Physical Therapist Licensing Board
Board Meeting
September 19, 2008

MINUTES

Friday, September 19, 2008

Board Members Present: Joana Freedman, PT, Chair; Steve Alstot, PT, Vice Chair; Cindy Cunningham, Public Member; Daiva Banaitis, PT, PhD, PT Member; Burke Selbst, PT Member; Jason Fiske, PT Member; Nancy Wilson, PTA Member

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

Legal Counsel: Carol Parks, AAG

Board Chair, Joana Freedman convened the Board into Executive Session at 8:30 AM, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k), 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, 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 the completion of the Executive Session, Board Chair, Joana Freedman brought the Board into Public Session. In Public Session, the Board considers inquiries from licensees and the public; approves the prior Board Meeting minutes; ratifies new licensees; reviews general correspondence; entertains any motions; publicly votes on any actions so moved before the Board; and conducts any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session is 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.

Board Motions

Case PT 203-10/05
Motion, by Burke Selbst, to issue Stipulated Agreement and Final Order adding $250.00 to previously imposed civil penalty and changing the payment schedule from $200.00 per month to $100.00 per month until civil penalty is paid.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.
Case PT 285-7/08
Motion, by Burke Selbst, to issue Stipulated Agreement and Final Order amending the previous stipulated language to include the date the Licensee did complete the required continuing education. All other previously stipulated language and imposed civil penalty will remain the same.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 288-7/08
Motion, by Burke Selbst, to issue two Stipulated Agreement and Final Orders. One, amending the previous stipulated language to include the date the Licensee did complete the required continuing education. All other previously stipulated language and imposed civil penalty will remain the same. The second Stipulated Agreement and Final Order will give the Licensee the option to voluntarily surrender the PT license with conditions regarding any future reinstatement.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 290-8/08
Motion, by Burke Selbst, to close the case and issue the applicant a physical therapist license.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 291-8/08
Motion, by Burke Selbst, to issue applicant a Confidential Advisory Letter for failure to disclose arrest record on the physical therapist licensing application; and, to issue the applicant a physical therapist license.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 259-12/07
Motion, by Burke Selbst, to close the case citing no violations.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 292-8/08
Motion, by Burke Selbst, to close the case citing no violations.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 277-5/08
Motion, by Burke Selbst, to close the case with no action required.
Seconded by Daiva Banaitis.
Motion passed by unanimous vote.

Case PT 293-8/08
Motion, by Burke Selbst, to close the case and issue the applicant a physical therapist assistant license.
Seconded by Daiva Banaitis. Motion passed by unanimous vote.
**Case PT 202-8/05**
Motion, by Burke Selbst, to issue amended Notice of Proposed Disciplinary Action adding facts relative to the Licensee’s application to the Teachers Standards & Practices Commission. Seconded by Daiva Banaitis. Motion passed by unanimous vote.

**General Topics/Business**
- Due to the scheduling for the November 14, 2008 Public Administrative Rules Hearing, the Director informed the Board that the FSBPT competency presentation scheduled for November 14, 2008 has been rescheduled for the January 23, 2009 Board meeting.
- Board members who attended the September 2008 FSBPT Delegates Assembly in Minneapolis MN shared, with the Board, their experiences, insight and future Board agenda items for consideration. The Board Chair reviewed the assembly motions, the position of the Oregon Board on the motions and the outcome of the assembly vote. Chair Freedman also shared, with the Board the outcome of the vote for the slated positions for FSBPT Board and Nominating Committee.

**NPTE ADA Special Accommodations Policy**
The Board directed the Executive Director to develop a NPTE ADA special accommodation policy. The policy will be modeled after the FSBPT template ADA policy and will be presented at the November 14, 2008 Board meeting for review, comments, amendments and/or adoption.

**Continuing Education Civil Penalty Schedule**
At its August 1, 2008 meeting, the Board developed and voted to adopt a continuing education penalty schedule to be used when dealing with Licensees who failed to meet the CE requirements. After the August 1, 2008 meeting, the staff realized that the Board left a noted violation off the adopted civil penalty schedule. The Staff presented the Board with an amended CE Civil Penalty Schedule. After Board review and consideration, Burke Selbst made a motion to ratify the amended CE Civil Penalty Schedule as presented. The motion was seconded by Daiva Banaitis and the motion passed by a unanimous vote of the Board.

**2009 Legislation, Interim Committee on Healthcare Legislative Concepts**
The Board Director shared his experience testifying at the Legislative Committee work session on September 16, 2008. The Director was one of two individuals testifying in opposition to Legislative Concept (LC) 1151, requiring the three semi-independent health board to prepare and submit their biennium budgets to the legislature for approval. Currently, the semi-independent board budgets are set by Administrative Rule, subject to public disclosure and hearing prior to adoption by the Board. The Committee informed the attendees that LC 1151 was scrapped, as written, that a new LC would be written in its place that would totally eliminate the Statutes that created the three semi-independent health Boards. The three Boards, Physical Therapist, Massage, and Optometry would roll back into full state governance. Although the new LC was not yet written, the two semi-independent Board Directors testified in opposition to the pending LC. The PT Board Director felt the Committee Chair had a predetermined agenda and did not want to hear any testimony to the
contrary. The Semi-Independent Board Association (SIBA) is meeting to strategize ways to defeat this concept.

**Staff Compensation Review**
The Board Director asked the Board to table this discussion for a future Board date. The Director needed additional time to research salary data and trends for the current Board staff position. The Director said he would tentatively report back to the Board at its November 14, 2008 meeting.

**2009-2011 PT Board Affirmative Action Plan**
The Executive Director presented the Board with a draft copy of the 2009-2011 Oregon Physical Therapist Licensing Board Affirmative Action Plan. After Board consideration, Burke Selbst made a motion to ratify the AAP, as written. The motion was seconded by Daiva Banaitis and the motion passed by a unanimous vote of the Board.

**Future Board Meeting Dates**
As established by the Board, the future Board Meeting dates are as follows: November, 14, 2008; January 23, 2009; March 13, 2009; May 8, 2009; July 17, 2009; September 18, 2009; and, November 13, 2009. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

**Case PT 271-4/08: Gil Guzman**
This is an open investigation of alleged unlicensed practice of physical therapy; no additional information is available at this time.

**Case PT 282-6/08: Charles Bean**
New complaint of alleged unlicensed practice of physical therapy; no information at this time.

**Case PT 283-6/08: Tamara Felix, LMT**
This case has been referred to the Oregon Board of Massage Therapists. The Massage Boards will initiate an investigation and report their findings back to the Physical Therapist Licensing Board.

**Approval of August 1, 2008 Meeting Minutes**
The Minutes, from the August 1, 2008 Regular Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Without any noted corrections, Burke Selbst made a motion to ratify the August 1, 2008 Minutes, as written. The motion was seconded by Daiva Banaitis and the motion passed by a unanimous vote of the Board.

**Ratification of the PT/PTA License & Temporary Permits issued**
The Board was presented a list of new licensees and temporary permit holders for the period of August 1, 2008 through September 18, 2008. The Board Chair opened the floor, for discussion, with regard to the new licensees and permit holders. Without noted discussion, Burke Selbst made a motion to ratify the issuance of the new licenses. The motion was seconded by Daiva Banaitis and the motion passed by a unanimous vote of the Board.
**Other New Business**

PT Member Jason Fiske asked the Board counsel if he, as a Board member, had knowledge of a licensee’s disciplinary history, with the Board, and the existence of public documents regarding that history, could he inform a perspective employer of the action and existence of the public records? The Board counsel’s response to that question was yes, he could disclose the information.

With no additional other new business cited, Board Chair, Joana Freedman adjourned the Board Meeting at 2:58 PM.