

**Physical Therapist Licensing Board
Board Meeting
March 20, 2015
MINUTES**

Friday, March 20, 2015

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Carol Sutton, Public Member; Troy Costales, Public Member

Board Members Absent: Jennifer Wood, PTA Member

Staff: James Heider, Executive Director (via telephone); Sherri Paru, PT, Clinical Advisor/Investigator; Rick Sullivan, PTA, Licensing Coordinator

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:39 AM Chair Rutt 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, and Board policy and administration.

At 12:25 PM Chair Rutt adjourned Executive Session.

The closed door Executive Session is digitally recorded and stored electronically on the Board's file server and documented with written minutes.

PUBLIC (OPEN) SESSION

At 12:43 PM, Board Chair Rutt 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 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. Upon the approval of the Board, written minutes are published and available on the Board website.

Guests: Ricci Susick, PT OPTA Liaison

Board Motions

Case PT 441-6/12

Motion by Troy Costales to issue a Confidential Advisory Letter.

Seconded by Aubree Benson.

Motion passed by a vote of 6-1. Board member Costales voted nay and Board member Wood was absent from the vote.

Case PT 556-1/15

Motion by Troy Costales to close case no action.

Seconded by Aubree Benson.

Motion passed by a vote of 7-0. Board member Wood was absent from the vote.

Case PT 521-5/14

Motion by Troy Costales to issue a Confidential Advisory Letter and additionally to issue a Stipulated Agreement and Final Order citing violation of ORS 676.110(2) and assessing a civil penalty of \$1,000.00.

Seconded by Aubree Benson.

Motion passed by a vote of 7-0. Board member Wood was absent from the vote.

Case PT 556-3/15

Motion by Troy Costales to issue an Interim Stipulated Agreement agreeing to stop practice of physical therapy pending a further order of the Board and additionally to issue a Notice of Proposed License Revocation for violations of ORS 688.140(2)(d) & (i) and OAR 848-045-0000(2)(f).

Seconded by Aubree Benson.

Motion passed by a vote of 7-0. Board member Wood was absent from the vote.

2015-2017 Board Budget

The Director was absent from the 03.20.15 public hearing on the Board's proposed rulemaking to adopt its 2015-2017 operating budget but did listen to the audio tape of the hearing. There were two Board members and the Board's AAG present at the meeting. They concur with the Director that there was no public testimony presented. Also the Director reported that Board staff had received no written testimony in support of, or in opposition to the proposed budget rule change. The proposed expenditure for the 2015-2017 budget is \$1,022,000.00 up 2.2% from the prior biennium which is lower than the DAS general inflationary rate of 3%. The original income projections for the budget had the Board reporting a positive ending balance of \$180,000. The Board chose to lower the projected income to balance the budget. The plan is to lower upcoming renewal fees by the \$180,000 to offset the projected gain in the ending balance.

Troy Costales moved to adopt the 2015-2017 budget as presented.

Aubree Benson seconded the motion.

Chair Rutt asked for further discussion, hearing none the motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Board Policy Issues/Review

- Discussion regarding written executive session minutes – The Director informed the Board that staff is still working on a templated format for the executive minutes from the January 9, 2015 board meeting. The Director is uncertain that taking written minutes in lieu of an audio recording is the best method of recording the meeting. The thought was the written minutes can be edited to include only relevant executive session information, discussion and action items. The Director will follow-up with the Board at its May meeting with recommendations.
- Discussion of policy requiring a social security number prior to licensure – The Board received two requests for the Board to reconsider its policy on requiring a social security number prior to issuing a license. After discussion the Board determined that, in the continued interest of public safety, it would not change its policy. The social security number is used as a unique identifier in running a national criminal background data base search prior to licensure and is required for the administration of federal and state revenue recovery programs, child support payment programs and for reporting of adverse actions taken against a licensee to the National Practitioners Data Bank.
- Discussion of early eligibility release policy allowing PTA students to take the NPTE prior to graduation – The current policy allows for staff to release the eligibility of a physical therapist to sit for the NPTE up to 90 days prior to graduation if the student has successfully completed all the program didactic work. The Board received a request to consider adding physical therapist assistant students to also sit for the NPTE prior to graduation if they met the same criteria. After discussion the Board determined that it would allow for a PTA student to be released early to sit for the NPTE if they met the same criteria. The Board instructed the Director to amend the policy and bring it to the May Board meeting for formal adoption.
- Discussion of early eligibility release policy allowing for students to take the NPTE prior to completion of didactic work – as noted above, the current policy allows for staff to release the eligibility of a physical therapist to sit for the NPTE up to 90 days prior to graduation if the student has successfully completed all the program didactic work. The Board received two requests to consider changing the policy to allow for early release regardless of the completion of the didactic portion of the program as long as the student was within 90 days of graduation. After discussion the Board determined that it would not change the current policy requiring the completion of all didactic work prior to release of early eligibility to sit for the NPTE.
- Discussion of creating a policy requiring completion of the jurisprudence exam when reinstating a lapsed license – The Director asked the Board to consider implementing a policy that would require an individual who was reinstating a lapsed license to take the current jurisprudence examination prior to reinstatement. The Board's legal counsel stated that a requirement of that nature would have to be designated in rule rather than policy. After discussion the Board agreed that in the interest of the public safety and wellbeing, an individual wishing to reinstate a lapsed license should be fully aware of the Oregon Statutes and Administrative Rules thus should be required to complete the jurisprudence examination prior to reinstatement. The Board instructed the Director to add the requirement to the list of changes for the current rule making cycle.

Copies of any of the Board policies may be obtain by emailing a request to the Board office at physical.therapy@state.or.us or by calling 971.673.0200.

General Topics/Business

- Update on Telehealth Rules Advisory Committee – The Director reported that the Telehealth Committee held two meetings and has completed an outline of essentials for consideration when drafting the telehealth rule language. The drafting subcommittee is planning its first meeting on April 6th and will send draft language back to the full committee for review and comment. The Board should have a proposed draft of the telehealth rules at its May 29th meeting.
- Update on 2015-2016 renewal process – The Director reported that as of the meeting date there were nearly 1,000 therapists who had not yet renewed their 2015 license. Each year the Board expects around 300 non-renewals due to travelers on temporary assignments and attrition through retirements. In planning the workflow over the next 10 days, which will include the procession of nearly 700 renewals, staff decided they would send out a final email notice of renewal.
- Federation of State Boards of Physical Therapy’s Jurisdictional application process satisfaction survey – Quarterly the FSBPT sends out to all member boards the survey results taking from the NPTE test takers upon completion of the exam. One of the questions on the survey asks “How satisfied were you with the processing of your application by the state in which you applied for licensure? The Director reported that Oregon has always beaten the bench mark but that this quarter was the highest satisfaction rating to date. The benchmark for all states was 83%. Oregon’s stand alone satisfaction rating was at 97%. The Director attributed this high rating to the proficiency of its Licensing Coordinator, Rick Sullivan.

Approval of Board Meeting Minutes

The drafted minutes, from the January 9, 2015 Regular Board Meeting and the January 20, 2015 Special Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted;

Member Troy Costales moved to approve the Minutes as presented.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting dates for 2015 are all on Fridays; May 29th, August 7th, October 9th and December 4th. The May meeting is scheduled to be held in Bend, OR and the October meeting is scheduled to be held at Mt. Hood Community College in Gresham, OR. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Ratification of PT/PTA Licenses & Temporary Permits

Board Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of January 9, 2015 through March 19, 2015. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Member Troy Costales moved to approve the Minutes as presented.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

The Director reported he had the opportunity to meet with Derek Fenwick the new OPTA Chapter President and that they discussed current issues and topics of interests for both organizations. Discussed were the FSBPT task force on dry needling, the OPTLB Telehealth rules advisory Committee, the FSBPT physical therapy compact, future legislation and the possibility of both organizations working together to further efforts of public outreach. The Director also discussed the statutory roll of the OPTA in slating possible candidates for the Governor's consideration for appointment to the upcoming opening on the board.

The Director reported that he has received the Federation of State Boards of Physical Therapy's request for credentialing of this year's delegate, alternate delegate and administrator attending the FSBPT's 2015 Delegates Assembly October 15th through the 17th in Orlando, Florida. As in years past the Board Chair, Richard Rutt, the Vice Chair, Ruggie Canizares and the Administrator, Jim Heider will be credentialed to attend and represent Oregon. The travel, hotel and meals for all three of these representative positions are funded by the Federation. The Director did tell the other Board members that might be interested in attending the program to contact him directly to discuss.

Chair Rutt asked again for other new business. With none noted, Chair Rutt adjourned the meeting at 2:24 PM.

At 2:25 PM Chair Rutt re-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 a current open case and considered legal advisement from Board Counsel.

At 2:27 PM Chair Rutt adjourned Executive Session.

At 2:28 PM, Board Chair Rutt re-convened the Board into Public Session and asked for any Board Motions.

Case PT 441-6/12

Motion by Troy Costales to issue a Termination of Interim Stipulated Order.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Chair Rutt asked for any other new business. With none noted, Chair Rutt adjourned the meeting at 2:29 PM.