

**Physical Therapist Licensing Board
Board Meeting
January 11, 2013
MINUTES**

Friday, January 11, 2013

Board Members Present: Steve Alstot, PT, Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Troy Costales, Public Member; Carol Sutton, Public Member.

Board Members Absent: Jason Fiske, PT, Vice Chair; Jennifer Wood, PTA Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:43 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 12:21 PM, 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.

Board Motions:

Case PT 389-4/11

Motion by Burke Selbst to withdraw the Notice of Denial of License as moot due to the death of the applicant.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 413-11/11

Motion by Burke Selbst to issue a Confidential Advisory Letter citing insufficient documentation of Aide training.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 459-11/12

Motion by Burke Selbst to issue a Final Order by Default citing violations as noted in the Notice of Proposed Disciplinary Action.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 460-11/12

Motion by Burke Selbst to issue license with a Confidential Advisory Letter noting Oregon Statute and Rules relative to documentation requirements.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 457-10/12

Motion by Burke Selbst to issue a Notice of Proposed discipline for violations of ORS 688.140(2)(a) and (c); OAR 848-035-0020(10) and OAR 848-045-0020(2)(u)(E) and assess a civil penalty of \$700.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Board Policy Issues:

Board Policy Regarding Release of Eligibility to Sit for the NPTE – The Board's current policy relative to the release of eligibility to sit for the national examination is as follows: an applicant must have completed an application and paid the application fee, passed the jurisprudence examination, completed the one hour online pain management module (PTs only) and complete a CAPTE accredited PT/PTA program, including all the didactic work and clinical rotations.

The Board does not hold the eligibility for exam based on the actual graduation date, but will not issue the license until the graduation date. Currently the Certificate of Professional Education allows for a program completion date and a graduation date.

With the implementation of fixed date testing, currently four test dates per year, scheduled approximately 3 months apart, it has put a strain on students, faculty and board staff to make certain current criteria are met and paperwork processing is complete to meet very specific cutoff dates. This is especially true during the graduation months of May and June when exam applications, test volumes and competition for seats at test sites are at a peak. If the graduation dates do not align with the test dates new graduates could possibly wait up to three months to sit for the exam.

The Director reported that there are currently 22 other jurisdictions that allow for some form of early eligibility to sit for the NPTE. The Director asked the Board if they wanted to consider a change to current policy that would allow for exam applicants to sit for the national examination prior to their program completion date. Doing so would alleviate a lot of the administrative processing pressure to meet specific deadlines and would spread out the number of new Oregon graduates over at least two test dates.

Following deliberations the Board determined that for PTs, it would allow for a change in policy allowing a PT to sit for the NPTE prior to completion of their program or graduation. The parameters set for this policy would require school certification that the PT is within 90 calendar days of the actual graduation date and that all of the didactic work has been successfully completed. The Board left the logistics of how to implement the new policy to Board staff to be reported at the March 8th Board meeting.

Motion by Burke Selbst to change current NPTE eligibility release policy to allow a PT to sit for the NPTE prior to completion of their PT program within specific parameters.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

At this time, the new policy only impacts PT students. PTA students were discussed but without input from either of the Oregon PTA Program Directors the Board was hesitant to implement an all inclusive policy. The Board instructed the Director to contact the PTA Program Directors for information and insight relative to their particular programs and interest in such a change to current NPTE eligibility processing.

Board Statute Requiring a Therapist Display a Copy of Their License -

A licensee asked for clarification regarding the posting of their PT license at their practice location or place of business.

ORS 688.135(3) states; "Each physical therapist shall display a copy of the physical therapist's license or current renewal verification in a location accessible to public view at the physical therapist's place of practice or employment."

The Board discussed the issues with regards to multiple locations, practice settings, the security paper on which the licenses are issued which does not allow for photo copying and the need for physical posting of the license with the availability of online licensure verification. It was determined that any changes to the requirement would call for a Statute change. The Board's Legal Counsel suggested that she research the legislative

history relative to the current Statute and other health boards requirements and report back to the Board at their March 8th Board meeting.

Approval of Proposed 2013-2015 Board Budget

The Director presented the Board with a proposed 2013-2015 Biennial Budget. The budget was presented with a line item comparison and written narrative to the 2011-2013 budget. The Director reviewed the proposed line item budget with the Board indicating that proposed 2013-2015 expenditures were projected to increase by less than 1% whereas the State agencies projected inflationary factor for expenditures was set at 2.4%. Discussed were the largest changes in allocation of dollars in the area of employee benefits with the PERS administrative expense, up 57% over prior biennium or \$23,000. After careful consideration by the Board;

Burke Selbst moved to accept the budget as presented with a total biennium expenditure limitation of \$1,000,000.

Seconded by Carol Sutton

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

New legislation, ORS 182.462(2), requires the Board to present the adopted budget to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer before February 1 of each odd-numbered year. The Budget Rules Hearing will be held on Friday, May 17th with prior Notice sent to all licensees and posted in the April Oregon Bulletin. Copies of the Proposed Budget and the Narrative can be found on the Board Website at www.ptboard.state.or.us .

Licensee CE Question Regarding Credit for Emotional Freedom Techniques (EFT) Training Courses

The Board discussed the EFT courses and determined that the courses will not count for CE for a PT or PTA, as they do not relate to the direct delivery of physical therapy services. In addition, the Board is concerned that the goals of the treatment are outside of the scope of physical therapy practice. If it is determined, by the supervising PT, that an aspect of the technique would be appropriate and indicated to reach physical therapy goals, the technique must be in the treatment plan and a PT skilled in the technique must be involved in the patient's care.

General Topics/Business

Renewal update – This year renewal notices were mailed out in the form of a postcard. Notice of renewal was also highlighted in the December Board Newsletter, and the instructions and link to the online renewal system was made available on the Board website at www.ptboard.state.or.us beginning the week of January 7th. Because the Oregon Health Workforce Institutes' mandatory demographic survey is only available online, this year paper renewal forms will not be available to applicants, they will have to complete the renewal process using the online system.

Law Enforcement Data System (LEDS) Audit Update – This year the Board contracted with the Nursing Board to use their LEDs batch processing system to run the Boards audit list.

The process took two days and cost the Board less than \$100 in processing fees. Those licensees who reportedly had a previous law enforcement record were reported back to the PT Board and the records were investigated. None turned up to be out of compliance with Board reporting requirements. This new process saved the Board two weeks in time and contracting costs of more than \$1,000 in fees.

Citizen's Advocacy Center (CAC) Meeting – The Director informed that Board the and annual CAC conference was going to be held on October 29th-30th in Seattle. The CAC is geared toward the public members of the Board but any Board members interested in attending should make the Director aware of that interest.

2013 Board Meeting Dates

As established by the Board, the remaining 2013 Board Meeting dates are as follows: March 8th; May 17th; July 19th; September 20th and November 15th. 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 October 26, 2012 Regular Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Hearing none;

Burke Selbst moved to accept the meeting minutes as written.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood 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 October 26, 2012 through January 10, 2013. The Board Chair opened the floor for discussion. Without noted discussion;

Burke Selbst moved to ratify the list of licensees and temporary permit holders.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Board Member Reports/Other New Business

Chair Alstot asked if there was any other new business. Hearing none Chair Alstot adjourned the meeting at 1:56 PM.