

**Physical Therapist Licensing Board
Administrative Rules Hearing
January 20, 2012**

MINUTES

Friday, January 20, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT Vice Chair; Ruggie Canizares, PT Member; Richard Rutt, PT Member; Burke Selbst, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member

Board Members Absent: Troy Costales, Public Member

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

The Proposed Administrative Rules Hearing was held Friday, January 20, 2012 in Room 445 of the Portland State Office Building, 800 NE Oregon Street, Portland, OR. Pursuant to OAR 848-001-0000, Notice of the Hearing with the Fiscal Impact Statement was sent to the President of the Senate; Co-Speakers of the House; the Legislative Fiscal Office; the Secretary of State's Archives Division and to all persons on the Board's Interested Parties List. Additionally, the Notice was published in the January 2012 edition of the Oregon Bulletin and notification was posted in the Winter 2011 Board Newsletter mailed to all Licensees via USPS first class postage on 12.20.11. Lastly, the Notice along with the Fiscal Impact Statement with a narrative and a copy of the proposed rule change language was also posted on the Board's website for viewing and comment by the public or interested parties.

The Hearing was convened, at 8:36 AM, by Jim Heider, Board Executive Director and Presiding Hearing Officer.

Verbal Testimony was presented by Diana Godwin, Attorney at Law and legal counsel for Oregon Physical Therapist in Independent Practice (OPTIP). The written testimonies of Dan and Danielle Nightshade and Jason Rodeghero, PT were read into the record.

After the testimony was complete, including Board consideration, questions and discussion, Mr. Heider recommended to the Board, to consider any amendments and adoption of the proposed Administrative Rule changes in Public Session. Mr. Heider adjourned the Hearing at 8:55 AM.

The Hearing is digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties, for the administrative cost to reproduce the audio file.

**Physical Therapist Licensing Board
Board Meeting
January 20, 2012**

MINUTES

Friday, January 20, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member

Board Members Absent: Troy Costales, Public Member.

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

At 9:00 AM, Chair Steve Alstot convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

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

PUBLIC (OPEN) SESSION

At 1:00 PM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public; approved the prior Board Meeting minutes; ratified new licenses; reviewed general correspondence; entertained motions; publicly voted on any actions so moved before the Board; and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

Board Motions

Administrative Rules

Motion by Burke Selbst, to adopt the amended administrative rules as presented by the Administrative Rules Advisory Committee and held for public hearing on January 20th, 2012. With an effective date for the amended rules of March 1, 2012.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 387-4/11

Motion by Burke Selbst, to issue a Final Order adopting the proposed order issued by Administrative Law Judge Monica Whitacker.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 410-9/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 419-11/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 388-4/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 404-7/11

Motion by Burke Selbst, to close case with a Confidential Advisory Letter citing Board concerns and administrative rule requirements for complete documentation.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 405-7/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 412-10/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 414-11/11

Motion by Burke Selbst, to close case with a Confidential Advisory Letter citing Board concerns and administrative rule requirements for complete documentation.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 416a-12/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

Case PT 416b-12/11

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

General Topics/Business

- Board Member report from CLEAR conference - Report moved to the March 16, 2012 Board Meeting.
- Board Counsel report from FARB Attorney Conference - Report moved to the March 16, 2012 Board Meeting.
- Update on License Renewals – The Director informed the Board that renewal notifications went out the first week in January as scheduled, that to date almost 800 licensees had renewed online and about 40 licensees had requested paper renewal forms. The Director also indicated that of the 4,500 renewal notifications mailed, over 250 notifications had been returned to be Board with bad addresses or unable to forward addresses.

CE Question Relative to Dry Needling Course Work

Even though the Oregon Board has not approved dry needling for use by Oregon therapists, the Board will accept CE credits for course work, seminars and workshops in dry needling if the program is approved for CE by an established and recognized medical or dental health-related organization or professional association; physical therapy professional association or another State PT Board.

CE Question Relative to Examination Preparation Tests and Study Tools

After consideration and discussion, the Board determined that the completion of national examination study guides, study tools and practice examinations did not qualify for continuing education credit. The Board felt that these methods of exam preparation were review of the basic curriculum and knowledge base necessary for entry level practice and not continuing education.

Board Discussion on Fee Splitting & Online Companies such as Groupon & Living Social

After consideration and discussion of the Board Investigator's report, the Board determined it would hold on any decision relative to this topic. To date, this has not been an issue which has come up for physical therapists. The Board instructed staff to follow the topic and issues relative to the topic, watch what other professional Boards are doing and report back to the Board.

Questions From Licensees Regarding use of Class 4 Lasers

The Board had limited information relative to the use of Class 4 lasers as provided by a licensee. After a brief discussion, the Board determined that based on the information, the use of Class 4 Lasers appeared to not be within the scope of practice of a physical therapist. If additional evidence based information is provided, the issue will be revisited.

Licensure Exemption for the Use of Out of State Volunteer PTs for US Olympic Trials

The issue brought before the Board was whether ORS 688.030(4) allowed an exemption from Oregon licensure for a volunteer PT licensed in another State to come into Oregon and treat athletes at the 2012 Olympic Track and Field tryouts in Eugene. After consideration and discussion, the Board determined that individual athletes did not constitute a team as designated in the statute exemption. Therefore, the Statutes and Administrative Rules state that they cannot provide treatment in Oregon without an Oregon physical therapist license.

Board Financial Review

By statute, as part of its financial oversight, the Board must have an independent third party financial audit or review completed each biennium. The Director distributed a copy of the Board's 2009-2011 biennial Financial Review dated November 28, 2011. In general the report findings were good. There were audit exceptions. The Board's narrative in response to operational findings is part of the report. Copies of the audit report can be found on the Secretary of State's website or made available by contacting the Board office.

2011-2012 Year to Date Financials

The Director presented the Board with a 7.1.11 -12.31.11 year to date financial report. The report compared actual income and expense to budget. Variances were described in the accompanying narrative report. Copies of the financial report, with the variance narrative, are available by contacting the Board office. Annual fiscal year-end reports, with variance narratives, are posted on the Board's website, www.ptboard.state.or.us.

Approval of Board Meeting Minutes

The drafted Minutes, from the November 4, 2011 regular Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Without any noted amendments, Burke Selbst moved to accept the minutes as written.

Seconded by Richard Rutt

Motion passed by unanimous vote 7-0 Board member Costales was not present for the vote.

2012 Board Meeting Dates

As established by the Board, the future Board Meeting dates are as follows: March 16, 2012, June 1, 2012, August 10, 2012, and October 26, 2012. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Ratification of PT/PTA Licenses & Temporary Permits

The Director presented the Board with a list of new licensees and temporary permit holders for the period of November 4, 2011 through January 19, 2012. The Board Chair opened the floor for discussion. Without noted discussion, Burke Selbst moved to ratify the issuance of the new licenses and permits as submitted.

Seconded by Richard Rutt

Motion passed by unanimous vote 7-0 Board member Costales was not present for the vote.

Board Member Topics/ Other New Business

Chair Alstot asked if there was any other new business.

Board PT, Clinical Advisory Sherri Paru brought to the Boards attention a possible problem or situation relative to continuing education credits and the upcoming OPTA Spring Conference. The Conference, scheduled the weekend of March 31st and April 1st actually falls into two separate CE certification periods. Saturday the 31st falls into the current certification period 4.1.10 through 3.31.12 and Sunday falls into the next certification period 4.1.12 through 3.31.14. Paru indicated she had had discussions relative to this issue with the OPTA and it is assumed that the OPTA will issue two separate CE certificates to participants, one for Saturday which Licensees can count towards the current period and a separate certificate for Sunday which licensees can count towards the next certification period.

Chair Alstot call for any other new business with none noted, Chair Alstot adjourned the Board Meeting at 3:15 PM.

**Physical Therapist Licensing Board
Board Meeting
March 16, 2012**

MINUTES

Friday, March 16, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member; Troy Costales, Public Member.

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

At 8:45 AM, Chair Steve Alstot convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

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

PUBLIC (OPEN) SESSION

At 1:30 PM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

Board Motions

Case PT 415-11/11

Motion by Jason Fiske to issue an Order of Proposed Disciplinary Action citing violations of: ORS 688.140(2)(a)&(k); OAR 848-045-0020(2)(h)(l)&(m); OAR 848-045-0020(2)(o)(A) & OAR 848-045-0020(2)(u)(A), and to impose the following sanctions: a civil penalty of \$5,000 with \$2,000 stayed pending the completion of a two year probationary period; completion of a board approved professional boundaries course within 6 months of the final order with a written report, from the Licensee, to the Board, within 60 days of completing the course, Licensee to continued with mental health counseling as recommended by a Board approved Mental Health

Provider and will follow the Providers recommendations for continued treatment, with quarterly progress reports from the Provider to the Board.

Seconded by Carol Sutton.

Motion passed by vote 7-0, Board member Canizares recused himself from the deliberations and vote.

Case PT 424-2/12

Motion by Jason Fiske to issue an Order of Proposed Disciplinary Action citing violations of: ORS 688.140(2)(c)&(a); OAR 848-045-0020(2)(a)&(h), and to impose the following sanctions; a Letter of Reprimand and imposing a civil penalty of \$250.

Seconded by Carol Sutton

Motion passed by vote 7-1, Board member Costales voted nay.

Case PT 411-10/11

Motion by Jason Fiske to issue an Order of Proposed Disciplinary Action citing violations of: ORS 688.140(2)(a); OAR 848-020-0010(1)&(2); OAR 848-020-0040(2); OAR 848-020-0060(12); and OAR 848-040-0105(3), and imposing a civil penalty of \$5,000 and a one year license probationary period.

Seconded by Carol Sutton.

Motion passed by vote 8-0.

Case PT 417-1/12

Motion by Jason Fiske to close case issuing a Confidential Advisory Letter noting the importance of clear patient communications and obtaining a complete background history.

Seconded by Carol Sutton.

Motion passed by vote 8-0.

Case PT 418-1/12

Motion by Jason Fiske to close case citing no violation.

Seconded by Carol Sutton.

Motion passed by vote 8-0.

Case PT 423-2/12

Motion by Jason Fiske to issue a Stipulated Agreement and Final Order citing violations of: ORS 688.120(2)(a); OAR 848-045-0020(2)(r) and imposing a civil penalty of \$500.00.

Seconded by Carol Sutton.

Motion passed by vote 8-0.

Case PT 421-2/12

Motion by Troy Costales to issue a Stipulated Agreement and Final Order citing violations of: ORS 688.020(1)(b); ORS 688.140(2)(a); imposing a civil penalty of \$1,000.00 and upon completion of the application process issuance of an unrestricted Oregon Physical Therapist license.

Seconded by Carol Sutton.

Motion passed by vote 7-0, Board member Fiske recused himself from the deliberations and vote.

Case PT 420-1/12

Motion by Jason Fiske to close case citing no violation.

Seconded by Carol Sutton.

Motion passed by vote 8-0.

FSBPT Presentation of Continuing Competency Model

Heidi Herbst-Paakkonen, Continuing Competence Product Manager for the Federation of State Boards of Physical Therapy (FSBPT) presented the FSBPTs recently completed Continuing Competency Model. The Board is interested in advancing the current CE model to cover a broader spectrum of activities. Effective March 1, 2012 the PT Board did amend its current CE eligibility rules OAR 848-035-0030 to include: courses, seminars, **activities** and workshops sponsored, **certified**, or approved by..... Further expansion of the regulatory requirements moving from a purely continuing education model to a true continuing competency model would require a Statutory change. The one hour FSBPT power point presentation can be made available to any interested party by contacting the Board office directly.

CE Rules and Restrictions

The Board discussed a conflict that has been noted with the March 1st amendment of the CE rules. In the new rules, specifically OAR 848-035-0030(b), the Board added “activities approved by another State Board ...” to its list of acceptable CE. Whereas, in OAR 848-035-0030(2) the Board states “Activities which will not satisfy the CE requirement include ...” The conflict arises when you ask the question, what if one of the activities on the Boards restricted list is approved by another state Board as valid CE? Based on a Board Counsel’s legal opinion, the Board has chosen to take the position that a specific reference in Statute or Rule will override a more general statement. In other words, the specific activity restrictions listed in sub (2) would override counting that activity as valid CE in Oregon even if another state Board had approved the activity for CE. Further, the Board instructed staff that language to clarify this conflict needs to be included in any future rule making activity.

Oregon Board of Massage Scope of Practice Declaration

In its 01.09.12 Board meeting minutes, the Massage Board made the following declaration via a motion regarding a Scope of Practice Inquiry –

The Board received a communication from an insurance company inquiring about scope of practice pertaining to specific billing codes. Bennouri moved to state that the following CPT codes are within the current definition of the massage scope of practice in the State of Oregon: 97012; 97034; 97001; 97002; 95831; 95851; and 97535. Second the Motion: Collier In favor: Bennouri, Calise, Collier, McMillin, Morin and Fredrickson. Opposed: None. Motion carries. It was noted that all LMTs are subject to appropriate training in all techniques in which they are practicing.

For clarification purposes: The OBMT does not regulate or approve CPT codes. This particular topic was brought forth by an insurance company asking if the practices classified under these CPT codes are within the scope of practice for a massage therapist in the State of Oregon. While the motion was for the codes, it truly covers the practice that each code stands for. 97012: application of a modality to one or more areas, traction, mechanical; 97034: application of a modality to one or more areas; contrast baths; 97001: Physical therapy evaluation; 97002: Physical therapy re- valuation; 95831: Muscle testing, manual with report; extremity *excluding hand* or trunk; 95851: Range of motion measurements and report (separate procedure); each extremity (excluding hand) or each trunk section (spine); 97535: Self-care/home management training (eg activities of daily living (ADL) and compensatory training, meal preparation, safety procedures, and instructions in use of adaptive equipment) direct one on one by provider. Additionally, massage therapists have always been able to bill insurance for anything that they do as a medical professional (LMT) that is within 1) the scope of practice 2) their personal scope of training and 3) does not violate any restrictions they may have on their license.

CPT codes 97001 and 97002 are for the exclusive use of those health care professionals who, within their scope of practice, can perform a PT evaluation and PT re-evaluation. The issue was brought to the PT Boards attention via the OPTA who had determined they were going to draft a letter to the Massage Board questioning this declaration. After discussion, the PT Board determined that they too would send a letter in opposition to this declaration by the Massage Board. Further, at the invitation of the Massage Board's Director, and in partnership with the OPTA's President, the PT Board's Director would attend the Massage Board's next meeting to be held Friday March 30, 2012, to discuss the matter.

Approval of Board Meeting Minutes

The drafted minutes, from the January 20, 2012 regular Board Meeting and the drafted minutes from the January 20, 2012 Administrative Rules Hearing, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Jason Fiske moved to accept the January 20, 2012 regular meeting minutes and the administrative rules hearing minutes as amended.

Seconded by Richard Rutt.

Motion passed by unanimous vote 8-0.

Ratification of PT/PTA Licenses & Temporary Permits

The Director presented the Board with a list of new licensees and temporary permit holders for the period of January 20, 2012 through March 15, 2012. The Board Chair opened the floor for discussion. Without noted discussion, Jason Fiske moved to ratify the issuance of the new licenses and permits as submitted.

Seconded by Richard Rutt.

Motion passed by unanimous vote 8-0.

General Topics/Business

- Board Member report from CLEAR conference – Board member Jason Fiske attended the 2011 CLEAR Educational Conference in Pittsburgh, PA. Fiske reported that the hottest and most interesting topic at the CLEAR conference was a segment on social media. The take-a-way from that topic was to educate professional licensees on the proper use of social media in a professional setting. He cited, as an example, the use of separate sites for personal information verses professional information. Vice Chair Fiske has had the opportunity to attend both the annual CLEAR conference and the FARB conference. Fiske recommended, to the Board, that with limited resources the FARB conference is a much better investment of Board time and finances.
- Board Counsel report from FARB Attorney Conference - Report moved to the June 1, 2012 Board Meeting.
- Renewals – 1,000 remaining renewals between the 16th and 31st of March. Based on past years estimate approximately 300 will not renew, leaving 700 to process. The on-line renewal system and the automated payment system are working extremely well and it is expected that we will have well over 90% usage this year. The Board further discussed the cost and resource of completing the random CE audit and determined it would not make a change in policy or the percentage of licensees audited at this time.

2012 Board Meeting Dates

As established by the Board, the future Board Meeting dates are as follows: June 1, 2012, August 10, 2012, and October 26, 2012. The October 26, 2012 meeting is scheduled to be held at Lane Community College in Eugene, OR. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Board Member Topics/ Other New Business

Chair Alstot asked if there was any other new business.

Board member Burke Selbst reported that he will be serving as a volunteer physical therapist at the Olympic Trials this June in Eugene. Selbst asked if there had been any follow-up to the question of whether a therapist, licensed out-of-state, was exempted from licensure in Oregon while volunteering as a therapist to the athletes. Board counsel and staff reiterated that no, an out-of-state therapist cannot come into Oregon and treat an athlete unless they hold an Oregon license. To change the current Statute would require a proposed legislative concept that passes through the legislative process, and if successful would change the law allowing the exemption.

Chair Alstot call for any other new business with none noted, Chair Alstot adjourned the Board Meeting at 4:07 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
May 8, 2012**

MINUTES

Tuesday May 8, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member; Troy Costales, Public Member.

Board Member Absent: Burke Selbst, PT Member

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

Board Chair, Steve Alstot convened the Board into Executive Session at 3:08 PM citing ORS 192.660(2)(k). In Executive Session, the Board confided with legal counsel; reviewed and discussed new and ongoing complaint investigative reports and subsequent Board actions, and other confidential business. Pursuant to ORS 192.660(2)(k), this portion, of the Meeting, is closed to the public.

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

PUBLIC (OPEN) SESSION

At 3:40 PM, Board Chair Alstot adjourned the Executive Session and convened the Board into Public Session. During this portion of the meeting, the Board entertained motions; publicly voted on any actions so moved before the Board; and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties, for the administrative cost to reproduce the audio file.

Board Motions

CASE PT 436-5/12

Motion by Troy Costales to issue Interim Stipulated Agreement where Licensees agrees not to practice or perform any functions requiring a license until further action of the Board; if Licensee does not sign the Agreement, the Board would issue an Emergency Suspension Order.

Seconded by Richard Rutt

Motion passed by unanimous vote 6-0 via telephone roll call. Board Members Canizares and Selbst were not present for the vote.

CASE PT 436-5/12

Motion by Troy Costales to issue an Order requiring Licensee to complete a chemical dependency evaluation by a Board approved provider.

Seconded by Richard Rutt

Motion passed by unanimous vote 6-0 via telephone roll call. Board Members Canizares and Selbst were not present for the vote.

CASE PT 415-11/11

Motion by Troy Costales to accept and execute Stipulated Agreement and Final Order as signed by the Licensee.

Seconded by Richard Rutt

Motion passed by unanimous vote 5-1 via telephone roll call. Board Member Fiske voted nay to the motion. Board Members Canizares and Selbst were not present for the vote.

CASE PT 340-4/10

Motion by Troy Costales to issue the Final Order by Default (Revocation of License).

Seconded by Richard Rutt

Motion passed by unanimous vote 6-0 via telephone roll call. Board Members Canizares and Selbst were not present for the vote.

Other New Business

The Board Chair called for other new business. With no additional new business cited, Board Chair, Steve Alstot adjourned the Board Meeting at 3:50 PM.

**Physical Therapist Licensing Board
Board Meeting
June 1, 2012**

MINUTES

Friday, June 1, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Carol Sutton, Public Member; Troy Costales, Public Member.

Board Members Absent: Jennifer Wood, PTA Member

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

At 8:55 AM, Chair Steve Alstot convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

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

PUBLIC (OPEN) SESSION

At 1:11 PM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

Board Motions

Case PT 435-4/12

Motion by Ruggie Canizares to issue an Notice of Proposed Disciplinary Action (Revocation of License) citing violations of: ORS 688.140(2)(a); OAR 848-045-0020(2)(h); OAR 848-045-0020(2)(i) for failure to comply with an order of the Board and the Board reserves the right to assess any costs associated with a Contested Case Hearing.

Seconded by Richard Rutt.

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

Case PT 411-10/11

Motion by Ruggie Canizares to accept attorney's draft of the Stipulated Agreement and Final Order with amendments to stipulation #2 deleting drafted language and inserting "licensee failed to document the aide training"; and stipulation #3 changing the assessed civil penalty from \$1,000 to \$2,000.

Seconded by Richard Rutt.

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

Case PT 427-3/12

Motion by Ruggie Canizares to ratify Confidential Advisory Letter issued by the Board on 3/30/12. Seconded by Richard Rutt.

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

Case PT 422-2/12

Motion by Ruggie Canizares to issue Notice of Proposed Disciplinary Action (Civil Penalty) citing ORS 688.140(2)(a) and ORS 688.135(2) for failure to protect patient health information. Impose a civil penalty of \$1,000 with \$500 stayed pending the successful completion of a Board approved HIPAA course within 90 days of the Notice and the Board reserves the right to assess any costs associated with a Contested Case Hearing.

Seconded by Richard Rutt.

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

Case PT 430-4/12

Motion by Ruggie Canizares to issue a Stipulated Agreement and Final Order citing ORS 688.140(2)(a) and OAR 848-035-0020(10) for failure to timely complete the required continuing education. Impose a civil penalty of \$100.00.

Seconded by Richard Rutt.

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

Case PT 432-4/12

Motion by Ruggie Canizares to close case, no action taken.

Seconded by Richard Rutt.

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

Case PT 434-4/12

Motion by Ruggie Canizares to close case no action taken.

Seconded by Richard Rutt.

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

Case PT 437-5/12

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing concern for failure to disclose arrest to the Board. Require Licensee to submit written monthly sobriety and progress reports to the Board for one year, quarterly reports for the second year and provide documentation showing successful completion of the court ordered probation.

Seconded by Richard Rutt.

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

Case PT 425-3/12

Motion by Ruggie Canizares to close case, no action taken.

Seconded by Troy Costales.

Motion passed by vote 6-0, Broad member Rutt recused himself from deliberation and voting and Board member Wood was absent from the vote.

Selection of Oregon Delegates for the 2012 Federation of State Boards of Physical Therapy (FSBPT) Delegates Assembly

The Director reported that the Board's deadline to select and credential its delegates for the FSBPT annual assembly is June 25, 2012. The FSBPT will fully fund a Delegate, Alternate Delegate and Administrator from each of its jurisdictions. After consideration and discussion, the Board determined that Chair Alstot and Director Heider would attend the assembly. Selection of the Alternate Delegate was dependent on responses from members Wood, and Sutton. The Board's Clinical Advisor/Investigator has been invited and will be funded by the FSBPT to attend the assembly as a presenter on the subject of Social Media.

Update on Massage Board Scope of Practice Issue

At its March 16, 2012 meeting the PT Board discussed the issue regarding the Massage Board's declaration that use of the PT CPT Codes for evaluation and reevaluation were within the massage board scope of practice. The PT Board and the OPTA responded with written objections to this published statement and were invited to attend the Massage Board's March 30, 2012 Board meeting to voice concerns. At the meeting, OPTA President, Chris Murphy voiced the association's and board's opinion relative to the use of PT CPT Codes by massage therapists. Upon further consideration the Massage Board voted to rescind its earlier statement and publish a retraction in their current minutes, their newsletter and on their website.

Dry Needling Update

The Director presented the Board with a summary document provided by the Chiropractic Board relative to the current status of the appellate court case between the Acupuncture Association and that Board. The case challenges the recently adopted Chiropractic rules relative to the certification of Chiropractic Physicians for use of the dry needling technique. The newly adopted rules are still suspended by the courts and Chiropractic Physicians who have been certified must cease all practice of dry needling. To date the Chiropractic Board has incurred \$15,000 in litigation expense and is estimating at least another \$5,000 in future costs. A declaration from the Appellate Court is not expected until sometime in 2013. Although the PT Board continues to receive letters and documentation in support of physical therapists practicing dry needling, the Board stands by their November 20, 2009 declaration posted on the Board website and will take no further action regarding this issue pending the outcome of the appellate court case.

Letter of Concern Regarding PTAs in Clinical Management Position

The Board received a letter from a concerned citizen relative to their perceived abuse of using PTAs as directors of rehab in a clinical setting. The concerned citizen alleged that it puts the PTA in the position of authority over the PT and places the PTA in a role of making patient clinical care decisions, thus taking the PTA beyond their scope of practice. With no specific examples provided or cited, upon discussion and consideration, the Board determined that it had no real authority over the clinics or rehab facilities. The only authority the Board has is over its licensees. It is clear in statute and rule that a PTA cannot direct the care of a patient or independently change a patient's plan of care. The Board determined that it would be helpful for the Board to publish an advisory newsletter article or letter that clearly defines the difference between a lead clinical care manager and an administrative manager and further identify the risk of potential violation of statute and rule by a PTA who is trying to manage patient clinical care.

OPTIP Concern Documentation by Student PT in Electronic Medical Records (EMR)

Diana Godwin, attorney for Oregon Physical Therapists in Independent Practice (OPTIP), cited several issues regarding the rules requiring authentication of treatment notes written by student physical therapist (SPT) and co-signed by the supervising PT when using EMR systems. The concerns included costs associated with licensure and system restrictions and limitations. The Board determined that the issues are directly related to the employer's choice of systems. As a work around, the Board decided that those systems that would not allow for a second signature or access by the SPT, the note could be entered by the PT and documented that the treatment was provided by the SPT.

During this discussion it was also determined that the definition of "Authentication" in current administrative rule OAR 848-040-0100(1) and OAR 848-020-0000(6) needed to be updated to include in the both the SPTs and Aides.

NPTE Eligibility Policy and Procedures

The Director provided the Board with a copy of a new administrative policy implemented on 5/15/2012. The new policy allows the staff to release a candidate's eligibility to sit for the National Physical Therapy Examination NPTE prior to receiving the required Certificate of Professional Education (Cert). The policy retains the Boards rights to rescind the candidate's eligibility if the Cert is not received prior to the scheduled exam date. With the implementation of fixed date testing, exam seats are limited at each test site. Many other jurisdictions already allow candidates to test prior to program completion. Board staff was noticing that there were students who had applied for licensure with another state, they registered to sit the exam and had been made eligible by that State but they were reserving exam seats in the State of Oregon. The rationale for the new policy was to make certain that Oregon graduates had the option of reserving seats in the Oregon test sites.

Non compliance with renewal demographic survey

Statute requires that a renewal applicant complete the Oregon Healthcare Workforce Institute's (OHWI) professional demographic survey before the licensing Board can issue the renewal license. The PT Board chose to have the applicants attest to the completion of the survey as a question line item on both the on-line renewal and the paper renewal. The Board processed and issued a total of 4,305 renewal license applications. When comparing the Board data file of renewal applications to the OHWI data file of completed surveys there was a discrepancy of 675 records, 16% of the total. OHWI only captured 3,630 records.

The Director reported that all of the health boards experienced similar results in the number of missing records. Because of the way the on-line survey system was set up it could not be determined for certain whether the licensees actually failed to complete the surveys or that there may have been a problem in capturing the records. The Oregon Health Policy and Research Group determined that they had a sufficient enough response to produce a valid report and recommended the Boards not to consider actions against the licensees and not require the missing record holders to retrospectively complete the survey. After consideration and discussion the Board determined that it would not take action against the Licensees who had renewed their licenses but had no record of completing the survey. Member Costales asked Board staff to request something in writing from OHWI restating their recommendation for non-action by the Boards.

As a follow-up, OHWI has taken steps to alleviate this problem in the future and will implement a program change effective July 1, 2012 that will certify the completion of the survey prior to letting an applicant complete their online renewal.

Recuperation of costs for contested case hearing

The Board has the authority to recuperate the costs associated with a contested case hearing when the Board's action is upheld by the Administrative Law Judge. After discussion the Board determined that it will include language in all of its future proposed orders and depending on circumstances will address the issue of whether to recoup costs on a case by case basis. Although it is important to reserve its rights, the Board did not want to discourage Licensees from exercising their rights to request a contested case hearing.

Board Policy Regarding Verification of Licensure

The current policy for requesting verification requires the requestors to complete a request form and pay a fee prior to completion of the verification. The request form asks the requestor where to send the primarily source written verification letter. The Board investigator was concerned that if the requestor asked for the verification to be sent directly to them rather than the receiving Board, the requestor has access to the document and may try to alter the form or fail to provide it to the receiving board. After discussion and consideration the Board determined that there are States that require applicants to gather these documents as part of the application process. To ensure the Oregon Board has done all it can to preserve the official document, the Board has instructed staff to seal all verification letters in a Board envelope and stamp the back of the envelope along the seal ensuring that whomever receives the document will know that it has or has not been opened prior to its receipt.

General Topics/Business

- Board Counsel report from FARB conference – Board Counsel Carol Parks reported on the FARB conference she attended last fall. Ms. Parks commented on the case involving the Federal Trade Commission and the North Carolina Dentistry Board. Pending the outcome of the case Ms. Parks was concerned that precedence would be set allowing an unlicensed person to administer a modality that previously required a licensed professional to administer. Ms. Parks also stated there was an interesting presentation on the issue of dry needling the scope of practice challenges facing the professions.
- After discussion and consideration the Board instructed staff to subscribe to the Professional Licensing Report published bi-monthly by ProForum and to include in the subscription rights to PDF copies of the publication to the Board electronically.
- 2012 Renewal Summary –

	PT	PTA	TOTAL
Renewals Mailed	3,560	989	4,549
Renewals Processed On-line	3,282	888	4,170 97%
Paper Renewals	106	29	135 3%
Total	3,388	917	4,305
Non Renewals/Lapsed	172	72	244

2012 Board Meeting Dates

As established by the Board, the future Board Meeting dates are as follows: August 10, 2012, and October 26, 2012. The October 26, 2012 meeting is scheduled to be held at Lane Community College in Eugene, OR. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Approval of Board Meeting Minutes

The drafted minutes, from the March 16, 2012 regular Board Meeting and the May 8, 2012 Special Board meeting, were presented to the Board. The Board Chair opened the floor for

additional discussion and comments. Hearing none, Ruggie Canizares moved to accept the meeting minutes as submitted.

Seconded by Richard Rutt.

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

Ratification of PT/PTA Licenses & Temporary Permits

The Director presented the Board with a list of new licensees and temporary permit holders for the period of March 16, 2012 through May 31, 2012. The Board Chair opened the floor for discussion. Without noted discussion, Ruggie Canizares moved to ratify the issuance of the new licenses and permits as submitted.

Seconded by Richard Rutt.

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

Board Member Topics/ Other New Business

Chair Alstot asked if there was any other new business. Hearing none Chair Alstot adjourned the meeting at 3:31 PM.

**Physical Therapist Licensing Board
Board Meeting
August 10, 2012**

MINUTES

Friday, August 10, 2012

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member.

Board Members Absent: Richard Rutt, PT Member; Troy Costales, Public Member.

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

At 8:32 AM, Chair Steve Alstot convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

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

PUBLIC (OPEN) SESSION

At 12:30 PM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

Board Motions

Case PT 435-4/12

Motion by Burke Selbst to issue a Final Order Revocation of License, citing documentation in Licensee's file and the prior Notice of Proposed Disciplinary Action.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 430-4/12

Motion by Burke Selbst to close case citing no violation.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 443-7/12

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order allowing Licensee to voluntarily surrender PT license due to a medical condition.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 439-6/12

Motion by Burke Selbst to issue a Confidential Advisory Letter citing failure to disclose arrest on application.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 440-6/12

Motion by Burke Selbst to close case citing no violation.

Seconded by Jennifer Wood.

Motion passed by vote 5-1; Board member Canizares voted nay; Board members Costales and Rutt were absent from the vote.

Case PT 442-7/12

Motion by Burke Selbst to issue a Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(a) and OAR 848-010-0026(3), assessing a civil penalty of \$500 with one year of probation and reserving the Boards rights to assess the costs of the investigation.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 353-6/10

Motion by Burke Selbst to accept Stipulated Agreement and Final Order as signed and submitted by the Licensee.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 444-8/12

Motion by Burke Selbst to issue a Confidential Advisory Letter citing failure to properly supervise student therapists.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board Policy Issues

- Licensee's disclosure of arrest/convictions within 10 days - New legislation requires a Licensee report the arrest for a felony or the conviction of a misdemeanor or a felony to the Board within 10 days of the event. The Board's Clinical Advisor Investigator asked the Board two questions; does the Board want to review every one of the reported incidences or give the staff authority to determine whether to bring to the Board or not. Also, if reported within the ten days, should the Licensee still be required to report the incidence at the time of renewal? After consideration and discussion the Board

determined, that for now, it does want all incidences brought to the Boards attention, and yes the Licensee will still have to disclose the incident at the time of renewal.

- Foreign Educated Therapists Supervised Clinical Practice – The Board does not currently have the statutory authority to require foreign educated therapists to complete a supervised clinical practice (SCP), the Board asked its Director to contact the OPTA to see if they would support a change in the Statute giving the Board the authority to require a SCP for foreign educated therapist and if so, would they allow the Board to partner with them when they open the statute for the 2013 session.
- Inactive Licensure Status – The Board does not currently have the statutory authority to issue an inactive license. An inactive license would allow licensees who want to retire or not work to maintain a license and continue to use the title PT but not allow them to treat patients. The Board asked its Director to contact the OPTA to see if they would support a change in the Statute giving the Board the authority to issue an inactive license, and if so, would they allow the Board to partner with them when they open the statute for the 2013 session.
- Board Policy Regarding Disclosure of Public Records on Board Website – Currently, Board policy requires the posting of all final orders and the public documents leading up to the final order be posted on the Board website. The current written policy stated otherwise and needs to be updated to reflect that policy change which occurred over a year ago. In addition to posting of the final orders, moving forward, the policy will also include the posting of Interim Stipulated Agreements and Board Emergency Suspension Orders.

General Topics/Business

- Letter from Office of Oregon Health Policy and Research – At its last meeting, the Board requested a follow-up letter from OHPR stating their position relative to the large number of licensees, for whatever reason, did not register as completing the required OHPR demographics survey prior to the renewal of their license. The letter explained the problems with the survey and the antidote moving forward to make certain similar problems will not happen with future surveys during further renewal cycles.
- Clinical Advisor presentation at FSBPT and CLEAR conferences – The Board’s Clinical Advisor/Investigator informed the Board that she’d been asked to co-present at both the FSBPT and the CLEAR annual conferences. The topic of her session will be social media and how it is used from the Board perspective in investigations; and, some of the best practices, cautions and pitfalls that face users of social media in a professional setting.
- Questions regarding sending of secure emails to the Board – Board member Costales raised concerns over the sending of confidential and sensitive communications over the email system asking staff if there wasn’t some way to secure the Board/Staff’s email communications. After discussion the Board instructed its Director to research different means to secure the Board/Staff emails and bring the information back to the Board.
- Written Verifications of Licensure – At its last meeting the Board instructed staff to devise a way to secure primary source verification documents, particularly written verification of licensure sent to other Boards. In response, Board staff developed a seal/label that is affixed to the back of envelope flap that states; “This envelope is not to be opened by anyone other than the licensing authority. If this envelope is opened by anyone other than the licensing authority, the contents should not be consider a consider primary source documents.”

2012 Fiscal Year End Financial Report

The Director presented the Board with the June 30, 2012 Fiscal Year End Financial Report with narrative. After review and discussion, the Board approved the financial report as written. Per Statute, the Financial Report and narrative are presented annually to the Department of Administrative Services for review and posted for public viewing on the Board's website at www.ptboard.state.or.us. Based on the financials, the Board asked staff to place an item on the public meeting agenda for October to discuss the Board's reserve account.

2012 Board Meeting Dates

As established by the Board, the future Board Meeting dates are as follows: October 26, 2012. The October 26, 2012 meeting is scheduled to be held at Lane Community College in Eugene, OR. The Board Clinical Advisor/Investigator will check with hotels in the Eugene area to see if she can get a block of rooms reserved at state rates. Also at the October meeting, the Board will set its meetings calendar for 2013. The first meeting date for 2013 has been tentatively set for January 11th. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

The Board reviewed the current Statute relative to Board meeting unexcused absences. The Statute states that absences need to be approved by the Governor's offices and if a member misses two consecutive meetings unexcused they will automatically be removed from the Board.

Approval of Board Meeting Minutes

The drafted minutes, from the June 1, 2012 regular Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Hearing none, Burke Selbst moved to accept the meeting minutes as submitted.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Ratification of PT/PTA Licenses & Temporary Permits

The Director presented the Board with a list of new licensees and temporary permit holders for the period of June 1, 2012 through August 9, 2012. The Board Chair opened the floor for discussion. Without noted discussion Burke Selbst moved to ratify the list of licensees and temporary permit holders.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board 2013-2015 Affirmation Action Plan (AAP)

The Director presented a draft of the 2013-2015 Board AAP. The plan is due by September 4, 2012. Clinical Advisor/Investigator Paru suggested that the use of the initials "AA" in the plan be spelled out "Affirmative Action" as not to confuse the term with the common use of the initials "AA" meaning alcoholics anonymous. After review and discussion, Chair Alstot move to adopt the AAP as amended.

Seconded by Burke Selbst.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board Member Reports/Other New Business

- Physical Therapist volunteering at athletic events - PT Member Canizares asked the Board for their insight relative to a physical therapist volunteering at athletic events. Canizares volunteers for a high school football team assisting the Athletic Trainer. Per Canizares' conversation with the Board's Clinical Advisor Paru, if a therapist holds themselves out as a physical therapist they would be required to complete the appropriate protocols and documentation as required by Statute and Rule. If a therapist is acting

purely as an assistant to the AT, following the AT's directives and instructions, providing prophylactic care, i.e. taping, then the therapist is working under the trainer's certification and AT's rules. Even in this situation however, once the therapist crosses the line and evaluates or treats, the athlete now becomes a patient and the therapist would be required to follow protocol. The Board did agree the rules are somewhat vague and/or unclear in this area and instructed staff to add this scenario to the discussion forum at the next administrative rules committee meeting.

- Board member update from the Olympic Trials – PT Member Selbst served as a physical therapist professional volunteer at the 2012 Tract and Field Olympic Trials in Eugene OR. Selbst reported that the environment was very challenging allowing for only high level PT work because the athletes were in and out in five minute intervals, also reported that most of the athletes were traveling with their own trainers and therapists.
- Questions relative to the 2012 Continuing Education Audit – Most frequently asked questions are; if I've already completed the Pain Management requirement, do I need to complete it again? The answer is no, it is a onetime requirement and that was indicated in the audit letter. And secondly, now that the Board allows for CE credit serving as a clinical instructor, what is it I have to provide to show that I am certified to be a CI? The current answer is that the Board is only aware of one CI certification program which is offered by the APTA, and determined they would review other programs on a case by case basis. The Board also determined that this issue would be discussed in greater detail at a future Board meeting.
- Lastly, Board Director reported that former PTA Board Member Nancy Wilson had sent him a note stating that she was retired from practice.

Chair Alstot asked if there was any other new business. Hearing none Chair Alstot adjourned the meeting at 2:22 PM.

**Physical Therapist Licensing Board
Board Meeting
October 26, 2012**

MINUTES

**Friday, October 26, 2012
College**

Lane County Community

Board Members Present: Jason Fiske, PT, Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Troy Costales, Public Member; Carol Sutton, Public Member.

Board Members Absent: Steve Alstot, PT, Chair

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:32 AM, Vice Chair Jason Fiske, convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

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

PUBLIC (OPEN) SESSION

At 12:40 PM, Board Vice Chair Fiske convened the Board into Public Session. During this portion of the meeting, the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.