

**Oregon Board of Physical Therapy**  
**Board Meeting Minutes**  
**March 06 2020**

**Board Members Present:** Phil Haworth, PT, Chair; Alan McAvoy, PT, Vice Chair; Aubree Benson, PT; Erica Goldsmith, PTA; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT.

**Board Members Absent:** Becca Reisch, PT, PhD (excused).

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing; Rick Sullivan, Licensing Coordinator.

**Legal Counsel:** Joanna Tucker Davis, AAG; Angie Hunt, AAG.

**PUBLIC (OPEN) SESSION**

Chair Haworth convened the Board into Public Session at 8:39 AM for the purpose of roll call. No members of the public were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, the meeting was convened into Executive Session at 8:41 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 12:30 PM, Chair Haworth adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 12:38 PM Chair Haworth convened Public Session. All members noted previously were present.

**Members of the Public Present:** Diana Godwin (OPTIP); Jim Heider.

Attendance sheet on file.

Board Motions:

Case PT 679-10/19

Motion by Member McAvoy to withdraw prior action from 12/13/2019 and issue a Stipulated Agreement and Final Order with Civil Penalty of \$500 for violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(s).

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 6-1, with member Hahn voting no.

Case PT 682-11/19

Motion by Member McAvoy to offer stipulated agreement and civil penalty of \$1,000, with stay of \$800 pending no violations for period of two years.

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 7-0.

Case PT 675-8/19

Motion by Member McAvoy to offer stipulated agreement for permanent surrender of license with findings of violations of OR 688.140(2)(k)(A) and OAR 848.045.0020(2)(i) and (2)(n).

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 7-0.

### Case PT 684-12/19

Motion by Member McAvoy to offer stipulated agreement requiring completion of Oregon jurisprudence exam within 30 days, completion of Board approved course related to practice compliance within 90 days, submit to random inspections for period of 1 year, completion of all required aide training prior to aides working with patients and civil penalty of \$1,000 for violations of OR 688.135(2)(a)(n) and OAR 848.020.0040(1)(a)(b) and (2)(a)(b)(c) and OAR 848-020-0050(4).

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 7-0.

### Case PT 668-04/19

Motion by Member McAvoy to close case.

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 7-0.

### Case PT 686-01/20

Motion by Member McAvoy to issue a confidential advisory letter and close case.

Motion seconded by Member Hahn.

Motion passed unanimously by a vote of 7-0.

### Public Comment

None.

### Board Member/Committee/Delegate Reports

**Introduction of New Board Members and Board Counsel:** Chair Haworth welcomed the Board's two new members: Andrea Muzikant, public member, and Hoku Okumura, PT, professional member. He also welcomed Angie Hunt, AAG, recently assigned as the Board's new legal counsel. Chair Haworth asked all members and staff to give a brief introduction.

**PT Compact Commission and FSBPT Delegate Updates:** Member Benson, as both the current Compact Commission and FSBPT Delegate for the Board, provided updates from both organizations.

**PT Compact Commission Report:** She noted that a total of 1,015 compact privileges were issued in 2019 nationwide. Nineteen states are currently issuing and accepting Compact Privileges. The Wisconsin bill was signed 2/5/2020, making Wisconsin the 27th state to have joined the Compact. Eight additional states have introduced PT Compact legislation during the 2020 session. In other news, she noted that a recent issue where Medicare was not recognizing Compact Privileges has been resolved with the Centers for Medicare and Medicaid Services (CMS). The Federation of State Boards of Physical Therapy (FSBPT) Board of Directors agreed to absolve the Physical Therapy Compact Commission (PTCC) debt incurred through December 31, 2019. The FSBPT Board acknowledged the contribution of the Compact to the mission of public protection as a result of the enhancements to the Examination Licensure and Disciplinary Database (ELDD) through full participation of PT Compact states and the substantial growth in the number of PT compact states during the past few years. The next PT Compact Commission meeting upcoming this spring by teleconference. Members are being asked to review rules, policies, and procedures to identify any questions or concerns for discussion. Finally, she noted that Director Michelle Sigmund-Gaines has been appointed to Rules & Bylaws Committee.

### **FSBPT Report:**

Member Benson relayed details of upcoming FSBPT events and recent committee and task force assignments. Based on membership feedback from the annual meeting, FSBPT is coordinating training on Trauma's Impact on Boundary Violation Investigations at end of March. Member Aubree Benson attending as Oregon Delegate; Sherri Paru attending as member of recently formed FSBPT Boundary Violations Task Force. The annual Regulatory Training for New Members and Staff June 19-21st will be attended by new

Members Hoku Okumura and Andrea Muzikant. The Leadership Issues Forum (LIF) is scheduled July 18-19; required attendance by Oregon Delegate and Board Administrator. The Annual Meeting is scheduled 10/22-10/24; required attendance by Oregon Delegate, Alternate Delegate, and Board Administrator. Other members or Board staff may also attend. Member Benson then listed the Oregon appointments to FSBPT Committees & Task Forces for 2020. Sherri Paru continues to serve on the Nominating Committee, and was appointed to the Boundary Violations Task Force. Michelle Sigmund-Gaines was appointed to the Ethics & Legislation Committee and to the Artificial Intelligence Task Force. Former Oregon Board Member Troy Costales was appointed to the Impaired Practitioner Task Force.

Finally, Member Benson noted that jurisdictions are being asked to identify any specific topic requests/questions for the LIF meeting. Chair Haworth opened the topic up for discussion. After discussion, the Board identified the following topics as areas of interest: burnout/continuing competence; trauma informed investigations as well as trauma informed care for professionals. Members were also directed to consider any other topics or questions, and bring those to the May meeting.

**Board Member Training Requirements for 2020:** Director Sigmund-Gaines noted that the state of Oregon has changed the timing for required completion of annual mandatory trainings, which as of 2020 must now be completed between March and September. Trainings can be completed at any time by members in this period using the iLearn website. Director Sigmund-Gaines also asked if the Board would be interested in signing up for board training through the Council on Licensure, Enforcement and Regulation (CLEAR). CLEAR provides a series of five web modules on content designed for members serving on regulatory boards. These training modules are used in several other states as part of the overall training for board members, including California. After discussion, the Board directed staff to acquire the modules and incorporate into upcoming meetings.

**Open Roundtable:** No items.

#### **Presentation and Approval of the Executive Director's Report**

Chair Haworth recognized Director Sigmund-Gaines who presented the Executive Director's Report. She noted that the NPTE measure historically reported continues to be of limited relevance since the shift to the Alternate Approval Pathway (AAP) for NPTE Exam qualification, adopted by the Board last year to simplify and speed up the process for exam applicants. Under the AAP, exam takers may sit for the exam prior to applying for the exam, in which case, the question is not applicable. The question asked of exam takers is "How satisfied were you with the processing of your application for the state in which you applied for licensure?" The responses are then classified into "satisfied", which includes responses of "very satisfied" and "satisfied", and "dissatisfied", which includes "uncertain", "dissatisfied" and "very dissatisfied". Given that many exam takers don't interact with the Board prior to taking the test, they are likely to respond as "uncertain", which reports as dissatisfied. For 4<sup>th</sup> quarter, for Oregon, 74% of respondents identified "very satisfied" or "satisfied", 26% identified "uncertain" and 0% identified "dissatisfied" or "very dissatisfied". The Board directed staff to drop this measure from the report at this time, and to explore other measures for reporting that would be more relevant for measuring customer satisfaction. As part of this direction, the Board directed staff to identify the customer service measures used by other health professional licensing boards. Chair Haworth then asked for a motion to accept and approve the report as written. Member McAvoy so moved and Hahn seconded the motion. The motion passed unanimously by a vote of 7-0.

#### **Board General Discussion and Action Items**

**Selection of Board 2020 FSBPT Delegates:** The Chair recognized Director Sigmund-Gaines. She noted that the Board is required to appoint the FSBPT Delegate and Alternate Delegate for the next term; FSBPT requires registration of the delegates prior to May 1 for planning purposes. Delegates must be able to attend both the LIF and Annual Meeting; alternate delegates must be able to attend the Annual Meeting. After discussion, Member Goldsmith was appointed as the Delegate, and Member Benson was appointed as the

Alternate Delegate for the period July 2020-June 2021.

**Report to Board for Rule Advisory Team for Division 35 – Continuing Competence:** The Chair recognized Clinical Advisor Paru, who had compiled the recommendations from the rule advisory team. The broad recommendations themselves had been presented to the Board at the September 2019. The recommendations had been converted into specific proposed rule language changes by staff and reviewed by the committee members. The Board walked through the draft changes, rule section by section, making minor edits or changes.

**Initiation of Public Rulemaking Process relating to OAR 848 Division 35:** Chair Haworth asked for a motion to initiate the public rulemaking process relating to OAR 848 Division 35 using the proposed rules as amended. Member McAvoy so moved. Member Hahn seconded the motion. The motion passed unanimously by a vote of 7-0.

**17-19 Biennium External Financial Control Audit Preliminary Results:** The Chair recognized Director Sigmund-Gaines. She noted that the external audit of the Board's financial controls—which is required of all semi-independent agencies each biennium—is currently in process. There are no audit findings, and a few recommendations for further improvements to practice. The final audit report will be available at the next meeting.

**Affirmative Action Policy Statement Review:** The Board reviewed the existing written Affirmative Action Policy Statement, which by policy is reviewed biannually. Other than to change the name of the Board, no other changes were proposed. Chair Haworth asked for a motion to revise the Affirmative Action Policy Statement as proposed. Member McAvoy so moved.

Member Hahn seconded the motion. The motion passed unanimously by a vote of 7-0.

**Demo of New Licensee Portal:** In the interest of time, the demo was cancelled.

**Primary Service Provider (PSP) Service Delivery Model in Early Childhood Education:** The Chair recognized Director Sigmund-Gaines. She relayed that she had received an email from the David Douglas School District asking the Board to provide a letter to District staff regarding the use of the Primary Service Provider (PSP) Service Delivery Model in Early Childhood Education, which is being employed in the district. The email had included a copy of a letter pertaining to Medicaid billing, as well as links to further information about the PSP model in general. After discussion, the Board determined that they do not have jurisdiction over Medicaid nor over the use of business/service delivery models, other than to note that irrespective of the application of the business/service delivery model being employed, any physical therapist or physical therapist assistant working within that model must follow all applicable statutes and rules.

**Ratification of PT/PTA Licenses & Temporary Permits:**

Staff presented the list of new licenses and temporary permits issued December 7, 2019 through February 26<sup>th</sup>, 2020. Chair Haworth opened the floor for questions and discussion. With none noted, Chair Haworth asked for a motion to ratify the new licensees and permit holders. Member McAvoy so moved. Member Hahn seconded the motion. The motion passed unanimously by a vote of 7-0.

**Approval of Board Meeting Minutes:**

The draft minutes from the December 13, 2019 Regular Board Meeting were presented to the Board for approval. Chair Haworth asked for a motion to approve the minutes as written. Member McAvoy so moved. Member Hahn seconded the motion. The motion passed unanimously by a vote of 7-0.

**Other Business:** Chair Haworth recognized Joanna Tucker-Davis for her service to the Board as Board Counsel. Chair Haworth then asked if there was any other business. Clinical Advisor Paru noted that a few licensees

have reported being contacted by individuals impersonating board and FBI staff by phone, using a spoofed number so as to appear as to originate from the Board office. The Board has posted a SCAM ALERT on the website.

Chair Haworth asked if there were any remaining business. Hearing none, meeting adjourned.

**Meeting Adjourned 3pm.**