

**Physical Therapist Licensing Board
Board Meeting
September 20, 2013
MINUTES**

Friday September 20, 2013

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT Vice Chair; Ruggie Canizares, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member

Board Members Absence: Burke Selbst, PT Member; Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:55 AM, Chair Steve Alstot 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 10:59 AM, Board Chair Alstot 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.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison

Board Motions:

Case PT 476-5/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing failure to meet minimum documentation standards and requiring Licensee to successfully complete a Board approved documentation course within 90 days of the date of the Letter and to provide the Board evidence of completion.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 477-5/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing improper supervision of a patient while providing aquatic therapy and failure to consistently follow HIPAA standards relative to electronic communication with patients.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 482-6/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing Board concern over her Pilates advertising which may be misleading to the public. The Licensee should remove all references to being a licensed physical therapist from her Pilates advertisements. As a Pilates Instructor, advertising that she holds a degree in physical therapy is allowable, but referring to herself as a "licensed physical therapist" in her advertising can be misleading.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 451-9/12

Motion by Ruggie Canizares to close case due to a non-response from the applicant regarding request for additional background information and the one year expiration of the application file.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Board Policy Issues:

- Delegation of Authority Letter - The Board reviewed, updated and ratified updates and changes to its August 26, 2011 letter delegating specific authorities to the Board Director and Staff.

General Topics/Business:

Board Audits – The Director reported that the Board has successfully completed the biennial Financial Review required by Statute of all semi-independent Boards; all Board members previously received a copy of this report. Still to come is the Legislative Fiscal Office required IT security audit of all semi-independent Boards. Also, the Board has now completed the Legislative mandated Secretary of State audit of all Health Related Licensing Boards, with results still pending. Finally, Board staff needs to schedule the Legislative mandated peer review audit of all Health Related Licensing Boards.

Citizens Advocacy Center Annual Meeting – The annual CAC meeting is scheduled to be held October 29-30 in Seattle WA. The Director asked Board members that are interested in attending the CAC meeting to send him an email. Today is the cutoff date for the early registration benefit.

FARB Attorney Certification Seminar – The Director reported to the Board that based on the Board's prior approval, the Board will again co-sponsor the attendance of its AAG to the Annual FARB Attorney Certification Seminar. This year the Board will share the expense of the seminar and travel with the Board of Medical Imaging.

Federation of State Boards of Physical Therapy Delegate Assembly Motions – The Director announced the attendees for this year's Federation Delegates Assembly. Steve Alstot will act as the Board's Voting Delegate, Richard Rutt, Alternate Delegate, and Jen Wood, Second Alternate Delegate. The Director will also be attending the meeting as Board Administrator. The Federation will pay the travel costs and registration fees for the Administrator, the Delegate and the First Alternate Delegate. The travel costs and registration for the Second Alternate Delegate are paid by the Board. The Director presented each of the known assembly motions to the Board for discussion and consensus. The Board gave the Delegates direction with regards to its position on each of the motions.

Board Review of Proposed Draft Administrative Rule Changes:

The Director presented the Board with proposed administrative rule language changes as prepared by the Rules Advisory Committee. After thorough discussion, and a few amendments, the Board approved the proposed language and directed staff to proceed with the rule making process. The rule hearing is tentatively scheduled for Friday, November 15th at 8:30 AM. Notice will be sent to the Legislature, all Interested Parties and all Licensees. Lastly, the Board reviewed the Administrative Rules Committee's proposal to change the current renewal cycle from annual to bi-annual, matching the renewal cycle to the bi-annual continuing competency certification period occurring

every two years on the even numbered years. After Board discussion and input from the Director, the Board decided to proceed with the proposal but the that the timing was too short to make the change effective with the April 1, 2014 renewal period, which commences the first week in January 2014. The Board determined that they would make the change to bi-annual renewals effective April 1, 2016.

2014 Board Meeting Dates:

As established by the Board, the remaining 2013 Board Meeting dates are as follows: November 15th. The Board discussed and set its tentative calendar meeting dates for 2014. The meeting calendar for 2014 is as follows: Friday, February 7th (to be held at Mt. Hood Community College); Friday April 11th; Friday June 20th; Friday August 22nd and Friday October 24th. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Approval of Board Meeting Minutes

The drafted minutes, from the July 19th, 2013 Regular Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Member Wood noted a couple of grammar changes to the minutes. Chair Alstot asked for a motion to approve the July 19, 2013 minutes.

Motion by Ruggie Canizares to approve the Minutes from the July 19th Regular Board Meeting as amended.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were 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 July 19, 2013 through September 19, 2013. The Board Chair opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Ruggie Canizares to ratify new licenses & Temporary Permits.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Board Member Reports/Other New Business:

Board Member Canizares reported on a new bill in Congress HR 2914 which closes the self referral loophole for physical therapy, advanced imaging, radiation oncology and anatomic pathology under Medicare preventing physicians from receiving payment for referring patients to facilities in which they hold a financial interest.

The Director noted the end of second terms for Board Chair Alstot, October 31, 2013 and Board Vice Chair Fiske, January 22, 2014. Also noted were the end of first terms for public members Sutton and Costales February 28, 2014. The Director has notified the Governor's Office of Executive Appointments and made contact with the Oregon Physical Therapy Association. Board Member openings will be posted in the Board's next Newsletter to be distributed in October. Parties interested in volunteering for a Board position should contact the Board office or go the Office of Executive Appointments website at <http://www.oregon.gov/gov/pages/boards.aspx> .

The Director asked the Board's approval to add an on-call hourly staff position to the Board's payroll. The candidate is already a state employee working as an administrative assistant to one of the other health boards. The on-call hourly will be used at peak workflow times, during planned vacations and extended illnesses and leave. After discussion the Board approved adding the on-call hourly to the payroll.

Board Chair Alstot adjourned the meeting at 3:15 PM.