

**Physical Therapist Licensing Board
Board Meeting
December 18, 2015
MINUTES**

Friday, December 18, 2015

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Alan McAvoy, PT Member; Aubree Benson, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member, Troy Costales, Public Member

Board Members Absent: None

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

Legal Counsel: Carol Parks, AAG; Joanna Tucker Davis, AAG

EXECUTIVE (CLOSED) SESSION

At 8:48 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.

At 12:44 PM Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:07 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 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 public session minutes are published and available on the Board website.

Guests: Diana Godwin, Attorney at Law representing Oregon Physical Therapists in Private Practice (OPTIP)

Introduction of New Board Counsel

Director Heider introduced the new Board Senior Assistant Attorney General Joanna Tucker Davis, AAG who will replace Carol Parks, AAG effective December 21, 2015. After representing the Board for the past 15 years Ms. Parks is retiring from the Department of Justice at the end of 2015. Ms. Tucker Davis introduced herself to the Board and shared her credentials and experience to date with the State of Oregon Department of Justice. The Board wished Ms. Parks all the best in her retirement and extended a warm welcome to Ms. Tucker Davis.

Board Motions

Case PT 571-8/15

Motion by Ruggie Canizares to issue Stipulated Agreement and Final Order citing violations of ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B), OAR 848-045-0020(2)(n), OAR 848-045-0020(2)(p), ORS 688.140(2)(t) and OAR 848-040-0105(6). The Board will assess a civil penalty of \$1,000, impose probation of one year and, at Licensee's own cost, require License to complete Board approved ethics and Medicare courses within 60 days of the Notice and the Board's jurisprudence examination within 30 days of the Notice.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 569-7/15

Motion by Ruggie Canizares to close no action.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 575-10/15

Motion by Ruggie Canizares to issue Confidential Advisory Letter concerning lack of complete documentation.

Seconded by Carol Sutton

Motion passed by a vote of 7-0. Member Costales abstained.

Case PT 547-10/14

Motion by Ruggie Canizares to issue Notice of Proposed Discipline citing violations of ORS 688.140(2)(o)(t), ORS 688.140(2)(a) OAR 848-040-0105(6). The Board will assess a civil penalty of \$2,500 with a stay of \$500 with the completion of a Board approved HIPAA course within 60 days of the final order.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 570-8/15

Motion by Ruggie Canizares to close no action.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 502-3/14

Motion by Ruggie Canizares to close no action.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 577-12/15

Motion by Ruggie Canizares to issue the Temporary Permit with a Confidential Advisory Letter concerning failure to disclose on initial application.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 577-12/15

Motion by Ruggie Canizares to hold issuance of permanent license pending Board review of additional requested documentation.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Board Policy Issues/Review

What information can be provided to the public regarding investigative cases?

Nothing specific to a case may be disclosed or discussed. But in a broad general sense Board members can discuss the types or trends of violations the Board deliberates without citing specific circumstance or incidences. For example; you might say “the Board has seen a number of HIPAA violations where confidential patient information was shared in a public setting and overheard by a bystander” or “the Board has dealt with a number of boundary issues where the bottom line is poor therapist/patient communications or failure to clearly gain informed consent before treatment”. Again general examples or statements are OK.

Attorney General’s Public Law Conference

Board Investigator Paru attended this year’s law conference. Ms. Paru reported back on topics of interest. Particularly she shared information relative to the handling of Orders in “Other than Contested Cases” and the opportunity to partner with the Department of Justice Financial Fraud and Consumer Protection Section. Ms Paru reported that the conference was very interesting and worth the value and would recommend Board members consider attending a future conference.

Quarterly Financials

Board Director Heider reported the Board financial position for the first five months of the biennium, July 1, 2015 through November 30, 2015. Director Heider explained the budgeting process, reviewed line item variances over \$1,000 and reported no concern over the Board’s current financial position. Copies of the current budget with narratives and prior fiscal year end financial reports with narratives can be found on the Board website at www.ptboard.state.or.us . Copies of interim financial reports with the narrative may be requested by contacting the Board office. The Director did point out to the Board that this year will be different than past years as the bulk of the Board’s operating income for the entire biennium will be booked in January through March of 2016. This is because the Board moved to a two year renewal cycle effective 4.1.16. This change was accounted for in the 2015-2017 budgeting process. After discussion,

member Costales asked that, when reporting, staff adds a financial report that will show biennium to date data in addition to the fiscal year to date reports.

Carlos Soto, Personal Trainer

Board Investigator Paru shared with the Board a complaint received from a physical therapist alleging Mr. Soto, a non licensee, was in violation of Board statute associating the initials PT with his business as a personal trainer. After discussion with Mr. Soto and review of his website the Board determined that Mr. Soto was not purporting to be a PT or holding himself out as a PT contrary, it was clear from his website that he is a Personal Trainer. The Board decided not to pursue the issue.

General Topics/Business

- FSBPT Jurisprudence Assessment Module (JAM) – Director Heider reported that the JAM project, approved by the Board at its October meeting, was on target. The first phase was to begin in January with a cursory review of the blueprint for the exam reviewed by staff and Investigator Paru traveling back to Alexandria to meet with the project team, and begin the task of item writing. Phase II will include the Board hosting a standard setting meeting sometime in late Spring. This will involve Board members and interested volunteers. The plan is to roll the new jurisprudence exam out either late fall 2016 or the beginning of 2017.
- Law Enforcement Data System, (LEDS) Audit – Director Heider provided the Board with a handout that documented the results of the 2015 LEDS audit. The audit did not result in any unreported records or any cause for concern.
- 2 Year Renewal Cycle – Director Heider reported that staff and the system were on target for the projected 2016 online renewal rollout. The rollout date is set for Monday January 11th. New this year is the Board moving to a two year renewal cycle to sync the renewal date with the two year continuing competency cycle which ends March 31st of every even numbered year.
- Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting – Director Heider provided the Board with a summary handout regarding the FSBPT annual meeting held in Orlando Florida. The Board discussed the motion and the results of the election and both Delegate Canizares and Alternate Delegate Julkowski gave verbal reports to the Board.
- Partnering with the Oregon Physical Therapy Association (OPTA) to Sponsor Licensure Compact Legislation – Director Heider provided the Board with a summary handout detailing the presentation and testimony presented to both the House and Senate Healthcare Committees during the November Legislative Days in Salem. Representatives from the FSBPT, the OPTA and the Board were all part of the presentation. The results and feedback were positive and the legislature seemed open to the Compact concept.
- 2015 FSBPT Oregon School Reports – Director Heider provided the Board with a copy of the FSBPT 2015 Oregon School Reports. The reports summarize how graduates from Oregon PT and PTA programs did with regards to their success on passing the national exam. The results are broken down by PT/PTA program and in total pass or fail results.

Copies of all summary and report handouts mentioned in the General Topics section may be requested by contacting the Board office.

Approval of Board Meeting Minutes

The drafted minutes, from the October 9, 2015 Regular Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. Member Julkowski noted a one small change. AAG Parks recommended another change to the introductory paragraph in the Executive Session section. Noting the changes, Chair Rutt asked if there was a motion to approve the minutes as amended.

Member Canizares moved to approve the Minutes as amended.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Future Board Meeting Dates:

The Board dates for 2016 are as follows: Monday, February 29th; Friday, May 6th; Monday, July 25th; Friday, October 7th hosted by George Fox University and Friday, December 16th.

Meeting Notices, Dates, Locations and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Ratification of PT/PTA Licenses & Temporary Permits

Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of October 9, 2015 through December 18, 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 Canizares moved to ratify the list of new licensees and temporary permit holders as presented.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

Director Heider noted that all the Board members should have received copies of the Federation of State Board of Physical Therapy's (FSBPT) 2016 operating budget. It is part of the Federation's by-laws that all members of the member boards receive a copy of the annual budget.

The Director announced the date for the FSBPT 2016 new board member training. It will be held June 24th through the 26th in Alexandria VA and is hosted by the FSBPT who pays for all travel, hotel and meals for the attendees. All OR Board members with the exception of Benson and Haworth have been through the training. Board members interested in attending this year's training need to let the Director know so he can get them put on the attendee list.

Chair Rutt asked again for other new business, with none noted Chair Rutt adjourned the meeting at 2:41 PM.