

## OREGON BOARD OF PHYSICAL THERAPY

### BOARD OFFICER DUTIES

#### *Board Chair*

- Responsible for board compliance with public meetings law, with support from staff and legal counsel.
- Chairs and facilitates effective meetings; holds people accountable for roles and responsibilities as active board members; manages time effectively; ensures even and objective discussion in the best interest of the public.
- Responsible for monitoring overall board compliance with internal governance, agency mission and state-wide policy.
- Responsible for reviewing and validating monthly financials, including review of payroll and bank reconciliation; financial controls.
- Effectively represents the board and executive branch to the public and media. Willing and able to meet with legislators, governor's staff and members of the public to further the mission of the board.
- Responsible for monitoring and implementing board best practices.
- Appoints Board subcommittees, advisory teams or other bodies.
- Responsible for performing the annual appraisal of the Executive Director, with input from full board, staff and stakeholders.
- Reviews applications as required under the delegated authority criteria.

#### *Board Vice Chair*

- Responsible for familiarity with public meetings law. Able to effectively chair and facilitate board meetings in the absence of the chair.
- Supports the Board president in compliance with internal governance, agency mission and State policy.
- Acts as backup for monthly financial review in absence of the chair.
- Effectively represents the board and executive branch to the public and media. Willing and able to meet with legislators, governor's staff and members of the public to further the mission of the board.

### FSBPT DELEGATE & ALTERNATE DELEGATE DUTIES

*DELEGATE ONLY: Leadership Issues Forum (LIF) **July 15-16, 2023** | Arlington, Virginia*

*DELEGATE ONLY: Model Practice Act Workshop **July 17, 2023** | Arlington, Virginia (optional)*

*BOTH: Candidate Forums (2) **Dates TBD** | Virtual*

*BOTH: Delegate Assembly **Oct 16, 2023** | Virtual*

*BOTH: FSBPT Annual Meeting **October 19-21, 2023** | Jacksonville, Florida*

#### *FSBPT Voting Delegate*

- Represent the Oregon board at FSBPT meetings.
- Vote at Delegate Assembly and Annual Meeting.
- Work with Oregon board to prepare for FSBPT meetings to best represent topics, issues, concerns or motions for Oregon.
- In partnership with the FSBPT Resolutions Committee, draft motions on behalf of Oregon to submit to the Delegates Assembly; present motions at the Assembly.
- Report out to Oregon board regarding delegate activities; provide summary of meeting events, votes.

#### *FSBPT Alternate Delegate*

- Represent the Oregon board at FSBPT meetings.
- Vote at delegate assembly and annual meeting if Voting Delegate not able to vote.
- Work with Oregon board to prepare for FSBPT meetings to best represent topics, issues or concerns for Oregon.
- Report out to Oregon board regarding delegate activities; provide summary of meeting events, votes.



## NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848  
OREGON BOARD OF PHYSICAL THERAPY

**FILED**

01/31/2023 1:46 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Clarifying meaning of 90-day window for completion of NPTE prior to graduation.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/15/2023 4:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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800 NE Oregon Street, Suite 407  
Portland, OR 97232

Filed By:  
Michelle Sigmund-Gaines  
Rules Coordinator

### NEED FOR THE RULE(S)

The rule currently references the window during which a student may take the National Physical Therapy Examination (NPTE) prior to graduation. Consistent with NPTE requirements, the amendment makes clear the 90-day window references when the date which the student will complete the requirements for graduation, as certified by the educational institution. As many graduates may complete all requirements for graduation from their PT or PTA programs many months prior to when the educational institution may schedule a fixed commencement, this change will benefit those individuals who are currently impacted by the narrower language.

### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Meeting materials, minutes, public input; available at the Board's office.

### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The scope of the rule impacts individuals currently in PT or PTA educational programs who wish to sit for the exam and apply for licensure in Oregon, although they may be attending schools outside the state. For individuals who would otherwise have a longer gap of time between completion of their program requirements and their scheduled graduation date, this change would allow them to sit for the exam sooner, which could allow for a greater support system from their educational program. Creating greater flexibility for the completion of the exam, this change can reduce unnecessary barriers and timelines, benefiting all candidates.

### FISCAL AND ECONOMIC IMPACT:

None.

### COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) *Effect on Small Businesses:* (a) *Estimate the number and type of small businesses subject to the rule(s);* (b) *Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);* (c) *Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None. The rule applies to students sitting for the exam and is only related to the timing of when they can sit for the exam.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Only to the extent that many of our licensees are small business owners themselves. Rulemaking notices are sent to all current licensees as well as interested parties.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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AMEND: 848-010-0015

RULE SUMMARY: Clarifying timing of 90-day window for completion of NPTE prior to graduation.

CHANGES TO RULE:

848-010-0015

Examinations ¶

(1) Examinations for licensing of physical therapists and of physical therapist assistants shall be provided by an examination service approved by the Board. For purposes of this rule the Board's approved examination shall be the Federation of State Boards of Physical Therapy's (FSBPT) National Physical Therapy Examination (NPTE).¶

(a) The overall passing score shall be based on a formula using the criterion-referenced scoring system.¶

(b) An applicant may sit for the NPTE a maximum of three times within any 12-month period.¶

(c) An applicant may sit for the NPTE a maximum of six times in a lifetime, per exam level.¶

(d) An applicant is no longer eligible to sit for the NPTE if they have two previous scores of 400 or less per exam level.¶

(e) All applications are valid for a period of six months from the date first received by the Board. ¶

(2) All completed applications for examination, non-refundable application fees and required documents must be received and approved by the Board.¶

(3) Unless qualified for licensure by endorsement under OAR 848-010-0022, an applicant whose first professional degree in physical therapy was awarded from a foreign physical therapy program that is/was not CAPTE accredited must submit:¶

(a) A Credentials Evaluation Statement ("the Report") of professional education and training prepared by a Board-approved credentials evaluation agency. The Report must be sent directly from the credentialing agency to the Board. It is the applicant's responsibility to pay the expenses associated with the credentials evaluation.¶

(A) The Report must provide evidence and documentation that the applicant's education outside a state or territory of the United States is substantially equivalent to the education of a physical therapist who graduated from an accredited physical therapy education program approved by the Board pursuant to ORS 688.050(2).¶

(B) To determine substantial equivalency, the approved credentialing evaluation agency shall use the appropriate Course Work Tool ("CWT") adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist files the application with the Oregon Board. ¶

(b) English Language Proficiency¶

(A) Verification that English is the native language of the country of origin, and the physical therapy program employs English as the language of training; or¶

(B) Verification that the applicant has achieved the following minimum scores for each category of the internet based TOEFL (ibTOEFL) examination: writing, 22; speaking, 24; reading, 22; listening, 21. All passing scores must be achieved on the same score report and the report date must be within two years of the NPTE examination application.¶

(c) If applicant has taken a Board-approved national licensing examination prior to application for licensure in Oregon, a report of applicant's examination scores must be submitted to the Board directly from the Board-approved examination service.¶

(d) If applicant holds or has held a license in the country in which the applicant received their physical therapy

education, the applicant must provide primary source verification of the license.¶¶

(4) The Examination must be given in the English language.¶¶

(5) A physical therapist student or physical therapist assistant student may take the National Physical Therapy Examination (NPTE) up to 90 days prior to completion of the requirements for graduation from a CAPTE accredited program.¶¶

(6) Any applicant who has graduated from an approved school of physical therapy and passed a Board-approved examination more than five years prior to application for licensure in the State of Oregon and who has not been actively licensed in any other state or territory of the United States for a five year period must demonstrate competence to practice physical therapy. If the applicant fails to demonstrate competence, the Board may require the applicant to serve an internship under a restricted license or satisfactorily complete a refresher course approved by the Board, or both, at the discretion of the Board. The Board may also require the applicant to pass an examination approved by the Physical Therapist Licensing Board as provided in OAR 848-010-0015.

Statutory/Other Authority: ORS 688.160

Statutes/Other Implemented: ORS 688.020, 688.040, 688.050, 688.055, 688.070, 688.090



## NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 848  
OREGON BOARD OF PHYSICAL THERAPY

**FILED**

01/31/2023 2:48 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amending rule to reflect the current version of PT Compact Commission rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/15/2023 4:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Portland, OR 97232

Filed By:  
Michelle Sigmund-Gaines  
Rules Coordinator

### NEED FOR THE RULE(S)

This amendment clarifies the Board has adopted the most current version of the PT Compact Commission rules.

### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

PTCC Commission Rulemaking material, board meeting materials and minutes. Available at the Board office.

### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There is not a direct impact as the rule amendment only relates to the adoption of the PT Compact Commission rules. The Compact itself allows for licensees in good standing from other Compact states to work in Oregon under a Compact Privilege, which helps support availability of broader workforce.

### FISCAL AND ECONOMIC IMPACT:

None. There is no fiscal or economic impact as a direct result of the rule amendment.

### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None; there is no cost of compliance as a result of the rule amendment.

### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Board licenses individuals; many of our licensees are small business owners, and rulemaking information is sent to

all licensees, allowing input in the public rulemaking process.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A rule advisory committee was not used given that this is only a minor amendment to existing rule to reference the current PTCC rules.

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AMEND: 848-055-0001

RULE SUMMARY: This rule adopts by rule the PT Compact Commission rules with exemptions, pursuant to statutory and constitutional requirements. Rule amended to reflect the most current version of PTCC rules.

CHANGES TO RULE:

848-055-0001

Compact Commission Rules

(1) Pursuant to ORS 688.240 Section 9.A.2, the Oregon Board of Physical Therapy hereby adopts as rule the Physical Therapy Compact Commission Rules as adopted by the Commission effective October 2024~~12~~2, with the following additions:<sup>¶¶</sup>

(a) These rules are adopted only to the extent that the Compact Commission Rules are consistent with Oregon and Federal law, as determined by the Board.<sup>¶¶</sup>

(b) Pursuant to Article XI, 7 of the Oregon Constitution and per ORS 688.240, any monetary liabilities incurred as a result of arbitration or litigation are subject to the limitations in Oregon law.<sup>¶¶</sup>

(c) The Oregon Physical Therapist Licensing Board will comply with Commission Rule 6.1(C) to the extent that the Board determines that compliance is within the requirements and limitations of law.<sup>¶¶</sup>

(2) The full text of the ~~October 2021~~ Commission Rules will be made available for review on the Oregon PT Board website at [www.oregon.gov/pt](http://www.oregon.gov/pt).

Statutory/Other Authority: ORS 688.160(6)(c), ORS 688.240

Statutes/Other Implemented: ORS 688.240

## Item E3: PTA Licensure Requirements: Graduation

**ORS 688.055 Qualifications of physical therapist assistant; examination.** Each applicant for a license as a physical therapist assistant shall:

- (1) Be at least 18 years of age.
- (2) Be of good moral character as determined by the Oregon Board of Physical Therapy.
- (3) Be a graduate of an accredited physical therapist assistant education program approved by the board.
- (4) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to work as a physical therapist assistant or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist assistant who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.

**ORS 688.080 Reciprocity; fee.** (1) The Oregon Board of Physical Therapy may license as a physical therapist or license as a physical therapist assistant, without examination, any person who:

- (a) Applies for a license as provided in ORS 688.040;
  - (b) Is of good moral character as determined by the board; and
  - (c) On the date of making application, is a physical therapist or physical therapist assistant who has a valid unrestricted license from any other state or territory of the United States if the requirements for licensing of physical therapists or physical therapist assistants in the state or territory in which the applicant is licensed are substantially equivalent to Oregon's licensure requirements and the applicant passed to the satisfaction of the examiner of such state or territory a written examination that is approved by the board of this state.
- (2) Each applicant under this section shall pay a fee to the board at the time of filing the application.

### For Comparison:

**ORS 688.050 Qualifications of physical therapist; examination; rules.** (1) Each applicant for a license as a physical therapist shall:

- (a) Be at least 18 years of age.
  - (b) Be of good moral character as determined by the Oregon Board of Physical Therapy.
  - (c)(A) Be a graduate of an accredited professional physical therapy education program approved by the board; or
  - (B) Have military experience or training that the board determines is substantially equivalent to the education required by subparagraph (A) of this paragraph.
  - (d) Pass to the satisfaction of the board an examination approved by the board to determine the fitness of the applicant to practice as a physical therapist or to be entitled to be licensed as provided in ORS 688.080. An applicant for licensure as a physical therapist who does not pass the examination on the first attempt may retake the examination as provided by rules adopted by the board.
- (2) In addition to the requirements of subsection (1) of this section, an applicant for a license as a physical therapist who has been educated outside the United States shall:
- (a) Provide evidence satisfactory to the board that the applicant's physical therapy education program is recognized or accredited and that the applicant's education is substantially equivalent to the education of physical therapists who graduated from accredited physical therapy education programs approved by the board. If the board determines that the education of an applicant who graduated from a physical therapy education program outside the United States is not substantially equivalent, the board may require the applicant to complete additional course work before the board proceeds with the application process.
  - (b) Obtain an evaluation of the applicant's educational credentials by a credentials evaluation agency approved by the board.
  - (c) Demonstrate proficiency in English if required by the board.
  - (d) Pass to the satisfaction of the board an examination approved by the board.
- (3) If an applicant who has been educated outside the United States is a graduate of an accredited physical therapy education program approved by the board, the board may waive the requirements of subsection (2)(a) and (b) of this section.

# 2023-25 Biennium Budget Development

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OREGON BOARD OF PHYSICAL THERAPY





# OBPT Budget Process

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- The Budget is established via the public administrative rulemaking process per OAR 848-005-0010.
  - Proposed budget developed.
  - Discussed in public session; proposed budget finalized.
  - Rule-making process initiated.
  - Input from all licensees and interested parties; public hearing.
  - Public input discussed in public session.
  - Final budget adopted.

# Budget Philosophy

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- Use State of Oregon for projected increases and inflationary factors.
- Use current price list of goods and services, actual rate information where available.
- Use historical trends in past BI for variable accounts.
- Use licensing system for transactional counts as well as historical trends for income estimates.
- Bottom line:
  - Make conservative estimates for revenue (income).
  - Make reasonable “worst case” estimates for expenses where variable.

# Budget Assumptions: Expenses

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- 2019-2021 BI budget may be a better indicator of base expenses in many areas impacted by the pandemic than current BI.
- Assuming resumption of travel for investigations, meetings, some board meetings; and go forward on deferred projects.
- Most Services & Supply expenses have increased; inflationary impacts.
  - Examples:
    - Legal fees (\$245/hr. to \$278/hr.)
    - Rent (\$1.78sf to \$2.00sf)
    - External Financial Audit (\$8k to \$12k)
    - Higher costs for equipment, supplies, travel, other services due to inflation.
    - IT costs likely to increase given multiple statewide initiatives.

# Budget Assumptions: Expenses

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- Budget includes placeholder for PTCC member state fees, which have been waived to date.
- Includes placeholder related to possible hearings; related legal expenses.
- Includes placeholder for IT system change requests to implement changes based on new statutory or other requirements.

# Budget Assumptions: Expenses

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- State of Oregon Personal Services expenses estimated to increase approximately 6% (Source 12/6/2022 LFO/CFO Report).
- Personal Services Assumptions
  - Benefits are budgeted at maximum benefit selections to allow for unknown qualified life events.
  - Assumes 4% annual increase for benefits.
  - Assumes 3 COLAs distributed throughout biennium. Any actual COLAs determined by State.
  - Tax assumptions taken from local, state and federal sources for applicable tax.
  - Allows some buffer for backfill/temporary staffing/overtime.

# Budget Assumptions: Income

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- Licensing Revenue will remain flat (slight decrease from budgeted).
  - Projections based on BI 21-23 transactions, estimating remainder of BI.
  - Growth of Compact on Endorsement applications still unclear.
  - Healthcare system/Financial constraints may undercut raw demand; deflate growth.
  - Anticipate continued post-renewal drop off of 14-17% (non-renewed).
  - Assumes no increase in fee amounts.
  - May see decline in license verification fees as more jurisdictions accept web-sourced.

Oregon Board of Physical Therapy						Past Reserve Balances at BI End	
						Ending 6/30/21	\$ 967,982.00
BI 21-23	BI 21-23		BI 23-25 Projected (vs. Budgeted)		(vs. Actual)	Ending 6/30/19	\$ 961,071.55
BUDGETED Expenses	ACTUAL Expenses (Proj)	B/A %	0%	106.44%	121.86%	Ending 6/30/17	\$ 998,863.88
\$ 1,768,363.00	\$ 1,544,572.01	87.3%	\$ 1,768,363.00	\$ 1,882,265.00	\$ 1,882,265.00		
BUDGETED Income	ACTUAL Income (Proj)		BI 23-25 Projected Income-Essentially Flat				
\$ 1,615,413.32	\$ 1,625,163.78	0.6%	\$ 1,590,066.00	\$ 1,590,066.00	\$ 1,590,066.00		
BUDGETED Shortfall			BI 23-25 Projected Shortfall				
\$ 152,949.68	\$ (80,591.77)		\$ 178,297.00	\$ 292,199.00	\$ 292,199.00		
Proj Ending Reserves	Proj Ending Reserves		BI 23-25 Ending Reserve Balance Projected				
\$ 815,032.32	\$ 1,048,573.77		\$ 870,276.77	\$ 756,374.77	\$ 756,374.77		
11.06	16.29		11.81	9.64	9.64	<--months of operating expenses only	
Reserves cover liabilities, self-insurance, administrative hearings or other similar expenses.							
Reserves also cover operating expenses in periods between renewal revenue peaks.							
OBPT should maintain 9-12 months of equivalent operating reserves.							BI = Biennium

## OBPT 23-25 BI Budget - *Projections*

# OBPT 23-25 BI Budget Recommendation

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- Budget expenses at 6.44 % increase over 21-23 BI at \$1,882,265.00.
- For 25-27 BI
  - Focus on quantifying trends in licensure and compact purchases for future biennia.
  - Tighten expense projections based on normalized actuals.



# OBPT 23-25 BI Budget Draft Rule Amendment

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## 848-005-0010 Establish Oregon Board of Physical Therapy Budget for 23-25 Biennium.

The ~~Physical Therapist Licensing Board~~ **Oregon Board of Physical Therapy** hereby adopts by reference the ~~Physical Therapist Licensing Board 2021-2023~~ **2023-2025** Biennium Budget of ~~\$1,768,363~~ **\$1,882,265** covering the period from July 1, 202**4**3 through June 30, 202**5**5. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of ~~\$1,768,363~~ **\$1,882,265** for the effective operation of the Board. The Board will not exceed the approved ~~2021-2023~~ **2023-2025** Biennium Budget expenditures without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required, by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office and posted on the Board's website.

# Complaint Investigations & Analysis of Boundary/Ethical Violation Cases

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OBPT Board Meeting | March 17, 2023

# Complaint Investigations

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The Board investigates all complaints received about physical therapists and physical therapist assistants, or complaints about people claiming to be licensed PTs or PTAs who are providing physical therapy without a license.

Board investigations also include applications or renewals that require review by the Board. This may include:

- Applicants who disclose information on their application that may have a nexus to their practice.
- Applicants who fail to disclose information on their application.
- Applicants whose circumstances necessitate review by the Board by rule.

The Complaint Investigation process is confidential. Only notices of proposed discipline, orders or related documents are public.

# Complaint Investigations

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The Board may:

- Propose Disciplinary Action
  - Reprimand, Civil Penalty, Revocation, Suspension, Restrictions, Probation
  - Other settlement terms (eg. required courses)
- Close Case
  - May include referral
  - May include confidential advisory letter

# OBPT Closed Cases:

## Respondents by License Type

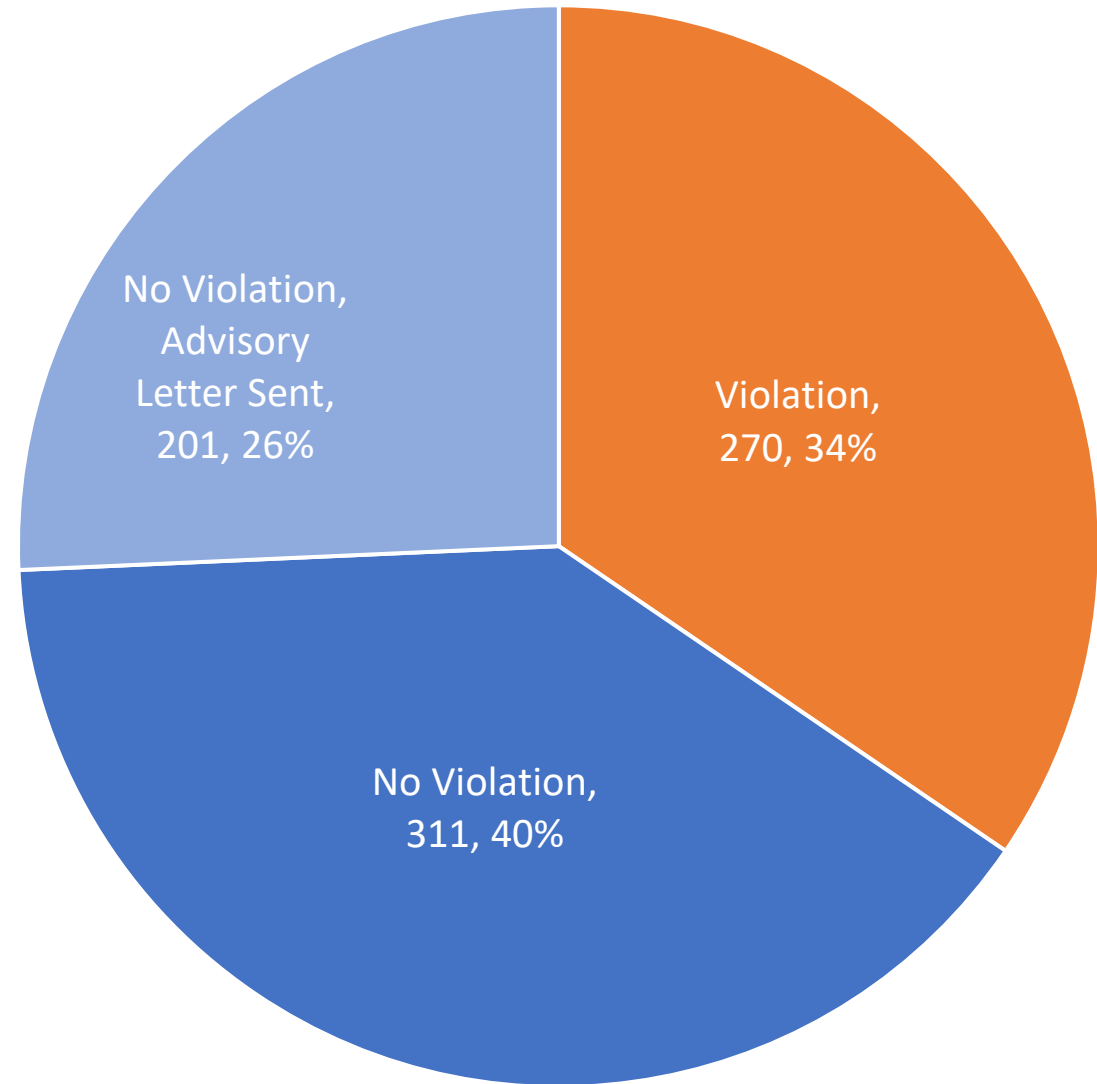
- 786 Closed Cases
  - 622 Licensees (520 PTs, 102 PTAs)
  - 20 Compact Privilege Holders (16 PTs, 4 PTAs)
  - 113 Applicants (70 PTs, 43 PTAs)
  - 31 Unlicensed Respondents

The majority of licensees investigated have had only one complaint, however 92 Licensees have been investigated 2 or more times.

Analysis includes investigations closed since May 2001.

# OBPT Closed Cases:

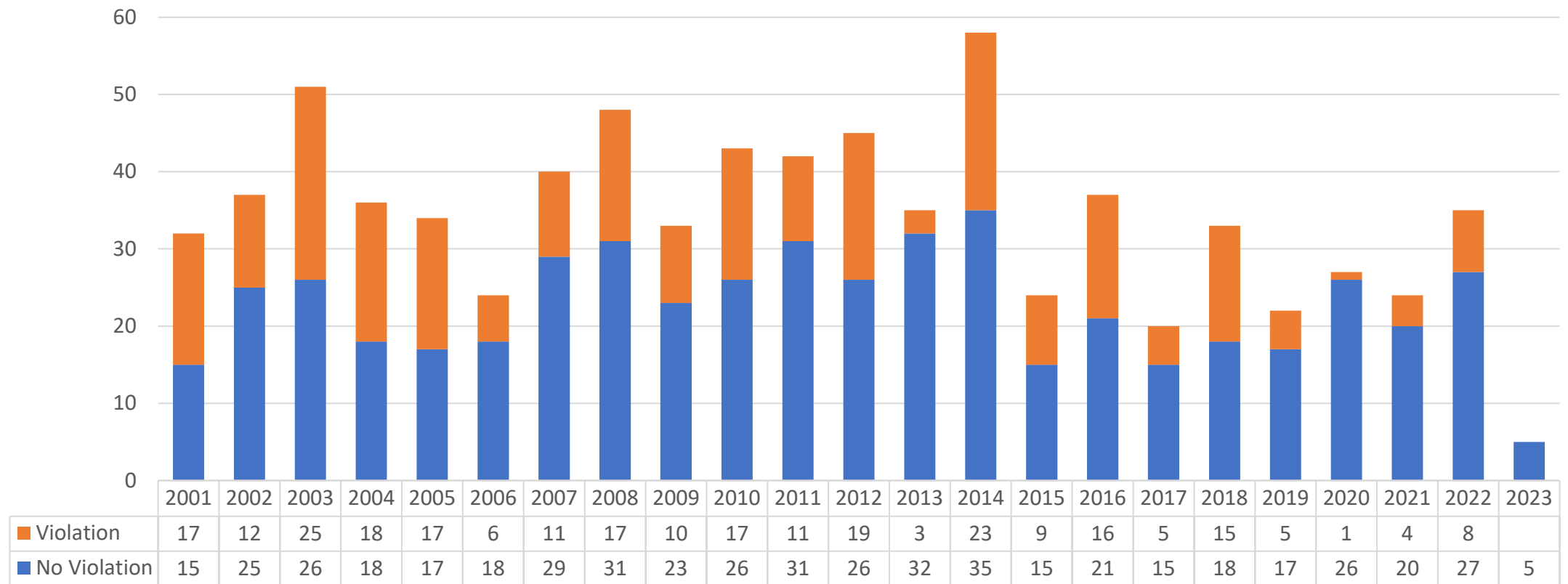
## Investigation Outcomes



TOTAL: 786 Closed Cases

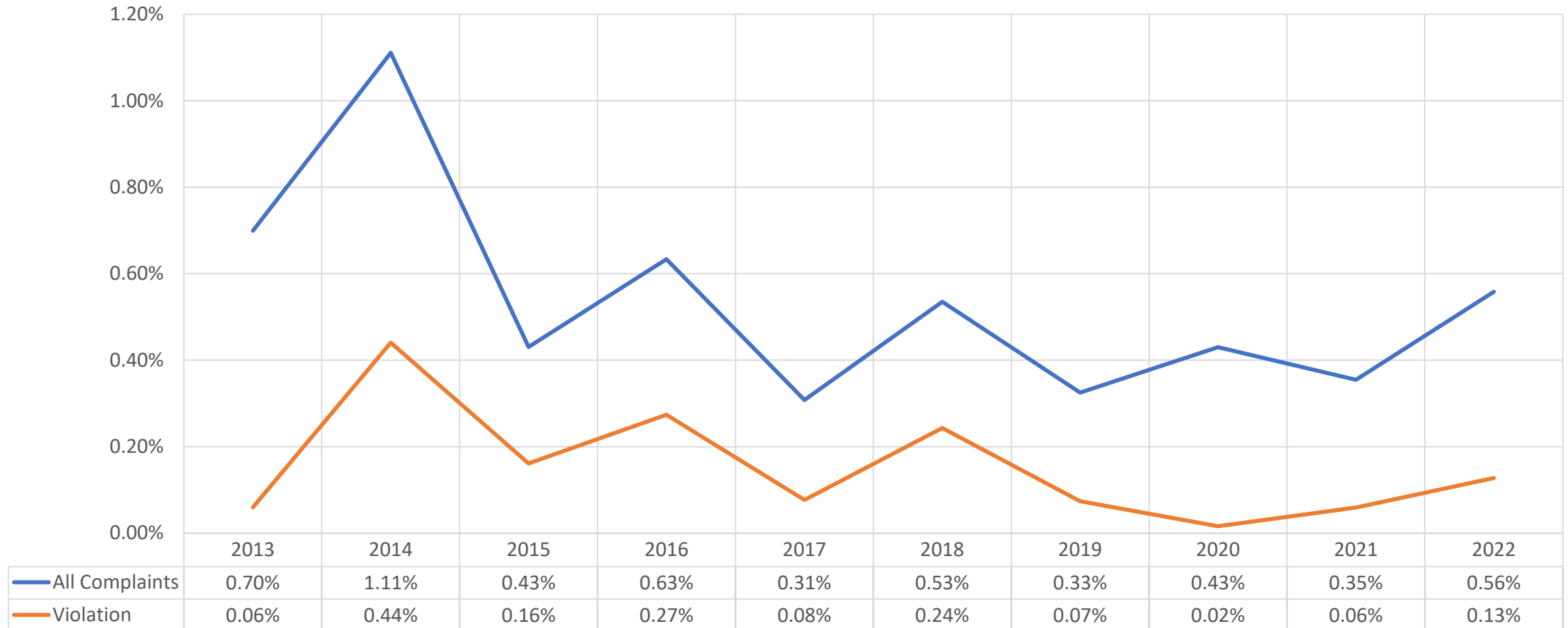
Analysis includes investigations closed since May 2001.

# OBPT Closed Cases: Outcomes by Year Complaint Received



TOTAL: 786 Closed Cases  
Analysis includes investigations closed since May 2001.

# How many licensees are investigated?



Based on date complaint was received by Board and the total number of licensees on December 31 of each year.



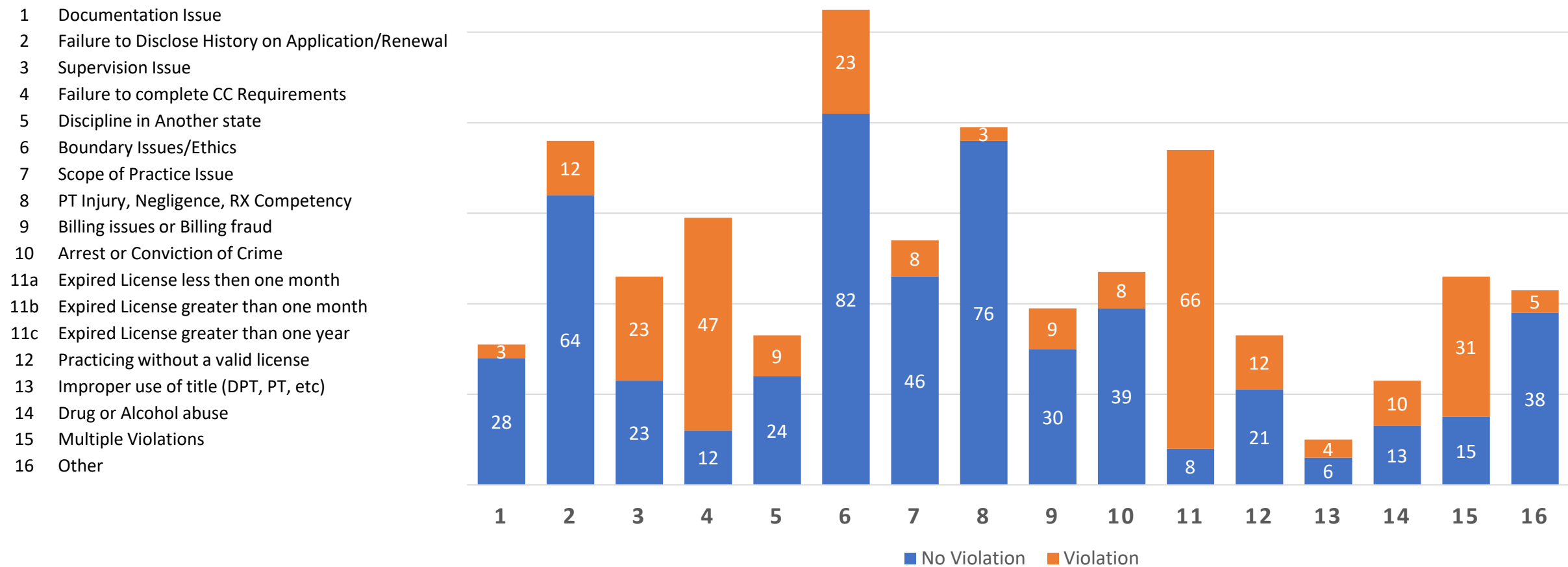
# Case Types

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The Board categorizes the complaint into one of 16 categories.

- 1 Documentation Issue
- 2 Failure to Disclose Complete Personal History on Application or Renewal
- 3 Supervision Issue
- 4 Failure to complete Continuing Competency Requirements
- 5 Discipline in Another state
- 6 Boundary Issues/Ethics
- 7 Scope of Practice Issue
- 8 PT Injury, Negligence, RX Competency
- 9 Billing issues or Billing fraud
- 10 Arrest or Conviction of Crime
- 11a Expired License less than one month
- 11b Expired License greater than one month
- 11c Expired License greater than one year
- 12 Practicing without a valid license
- 13 Improper use of title (DPT, PT, etc)
- 14 Drug or Alcohol abuse
- 15 Multiple Violations
- 16 Other

# Number of Cases by Type



Analysis includes investigations closed since May 2001.

Note- individual cases may be represented in more than one case type.

# Strategic Plan: Trauma-Informed Regulation

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- Within the Strategic Focus Area of Trauma-informed Regulation the Board has been evaluating the complaint investigative process relating to complaints of sexual misconduct.
- The current categorization structure for cases combines these cases within the larger category of boundary/ethical violations.
- The Board initiated a work effort to change the categorization to make visible sexual misconduct cases, and recategorize historical information to create greater transparency.

# New Case Types

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Type 6 cases have been subdivided into three categories:

1	Documentation Issue		
2	Failure to Disclose Complete Personal History on Application or Renewal		
3	Supervision Issue		
4	Failure to complete Continuing Competency Requirements		
5	Discipline in Another state	→ 6a	Ethical violation
6	Boundary Issues/Ethics	→ 6b	Non-Sexual Boundary Violation
7	Scope of Practice Issue	→ 6c	Sexual Misconduct
8	PT Injury, Negligence, RX Competency		
9	Billing issues or Billing fraud		
10	Arrest or Conviction of Crime		
11a	Expired License less than one month		
11b	Expired License greater than one month		
11c	Expired License greater than one year		
12	Practicing without a valid license		
13	Improper use of title (DPT, PT, etc)		
14	Drug or Alcohol abuse		
15	Multiple Violations		
16	Other		

# How are we subdividing Type 6?

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## **6a- Ethical Violation**

**ORS 688.140(2)(m)** Fails to adhere to the standards of ethics of the physical therapy profession established by board rule.

**OAR 848-040-0105(5)** A licensee shall respect the privacy and dignity of the patient in all aspects of practice.

**OAR 848-040-0105(6)** A licensee shall comply with the laws and rules governing the use and disclosure of a patient's protected health information as provided in ORS 192.553-192.581.

**OAR 848-045-0020 (2)** A licensee commits or engages in illegal, unethical or unprofessional conduct if the licensee:

(j) Acts in a manner contrary to the APTA Code of Ethics, or engages in any act involving moral turpitude, including, but not limited to fraud, deceit, dishonesty, harassment, violence, or illegal activity, subject to the provisions of ORS 670.280(3);

(p) Engages in exploitation of a patient, which includes but is not limited to the following:

(C) Provides physical therapy services or participates in physical therapy services solely for reasons of personal or institutional financial gain;

(D) Provides physical therapy services under circumstances where there is no benefit to be obtained by the patient from such services;

(E) Accepting, soliciting or borrowing anything of more than nominal value from a patient or a member of the patient's family except for reasonable compensation for physical therapy services provided to the patient. Nominal value shall be determined in the context of the particular relationship and circumstances; or

(F) Influencing a patient or the patient's family to utilize, purchase or rent any equipment or products based on the direct or indirect financial interests of the licensee rather than on the therapeutic value to the patient. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the interest if the licensee sells or rents the equipment or product or recommends the purchase or rental of the equipment or product to the patient.

(q) Knowingly makes a false entry or false alteration in a patient record;

(r) Engages in deceptive consumer practices, including but not limited to:

(A) Using, disseminating or publishing any advertising matter, promotional literature, testimonial, claim or guarantee that is false, misleading or deceptive;

(B) Practicing under a false, misleading or deceptive name, impersonating another licensee or fraudulently using or permitting the use of a license number in any way;

(C) Making a representation as to the licensee's skill or the efficacy or value of a treatment that the licensee knows or should know is false or misleading;

# How are we subdividing Type 6?

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## **6b – Non-Sexual Boundary Violation**

**OAR 848-045-0020(2)** A licensee commits or engages in illegal, unethical or unprofessional conduct if the licensee:

- (l) Engages in a conversation with a patient that is not necessary for the provision of treatment and that is personally intrusive or otherwise inappropriate;
- (p) Engages in exploitation of a patient, which includes but is not limited to the following:
  - (A) Failure to maintain an appropriate patient/therapist relationship;

## **6c—Sexual Boundary Violation**

**ORS 688.140(2)(k)** Engages in sexual misconduct. For purposes of this paragraph, sexual misconduct includes but is not limited to:

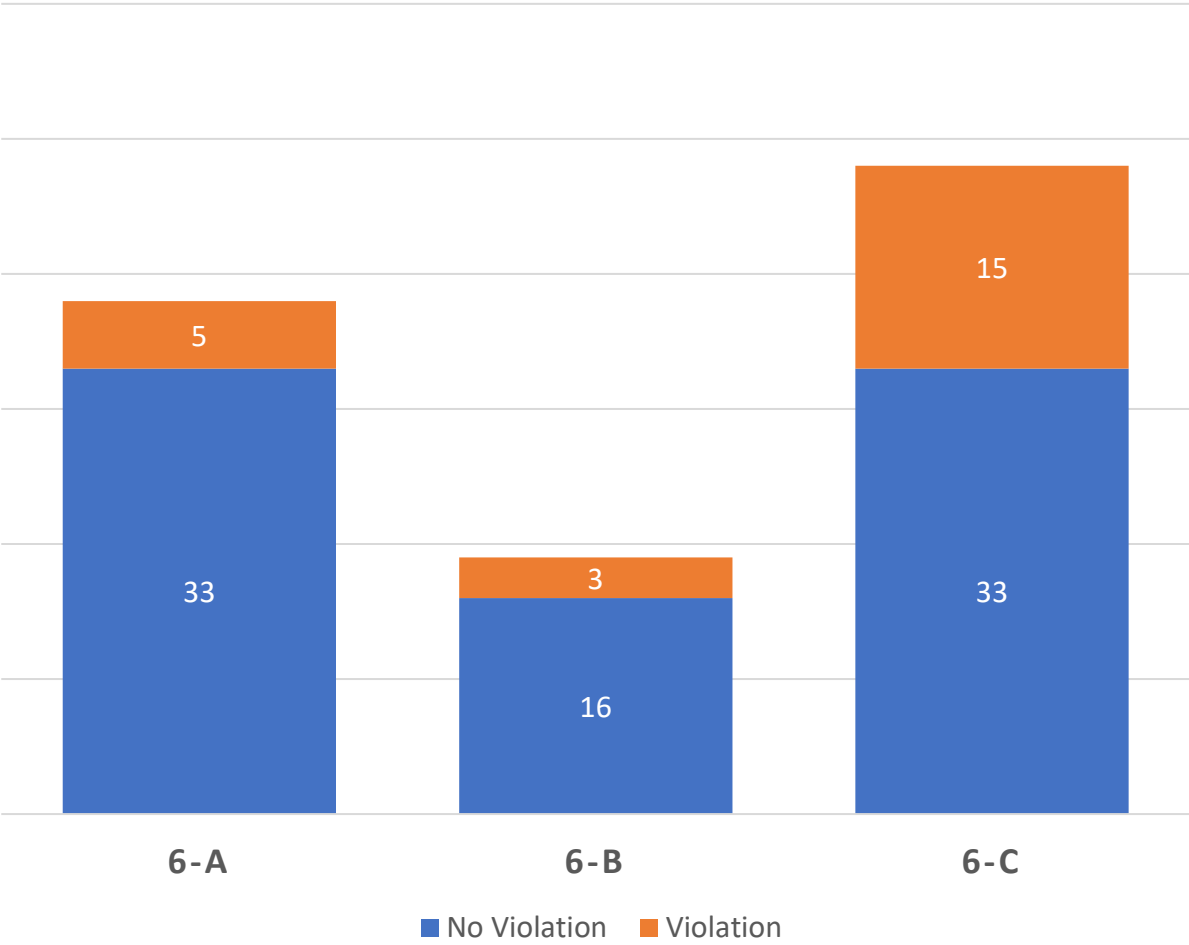
- (A) Engaging in sexual conduct or soliciting a sexual relationship with a current patient, whether consensual or nonconsensual.
- (B) Intentionally exposing or viewing a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to patient diagnosis or treatment under current practice standards.

**OAR 848-045-0020(2)** A licensee commits or engages in illegal, unethical or unprofessional conduct if the licensee:

- (k) Unnecessarily exposes a patient's body to the view of the therapist or other persons;
- (m) Commits or engages in any act of sexual misconduct involving a patient, including but not limited to any acts or statements of a sexual nature that do not contribute to appropriate physical therapy treatment;
- (n) Engages in any sexual conduct, including dating, with a patient, whether initiated by the patient or the licensee. For purposes of this subsection, "patient" includes any person who has not been discharged from that therapist's care;

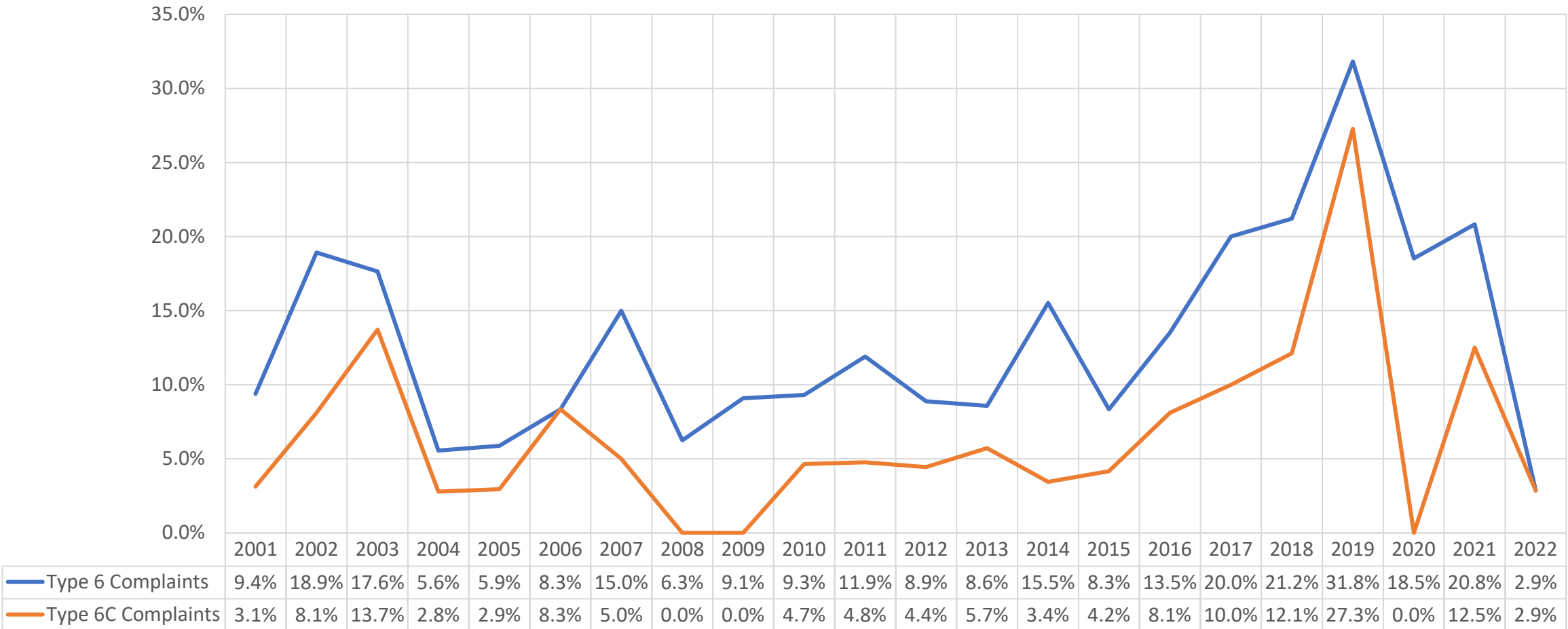
# Type 6 Divided by Subcategory

- 6a Ethical violation
- 6b Non-Sexual Boundary Violation
- 6c Sexual Misconduct



Analysis includes investigations closed since May 2001.

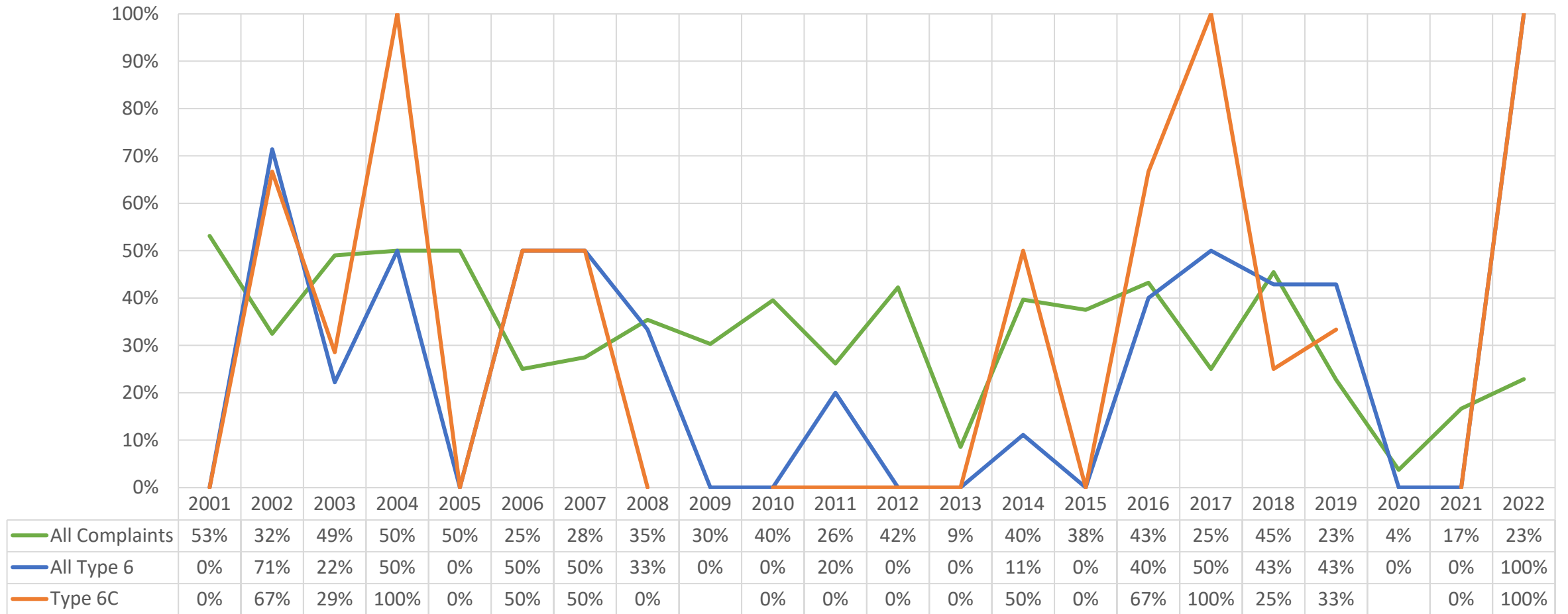
# How many OBPT Cases are Type 6?



Based on the total number of complaints received each year



# Frequency that the Board Finds Violations



Based on the number of violations versus complaints received each year

# Discussion

- The Board is taking action on 34% of total cases over the last ~20 years.
- The ratio of action compared to no action varies widely depending on case type- with one case type only resulting in action in 4% of cases and another case type resulting in action for 89% of cases.
- For Type 6 cases, the Board has taken action on 22% of cases overall.
- When subdivided, the Board has taken action on
  - 13% of Type 6A
  - 16% of Type 6B
  - 31% of 6C

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*SUMMARY STATUS: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not comprehensive, and additional bills may be added). Updated 3/14/2023.*

**HB 2432 - Relating to health care providers; declaring an emergency.**

**STATUS: Referred to Committee 1/11**

**SB 408/HB 2886 Relating to health care profession scopes of practice; and prescribing an effective date.**

**STATUS: 408 - Referred to Committee 1/14**

**STATUS: 2886 – Referred to Committee with subsequent referral to W&M 1/16**

**HB 2825 – Relating to professional licensing during emergencies.**

**STATUS: Referred to Committee 1/16**

**HB 2652 – Relating to funding county health measures; declaring an emergency.**

**STATUS: Public Hearing held 2/1**

**HB 2618 – Relating to school-based health practitioners; declaring an emergency.**

**STATUS: Passed 1<sup>st</sup> chamber. 2<sup>nd</sup> chamber Referred to Committee 3/9**

**HB 2959 – Relating to health care services in schools; prescribing an effective date.**

**STATUS: Public hearing held. 2/13. Has subsequent referral to W&M**

**HB 3044 - Relating to parental rights; creating new provisions; amending ORS 109.650, 109.675, 109.680 and 192.556; and prescribing an effective date.**

**STATUS: Referred to Committee 1/20**

**HB 2240 Relating to requirements to use health care interpreters; declaring an emergency.**

**STATUS: Passed 1<sup>st</sup> chamber. 2<sup>nd</sup> chamber Referred to Committee 3/2**

**SB 517/325/763 – Relating to the effects on adjudicated persons of adjudications for criminal acts.**

**STATUS: 517 - Public hearing and possible work session scheduled 3/28**

**STATUS: 325 – referred to judicial committee 1/12**

**STATUS: 325 –Public hearing held 2/14 (judicial)**

**SB 304 – Relating to task force on occupational licensing; and prescribing an effective date.**

**STATUS: Committee recommend do pass, subsequent referral to W&M 3/10**

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*SUMMARY STATUS: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not comprehensive, and additional bills may be added). Updated 3/14/2023.*

#### **NEW SB 849 – Relating to professional workforce; declaring an emergency.**

**STATUS: Committee recommend do pass, subsequent referral to W&M 3/10**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB849>

Requires professional licensing boards to provide culturally responsive training to specified staff members, publish guidance on pathways to professional authorization for internationally educated individuals and waive requirement for English proficiency examination for specified internationally educated individuals. Prohibits Oregon Medical Board from imposing time limitation on completion of United States Medical Licensing Examination. Allows board to issue limited license to practice medicine to specified individuals for practice under supervision of other licensed physician. Establishes Internationally Educated Workforce Reentry Grant Program within Higher Education Coordinating Commission to award grants to specified entities that provide eligible career guidance and support services to internationally educated residents of Oregon who are seeking to enter Oregon workforce in certain professions. Declares emergency, effective July 1, 2023.

#### **NEW SB 818 – Relating to suicide risk assessment continuing education opportunities.**

**STATUS: Work session scheduled 3/15**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB818>

Directs Oregon Health Authority to develop list of suicide risk assessment and treatment continuing education opportunities for specified physical health care providers. Requires authority to develop continuing education opportunities if none exist. Allows specified health professional regulatory boards to approve continuing education opportunities included on list developed and maintained by authority, and to specify minimum requirements to exempt licensees regulated by board from requirement to complete continuing education. Takes effect on 91st day following adjournment sine die.

#### **General/Other:**

HB 2992 – Restricts insurers ability to refuse to credential health care provider or refuse to contract with health care provider. **STATUS: Referred to committee 1/16**

SB 584 – OHA to implement website for health care providers to contact health care interpreters directly and to process billing. **STATUS: Public hearing held 2/15. Has subsequent referral to W&M.**

HB 2789 – Studies License Portability of Military families. **STATUS: Referred to committee 1/16**

HB 2792 – Requires OHA to contract with a 3<sup>rd</sup> party to examine restructuring the OHA. **STATUS: Referred to committee 1/12**

SB 243 – Abolishes the Department of Education. **STATUS: Referred to committee 1/11**

SB 730 – Requires Zero-based budgeting in development of the ARB (Agency Request Budget). **STATUS: Referred to Rules committee 1/13**

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*SUMMARY STATUS: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not comprehensive, and additional bills may be added). Updated 3/14/2023.*

#### Administrative Rules:

SB 39 – Requires agency to report to appropriate committee of legislature before permanently amending rule that was adopted < 5 years. ). **STATUS: Referred to Rules committee 1/13**

SB 40 – Requires agency to provide technical and legal documentation support statement of need required in notice of rulemaking. ). **STATUS: Referred to Rules committee 1/13**

SB 42 – Modifies provisions relating to FIS for admin. rules. Agencies must report to LFO as part of presenting budget requests. **STATUS: Public hearing held 2/14. Has subsequent referral to W&M.**

SB 43 – Requires agencies to post certain info about rulemaking on agency websites. **STATUS: Referred to Rules committee 1/13**

SB 723 – Requires agency upon written request of 10 members of LA objecting to rule to appear before appropriate committee for hearing on rule. **STATUS: Referred to Rules committee 1/13**

SB 732 – Modifies rule review process to require legislative approval of newly adopted rules in order for rules to take effect. **STATUS: Referred to Rules committee 1/13**

#### New boards:

HB 2976 – Establishes new *semi-independent* board (Oregon Spirits Board)

**STATUS: Committee recommend do pass, subsequent referral to W&M 3/10**

HB 2803 – Requires OHA to study nutritionist licensing. **STATUS: Referred to committee 1/16**

#### Compacts for:

- *Nursing* - HB2748, HB2408 **STATUS: 2748 - Referred to committee 1/16 STATUS: 2408 – Public hearing held 2/20.**
- *OT* - HB2736 **STATUS: Public hearing held 1/31.**

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*DETAIL: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not*

#### **HB 2432 - Relating to health care providers; declaring an emergency.**

**STATUS: Referred to Committee 1/11**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2432>

Requires Department of Consumer and Business Services to study trends in reimbursement paid to specified health care providers by insurers and third party administrators and report findings to interim committees of Legislative Assembly related to health no later than September 15, 2024. Sunsets January 2, 2025. Declares emergency, effective on passage.

*NOTE: Includes "entities that are primarily engaged in the provision of...physical therapy"*

#### **SB 408/HB 2886 Relating to health care profession scopes of practice; and prescribing an effective date.**

**STATUS: 408 - Referred to Committee 1/14**

**STATUS: 2886 – Referred to Committee with subsequent to W&M 1/16**

<https://olis.oregonlegislature.gov/LIZ/2023R1/Downloads/MeasureDocument/SB0408>

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2886>

Directs Oregon Health Authority to establish process to receive and review health care profession scope of practice requests and impact statements. Defines "scope of practice request" and "impact statement." Directs authority to convene temporary scope of practice request review committee. Directs committee to review scope of practice requests and impact statements and report to authority and interim committees of Legislative Assembly related to health care. Takes effect on 91st day following adjournment sine die.

*NOTE: Both bills currently appear identical. Neither bill currently addresses health professional boards.*

#### **HB 2825 – Relating to professional licensing during emergencies.**

**STATUS: Referred to Committee 1/16**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2825>

Authorizes Oregon Department of Emergency Management to issue temporary professional licenses during states of emergency to individuals formerly licensed by certain professional licensing boards.

*NOTE: Does not currently include OBPT as introduced. Would apply to practitioners formerly licensed in past 10 years.*

#### **HB 2652 – Relating to funding county health measures; declaring an emergency.**

**STATUS: Public Hearing held 2/1**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2652>

Authorizes county to declare shortage of health care and human services personnel and apply to Oregon Health Authority for moneys to make grants to employers to alleviate shortage by offering certain benefits to potential workers and educators. Appropriates moneys to Oregon Health Authority to distribute to counties for purposes related to encouraging healthy eating, physical activity and mental health. Declares emergency, effective on passage.

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*DETAIL: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not*

NOTE: Intended to support achievement of health outcomes in counties; includes various funding of employer and educational institution support mechanisms for identified practitioners (e.g. loan forgiveness, scholarship, etc.). Currently includes physical therapists.

#### **HB 2618 – Relating to school-based health practitioners; declaring an emergency.**

**STATUS: Passed 1<sup>st</sup> chamber. 2<sup>nd</sup> chamber Referred to Committee 3/9**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2618>

Requires Department of Education to conduct study to identify best methodology for determining appropriate number of students on caseload for certain school-based health practitioners. Directs department to submit findings to interim committees of Legislative Assembly related to education not later than September 15, 2023. Declares emergency, effective July 1, 2023.

*NOTE: Specifically, speech-language pathologists, occupational therapists and physical therapists.*

#### **HB 2959 – Relating to health care services in schools; prescribing an effective date.**

**STATUS: Public hearing held. 2/13. Has subsequent referral to W&M**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2959>

Establishes Task Force on Health Care Services in Oregon Schools to examine scope of duties of employment and practice for licensed health care providers employed by schools, school districts or education service districts to provide health care services. Requires task force to examine health record systems that may be adopted by school, school district, education service district or Department of Education that would enable health care providers to maintain records of health-related information for students. Directs task force to submit report on task force's findings and recommendations to interim committees of Legislative Assembly related to education no later than September 15, 2024. Sunsets task force December 31, 2024. Takes effect on 91st day following adjournment sine die

*NOTE: Task force to include four school-based health practitioners. "All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties."*

#### **HB 3044 - Relating to parental rights; creating new provisions; amending ORS 109.650, 109.675, 109.680 and 192.556; and prescribing an effective date.**

**STATUS: Referred to Committee 1/20**

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3044/Introduced>

Directs district school boards to adopt procedures for notifying parents of specified information. Prohibits classroom instruction on sexual orientation and gender identity, absent parental consent, before fourth grade. Requires parental consent before administering specified

## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*DETAIL: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not*

questionnaire or health screening form. Directs State Board of Education to adopt procedure for parents to report concerns regarding school district's implementation of requirements. Requires health care providers to notify parents of minors when minors consent to specified medical treatments without parental consent. Directs health care provider who declines to disclose information to minor's parents due to provider's concerns regarding abuse of minor to immediately report suspected child abuse. Modifies definition of "personal representative" for purposes of access to minor's protected health information to include minor's parent or legal guardian. Takes effect on 91st day following adjournment sine die.

*NOTE: Applies to all employees, contractors, etc., so would apply to school-based practice.*

#### **HB 2240 Relating to requirements to use health care interpreters; declaring an emergency.**

**STATUS: Passed 1<sup>st</sup> chamber. 2<sup>nd</sup> chamber Referred to Committee 3/2**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB2240>

Exempts from health care interpreter requirements individuals providing services as employees or contractors of school districts, public charter schools and education service districts. Declares emergency, effective on passage.

*NOTE: Applies to health care providers who are an employee of or under contract with the named locations.*

#### **SB 517/325/763 – Relating to the effects on adjudicated persons of adjudications for criminal acts.**

**STATUS: 517 - Public hearing and possible work session scheduled 3/28**

**STATUS: 325 – referred to judicial committee 1/12**

**STATUS: 325 –Public hearing held 2/14 (judicial)**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB517>

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB325>

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB763>

Prohibits licensing board, commission, or agency from denying, suspending or revoking occupational or professional license solely for reason that applicant or licensee was convicted of crime or subject to qualifying juvenile adjudication that does not substantially relate to specific duties and responsibilities for which license is required.

#### **SB 304 – Relating to task force on occupational licensing; and prescribing an effective date.**

**STATUS: Committee recommend do pass, subsequent referral to W&M 3/10**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB304>

Establishes Task Force on Occupational Licensing. Directs task force to study value of occupational licensing regulatory agency. Permits task force to pre-session file legislation. Requires task force to report to Legislative Assembly. Sunsets December 31, 2024. Takes effect on 91st day following adjournment sine die.



## ITEM E6

### 82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

*DETAIL: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not*

NOTE: Comprised of legislative members. “All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

#### **NEW SB 849 – Relating to professional workforce; declaring an emergency.**

**STATUS: Committee recommend do pass, subsequent referral to W&M 3/10**

<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB849>

Requires professional licensing boards to provide culturally responsive training to specified staff members, publish guidance on pathways to professional authorization for internationally educated individuals and waive requirement for English proficiency examination for specified internationally educated individuals. Prohibits Oregon Medical Board from imposing time limitation on completion of United States Medical Licensing Examination. Allows board to issue limited license to practice medicine to specified individuals for practice under supervision of other licensed physician. Establishes Internationally Educated Workforce Reentry Grant Program within Higher Education Coordinating Commission to award grants to specified entities that provide eligible career guidance and support services to internationally educated residents of Oregon who are seeking to enter Oregon workforce in certain professions. Declares emergency, effective July 1, 2023.

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## ITEM E6

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*DETAIL: Bills Introduced to date potentially impacting OBPT, physical therapy practice; PTs/PTAs (this list is not*

SB 243 – Abolishes the Department of Education. **STATUS: Referred to committee 1/11**

SB 730 – Requires Zero-based budgeting in development of the ARB (Agency Request Budget). **STATUS: Referred to Rules committee 1/13**

#### **Administrative Rules:**

SB 39 – Requires agency to report to appropriate committee of legislature before permanently amending rule that was adopted < 5 years. ). **STATUS: Referred to Rules committee 1/13**

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HB 2803 – Requires OHA to study nutritionist licensing. **STATUS: Referred to committee 1/16**

#### *Compacts for:*

- *Nursing - HB2748, HB2408* **STATUS: 2748 - Referred to committee 1/16 STATUS: 2408 – Public hearing held 2/20.**
- *OT - HB2736* **STATUS: Public hearing held 1/31.**