

Physical Therapist Licensing Board

Board Meeting

July 31, 2002

EXECUTIVE SESSION MINUTES

Per ORS 192.650 (2) Executive Session Minutes are not subject to public disclosure.

Present: Board Members: Cathy Zarosinski, PT, MS, Chair; Jerry Nickell, PT, Vice Chair; Linda Barbee, PT; Daiva Banaitis, PT, PhD; Pat Moore, MD, Physician Member; Cindy Cunningham, Public Member. Staff: Patti Gustafson, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Dot Danovich, Administrative Assistant. Board Investigator: Frank Mussell. Legal Counsel: Carol Parks, AAG.

Absent: PTA Board Member – Position Vacant.

Ms. Zarosinski took the Board into Executive Session.

EXECUTIVE SESSION

The May 31, 2002 Executive Session Minutes and Board Minutes were approved as written.

Case PT-45-2/01. **Michael Zingg, PT.** Ms. Gustafson and Ms. Parks, AAG updated the Board regarding the case. Letter from Diana Godwin, Mr. Zingg's attorney countered the Board's original Consent Order and requested a \$5,000.00 civil penalty and one year probation. Her client feels a six month suspension would put him out of business. Discussion ensued.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Ms. Cunningham moved that the Board retain the six month suspension, stay five months, and impose a civil penalty of \$10,000.00
Seconded: Dr. Banaitis. **In favor:** Dr. Banaitis, Mr. Nickell and Ms. Zarosinski.
Opposed: Ms. Barbee, Dr. Moore.

Ms. Zarosinski took the Board into Executive Session.

EXECUTIVE SESSION

Discussion ensued and the Board reviewed the violations and what might happen if a hearing were to be held.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Mr. Nickell moved that the same penalties be imposed, per Ms. Cunningham's motion, with the addition of a two year probation. Seconded: Dr. Banaitis. All in favor.

Case ongoing.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Case PT-44-01/01. **Victoria Vestal, PT**. Ms. Gustafson has a letter ready to send, requesting that Ms. Vestal provide revised training records for her PT aides, which indicate the number of hours of training in each category. Ms. Zarosinski further explained the content of the letter.

Case ongoing.

Case PT-58-5/01. **Carla Mueller, PTA**. Ms. Zarosinski brought the Board up to date regarding the case. Ms. Zarosinski described her phone interview with Donna Gress, Ms. Mueller's former office manager. Ms. Gress asserted that Ms. Mueller has not changed anything concerning the way she runs her business. There is still no licensed person in the facility on a regular basis. PT aides start procedures at Ms. Mueller's request, prior to her arrival or that of a physical therapist. Ms. Gress recommended the Board request the clinic's appointment books and scheduling/sign-in sheets. Considering the nature of the case, Ms. Gustafson asked Ms. Parks, AAG if the Board could "appear" at Ms. Mueller's clinic to request the appointments books, patient files and any other documents needed, rather than alert the office ahead of time. Ms. Parks, AAG noted that the licensee has 14 days to produce the requested documentation, so prior notification is necessary.

The Board requested Ms. Parks, AAG obtain the clinic's appointment books and then subpoena three patient records. The appointment books should include all physical therapy and massage patients. The appointment books will be obtained and reviewed first. The patients will then be contacted. The Board considered

the possibility of asking Michele Ross, PT to testify against Ms. Mueller in consideration of a lighter sentence or immunity. Ms. Zarosinski asked the Board if they have any misgivings about this. They did not. Ms. Barbee indicated she proposes taking away Ms. Mueller's license, suspending her for a long period and/or no longer permitting her to own a business.

Case ongoing.

Case PT-68-10/01. **Scott Forwood, PTA.** Mr. Forwood refused to be evaluated by the psychologist chosen by the Board. He states he wants to see a psychologist with "his beliefs". Idaho is aware that Mr. Forwood is not cooperating and also expects Mr. Forwood to see the psychologist chosen by the Physical Therapist Licensing Board.

Mr. Forwood did not renew his Oregon license. The Board determined that before Mr. Forwood may be licensed in Oregon again, he must agree to be evaluated by a Board approved psychologist. Ms. Gustafson will assure that this is noted in the database and send a letter to Mr. Forwood to that effect.

Case closed.

Case PT-71-12/01: **Sara J. Barba, PTA.** Case open until final payment, of her Civil Penalty, has been made. Amount assessed was \$250.00. Ms. Barba has made payments one and two, in the amounts of \$50.00 (June 2002), \$100.00 (July 2002), respectively, and is due to make the last payment of \$100.00 in August 2002. When the payment has cleared the bank, the case may be closed.

Case ongoing.

Case PT-79-3/02. **Tyrone Teal, PT.** On April 8, 2002 the Board issued an Emergency License Suspension Order. The licensee did not request a hearing within the required 90 day time period. Ms. Parks, AAG reported that at this time there is one civil case against him. The Board asked if his attorney is a criminal attorney and if Mr. Teal was out on bail? Ms. Parks, AAG said the licensee is out on bail.

Case ongoing.

Case PT-72-12/01. **Steffanie Fischels, APPLICANT.** Ms. Fischels signed a Consent Order on June 21, 2002 and Ms. Gustafson executed the order on June 24, 2002. Ms. Fischels agreed to counseling. Ms. Paru will monitor the licensee and make certain she complies with the terms of the agreement. Ms. Fischels has applied for licensure in the State of Washington.

Case closed.

Case PT-74-12/01. **Trevor Todd, PT.**

Case PT-78-12/01. **Tracy Gold, LMT, PT Aide.**

Mr. Mussell and Ms. Zarosinski interviewed licensee Todd, PT; PT aide Gold; and patient, Jennifer Trinklein. Ms. Danovich is currently typing the transcripts. Mr. Mussell will report the findings at the next Board meeting.

Case PT-75-1/02. **James Arnoux, PT.** Mr. Mussell updated the Board regarding the case and provided an oral report. A written description is provided in the case status report. Mr. Mussell interviewed the licensee, Mr. Arnoux, and the patient, Anne Kobbe. Ms. Kobbe claimed that the licensee did not treat on several days that he said he did. The licensee's appointment book and patient sign-in sheet indicate that she was seen. Ms. Kobbe had a prescription for work on her shoulder, but asked the licensee to work on her back. Mr. Arnoux refused, unless the patient provided a prescription. Ms. Kobbe also stated that the licensee wouldn't treat her because she was on the Oregon Health Plan and that he would not provide her with a copy of her treatment records. Mr. Arnoux did treat the patient, however, for her shoulder issue and provided her with a copy of her records. Mr. Mussell was unable to discern that any violation had occurred. No further Board discussion.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Dr. Moore moved that the case be closed as "no violation". Seconded: Ms. Barbee. All in favor.

Case closed.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Case PT-76-11/01. **Rich Phaigh, LMT.**

Case PT-77-11/01. **Chris Whetstine, LMT.**

Mr. Mussell updated the Board regarding the cases. Mr. Mussell and Ms. Paru will review Mr. Whetstine's patient records and interview Mr. Whetstine and Mr. Phaigh.

Case ongoing.

Case PT-80-3/02: **David Ebel, PT.**

Case PT-81-3/02: **Ronald Babcock, PT.**

Mr. Mussell and Ms. Paru are still receiving documentation regarding this case. They will review the patient's records and interview the patient and licensees as soon as all material has been received.

Case ongoing.

Case PT-82-3/02. **Karl Kolbeck, PT.** Mr. Mussell updated the Board regarding the case. Mr. Kolbeck continued to access patient records two months into his therapy. Mr. Nickell feels the licensee is not demonstrating good decision making and is in violation of confidentiality laws concerning patient records.

Dr. Moore thinks the Board should investigate the case. Is this a personal or sexual issue? Ms. Zarosinski thinks the Board may wish to have the licensee evaluated by a psychologist. Discussion ensued. Dr. Moore asked Mr. Mussell what his impression was after interviewing Mr. Kolbeck. Mr. Mussell said the licensee spoke about abandonment issues and parental problems. Ms. Gustafson suggested the Board consider using Dr. Musack as the psychologist since he practices in Eugene, OR and has done prior evaluations for the Board. The Board agreed. Mr. Mussell will contact Dr. Musack and notify the licensee of the Board's decision.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Mr. Nickell moved that the Board have the licensee evaluated by a Board approved psychologist. Seconded: Ms. Barbee. All in favor.

Case ongoing.

Ms. Zarosinski took the Board back into Executive Session.

Case PT-83-2/02. **Stanley Gorman, PT.** Mr. Mussell updated the Board regarding the case. Mr. Mussell has obtained the licensee's appointment books. He and Ms. Paru will review about thirty-five records and report their findings at the next Board meeting.

Case ongoing.

Case PT-84-2/02: **Bonita Favero, PTA**. Mr. Mussell updated the Board regarding the case. Mr. Mussell had prepared a proposed Consent Order for Board review. He also provided information on RSS, a company that does random drug tests (Boards of Nursing and Pharmacy use them). Discussion ensued. Ms. Parks, AAG thinks it's "punitive" to issue Consent Order. Ms. Zarosinski pointed out that the licensee lied on her application, has had past DUI's and drove while VERY intoxicated. The licensee tested positive for marijuana use early on in her substance abuse program. Dr. Moore thinks it makes sense to issue a Consent order with random drug testing.

Ms. Barbee suggested the Board assess Ms. Favero a Civil Penalty in the amount of \$500.00, stay the \$500 and ask her to continue in treatment. The Board would also provide encouragement.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Ms. Barbee moved that the Board issue a Civil Penalty in the amount of \$500.00; stay the fine provided the licensee complies with her treatment and provides evidence of her attendance in a treatment program. The treatment program shall be for one year and the licensee shall self-report, monthly, and provide dates of attendance.

Ms. Zarosinski proposed the Board stay a higher Civil Penalty, \$2,000.00, as an incentive to make certain that the licensee is complying. The licensee would be required to attend treatment for one year and report her progress every three months. Ms. Paru would monitor the file.

MOTION: Ms. Barbee moved that the Civil Penalty be increased to \$2,000.00. All else stays the same. Seconded: Mr. Nickell. All in favor.

Case ongoing.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Case PT-88-3/02: **Anne Gross, PT**. Self-reported on license renewal that she had been in treatment diversion program following DUII. There is no evidence of impaired treatment or lying.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Ms. Barbee moved that the case be closed as "No Need for Discipline". Board will send a positive letter to the licensee acknowledging that she is in treatment and encouraging her. Letter to thank her for advising the Board. Seconded: Ms. Cunningham. All in favor.

Case PT-87-3/02: **Ryan Farr, PT**. Mr. Mussell updated the Board regarding the status of the case. Issue 1: former employer dismissed licensee for lack of professionalism, maturity and clinical skills. Issue 2: license lapsed between the period April 1, 2002 through May 16, 2002. Licensee claims not to have practiced in Oregon during this period and states that he was practicing in California. Mr. Farr has opened his own clinic, Advance Farr Physical Therapy, in Crescent City, California. The employer has been asked to provide a more detailed written statement regarding allegations.

Case ongoing.

Case PT-89-4/02. **Morag Sampson, PT**. Mr. Nickell reviewed the patient's records. He is not sure why the therapist chose the particular technique she did, but, according to the patient, it did not help her and she feels it made her worse. Mr. Nickell reported that Ms. Sampson used an abduction and extension technique.

Ms. Paru will also review the records and Mr. Mussell and Ms. Paru will interview the involved parties. They will report their findings at the next Board meeting.

Case ongoing.

Case PT-90-4/02: **Dan Taylor, LMT**. Ms. Zarosinski recused herself and asked Mr. Nickell to take over. Mr. Mussell and Ms. Paru will interview the licensee and review the records. They will report their findings at the next Board meeting. Ms. Zarosinski re-entered the room and took over again as Chair.

Case ongoing.

Case PT-92-5/02: Timothy Gray, DO.

Case PT-93-5/02: Miller, Jackie

Mr. Mussell updated the Board regarding the case. Mr. Mussell and Ms. Paru interviewed the complainant, Nancy Causton, PT, MS, who alleged that Dr. Gray and Ms. Miller are practicing physical therapy. They also interviewed the two patients Ms. Causton identified as the source of her information: Diana Alanis

and Nancy Obanion. She also identified Olya Kurkoski, PT, MS as a person having knowledge regarding the complaint.

May 8, 2002 – Mr. Mussell interviewed Ms. Causton by phone.

May 29, 2002 – Mr. Mussell spoke with Ms. Causton, by phone, and again requested the addresses and phone numbers of the witnesses.

July 16, 2002 – Mr. Mussell interviewed Ms. Alanis by phone. She stated she is currently a patient and was being helped by her treatment. She stated she was hesitant to talk to Mr. Mussell, because she didn't want to jeopardize her relationship with the clinic. She stated that at no time was she told that Ms. Miller was a physical therapist. Dr. Gray told her that she would receive physical therapy and that Ms. Miller would provide the therapy under his direction.

July 16, 2002 – Mr. Mussell interviewed Ms. Obanion by phone. She stated that no one ever told her that Ms. Miller was a physical therapist and that the clinic was clear that Ms. Miller was NOT a physical therapist.

July 17, 2002 – Mr. Mussell interviewed Ms. Kurkoski, PT by phone. Ms Kurkoski had her receptionist, Tabatha Abraham, call Dr. Gray's office and pretend to be a prospective patient seeking physical therapy. The office stated "we have someone who does therapy". Mr. Mussell then spoke with Ms. Abraham, who stated that the response was that "Dr. Gray does physical therapy".

July 18, 2002 – Mr. Mussell spoke with Ms. Abraham again to clarify her statement. Ms. Abraham stated that no one claimed that Jackie Miller was a physical therapist. Mr. Mussell also spoke with Ms. Causton, PT, who stated that no one had ever said that Ms. Miller was a physical therapist. Discussion ensued.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Dr. Banaitis moved that the Board close the case as "No Evidence of Violation". Seconded: Ms. Barbee. All in favor.

OREGON PHYSICAL THERAPY PRACTICE ACT (OPTPA). This case brought up the ongoing issue, and the need for specific language, in the statues/practice act, that allows only physical therapists to call themselves "physical therapists" or to perform "physical therapy". Ms. Zarosinski asked the Board to carefully review the first draft of the OPTA proposed Oregon Physical Therapy Practice Act (OPTPA) which they have been given at a prior meeting. The Board concurs that others should not be able to perform physical therapy if they're not physical therapists.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Case PT-95-5/02. **Max Shott, PT**. This case involves alleged sexual misconduct. The complainant is Julie Weber, MSW. Mr. Mussell and Ms. Paru will interview the parties involved and report their findings at the next Board meeting.

Case ongoing.

END OLD EXECUTIVE BUSINESS

NEW EXECUTIVE BUSINESS

Case PT-96-6/02: **Pamela Ogden, PTA**. Complaint filed by Clackamas County Seniors and People with Disabilities agency, alleging that the physical therapist assistant acted negligently and inappropriately. Ms. Ogden was assisting a 91 year old patient walk, with the aide of a walker, when the patient put weight on her non-weight bearing leg and re-fractured it. Mr. Nickell noted that when the incident occurred, it appears that the PTA didn't remind the patient not to put weight on her injured leg. Ms. Barbee doesn't see any real violation. Ms. Zarosinski asked Mr. Mussell and Ms. Paru to review the patient's records, interview the licensee and other involved parties. They will report their findings at the next Board meeting.

Case ongoing.

Case PT-97-6/02: **Kristin Shimek, PT**. Ms. Shimek was fired by Southern Oregon Physical Therapy Associates, Inc. in Medford, OR, because she tested positive to marijuana. Ms. Shimek acknowledged having used marijuana, the night before the test, but asserted this was a one-time occurrence. Ms. Shimek was having medical issues, including severe migraine headaches, and claimed to be very depressed. She was given the drug by an acquaintance. Ms. Shimek seemed very remorseful and stated what she did was "very stupid, in very poor judgment and would never happen again".

Mr. Mussell interviewed Ms. Shimek's supervisor and the licensee. The supervisor did not suspect Ms. Shimek of doing drugs and stated there had never been a prior issue with drug or alcohol abuse. Ms. Parks, AAG recommended the Board close the case as "no violation".

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

MOTION: Dr. Moore moved that the case be closed, with no action taken, as "No Violation or Jurisdiction". Seconded: Ms. Barbee. Discussion ensued. All in favor. The licensee will be notified in writing.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Case PT-97-6/02: **John Monaghan, PT**. Allegation of sexual misconduct by patient, Gloria Wagenblast. Licensee massaged Ms. Wagenblast's left hip, as part of her treatment, pulling her hip out of her French cut underpants. As Mr. Monaghan massaged the patient's buttock and pelvic area, she became uncomfortable, and upon opening her eyes, saw the licensee standing directly in front of her with an erection. Mr. Mussell and Ms. Paru will interview the involved parties and report their findings at the next Board meeting.

Case ongoing.

Case PT-29-6/99: **Byron Baker**. FOR INFORMATION ONLY. Mr. Mussell recused himself. May 17, 2001, Mr. Baker signed a Consent Order which indefinitely suspended his license to practice in the State of Oregon. Ms. Gustafson updated the Board regarding Mr. Baker's status.

Since Mr. Baker holds a license in California, Ms. Gustafson notified the Physical Therapy Licensing Board of California concerning the results of the Oregon investigation and his subsequent license status. California acted, based on Oregon's decision, and is suspending Mr. Baker's license to practice. Ms. Zarosinski summarized the case for the new Board members.

Case closed.

Case PT-99-6/13: **Kent Bond, PT**. Failure to renew license by March 31st deadline. Practicing without a valid license for the period 04/01/02 through 06/12/02 (two months, twelve days). Mr. Bond's license was issued June 13, 2002. Mr. Bond is the Head of Providence Newberg, Rehab Services. The Board proposed a \$250.00 civil penalty. REVIEW AT NEXT MEETING.

Case PT-100-7/02: **Sue Wright, PT**. Failure to renew license by March 31st deadline. Practicing without a valid license for the period 04/01/02 through 07/15/02 (three months, fifteen days). The Board proposed a \$250.00 civil penalty. REVIEW AT NEXT MEETING.

DISCUSSION. Ms. Zarosinski thinks that the Board should report such cases to Medicare to assure that individuals and clinics are held responsible for billings

and not defrauding Medicare. Ms. Zarosinski noted that HealthSouth has a person who tracks whether licensees hold a current license. Dr. Moore asked why the Board would report such violations. Is it the Board's responsibility? Discussion ensued and the Board agreed they want to think more about the question of reporting lapsed licenses to Medicare. Ms. Gustafson will put this topic on the next Board meeting agenda.

Ms. Zarosinski asked Ms. Paru to put together a list showing the amount the Board has fined physical therapists and physical therapist assistants for practicing with a lapsed license. Ms. Paru will prepare a document for review at the next Board meeting.

Matthew Walsh, PT, APPLICANT. Educated in Australia. Ms. Zarosinski updated the Board regarding her conversation with Bill Hatherill, CEO, FSBPT and Susan Lindeblad, PT, PhD, Director, FCCPT. Ms. Gustafson talked about the differences between the Commonwealth's system of education versus the US. Although the issue for FCCPT is that Mr. Walsh did not take some of his science courses as an undergraduate, he undoubtedly did so in high school. Obviously, he has the knowledge or he would not have been able to pass the physical therapy graduate coursework. Mr. Walsh also practiced physical therapy in Australia for about ten years and maintains a current license in good standing. Ms. Gustafson asked Dr. Banaitis if she felt Mr. Walsh was adequately educated to practice in the US and whether he might be a risk to the public. Dr. Banaitis agreed that the educational system is different and that Mr. Walsh is undoubtedly well trained.

The issue is whether Mr. Walsh has enough graduate credits to be "substantially equivalent". From FCCPT's strict mandate to apply credits, only within the graduate or undergraduate categories, he is not. Discussion ensued. The Board wanted to know if Mr. Walsh's high school credits were at a level equal to undergraduate courses? Dr. Banaitis volunteered that Portland State University might be able to answer that question and volunteered to ask her contact(s) there.

Meanwhile, Ms. Gustafson noted the FCCPT did not give Mr. Walsh credit for his CLEP coursework and an additional eight hours of undergraduate work which brings him much closer to having adequate credits to be "substantially equivalent". Ms. Gustafson will ask FCCPT to submit a revised credentials report including this material.

MOTION: Dr. Moore moved that the Board ask other Institutes of Higher Education, i.e., Portland State University, whether they would review general education credentials for foreign applicants, for the Board, now and in the future. Dr. Banaitis will look into this. Seconded: Mr. Nickell. All in favor.

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

OPEN SESSION

At 12:00 PM, Ms. Zarosinski recessed the Board for lunch.

At 12:20 PM, Ms. Zarosinski reconvened the Board and took them into Open Session.

OPEN SESSION

JURISPRUDENCE EXAMINATIONS. Ms. Barbee reported on information she received at the FSBPT meeting, in Orlando, FL, regarding state jurisprudence examinations. Dale Atkinson, Attorney for the Federation of Associations of Regulatory Boards (FARB) was the speaker.

Our jurisprudence exam: 20 questions, open book, free
Theirs: 40 questions, applicant pays for exam
Each state makes up their own exam

Ms. Zarosinski asked Board members to review our jurisprudence exam and be prepared to discuss it at the next Board meeting.

Ms. Zarosinski took the Board back into Executive Session.

EXECUTIVE SESSION

Michael E. Gable: APPLICANT by Examination. Licensure approved.

Todd E. MaGargle: APPLICANT by Examination. Licensure approved.

Case PT-99-6/13: **Kent Bond, PT.** (See review, page 10, Executive Session Minutes, July 31, 2002).

Ms. Zarosinski took the Board out of Executive Session and into Open Session.

MOTION: Mr. Nickell moved that the Board impose a Civil Penalty in the amount of \$250.00 as fine for errant behavior and late renewal. Seconded: Dr. Banaitis. All in favor. REVIEW AT NEXT MEETING.

Case PT-100-7/02: **Sue Wright, PT**. (See review, page 10, Executive Session Minutes, July 31, 2002).

MOTION: Ms. Cunningham moved that the Board impose a Civil Penalty in the amount of \$250.00 as fine for errant behavior and late renewal. Seconded: Ms. Barbee. All in favor. REVIEW AT NEXT MEETING.

NOTE: Ms. Paru and Ms. Gustafson will prepare a civil penalty matrix, for lapsed licensure, for review at the next Board meeting.

Ms. Barbee reported on some of the notes she took at the FSBPT meeting in which Dale Atkinson, Attorney was the presenter. Ms. Barbee gave the Board a copy of Mr. Atkinson's handout regarding, "Conflict of Interest" and "Bias". The Board reviewed some case scenarios to determine if they thought conflict or bias was involved. "Conflict of interest" usually refers to personal gain "financially".

PROPOSED RULE CHANGES

Physical Therapist Assistants

Discussion regarding scope of physical therapist assistant's (PTAs) duties. The Board reviewed the rule regarding Discharge Records (OAR 848-040-0050). The rule currently states that "(1) A physical therapist or physical therapist assistant is required to prepare a summary of the patient's physical therapy status upon discharge only when the discharge date is known in advance. . ." The question regards whether physical therapist assistants do discharge summaries?

Ms. Zarosinski feels this is the duty of the physical therapist NOT the physical therapist assistant to prepare the discharge summary. Ms. Barbee doesn't have a problem with the physical therapist assistant writing discharge summaries. Mr. Nickell noted that often, in a hospital setting, the patient's stay is short; the physical therapist may only see the patient once, to evaluate them and develop a treatment plan. The physical therapist assistant carries out the treatment plan and the patient is released. The length of stay is not known in advance. Ms. Zarosinski feels very strongly that there's evidence that the physical therapist should prepare discharge summaries or, at a minimum, the physical therapist should co-sign. Ms. Barbee concurred regarding outpatients.

Ms. Barbee asked the Board to leave "physical therapist assistants" in the rule, if they can find appropriate settings where they may be used. Ms. Zarosinski asked Ms. Barbee to write two different proposed rule changes and asked the Board to send input to Ms. Barbee prior to the next Board meeting. She wants to have the rule perfected and then have a hearing.

Proposed Change in Length of Medical Screening Course and Medical Screening Refresher Course

Ms. Barbee brought up another proposed rule change: shortening the medical screening course from 18 hours to **10 hours** and the medical screening refresher course from 10 hours to **6 hours**. The new physician instructors feel they can teach the necessary components in less time. The benefit to licensees would be: the medical screening course would be reduced from 3 days to 2 days; the medical screening refresher course from 2 days to 1 day. Discussion ensued. The Board does not have an issue with this proposal.

OPTA Proposed "Oregon Physical Therapy Practice Act"

Ms. Zarosinski asked and Mr. Mussell volunteered to work with OPTA on the OPTPA.

Foreign Applicant Credentialing

Changes in Toefl requirements? Currently: Written 560; Computer 220; TSE 50; TWE 4.5. Dr. Banaitis will check to see if a part, or parts, of the Toefl requirements have changed or been combined.

Ratification of PT/PTA Licenses and Temporary Permits.

MOTION: Ms. Zarosinski moved that the Board ratify PT/PTA licensure and temporary permits for the period 05/31/02 through 07/30/02. Seconded: Ms. Cunningham. All in favor.

Board Physical Therapist Assistant Vacancy

Ms. Zarosinski asked the Board to review the applications for the Board's physical therapist assistant position, vacated by Katie Isaac, PTA. Discussion ensued. The Board listed those candidates, they thought most capable.

The top three candidates were ranked in the following order:

- 1st - Nancy Wilson, PTA 10 years experience. Both Ms. Zarosinski and Ms. Barbee know Ms. Wilson and think she would be a great contribution to the Board. Practices in Dallas.
- 2nd - Cheryl Noxon, PTA . . . 30 years experience. Ms. Noxon is also known to Board members and would make a good choice. Practices in Portland.

3rd - Cheri Longstreet, PTA. 5 years experience. Not familiar to current Board members. Recommended by Katie Isaac, PTA, outgoing PTA Board member.

Discussion ensued. The Board decided, unanimously, to appoint Nancy Wilson, PTA as the new PTA Board member. Ms. Barbee and Ms. Zarusinski reiterated their experiences working with Ms. Wilson and thought she would be a great addition to the Board. Ms. Gustafson encouraged the Board to choose a candidate from outside the Portland area, if at all possible, which they did.

Financial Report

Ms. Gustafson provided the Board with a “plethora” of financial reports and three graphs documenting the Board’s financial status!

As of June 30, 2002, the Board’s bank balance was \$445,100.71.

Income and expenses for the period July 1, 2001 through June 30, 2002 are:

Income:	\$310,567.43
Expenses:	<u>\$237,374.17</u>
Net Income:	\$ 73,193.26

It was “mutually” decided, on the part of the Board and Ms. Gustafson, that too many financial reports only serve to confuse the Board and that, in future, only two reports are needed:

Balance Sheet

Profit and Loss Statement with Budget vs. Actual

Dr. Moore asked if contracted amounts were included in the budget. Ms. Gustafson responded in the affirmative. The budget includes all expenditures the Board encumbers. Income includes all income the Board takes in, regardless of source.

Ms. Gustafson advised the Board that she is considering changing banks. Presently, in order to offset large service fees for transferring funds back and forth (the account is set up as a “sweep” account; each night money is transferred out of the account into an interest bearing account), the Board is not earning very little interest. This is very concerning, since there is a sizeable amount of money in the account. Ms. Gustafson spoke with the Board’s CPA, who recommended she consider moving the account to a Wells Fargo Business account. He feels that Wells Fargo has one of the best business plans available right now. Bank of America is also good, but not as good. He feels US Bank is not the best choice. He also offered the services of an employee in his firm, a

former business banker, who could assist Ms. Gustafson when she meets with Wells Fargo. The US Bank account was set up by the prior Executive Director. Ms. Gustafson will set up an appointment to discuss moving the account to Wells Fargo.

PT/PTA Applicant Background Checks

Ms. Gustafson will continue to look at options for background checks on applicants for licensure. The current verification company is not satisfactory (often lacks basic information such as social security number, birth date, middle initial, etc.) and cost \$35.75 per inquiry.

FSBPT 2002 Annual Meeting & Delegate Assembly – Chicago, IL September 27-30, 2002

Ms. Zarosinski discussed the upcoming FSBPT meeting with the Board. Ms. Zarosinski and Ms. Gustafson are planning to attend. Ms. Zarosinski asked if other Board members wanted to go. Mr. Nickell and Ms. Barbee indicated they would like to go. Mr. Nickell will arrange his own airfare. Ms. Gustafson will make hotel arrangements for Mr. Nickell and will arrange airfare and hotel accommodations for Ms. Zarosinski, Ms. Barbee and herself.

Open Session business concluded.

END OPEN SESSION

Next **BOARD MEETING: Friday, September 20, 2002, 8:30 AM**, Portland State Office Building, Room 445. Ms. Cunningham has a prior commitment and will be unable to attend. All others plan to attend.

Ms. Zarosinski adjourned the meeting at 2:55 PM.

Patti Gustafson
Executive Director

Physical Therapist Licensing Board

Board Meeting
September 20, 2002

MINUTES

Present: Board Members: Cathy Zarosinski, PT, MS, Chair; Linda Barbee, PT; Daiva Banaitis, PT, PhD; Pat Moore, MD Physician Member. Staff: Patti Gustafson, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Dot Danovich, Administrative Assistant. Contract Investigator: Frank Mussell. Legal Counsel: Carol Parks, AAG

Absent: Board Members: Jerry Nickell, PT, Vice Chair; Nancy Wilson, PTA; Cindy Cunningham, Public Member.

OPEN SESSION

The meeting was convened by Board Chair, Cathy Zarosinski, PT, MS

Ms. Zarosinski took the Board into Executive Session.

EXECUTIVE SESSION

The Board reviewed investigatory information regarding pending cases and new complaints.

Ms. Zarosinski took the Board out of Executive session and into Open Session

OPEN SESSION

Case PT-44-1/01

Motion by Ms. Zarosinski to close the case and write the licensee a letter of concern.

Seconded by Ms. Banaitis.

Motion passed unanimously.

Case PT-71-12/01

Motion by Ms. Zarosinski to close the case.

Seconded by Ms. Banaitis.

Motion passed unanimously.

Case PT-74-12/01

Motion by Ms. Zarosinski to invite the licensee for a Board appearance at the next meeting.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-84-2/02

Motion by Ms. Zarosinski to accept the modified consent order.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-89-4/02

Motion by Ms. Zarosinski to close the case.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-95-5/02

Motion by Ms. Zarosinski to offer the licensee a consent order for a reprimand.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-96-6/02

Motion by Ms. Zarosinski to close the case.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-98-6/02

Motion by Ms. Zarosinski to close the case and send the licensee a letter of concern.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Case PT-103-8/02

Motion by Ms. Zarosinski to close the case and send the licensee a letter of explanation.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant- Matthew Walsh

Motion by Ms. Zarosinski to grant his application for licensure.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant- Jason D. Goldsmith

Motion by Ms. Zarosinski to grant his application for licensure.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant- Danielle R. Sutter

Motion by Ms. Zarosinski to grant her application for licensure.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant-Stephen W. Maden

Motion by Ms. Zarosinski to grant his application for licensure.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant-Aimee Guarriello

Motion by Ms. Zarosinski to grant his application for licensure.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Topic- Approval of meeting minutes

The September 20, 2002 meeting minutes were approved as written.

Topic- OPTA Proposed Oregon Physical Therapy Practice Act (OPTPA)

Discussion of OPTA proposing not having a physician on the Board. The Board agreed that it is beneficial to have a physician on the Board as long as the physician is a good active participant. Discussion about what constitutes "good moral character" Ms. Zarosinski said it would be good to talk to Steve Kafoury at the OPTA about their views on this.

Topic- FSBPT news release: students cheating on national exam

The Board had no reason to believe that any of these students took the exam in Oregon. The Board will monitor the situation.

Topic- APTA recommended activities for National Physical Therapy Month

The Board reviewed whether activities that the APTA recommended conflicted with our statutes and rules and concluded that they did not.

Topic- Newsletter

The Board expressed its desire that the current newsletter be sent out as soon as possible and that it be kept short so people will be more likely to read it.

Topic- Jurisprudence exam

The Board discussed whether the jurisprudence exam should be revamped. Ms. Banaitis and Ms. Paru are to review the exam and bring information to the next Board meeting.

Topic- Cranio-sacral therapy and somato-emotional release

The Board discussed how other states handle cases that involve these therapies and other "alternative" therapies. Ms. Gustafson is to e-mail other State Boards about what they may have done in the past with cases of this type.

Topic- Notifying Medicare when a licensee practices with a lapsed license

The Board decided that Medicare should be notified when a licensee has practiced with a lapsed license. The Boards decision is to be announced in the winter newsletter.

Topic- Next Board meeting

The next Board meeting is November 20, 2002

Ms. Zarosinski adjourned the meeting.

Physical Therapist Licensing Board

Board Meeting

November 20, 2002

MINUTES

Present: Board Members: Cathy Zarosinski, PT, MS, Chair; Linda Barbee, PT; Daiva Banaitis, PT, PhD; Jerry Nickell, PT, Vice Chair; Nancy Wilson, PTA; Cindy Cunningham, Public Member. Staff: Patti Gustafson, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator. Contract Investigator: Frank Mussell. Legal Counsel: Carol Parks, AAG

Absent: Board Members: Pat Moore, MD Physician Member

OPEN SESSION

The meeting was convened by Board Chair, Cathy Zarosinski, PT, MS

Ms. Zarosinski took the Board into Executive Session.

EXECUTIVE SESSION

The Board reviewed investigatory information regarding pending cases and new complaints.

Ms. Zarosinski took the Board out of Executive session and into Open Session

OPEN SESSION

Case PT 76-11/01

Motion by Ms. Barbee to close the case as unfounded.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 82-3/02

Motion by Ms. Barbee to offer the licensee a consent order.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 83-2/02

Motion by Ms. Barbee to offer the licensee a consent order.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT 104-9/02

Motion by Ms. Barbee to offer the licensee a consent order.
Seconded by Ms. Wilson.
Motion passed unanimously.

Case PT-107- 10/02

Motion by Ms. Barbee to close the case. No Violation.
Seconded by Ms. Wilson.
Motion passed unanimously.

CASE PT 110a,b,c- 11/02

Motion by Ms. Barbee to initiate an investigation.
Seconded by Ms. Banaitis.
Motion passed unanimously.

Applicant- Laura Barrett

Board unanimously decided to grant her application for licensure.

Applicant- Carol Marshall

Ms. Gustafson and Ms. Paru will look up old statutes from Oregon, check with Illinois Board and call PES to try to obtain the passing scores from 1963.

Brian Cassidy

Motion by Ms. Barbee to close the case. No Violation
Seconded by Mr. Nickell.
Motion passed unanimously.

Topic- Approval of meeting minutes

The September 20, 2002 meeting minutes were approved as written.

Topic- Revised complaint form

The Board reviewed the new form that will now be used. All members approved of the form.

Topic- Ratification of PT/PTA licenses and temporary permits

The Board Ratified all licenses except for Danielle Sutter who failed the exam and had to forfeit her temporary license.

Topic- Pilates instructors who are also Physical Therapists

The Board decided that the client must be aware that they are not receiving physical therapy when doing Pilates. It is OK for the instructor to use the title PT. If a client does require physical therapy treatment, a comprehensive evaluation would need to be done prior to treatment being initiated. A referral would also be needed if the PT is not certified for practice without referral.

Topic- Financial report

Ms. Gustafson reviewed budget information with the Board and discussed that that she will be looking for a new bank. All Board members agreed that it was a good idea to find an account that gives interest.

Topic- Proposed rule changes

The Board reviewed the following proposed rule changes to submit to the legislature:

- clarify supervision of aides for treatment related tasks by changing wording from proximity to "in line of shot or earshot".
- clarify supervision of PTA's to state that " PT must be available to the PTA by telecommunication at all times" and change "periodic evaluations" to "required evaluations" and cite rules of documentation.
- remove any reference to "the test" from Practice Without Referral section of the rules
- change hours of Medical Screening course to 12 and Medical Screening Refresher Course to 6.

The Board proposed a Rules Hearing at the next Board meeting.

Topic- Direct Access class and test

The Board proposed that the test be removed from the Practice Without Referral (Direct Access) class. This will be discussed with the OPTA. Ms. Paru will obtain a copy of the syllabus from Dr. Mussnick's course and the APTA's course and bring it to the next Board meeting for approval.

Topic- Next Board meeting

The next Board meeting is January 24, 2003.

Ms. Zarosinski adjourned the meeting.