



PT UPDATE

Oregon Physical Therapist Licensing Board

WE'VE GOT NEWS!

January 2000

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BOARD TOPICS

Topics discussed by the Board since the last meeting include:

Question: What is a referral source arrangement? Is it employment directly of PTs or contracting of PTs by a referral source? What if services are provided in a PT clinic owned by the referral source? Are PTs working in the clinic in jeopardy if the referral source does not post notice of ownership?

Answer: There is no differentiation between employing PTs or contracting for PT services regarding disclosure of a referral source arrangement. There must be notice posted in the facility that offers patients the option of obtaining treatments from another clinic. Should patients choose to be treated in the facility, the Board recommends that signed waivers be placed in patient charts.

Question: Do Oregon statutes and rules prohibit use of an ultrasound bone densitometer and a blood pressure machine that screens for cardiac risk factors?

Answer: No. **Conversely, the Board does not endorse any devices. This is not with the Board's responsibilities.**

Question: If a patient is treated with a physician referral and the prescription expires, can the PT initiate practice without referral for 30 days?

Answer: Yes, if the PT is certified for direct access.

Question: If a patient has completed the 30-day direct access limitation, how long must the PT wait before treating the patient again if there is an exacerbation of the same condition?

Answer: Oregon law is silent on this issue. The Board agrees that if patient problems are resolved, goals are met and the patient is discharged, then the patient may be seen again under direct access and the 30-day rule.

Note: *The Board cautions that PTs must be prudent regarding their patient's condition and make a determination if symptoms necessitate a physician referral. PTs must question if goals are met; and if exacerbations occur regularly, the patient should be referred to a physician. The original intent of the 30-day limitation was to treat uncomplicated muscle-skeletal problems and then refer the patient to the proper specialist if resolution was not complete.*

BOARD TOPICS (cont'd from page 1)

Question: May a 30-day self referral limit be used for a patient if the patient has the same diagnosis as before but it is associated with a new injury?

Answer: Please refer to the previous response.

Question: Do patients need "hands-on" re-evaluations at the 30-day interval, or may a PT review the chart and update the goals?

Answer: A re-evaluation 30 days into the treatment must be "hands on". A hands-on re-evaluation is also needed if the patient's status has changed and the PT needs to modify patient goals.

Question: Once the self-referral period has started, can a patient be put on hold for any period of time without that period of time counting against the 30 days?

Answer: No.

LICENSE RENEWAL *CHANGES!!!!*

Now that the Board is semi-independent, administrative procedures were modified to comply with our new status.

The annual renewal notices, return envelopes and the address on the return envelopes have changed. We are now utilizing the services of US Bank and a lock-box system for processing of the annual renewal documents. The envelopes and notices are color-coded to expedite processing at US Bank. The return address for renewals has also changed. *IT IS EXTREMELY IMPORTANT THAT YOU USE THE COLOR-CODED RETURN ENVELOPE FOR MAILING OF YOUR RENEWAL NOTICE.* If you lose the envelope, please call the Board office for another one.

A great amount of planning and effort has gone into development of this system that will provide licensees with efficient service. *BUT*, please remember that the system is very new and very different from what has been used by the Board for many years. There may be "glitches" in the process that will need to be corrected, and we ask for your patience and understanding. If you have any questions, please call the Board office at 503-731-4047.

BOARD ADOPTS 1999-01 BUDGET

A hearing was held on November 16, 1999, regarding the Board's proposed 1999-01 budget. On November 22, 1999, the Board adopted an operating budget of \$437,758.

Georgia a call at 503-731-4047.

SEXUAL MISCONDUCT PAMPHLET

The Board has published a pamphlet for licensees addressing the issue of sexual misconduct. This document has been included with the annual license renewal notices.

Within the past year or so, the Board has received an excessive number of complaints alleging sexual misconduct by therapists. While some of the complaints were substantiated, others were a result of miscommunication between the therapist and patient, and the lack of sensitivity to patient needs by the therapist.

Board members ask that all licensees take a moment and read the sexual misconduct pamphlet, and keep it at hand as a reference tool. The administrative rules are also a good reference regarding sexual impropriety. If you have any questions, please call Georgia at 503-731-4047.

FEDERATION SUMMIT MEETING GOALS

Linda Barbee, PT, Board Chair, and the Board's Executive Officer were invited to attend the Federation's Summit meeting held in Dallas, TX in September, 1999.

There were 78 attendees that included 59 PTs, 2 PTAs, 2 Public Members and 15 Administrators of state member boards. The Summit was a "think tank" meeting to consider options, develop consensus, and recommend actions regarding the direction of the Federation for the next 3-5 years to the 2000 Delegate Assembly.

NEXT BOARD MEETING

The Board will meet on Tuesday, January 11, 2000, at 8:00am in Room 445 of the Portland State Office Building, 800 NE Oregon Street, Portland, OR 97232. Portions of the meeting will be conducted in Executive Session and will not be open to the public.

CALL US . . .

before you hire a PT or PTA to verify that the person is licensed and in good standing. This information is in the Board's database and can be shared with you. The Board office telephone number is 503-731-4047.

**HAPPY
NEW YEAR!**



WHAT DOES THE BOARD DO? Summaries of Recent Board Investigations

Allegations: A male PTA licensee was treating an elderly patient in her home as a private patient without supervision from a PT and collecting fees from the patient. Licensee sees the patient socially and has misled the patient to become romantically and sexually in love with him. Licensee has received gifts and loans from the patient, and patient has placed the PTA in her Will.

Findings: The Board reviewed patient charts, bank records, court records and interviewed numerous individuals. At the conclusion of the 4-month investigation, the Board determined the following:

- ⇒ Licensee engaged in the practice of physical therapy and provided therapy as a PT and without supervision.
- ⇒ Licensee engaged in sexual impropriety with a patient.
- ⇒ Licensee obtained fees by fraud or misrepresentation as a PT.
- ⇒ Licensee engaged in acts of moral turpitude in the financial exploitation of a patient.

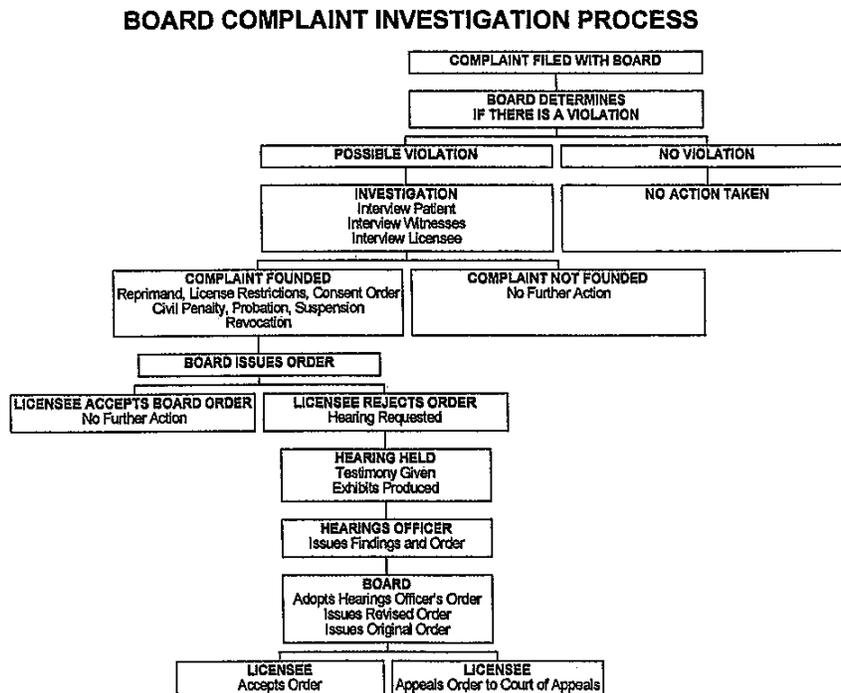
Action Taken: A Consent Order was signed by the Licensee surrendering his PTA license and prohibiting licensee from ever applying for licensure as a PT or PTA in Oregon.

Allegations: A male PTA licensee invited the patient to his home on several occasions. He provided the patient with marijuana and alcohol, and he, himself, used both alcohol and marijuana when patient visited. He also had sexual relations with the patient. The patient was a recovering drug and alcohol user, and was separated from her husband at the time. The Licensee discontinued his relationship with this patient and called her several months later regarding problems he was having in another relationship with another patient. The patient became very depressed and had thoughts of suicide.

Findings: The Board reviewed patient medical records, billing records and interviewed numerous individuals. At the conclusion of the 7-month investigation, the Board determined the following:

- ⇒ Licensee engaged in sexual improprieties with patients.
- ⇒ Licensee engaged in the use of illegal drugs.

Action Taken: A Consent Order was signed by the Licensee surrendering his PTA license to practice in Oregon.



This chart sets forth the process used by the Board for the investigation of complaints. It takes approximately 2-6 months to complete an investigation. Factors such as the number of witnesses that need to be interviewed, the location of those witnesses, the number of patient and/or billing charts that need to be reviewed, and the ease of obtaining those charts affect the length of time that the Board needs to thoroughly investigate a complaint.

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