

**Physical Therapist Licensing Board  
Board Meeting  
July 25, 2016  
MINUTES**

**Monday, July 25, 2016**

**Board Members Present:** Richard Rutt, PT Chair (via teleconference); Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member, Troy Costales, Public Member

**Board Members Absent:** (Rutt absent from Public Session)

**Staff:** James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Rick Sullivan, PTA, Licensing Coordinator

**Legal Counsel:** Joanna Tucker Davis, AAG

**EXECUTIVE (CLOSED) SESSION**

At 8:39 AM Vice Chair Canizares convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:45 AM Vice Chair Canizares adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 12:16 PM, Vice Chair Canizares convened the Board into Public Session. During this portion of the meeting the Board considered inquiries from licensees and the public, approved 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

**Guests:** Diana Godwin, Attorney at Law representing Oregon Physical Therapists in Private Practice (OPTIP); Ricci Susick, PT representing Oregon Physical Therapy Association (OPTA) Liaison to the PT Board.

## **Board Motions**

### **Case PT 590-4/16**

Motion by Aubree Benson to close the case no action taken.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

### **Case PT 589-4/16**

Motion by Aubree Benson to close the case no action taken.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

### **Case PT 599-5/16**

Motion by Aubree Benson to issue a Stipulated Agreement and Final Order for violation of ORS 688.140(2)(a)(c) and OAR 848-035-0020(7) and assess a civil penalty of \$350.00.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

### **Case PT 600-5/16**

Motion by Aubree Benson to issue a Stipulated Agreement and Final Order for violation of ORS 688.140(2)(a)(c) and OAR 848-035-0020(7), assess a civil penalty of \$350.00 and require licensee to complete remainder of continuing competency credits within 60 days from the date the Order is fully executed by the Board.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

## **Board Policy/Scope of Practice Issues:**

- Public records policy – The Director presented the Board with a draft policy for their consideration. After review and discussion the Board instructed the Director to move forward with the draft and submit it to the State Archives Division for approval. Once approved the Director will bring the policy back to the Board for adoption.
- Dry needling update – The Director informed the Board that a Board request was submitted to the State’s Office of the Attorney General asking an opinion relative to “dry needling” and whether or not the practice of “dry needling” is within the scope of practice of a licensed physical therapist. The AG’s response is expected within the next 60 to 90 days.
- Use of title “doctor” on printed materials – The Board discussed two separate issues: First, when using the title “doctor” on written materials, ORS 676.110 requires a licensee to designate the health care profession in which the individual doctoral degree was earned. The Board discussed whether using the initials “DPT” after one’s name was enough to designate the profession or does the licensee have to write out the words “doctor of physical therapy”. The Board determined that the use of the initials DPT after someone’s name was sufficient, but clarified that this requirement was not in the PT statute and further what may satisfy the Board may not meet the standards of other interested parties. Secondly, while discussing the title issue, the Board determined that in the interest of public safety and public recognition the Board may consider promulgating

a rule that would require all licensees to designate their professional license on all written materials directly after their name and before degree designation or specialty certificate, for example, John Doe, PT, DPT. The Board instructed staff to add the license designation to the list of discussion items for the advisory rules committee.

- Investigations of licensee's who self report arrests/convictions – Following Board discussion there was confusion amongst the Board members relative to current procedures when dealing with a self report within the 10 day regulation, self reports on an initial or renewal application and alleged violations via a complaint delivered to the board. When does the Board open a case? When is a case considered an investigation? Noting the importance that an application or information received as part of an application is a public record. Once the Board makes further requests for additional information or inquiries into an open case it then becomes an investigation and no longer subject to the public records law. Needing further clarity the Board asked staff to map out its current processes relative to handling of these three different scenarios.

### **Future Rulemaking Questions and Issues:**

The Director reported that the Advisory Rule Committee meeting will be held at the end of September and the OPTA has been made aware of the rule making topics and the timing.

### **FSBPT Jurisprudence Assessment Module (JAM) for 2016:**

Clinical Advisor/Investigator Paru reported the status of the Federation's development of the Oregon JAM. On September 7, 2016 the Board will host Rich Wolf from the Federation of State Board's of Physical Therapy for a standard setting workshop. The workshop will be for one day and will take 5 to 6 hours. Participants will actually take the examination. There should be 5 or 6 participants and they need to be trusted individuals. All of the Board staff Heider, Paru and Sullivan will participate as well as Board Chair Rutt and Board Member Benson. The Director has extended an invitation to have the OPTA send a representative as well. The Federation roll out date for the JAM is November 1, 2016 but the staff will implement the use of the JAM for new applications effective January 1, 2017.

### **General Topics/Business**

- CLEAR and CAC Portland Conference – Director Heider again informed the Board that there was still time to register for this conference and any Board member interested in attending should contact him. The Director further indicated that the Board Clinical Advisor/Investigator Paru would be attending both portions of the conference.
- FSBPT Board Member Training Report – Board Members Benson and Haworth both attended the Federation of State Board's of Physical Therapy new Board Member training and gave the training session high marks and acknowledged it was of great value and a good use of their personal time.
- FARB Regulatory Law Seminar – Director Heider asked the Board's approval to again co-sponsor the Board's AAG to attend the FARB conference in Chicago. The PT Board along with the Veterinary and Medical Imaging Board's will share equally in the expense of the conference, travel, hotel and legal time. This is the fourth year in a row that the three Boards have sponsored their assigned AAG to attend. The Board approved the expenditure.

### **Continuing Competency Audit Update**

Director Heider reported that of the 500 licensees randomly audited the Board has received response from all but 33. Of the responding licensees only three were found to be in non-compliance. The remaining 33 have been sent second notices both via US mail and email. The remaining 33 audit responses and those in non-compliance will be brought to the Board at its October meeting.

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

The drafted minutes, from the May 6, 2016 Regular Board Meeting were presented to the Board. Vice Chair Canizares opened the floor for additional discussion and comments. With none noted Vice Chair Canizares asked if there was a motion to approve the minutes as written.

Member Benson moved to approve the Minutes as written.

Seconded by member Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

### **Future Board Meeting Dates:**

The Board Meeting dates for 2016 are as follows: Friday, October 7<sup>th</sup> hosted by George Fox University and Friday, December 16<sup>th</sup>. Meeting Notices, Dates, Locations and published Minutes may be found on the Board website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us). The Board meeting calendar for 2017 will be scheduled at the October meeting.

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

Vice Chair Canizares presented the Board with a list of new licensees and temporary permit holders for the period of May 6, 2016 through July 24, 2016. Vice Chair Canizares opened the floor for discussion. With none noted, Vice Chair Canizares asked for a motion to ratify the new licensees and permit holders.

Member Benson moved to ratify the list of PT/PTA Licenses and Permits issued May 6, 2016 through July 24, 2016.

Seconded by member Sutton.

Motion passed unanimously by a vote of 7-0. Board member Rutt was not present for the vote.

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

Vice Chair Canizares asked for other new business.

- Director Heider reported that he'd had a luncheon meeting with Derek Fenwick PT, President of the OPTA. Director Heider and President Fenwick shared current events and activities of both organizations. Director Heider shared future plans for rulemaking and implementation of both the new Board jurisprudence examination and the requirement for FBI background fingerprint checks on all new applicants for licensure effective January 1, 2017. Director Heider and President Fenwick discussed the upcoming 2017 legislative session; President Fenwick disclosed that the OPTA, at this time was not planning on any new legislative concepts for 2017.
- Director Heider shared with the Board that he would be out on a leave of absence from August 8<sup>th</sup> through September 5<sup>th</sup>. The Director would coordinate his leave with staff and would be working part time via telework during the leave.
- Director Heider shared the YTD activity reports with the Board including; expense and revenue YTD figures and licensure activities.

Vice Chair Canizares asked again for other new business, with none noted Vice Chair Canizares adjourned the meeting at 2:14 PM.