

**Physical Therapist Licensing Board  
Special Board Meeting  
February 18, 2014  
MINUTES**

**Tuesday February 18, 2014**

**Board Members Present:** Steve Alstot, PT, Chair; Jason Fiske, PT Vice Chair; Ruggie Canizares, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member

**Board Members Absence:** Burke Selbst, PT Member; Troy Costales, Public Member

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

**Legal Counsel:** Carol Parks, AAG

**EXECUTIVE (CLOSED) SESSION**

At 8:58 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 12:51 AM, 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.

**Guests:** Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison

**Board Motions:**

**Case PT 483-7/13**

Motion by Ruggie Canizares to issue Notice of Disciplinary Action for violation of ORS 688.140(2)(a), ORS 688.140(2)(m), ORS 688.140(2)(o) and OAR 848-040-0045(2)(p) with the following sanctions; Licensee is to complete a Board approved ethics course, noting that the credit for completion of the course cannot be used to satisfy continuing competency credits, Licensee's license be placed on a one year probation and Licensee pay a civil penalty of \$5,000.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 493-11/13**

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 484-7/13**

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing concerns of documentation and requiring Licensee to complete Board approved Medicare and documentation courses within a period of 60 days from date of the letter.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 494-11/13**

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 496-12/13**

Motion by Ruggie Canizares to issue a Confidential Advisory Letter for failure to disclose a Board action taken in another state.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 492-11/13**

Motion by Ruggie Canizares to issue Notice of Disciplinary Action for violation of ORS 688.140(2)(a), ORS 688.140(2)(m), ORS 688.140(2)(n) and OAR 848-045-0020(2)(p) with the following sanctions; Licensee is to complete a Board approved ethics course, noting that the credit for completion of the course cannot be used to satisfy continuing competency credits, and Licensee pay a civil penalty of \$3,000.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 486-10/13**

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Case PT 490-10/13**

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

**Dry Needling Update**

On January 23, 2014 the Court of Appeals Appellate Commissioner's held the opinion that dry needling is not within the scope of practice of chiropractic medicine.

At its February 18, 2014 Special Meeting the Oregon Physical Therapist Licensing Board discussed the Appellate Courts findings and has determined the Appellate Courts opinion is not applicable to the practice of physical therapy.

The Board reiterates that the primary accountability of the Physical Therapist Licensing Board is to promote public protection. The Board accomplishes this outcome by establishing professional standards of practice which assure that physical therapists and physical therapist assistants are properly educated, hold valid/current licenses, practice within their scope of practice and continue to receive ongoing training throughout their careers. The Board is not here to promote the profession of physical therapy; it is here to regulate it.

The Oregon Physical Therapist Licensing Board still holds to its original opinion that dry needling of trigger points is likely within the physical therapist scope of practice (excluding PTAs). Further the Board acknowledges that dry needling of trigger points is an advanced intervention requiring post graduate training and education.

That said, in the interest of public safety, until evidence based training and education can be determined, the Board strongly advises its licensee to not perform dry needling of trigger points.

**Use of Educational Degree/Designation of Unlicensed Therapists** – Following discussion and debate the Board determined that any graduate can use/post the education credentials they earned, as designated on their diploma, whether they hold a license or not. Therefore, someone who has earned a doctorate in physical therapy may post the initials “DPT” after their name even if they do not hold a current physical therapy license. However, they cannot refer to themselves as a physical therapist nor use the initials “PT” following their name.

**Question from Licensee Regarding CE for Publishing a Manual**

After review and consideration the Board determined that the manual “Clinical Pathways for the Orthotronic Mobility System” did not meet the standards for continuing competency credit.

**New Board Member Appointments**

The Director reported that of the four Board member positions up for appointment three of the positions have been filled. Public members, Troy Costales and Carol Sutton have been reappointed and confirmed to serve second terms effective 3.1.14 through 2.28.18. New professional Board member Aubree Benson, PT was appointed and confirmed to serve her first term effective 3.1.14 through 2.28.18. The fourth professional PT position remains open pending appointment by the Governor’s office and confirmation by the senate.

**General Topics/Business**

- **FARB Annual Meeting** – The Director attended FARB as a representative of the Federation of State Boards of Physical Therapy, funded by the FSBPT. The Director reported to the Oregon Board that he preferred the CLEAR annual conference over the FARB conference only because the agenda topics at the FARB conference did not cover any new material for the Director. FARB is focused more towards administration and policy and CLEAR is geared more towards regulation and compliance.
- **License Renewal Update/Status** – The Director reported that the online renewal system was working very well with positive feedback from licensee’s who have used the system. To date over 2,000 of the 5,000 licensees had processed their renewals through the system.
- **FSBPT Annual Budget** – The Federation By-Laws state that each member of a member board should receive a copy of the Federations annual budget. The Director confirmed with Oregon Board Members that each of them had received an electronic copy of the FSBPT 2014 budget.
- **FSBPT NPTE Eligibility Requirements** – The Director reviewed the Federation’s Plan to implement national examination eligibility criteria effective January 1, 2016. The four criteria would include; a lifetime limit of 6 attempts, a low score limit of 2 attempts with a score less than 400, a requirement for a Course Work Tool evaluation stating “substantial equivalence” for anyone not a graduate of a CAPTE accredited PT/PTA program and a requirement for passing scores on a Test of English as a Foreign Language.

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

As established by the Board, the remaining 2014 Board Meeting dates are as follows: Friday April 11<sup>th</sup>; Friday June 20<sup>th</sup>; Friday August 22<sup>nd</sup> and Friday October 24<sup>th</sup>. The Board meeting scheduled for Friday, February 7<sup>th</sup>, to be held at Mt. Hood Community College was cancelled due to inclement weather. In lieu of the February 7<sup>th</sup> regular Board meeting, the Board held its February 18<sup>th</sup> Special Board Meeting. 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).

### **Approval of Board Meeting Minutes**

The drafted minutes, from the November 15, 2013 Regular Board Meeting and the November 15, 2013 Administrative Rules Hearing were presented to the Board. The Board Chair opened the floor for additional discussion and comments. With none noted, Chair Alstot asked for a motion to approve both the November 15 meeting minutes as written.

Motion by Ruggie Canizares to approve the Minutes from the November 15<sup>th</sup> Regular Board Meeting and the November 15<sup>th</sup> Administrative Rules Hearing as written.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst 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 November 15, 2013 through February 6, 2013. The Board Chair opened the floor for discussion. With none noted, Chair Alstot asked for a motion to ratify the new licensees and permit holders.

Motion by Ruggie Canizares to ratify new licensees and permit holders.

Seconded by Richard Rutt.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

### **Board Member Reports/Other New Business:**

The Director brought up the topic of new officers. Typically the Board elects its officers every year. Board Chair Alstot's second term ended in October 2013. Chair Alstot chose to serve until the appointment of the new professional PT member Benson whose first term will commence on March 1, 2014. Board Vice Chair Fiske term will end February 28, 2014. It is yet to be determined if a new professional PT member will be appointed and confirmed prior to the April 11, 2014 Board meeting. Until the Board is fully appointed the Director suggested that the Board elect an Interim Board Chair. Steve Alstot moved to elect Richard Rutt as the Interim Board Chair. Jennifer Wood seconded the motion. The motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

The Board, Board Staff and Legal Counsel said goodbye to Steve Alstot, PT and Jason Fiske, PT who both completed two full four year terms on the Board. Staff presented them with commemorative Certificates of Service and publically acknowledged their contributions to the

Board, to the Community and to their profession. Their leadership, knowledge and insights will be missed.

Chair Alstot asked for any other new business. With none noted Chair Alstot adjourned the meeting at 2:16 PM.