

**Physical Therapist Licensing Board
Board Meeting
January 27, 2006**

MINUTES

Friday January 27, 2006

Board Members Present: Jerry Nickell, PT, Chair; Joana Freedman, PT, Vice Chair; Nancy Wilson, PTA; Steve Alstot, PT; Jason Fiske, PT; Cindy Cunningham, Public Member

Board Members Absent: Daiva Banaitis, PT, PhD

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

Citing ORS 192.660(2)(h), at 8:35 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 three recording tapes, dated 01/27/2006.

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

Case PT 183b-01/05

Motion, by Cindy Cunningham, to revise Stipulated Order using some of the language proposed by the Licensee's Attorney; change noted violation to ORS 688.140(2)(d); and, reduce proposed civil penalty to \$2,000.

Seconded by Steve Alstot

Motion passed unanimously

Case PT 200

Motion, by Cindy Cunningham, to issue a letter of concern citing Licensee's business billing practices; issue of a Proposed Order of Discipline and, a Stipulation and Final Order, citing violation of OAR 848-040-0150(1)(b)(d), and OAR 848-045-0020(2)(h), Board documentation requirements; also, citing violation of OAR 848-045-0020(2)(q)(D), the improper use of the term "doctor"; impose a probationary term of 6 months, followed by a Board records review, requirement for the successful completion of a Board approved documentation course and, a civil penalty of \$500.00, reduced by the cost of the documentation course with any net proceeds payable to the Board.

Seconded by Steve Alstot

Motion passed unanimously

Case PT 207-12/05

Motion, by Cindy Cunningham, to issue a Stipulation and Final Order for violation of OAR 848-045-0020(2)(s), practice with a lapsed license; impose a civil penalty of \$1,000 and, include in the cover letter, the requirement to notify third party payors of the unlicensed practice.

Seconded by Steve Alstot

Motion passed unanimously

Proposed Division 35 Continuing Education Rules

Motion, by Nancy Wilson, to accept the wording of Division 35 with changes as discussed by the Board, and proceed with the rule making process.

Seconded by Steve Alstot

Motion passed unanimously

Future Board Meeting Dates

As established, by the Board, the future Board meeting dates are as follows: 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.

Ratification of PT/PTA Licenses & Temporary Permits

The Board was presented with a list, of new licensees, for the period of December 02, 2005 through January 26, 2006. 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 December 02, 2005 Administrative Rules Public Hearing, 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 December 02, 2005 Hearing Minutes, as submitted.

The Minutes, from the December 02, 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 December 02, 2005 Board Meeting Minutes, as submitted.

Financial Report

**January 27, 2006 Board Meeting
Financial Report Narrative
Reporting Period 07/01/05-12/31/05**

Total Income is under budget by \$132,020

The Board accounting system is on an accrual basis. When accounting on an accrual basis, instead of accounting for the actual receipt or disbursement of large income and expense items as they occur, you spread that income or expense equitably over the entire accounting period, in this case 12 months, 7/1/05-6/30/06.

The Board’s projected income for the fiscal year ’05-’06 is budgeted at \$339,400. This is accrued at \$28,285/month (\$169,710 thru 12/31/05). Actual income booked thru 12/31/05 equals \$37,690; this creates an income deficit of (\$132,020). The vast majority, of that income, will actually be received during the renewal cycle, Jan-Mar ’06.

This is not an item for concern at this point.

Total Expense is under budget by (\$20,145)

5100 Payroll Costs are **(\$29,454)** under budget as a combination of several expense factors:

Expense Classification	Over Budget	Under Budget
Salaries		(\$21,077)
Board Stipends		(\$400)
Payroll Taxes		(\$1,600)
PEBB Medical Premiums		(\$2,007)
PERS ER Paid EE Contrib		(\$600)
PERS Employer Admin		(\$1,545)
PERS Bond Debt Obligation		(\$1,148)
Employee Training		(\$1,100)

Narrative: Salaries are under budget, by **(\$21,077)**, due primarily to the reclassification of the part-time investigator, from an hourly employee status, to a contracted employee; and, the short-term disability (STD) leave of the Executive Director, during which time his salary was paid by a third party insurance company; Board stipends are below projected amount, by **(\$400)**, due to the former Board Chair’s election not to accept the stipend payments; payroll taxes are a direct product of salaries paid, taxes are under budget, by **(\$1,600)**, due primarily to the application of the FICA rate of 7.65% to the lower than budgeted salaries; healthcare expense is down, by

(\$2,007), due to a lower than forecasted premium increase; PERS EE Contributions paid, by the Board, are lower than forecasted, by (\$600), due to the lower gross salary figure associated with the Executive Director's STD leave; PERS ER Admin rates are lower than forecasted, by (\$1,545), resulting from a lower than forecasted ER Admin Rate and the STD leave of the Executive Director; the PERS Debt Obligation Bond Repayment totals are under budget, by (\$1,148), due to a lower than forecasted rate of payment, and the STD leave of the Executive Director; and, employee training expense is below projected amounts, by (\$1,100). This is a matter of accrual timing and will be depleted by the end of the fiscal year.

5600 Travel Cost is (\$384) under budget.

This is based on a monthly accrual of \$590 per month, with less than anticipated employee travel to date. The primary expense associated this year, with travel, is reimbursement of mileage, meals and lodging to Board members for meetings.

6100 General Office Expenses are (\$1,678) under budget.

This variance is due primarily, to the budgeting for new office furniture and files cabinets anticipating the move to the pharmacy space that has been cancelled. The Board Investigator will move into an office space and furniture will be purchased sometime in mid to late Spring 2006.

6190 Dues and Subscriptions are \$1,240 over budget.

This is a matter of accrual timing, and will be recuperated by the end of the fiscal year.

6200 Postage is (\$3,774) under budget.

This is a matter of accrual timing, and will be depleted by the end of the fiscal year.

6400 Contracted Services are \$4,453 over budget as a combination of several expense factors:

Expense Classification	Over Budget	Under Budget
Attorney General Fees	\$6,058	
Investigators Fee	\$4,644	
Audit Charges		(\$2,700)
Computer Support		(\$671)
CPA Accounting Fees		(\$600)
Emp Hearing Officer Panel		(\$2,125)
Payroll Service Charges		(\$154)

Narrative: Attorney General Fees are over budget, by \$6,058, due primarily to increased usage attributed to the request and preparation, or negotiation, on a contested case hearing, which, has not yet gone to hearing, and the legal input, advice, and a total review of the Administrative Rules Committee rewrite of the Board Administrative Rules due to the 01/01/06 adoption of a new PT Practice Act; Investigator fees are over budget, by \$4,644, due to the reclassification of the Board's part time investigator, from an hourly employee, to a Contract Investigator; Audit Charges are under budget, by (\$2,700), because the mandated financial audit, scheduled for fall of 2005, has been delayed by the State Audits Division, this expense will be incurred sometime this year; the fees associated with Computer Support are under budget, by (\$671), due to a

recognized savings in the change of service vendors; the fees for CPA were budgeted at (\$600), however, the Board has not had to used CPA service/advisement for the past 6 months; the fees for Employment Hearing Office are under budget, by (\$2,125), this is a matter of accrual timing and will be depleted by the end of the fiscal year.

Rent and Occupancy is (\$959) under budget.

Rent is under budget because of the delay in the planned increase of Board rental square footage. This amount will be absorbed when the Board receives approval from DAS for its request of an additional office space to be used by the Board Investigator.

6600 Background Checks are \$8,935 over budget.

This expense was inadvertently not accrued in the 2005/2007 Biennium. At the end of 2004, exam and endorsement application fees were raised, by the actual cost of the background check, to cover the cost previously incurred by the Board. The strategy was that this expense would be a net from the increase in the corresponding application fee income. Generally Accepted Accounting Principles do not allow you to net, an expense, directly from an income account.

6800 Computer & Accessories are (\$1,630) under budget.

This is a timing issue, 2 new computers were purchased, for the Board staff, in summer of 2005, however, the purchase of a new printer and additional accessories has been held off pending the outcome of the request for addition office space.

Future Budget Variance Concerns:

Income will be over projected amounts, by approximately \$60,000, due to the raise in renewal fees for '06-'07. An increase in renewal fees was not anticipated until '07-'08 renewal. Because of the legislative change in the PT practice act, and the elimination of the fees associated with the Certificate to Practice Without Referral, the Board chose to raise its current renewal fees to recover the income deficit and to balance the current budget.

Travel expense may be higher than originally budgeted due to the addition of a new Board member who will be traveling across state to attend Board meetings.

Background checks will continue as a Board issue for '06 and '07 fiscal years. This amount will be incurred, as an expense, but was not budgeted as an expense. This non-budgeted amount will impact the Board's overall approved operating budget.

The move planned to relocate the Health Related Licensing Boards, to the vacated Pharmacy location, paid for by the Nursing Board, has been cancelled. The PT Board still has an original request for an additional office space to be used by the Board's Clinical Advisor and Investigator. DAS has given preliminary approval for the space which is already part of the PT Board office, currently occupied by the Nursing Home Administrator Board's Director. To facilitate this move, the PT Board will have to pay for the physical costs of the move as originally planned in 2003. There is nothing budgeted for this move other than the new furniture and the additional square footage rental fees.

FSBPT 2006 Financial Budget

As required by the Federation Bylaws the FSBPT presented copies of their adopted 2006 financial budget to the Board.

APTA Residency/Fellowship Program

Mr. Heider presented, to the Board, a letter from the APTA asking jurisdictions to consider the APTA Residency/Fellowship Program as a qualified program under the jurisdictions CE requirements. After discussion, the Board determined that the APTA program would qualify for CE credit under the new Division 35 Board Rules.

Legislative Concepts

Mr. Heider presented the Board with a letter from Legislative Counsel. The letter outlined procedures and timetables regarding the submission of legislative concepts for the upcoming 2007 legislative assembly. Noted were the deadline dates for submission of the concepts, April 3, 2006 and the begin date of the 2007 legislative session, January 8, 2007. After discussion the Board determined they would not be presenting any concepts, from the Board, this session.

DOJ Presentation on Contested Case Hearings

Carol Parks, AAG, made the Board aware of a Department of Justice power point presentation on "Contested Case Hearings". Ms. Parks wanted to know if the Board would be interested in her presenting the presentation at a Board meeting. After discussion the Board invited Ms. Parks to present the presentation, in public session, at the March 17, 2006 Board meeting.

CALL FOR OTHER NEW BUSINESS

Mr. Heider informed the Board of the increase in requests for Board presentations in a public forum and community outreach. Mr. Heider wanted the Board's input and opinion on whether the staff should continue to support these efforts. The Board made it clear to staff that it was in full support of continued community outreach and outreach to the professional community when ever possible. The Board further indicated that they would leave it up to staff to determine which venues to participate in, noting that staff should consider time involved and total number of possible participants at any one event.

Mr. Nickell adjourned the Meeting at 2:00 PM.