reporting period to commence from date of licensure.

Seconded by Ruggie Canizares.

Motion to amend passed by vote 5-1; Board member Fiske voted nay, Board member Rutt abstained, and Board member Alstot was absent from the vote.

Amended Motion by Jennifer Wood to issue license with Confidential Advisory Letter requiring the licensee to share the letter with their employer and requiring both the licensee and the employer to provide quarterly progress reports to the Board for a period of one year from date of licensure.

Seconded by Ruggiero Canizares.

Motion passed by vote 5-1; Board member Fiske voted nay, Board member Rutt abstained, and Board member Alstot was absent from the vote.

### **Case PT 468-2/13**

Motion by Jennifer Wood to issue license and close the case.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

### **Case PT 469-2/13**

Motion by Jennifer Wood to issue license and a Confidential Advisory Letter noting Board's concern for failure to disclose.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

### **Case PT 438-5/12**

Motion by Jennifer Wood to close case no action.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

### **Case PT 429-4/12**

Motion by Jennifer Wood to issue a Confidential Advisory Letter reminding Licensee of documentation requirements.

Seconded by Ruggiero Canizares.

Motion passed by vote 5-2; Board members Fiske and Costales voted nay, Board member Alstot was absent from the vote.

**Case PT 446-8/12**

Motion by Jennifer Wood to issue a Confidential Advisory Letter reminding Licensee of documentation requirements.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

**Case PT 463-1/13**

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to send monthly progress reports to the Board for a period of one year.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

**Case PT 465-1/13**

Motion by Jennifer Wood to issue license and a Confidential Advisory Letter noting Board's concern for failure to disclose.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

**Case PT 466-2/13**

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to send the Board a copy of report from the Court confirming completion of diversion.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

**Case PT 464-1/13**

Motion by Jennifer Wood to issue a Stipulated Agreement (Agreement) requiring Licensee to; work with the on sight supervision of a physical therapist, submit copies of the results of the March 19, 2013 court proceedings to the Board, submit the results of any urinalysis ordered by the court or conducted by the rehab program to the Board, provide a copy of the Agreement to any potential employer with the employer providing a written letter to the Board confirming the receipt of the copy. The Board will issue a separate Interim Order requiring, at the Licensees own expense and within 90 days of the Order, that Licensee complete a chemical dependency evaluation by a Board approved provider. If the Licensee chooses not to enter into the Stipulated Agreement the Board will issue a Notice of Proposed Disciplinary Action.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

**Board Policy Issues:**

**Board Policy Regarding Release of Eligibility to Sit for the NPTE –**

Motion by Jennifer Wood to ratify the Board policy to allow PT's, under certain circumstances, to sit for the national PT examination prior to the completion of their professional program. (See policy below)

Seconded by Burke Selbst.

Motion passed by vote 6-0; Board members Alstot and Canizares were absent from the vote.

*At its January 11, 2013 meeting the Oregon Physical Therapist Licensing Board adopted the following policy:*

*The Board determined that it would allow staff to release eligibility for a physical therapist applicant to sit for the NPTE if the applicant has successfully completed all of their program requirements for didactic work and that the test date be scheduled within 90 calendar days of the applicant's actual program graduation date.*

*Policy effective date: 01.11.13*

### **Board Statute Requiring a Therapist Display a Copy of Their License -**

A licensee asked for clarification regarding the posting of their PT license at their practice location or place of business.

Upon legal review there was no legislative history relative to what defines "place of business". The Board instructed the Director to add this issue to the topics of discussion for the upcoming administrative rules committee meetings.

### **General Topics/Business**

Renewal update – The Director reported that renewals are on target with approximately 700 licensees still needing to renew compared to 1,100 last year at this same time. The Director will give a financial impact report at the May meeting relative to the Board's decision to reduce renewal fees for 2013-2014.

Citizen's Advocacy Center (CAC) Meeting – The Director reported that the FSBPT had contacted him to inquire whether the Board would be interested in piloting a new CAC compliance audit initiative. The thought was that the CAC would audit the regulatory health Board's compliance programs with a goal of indentifying areas of, or need for, improvement and noting best practices from a consumer standpoint. The FSBPT was interested enough in the concept that they were willing to pay for the compliance audit. The Director felt that having an outside party, representing the general public, perform a compliance audit was a sign of good faith and transparency. Before the Board could discuss the issue further, the Board AAG said she wasn't certain that the CAC would meet the statutory exemption allowing that organization to review complaints and investigative files. The Chair tabled the topic for a future meeting pending the AAG's opinion on statutory exemptions.

FSBPT Offering Discounted Practice Review Tool (PRT) to Board Members – The Director reported that the FSBPT was again offering the PRT to board members for a discounted rate and if any of the Oregon Board members were interested in registering for the discounted PRT to contact him.

Selection of Delegates to the 2013 FSBPT Annual Meeting – The Board selected Board Chair Alstot as the delegate, Board PT Member Rutt as the primary alternate and Board PTA Member Wood as the secondary alternate. Travel, registration and expenses for the Board delegate, primary delegate and administrator will be funded by the FSBPT. Expenses for the secondary alternate delegate will be paid for by the Board. The Board instructed the Director to complete the credentialing process for these appointments.

FSBPT Jurisdictional Board Member Training – The Director asked if any of the Board members would be interested in attending the FSBPT new board member training June 6-9<sup>th</sup> in Alexandria VA. Board PT member Canizares said he would like to attend the program. Board members attending this program are fully funded by the FSBPT.

### **Legislative Session Update**

The Director handed out to the Board a legislative tracking report. The Director highlighted the two bills that, if passed, would have a direct impact on the Board's statutes and PT scope of practice. HB 2684 would eliminate the requirement to refer a PT patient back to an approved medical provider after 60 days, allowing for unlimited direct access; and HB 2678 broadens the exemptions from Oregon PT licensure allowing a PT licensed in another state, traveling with an athletic organization, to treat an athlete of that organization, in Oregon without obtaining an Oregon PT license. Diana Godwin, AAL, attorney for OPTIP, spoke to the merits of her bill SB 544, which would further define the requirements for disclosure of financial interest in physical therapy services, requiring providers to write an open referral for physical therapy and inform patients they have freedom of choice relative to who delivers those services.

### **Discussion Rules for Endorsement versus Examination Applications**

The Board discussed the Statutes, Rules and internal practice relative to the different requirements for applying by endorsement versus examination. Regardless of how the Board handled applicants in the past, moving forward the Board would allow for an applicant who has passed the NPTE but does not hold a current license in a state or jurisdiction to apply to the Board through examination. Currently examination applicants are not required, by rule, to provide verification of previously held licenses. Moving forward if an examination applicant did hold a license in another state or jurisdiction, but it is no longer current, they would have to provide primary source written verification that the license was in good standing at the time it became inactive. The Board instructed the Director to make certain that when looking at administrative rule revisions to make this practice clear in the rules.

During this discussion, the question came up as to the statutory authority for the Board to ask for a primary source written verification from any applicant, noting that neither statute nor rule is explicit in its language allowing for the requirement. The Board asked its counsel to review the issue and report back to the Board.

### **2013 Board Meeting Dates**

As established by the Board, the remaining 2013 Board Meeting dates are as follows: May 17<sup>th</sup>; July 19<sup>th</sup>; September 20<sup>th</sup> and November 15<sup>th</sup>. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

### **Approval of Board Meeting Minutes**

The drafted minutes, from the January 11, 2013 Regular Board Meeting Minutes were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Board member Wood noted a correction in the minutes. Vice Chair Fiske asked for a motion to adopt the January 11, 2013 minutes as amended.

Motion by Jennifer Wood to adopt the January 11, 2013 minutes as amended.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

### **Ratification of PT/PTA Licenses & Temporary Permits**

The Director presented the Board with a list of new licensees and temporary permit holders for the period of January 11, 2013 through March 7, 2013. The Board Chair opened the floor for discussion. Without noted discussion;

Motion by Jennifer Wood to ratify the list of PT and PTA licenses issued by the Board between January 11, 2013 and March 7, 2013.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

### **Board Member Reports/Other New Business**

Vice Chair Fiske reported back on the FARB conference he attended in January. He said the program was good covering the topics of sexual boundaries and the area of social media. FARB really isn't a forum that will solve your problems but will help in recognizing trends and situations and share best practices as possible solutions. Vice Chair Fiske felt that the Oregon Board was ahead of the game in dealing with these issues when compared to other Boards around the country. Lastly, Vice Chair Fiske reported that FARB strongly recommended to board members that they disassociate themselves from serving on committees or in leadership roles with the professional organizations at the same time as serving on a regulatory board.

The Director reported that PT Board Member Richard Rutt was appointed by the Governor and confirmed by the Senate to serve a second term on the Board. Dr. Rutt's appointment will expire 2/28/2017.

Vice Chair Fiske asked for any other business, hearing none, Vice Chair Fiske adjourned the meeting at 2:47 PM.