

**Physical Therapist Licensing Board  
Board Meeting  
July 29-30, 2004**

**MINUTES**

**Thursday, July 29, 2004**

**Present: Board Members Present:** Cathy Zarosinski, PT, MS, Chair; Jerry Nickell, PT, Vice Chair; Daiva Banaitis, PT, PhD; Nancy Wilson, PTA; Joana Freedman, PT; Cindy Cunningham, Public Member. **Staff:** James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Frank Mussell Contract Investigator. **Legal Counsel:** Carol Parks, AAG

**Absent:** Pat Moore, MD, Physician Member.

Jerry Nickell, PT, Board Vice Chair convened the meeting at 5:00 PM.

The Thursday night meeting was held in open session and was attended by guests from the public.

## **PUBLIC (OPEN) SESSION**

### **Topic- Rules Advisory Committee, Presentation of Proposed Rule Change Drafts**

Jim Heider, Diana Godwin, Frank Mussell and Sheri Paru represented the Rules Drafting Committee. They presented to the Board the proposed final drafts as reviewed and put forth by the Rules Advisory Committee. Each Division was independently presented to the Board for their consideration. Board discussion ensued and the Board approved each Division draft with recommended changes.

The meeting was adjourned by Cathy Zarosinski, PT, MS, Board Chair at 8:50 PM, scheduled to re-convene at 8:30 AM Friday, July 30, 2004.

**Friday, July 30, 2004**

**Present: Board Members Present:** Cathy Zarosinski, PT, MS, Chair; Jerry Nickell, PT, Vice Chair; Daiva Banaitis, PT, PhD; Nancy Wilson, PTA; Joana Freedman, PT; Cindy Cunningham, Public Member; Pat Moore, MD, Physician Member. **Staff:** James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Frank Mussell Contract Investigator. **Legal Counsel:** Carol Parks, AAG

The meeting was re-convened in Open Session at 8:30 AM by Cathy Zarosinski, PT, MS, Board Chair, and was attended by guests from the public.

### **Topic- Rules Advisory Committee, Presentation of Proposed Rule Change Drafts**

The Rules Drafting Committee continued with their presentation of rule drafts as reviewed and put forth by the Rules Advisory Committee. The Board approved all Divisions drafts with recommended changes.

Copies of the Board approved Proposed Rule Changes can be found on the Board's website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

### **Topic- Ratification of PT/PTA Licenses**

Motion by Dr. Moore to ratify all the licenses issued by the Board for the period June 4, 2004 through July 29, 2004.

Seconded by Joana Freedman.

Motion passed unanimously.

### **Topic- PT Complaint Letter to the Oregon Board of Massage Therapists**

The Board reviewed a copy of a complaint letter from Jeffrey Bresnahan, PT, to the Oregon Board of Massage Therapists. In his letter, Mr. Bresnahan alleges/questions whether Whitney Lowe, LMT had encroached upon the scope of practice of a physical therapist licensed in Oregon. The Board tabled this issue pending what actions, if any, the Massage Board may take. Mr. Heider, Board Director, will follow-up with the Director of the Massage Board to see what they have done with this complaint.

### **Topic- Request for Board Approval of a Medical Screening Course**

The Board received a request from Glenn Dodge, PT to approve a medical screening course taken at Rocky Mountain University as part of a transitional DPT program. The letter and documentation regarding the program were not available at the Board meeting. After discussion, it was noted that the Rocky Mountain University DPT program was not an accredited program. The Board withheld a decision until it had the opportunity to review the letter from the licensee and the program documentation.

### **Topic- OPTA Request to Offer Medical Screening Course Via Video Tape**

The OPTA responded to the Board's questions and concerns regarding the OPTA's intent to offer the initial medical screening via electronic media. The Board was satisfied with the OPTA's proposed policies, procedures, guidelines and safeguards they have in place or will implement to protect the content and integrity of the program. The Board gave the OPTA approval for the program contingent on the Board's review of the final product. The Board wants to make certain the quality of the media is acceptable. The Board instructed Mr. Heider, Board Director, to relay their position of approval with contingencies to the OPTA, and to ask for a copy of the media when it is available. Also, because the OPTA has no limit or timeframe in which a participant must complete the program and test, the question of what date to use for the certification date was brought to the Board by Sherri Paru, Clinical Advisor. After discussion, the Board determined that, as with the live program and paper test, the certification date will be the date the

participant registered for the program and is sent the tapes, regardless of when they finish the program.

### **General Office Update:**

#### DAS Proposed Move Of Suite 407 Boards

Mr. Heider, Board Director, informed the Board that the Department of Administrative Services presented its plan for moving the Suite 407 licensing Boards. The decision had been made to move the Suite 407 Boards into the current Pharmacy space. The Pharmacy Board would be relocated to the ground floor. Mr. Heider reported to the Board that the cost associated with the move would be transparent to the PT Board. However, after his review of the initial plans, Mr. Heider was not satisfied that the plans presented would be functional for the PT Board. Mr. Heider asked the PT Board's opinion with regards to the move. Although the Board is not opposed to a move, they are opposed to losing the functionality they built into the current space. If DAS can not meet the Board's needs and requirements, they would consider other options to the Portland State Office Building. Mr. Heider will follow-up and report progress.

#### Pending Staff Leave

Mr. Heider presented to the Board the plan for coverage of the Clinical Advisor's position while Sherri Paru is out on leave. Mr. Heider informed the Board that the current hourly investigator would probably work more hours and that the costs associated with his additional hours were not budgeted. The Board approved the plan.

### **Topic- Board Financial Report Narrative**

Mr. Heider presented to the Board a year-end report covering fiscal year 7/01/2003 through 6/30/2004, the finance report is as follows:

#### 4000 Gross profit is \$21,420 over budget

The Board's projected income for the fiscal year '03-'04 is budgeted at \$309,800. Actual income booked year end 6/30/04 equals \$331,220; this creates the budget income surplus of \$21,420.

The source of this excess income can be attributed to collection of income in excess of projected budgeted figures in the following areas: \$11,000 in renewal fees; \$7,000 in civil penalties; and \$3,000 in mailing lists.

#### 5100 Payroll Costs are \$5,968 over budget

The Board's projected payroll costs for the fiscal year '03-'04 is budgeted at \$220,873. Actual expense booked year end 6/30/04 equals \$230,554.67; this creates the budget expense variance of \$9,682.

The source of this variance is a combination of plus (+) and minus (-) variances.

Salaries are \$25,000 (+) due to \$13,000 in contract investigator's pay now classified as salary as opposed to Contracted Services and \$12,000 in unbudgeted unemployment claims.

Benefits are \$16,000 (-) due to employer PERS contribution rate lowered saving the Board \$9,000 for the year and the Board saved \$7,000 in PEBB insurance coverage primarily due to the opting out of one employee from the medical plan and the Board's initiation of the policy that covers premium for the employees only.

#### 5600 Travel Costs

The Board's projected travel expense for the fiscal year '03-'04 is budgeted at \$10,776. Actual expense booked year end 6/30/04 equals \$4,125; this creates the budget expense variance of \$6,651.

The source of this variance is due to the Board looking for more economical ways to send employees to training programs etc., also, in October 2003, the Board did not fund an Alternate Delegate at the 2003 FSBPT Delegates Assembly.

#### 6400 Contracted Services

The Board's projected contracted services expense for the fiscal year '03-'04 is budgeted at \$80,640. Actual expense booked year end 6/30/04 equals \$62,648; this creates the budget expense variance of \$17,992.

In March of 2004 the Board's contracted investigator was put on payroll as a hourly employee. The source of this positive expense variance is the transfer of contracted investigator expense to the salary expense category.

#### Year End 2004 Summary

The Board's financial position for year end 6/30/2004 is better than originally projected. Income is up by \$21,000 and expenses are down by \$21,000. The net result is a savings of \$42,868. This translates into an actual operating loss of (\$17,777) for the year, when the 2004 original budget projected an operating loss of (\$60,645).

#### Future Variance Concerns

In July of 2004 the Board made an unemployment payment of \$3,530.00 representing the final eligible quarter, ending 6/30/04, for former employee.

The PERS Oregon General Obligation Pension Bond repayment started June 01, 2004. The Board will experience about \$1,000/month additional payroll expense because of this new charge. The charge amount is based on a pre-set rate, now 7.39%, of subject PERS salaries and scheduled for the next 20 years.

Increase salary expense due to extended use of hourly investigator to cover while primary investigator is out of office on leave.

### **Topic- June 4, 2004 Board Meeting Minutes**

Motion by Dr. Moore to accept the June 4, 2004 Meeting Minutes.  
Seconded by Joana Freedman.  
Motion passed unanimously.

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

The Board approved the upcoming meeting dates set for Friday, October 1, 2004 and Friday, December 3, 2004.

Pursuant to ORS 192.660 (1)(k), Ms. Zarosinski took the Board into Executive Session to discuss licensee investigations.

## **EXECUTIVE (CLOSED) SESSION**

The Board reviewed investigatory information regarding pending cases and new complaints.

The closed door meeting of the Executive Session is recorded and labeled on sides A and B of three recording tapes.

Upon completion of the Executive Session, Ms. Zarosinski took the Board back into Public Session for motions and additional business.

### **Case PT 168-6/04**

Motion by Dr. Moore to send Notice of Revocation.  
Seconded by Joana Freedman.  
Motion passed unanimously.

### **Case PT 161b-04/04**

Motion by Dr. Moore to impose civil penalty of \$500.00 for allowing an unlicensed PT to practice.  
Seconded by Joana Freedman.  
Motion passed unanimously.

### **Case PT 123-02/03**

Motion by Dr. Moore to accept voluntary surrender of license with a Stipulated Order noting convictions and agreeing never to apply for licensure in Oregon again.  
Seconded by Joana Freedman.  
Motion passed unanimously.

Ms. Zarosinski asked for any other business.

Ms. Zarosinski adjourned the meeting.