

**Physical Therapist Licensing Board
Board Meeting
January 11, 2013
MINUTES**

Friday, January 11, 2013

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

Board Members Absent: Jason Fiske, PT, Vice Chair; Jennifer Wood, PTA Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:43 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 12:21 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 389-4/11

Motion by Burke Selbst to withdraw the Notice of Denial of License as moot due to the death of the applicant.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 413-11/11

Motion by Burke Selbst to issue a Confidential Advisory Letter citing insufficient documentation of Aide training.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 459-11/12

Motion by Burke Selbst to issue a Final Order by Default citing violations as noted in the Notice of Proposed Disciplinary Action.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 460-11/12

Motion by Burke Selbst to issue license with a Confidential Advisory Letter noting Oregon Statute and Rules relative to documentation requirements.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Case PT 457-10/12

Motion by Burke Selbst to issue a Notice of Proposed discipline for violations of ORS 688.140(2)(a) and (c); OAR 848-035-0020(10) and OAR 848-045-0020(2)(u)(E) and assess a civil penalty of \$700.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Board Policy Issues:

Board Policy Regarding Release of Eligibility to Sit for the NPTE – The Board's current policy relative to the release of eligibility to sit for the national examination is as follows: an applicant must have completed an application and paid the application fee, passed the jurisprudence examination, completed the one hour online pain management module (PTs only) and complete a CAPTE accredited PT/PTA program, including all the didactic work and clinical rotations.

The Board does not hold the eligibility for exam based on the actual graduation date, but will not issue the license until the graduation date. Currently the Certificate of Professional Education allows for a program completion date and a graduation date.

With the implementation of fixed date testing, currently four test dates per year, scheduled approximately 3 months apart, it has put a strain on students, faculty and board staff to make certain current criteria are met and paperwork processing is complete to meet very specific cutoff dates. This is especially true during the graduation months of May and June when exam applications, test volumes and competition for seats at test sites are at a peak. If the graduation dates do not align with the test dates new graduates could possibly wait up to three months to sit for the exam.

The Director reported that there are currently 22 other jurisdictions that allow for some form of early eligibility to sit for the NPTE. The Director asked the Board if they wanted to consider a change to current policy that would allow for exam applicants to sit for the national examination prior to their program completion date. Doing so would alleviate a lot of the administrative processing pressure to meet specific deadlines and would spread out the number of new Oregon graduates over at least two test dates.

Following deliberations the Board determined that for PTs, it would allow for a change in policy allowing a PT to sit for the NPTE prior to completion of their program or graduation. The parameters set for this policy would require school certification that the PT is within 90 calendar days of the actual graduation date and that all of the didactic work has been successfully completed. The Board left the logistics of how to implement the new policy to Board staff to be reported at the March 8th Board meeting.

Motion by Burke Selbst to change current NPTE eligibility release policy to allow a PT to sit for the NPTE prior to completion of their PT program within specific parameters.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

At this time, the new policy only impacts PT students. PTA students were discussed but without input from either of the Oregon PTA Program Directors the Board was hesitant to implement an all inclusive policy. The Board instructed the Director to contact the PTA Program Directors for information and insight relative to their particular programs and interest in such a change to current NPTE eligibility processing.

Board Statute Requiring a Therapist Display a Copy of Their License -

A licensee asked for clarification regarding the posting of their PT license at their practice location or place of business.

ORS 688.135(3) states; "Each physical therapist shall display a copy of the physical therapist's license or current renewal verification in a location accessible to public view at the physical therapist's place of practice or employment."

The Board discussed the issues with regards to multiple locations, practice settings, the security paper on which the licenses are issued which does not allow for photo copying and the need for physical posting of the license with the availability of online licensure verification. It was determined that any changes to the requirement would call for a Statute change. The Board's Legal Counsel suggested that she research the legislative

history relative to the current Statute and other health boards requirements and report back to the Board at their March 8th Board meeting.

Approval of Proposed 2013-2015 Board Budget

The Director presented the Board with a proposed 2013-2015 Biennial Budget. The budget was presented with a line item comparison and written narrative to the 2011-2013 budget. The Director reviewed the proposed line item budget with the Board indicating that proposed 2013-2015 expenditures were projected to increase by less than 1% whereas the State agencies projected inflationary factor for expenditures was set at 2.4%. Discussed were the largest changes in allocation of dollars in the area of employee benefits with the PERS administrative expense, up 57% over prior biennium or \$23,000. After careful consideration by the Board;

Burke Selbst moved to accept the budget as presented with a total biennium expenditure limitation of \$1,000,000.

Seconded by Carol Sutton

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

New legislation, ORS 182.462(2), requires the Board to present the adopted budget to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer before February 1 of each odd-numbered year. The Budget Rules Hearing will be held on Friday, May 17th with prior Notice sent to all licensees and posted in the April Oregon Bulletin. Copies of the Proposed Budget and the Narrative can be found on the Board Website at www.ptboard.state.or.us .

Licensee CE Question Regarding Credit for Emotional Freedom Techniques (EFT) Training Courses

The Board discussed the EFT courses and determined that the courses will not count for CE for a PT or PTA, as they do not relate to the direct delivery of physical therapy services. In addition, the Board is concerned that the goals of the treatment are outside of the scope of physical therapy practice. If it is determined, by the supervising PT, that an aspect of the technique would be appropriate and indicated to reach physical therapy goals, the technique must be in the treatment plan and a PT skilled in the technique must be involved in the patient's care.

General Topics/Business

Renewal update – This year renewal notices were mailed out in the form of a postcard. Notice of renewal was also highlighted in the December Board Newsletter, and the instructions and link to the online renewal system was made available on the Board website at www.ptboard.state.or.us beginning the week of January 7th. Because the Oregon Health Workforce Institutes' mandatory demographic survey is only available online, this year paper renewal forms will not be available to applicants, they will have to complete the renewal process using the online system.

Law Enforcement Data System (LEDS) Audit Update – This year the Board contracted with the Nursing Board to use their LEDs batch processing system to run the Boards audit list.

The process took two days and cost the Board less than \$100 in processing fees. Those licensees who reportedly had a previous law enforcement record were reported back to the PT Board and the records were investigated. None turned up to be out of compliance with Board reporting requirements. This new process saved the Board two weeks in time and contracting costs of more than \$1,000 in fees.

Citizen's Advocacy Center (CAC) Meeting – The Director informed that Board the and annual CAC conference was going to be held on October 29th-30th in Seattle. The CAC is geared toward the public members of the Board but any Board members interested in attending should make the Director aware of that interest.

2013 Board Meeting Dates

As established by the Board, the remaining 2013 Board Meeting dates are as follows: March 8th; May 17th; July 19th; September 20th and November 15th. 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 October 26, 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 written.

Seconded by Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood 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 October 26, 2012 through January 10, 2013. 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 Carol Sutton.

Motion passed by vote 5-0; Board members Fiske and Wood were absent from the vote.

Board Member Reports/Other New Business

Chair Alstot asked if there was any other new business. Hearing none Chair Alstot adjourned the meeting at 1:56 PM.

Physical Therapist Licensing Board
Board Meeting
March 8, 2013
MINUTES

Friday, March 8, 2013

Board Members Present: Jason Fiske, PT, Vice Chair; Jennifer Wood, PTA Member; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Richard Rutt, PT 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 8:54 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 1:18 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.

Board Motions:

Case PT 461-11/12

Motion by Jennifer Wood to issue license with Confidential Advisory Letter requiring the licensee to share the letter with their employer and requiring both the licensee and the employer to provide quarterly progress reports to the Board for a period of one year.

Motion by Troy Costales to amend Wood's motion to require the one year reporting period to commence from date of licensure.

Seconded by Ruggie Canizares.

Motion to amend passed by vote 5-1; Board member Fiske voted nay, Board member Rutt abstained, and Board member Alstot was absent from the vote.

Amended Motion by Jennifer Wood to issue license with Confidential Advisory Letter requiring the licensee to share the letter with their employer and requiring both the licensee and the employer to provide quarterly progress reports to the Board for a period of one year from date of licensure.

Seconded by Ruggiero Canizares.

Motion passed by vote 5-1; Board member Fiske voted nay, Board member Rutt abstained, and Board member Alstot was absent from the vote.

Case PT 468-2/13

Motion by Jennifer Wood to issue license and close the case.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 469-2/13

Motion by Jennifer Wood to issue license and a Confidential Advisory Letter noting Board's concern for failure to disclose.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 438-5/12

Motion by Jennifer Wood to close case no action.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 429-4/12

Motion by Jennifer Wood to issue a Confidential Advisory Letter reminding Licensee of documentation requirements.

Seconded by Ruggiero Canizares.

Motion passed by vote 5-2; Board members Fiske and Costales voted nay, Board member Alstot was absent from the vote.

Case PT 446-8/12

Motion by Jennifer Wood to issue a Confidential Advisory Letter reminding Licensee of documentation requirements.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 463-1/13

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to send monthly progress reports to the Board for a period of one year.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 465-1/13

Motion by Jennifer Wood to issue license and a Confidential Advisory Letter noting Board's concern for failure to disclose.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 466-2/13

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to send the Board a copy of report from the Court confirming completion of diversion.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Case PT 464-1/13

Motion by Jennifer Wood to issue a Stipulated Agreement (Agreement) requiring Licensee to; work with the on sight supervision of a physical therapist, submit copies of the results of the March 19, 2013 court proceedings to the Board, submit the results of any urinalysis ordered by the court or conducted by the rehab program to the Board, provide a copy of the Agreement to any potential employer with the employer providing a written letter to the Board confirming the receipt of the copy. The Board will issue a separate Interim Order requiring, at the Licensees own expense and within 90 days of the Order, that Licensee complete a chemical dependency evaluation by a Board approved provider. If the Licensee chooses not to enter into the Stipulated Agreement the Board will issue a Notice of Proposed Disciplinary Action.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Board Policy Issues:

Board Policy Regarding Release of Eligibility to Sit for the NPTE –

Motion by Jennifer Wood to ratify the Board policy to allow PT's, under certain circumstances, to sit for the national PT examination prior to the completion of their professional program. (See policy below)

Seconded by Burke Selbst.

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

At its January 11, 2013 meeting the Oregon Physical Therapist Licensing Board adopted the following policy:

The Board determined that it would allow staff to release eligibility for a physical therapist applicant to sit for the NPTE if the applicant has successfully completed all of their program requirements for didactic work and that the test date be scheduled within 90 calendar days of the applicant's actual program graduation date.

Board Statute Requiring a Therapist Display a Copy of Their License -

A licensee asked for clarification regarding the posting of their PT license at their practice location or place of business.

Upon legal review there was no legislative history relative to what defines "place of business". The Board instructed the Director to add this issue to the topics of discussion for the upcoming administrative rules committee meetings.

General Topics/Business

Renewal update – The Director reported that renewals are on target with approximately 700 licensees still needing to renew compared to 1,100 last year at this same time. The Director will give a financial impact report at the May meeting relative to the Board's decision to reduce renewal fees for 2013-2014.

Citizen's Advocacy Center (CAC) Meeting – The Director reported that the FSBPT had contacted him to inquire whether the Board would be interested in piloting a new CAC compliance audit initiative. The thought was that the CAC would audit the regulatory health Board's compliance programs with a goal of indentifying areas of, or need for, improvement and noting best practices from a consumer standpoint. The FSBPT was interested enough in the concept that they were willing to pay for the compliance audit. The Director felt that having an outside party, representing the general public, perform a compliance audit was a sign of good faith and transparency. Before the Board could discuss the issue further, the Board AAG said she wasn't certain that the CAC would meet the statutory exemption allowing that organization to review complaints and investigative files. The Chair tabled the topic for a future meeting pending the AAG's opinion on statutory exemptions.

FSBPT Offering Discounted Practice Review Tool (PRT) to Board Members – The Director reported that the FSBPT was again offering the PRT to board members for a discounted rate and if any of the Oregon Board members were interested in registering for the discounted PRT to contact him.

Selection of Delegates to the 2013 FSBPT Annual Meeting – The Board selected Board Chair Alstot as the delegate, Board PT Member Rutt as the primary alternate and Board PTA Member Wood as the secondary alternate. Travel, registration and expenses for the Board delegate, primary delegate and administrator will be funded by the FSBPT. Expenses for the secondary alternate delegate will be paid for by the Board. The Board instructed the Director to complete the credentialing process for these appointments.

FSBPT Jurisdictional Board Member Training – The Director asked if any of the Board members would be interested in attending the FSBPT new board member training June 6-9th in Alexandria VA. Board PT member Canizares said he would like to attend the program. Board members attending this program are fully funded by the FSBPT.

Legislative Session Update

The Director handed out to the Board a legislative tracking report. The Director highlighted the two bills that, if passed, would have a direct impact on the Board's statutes and PT scope of practice. HB 2684 would eliminate the requirement to refer a PT patient back to an approved medical provider after 60 days, allowing for unlimited direct access; and HB 2678 broadens the exemptions from Oregon PT licensure allowing a PT licensed in another state, traveling with an athletic organization, to treat an athlete of that organization, in Oregon without obtaining an Oregon PT license. Diana Godwin, AAL, attorney for OPTIP, spoke to the merits of her bill SB 544, which would further define the requirements for disclosure of financial interest in physical therapy services, requiring providers to write an open referral for physical therapy and inform patients they have freedom of choice relative to who delivers those services.

Discussion Rules for Endorsement verses Examination Applications

The Board discussed the Statutes, Rules and internal practice relative to the different requirements for applying by endorsement verses examination. Regardless of how the Board handled applicants in the past, moving forward the Board would allow for an applicant who has passed the NPTE but does not hold a current license in a state or jurisdiction to apply to the Board through examination. Currently examination applicants are not required, by rule, to provide verification of previously held licenses. Moving forward if an examination applicant did hold a license in another state or jurisdiction, but it is no longer current, they would have to provide primary source written verification that the license was in good standing at the time it became inactive. The Board instructed the Director to make certain that when looking at administrative rule revisions to make this practice clear in the rules.

During this discussion, the question came up as to the statutory authority for the Board to ask for a primary source written verification from any applicant, noting that neither statute nor rule is explicit in its language allowing for the requirement. The Board asked its counsel to review the issue and report back to the Board.

2013 Board Meeting Dates

As established by the Board, the remaining 2013 Board Meeting dates are as follows: May 17th; July 19th; September 20th and November 15th. 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 January 11, 2013 Regular Board Meeting Minutes were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Board member Wood noted a correction in the minutes. Vice Chair Fiske asked for a motion to adopt the January 11, 2013 minutes as amended.

Motion by Jennifer Wood to adopt the January 11, 2013 minutes as amended.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot 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 January 11, 2013 through March 7, 2013. The Board Chair opened the floor for discussion. Without noted discussion;

Motion by Jennifer Wood to ratify the list of PT and PTA licenses issued by the Board between January 11, 2013 and March 7, 2013.

Seconded by Ruggiero Canizares.

Motion passed by vote 7-0; Board member Alstot was absent from the vote.

Board Member Reports/Other New Business

Vice Chair Fiske reported back on the FARB conference he attended in January. He said the program was good covering the topics of sexual boundaries and the area of social media. FARB really isn't a forum that will solve your problems but will help in recognizing trends and situations and share best practices as possible solutions. Vice Chair Fiske felt that the Oregon Board was ahead of the game in dealing with these issues when compared to other Boards around the country. Lastly, Vice Chair Fiske reported that FARB strongly recommended to board members that they disassociate themselves from serving on committees or in leadership roles with the professional organizations at the same time as serving on a regulatory board.

The Director reported that PT Board Member Richard Rutt was appointed by the Governor and confirmed by the Senate to serve a second term on the Board. Dr. Rutt's appointment will expire 2/28/2017.

Vice Chair Fiske asked for any other business, hearing none, Vice Chair Fiske adjourned the meeting at 2:47 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
April 2, 2013**

MINUTES

Tuesday April 2, 2013

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 Member Absent: Troy Costales, Public 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 12:05 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.

At 12:40 PM, Board Chair Alstot adjourned the Executive Session.

PUBLIC (OPEN) SESSION

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.

There were no items for the Board to consider for public session.

**Physical Therapist Licensing Board
Emergency Telephone Board Meeting
May 2, 2013**

MINUTES

Thursday May 2, 2013

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

Board Members Absent: Jennifer Wood, PTA Member; Carol Sutton, Public Member.

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

Legal Counsel: Carol Parks, AAG

For the record Chair Alstot announced the Board would be holding an “Emergency Board” meeting pursuant to ORS 192.640(3). Chair Alstot noted that an actual emergency existed in that there is a case being investigated where the Licensee poses a risk of imminent harm to the public. At 11:04 AM Chair Alstot convene into executive session pursuant to ORS 192.660(2)(k) for the purpose of discussing a health licensing investigation; the Board’s Executive Session was closed to the public.

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

At 11:20 AM, Board Chair Alstot adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 11:21 AM Chair Alstot convened the Board into Public Session. 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 464-01/13

Motion by Burke Selbst to sign and issue the Amended Stipulated Agreement and Final Order (Agreement) as previously signed by Licensee, stating that during the pendency of the Agreement the Licensee will not practice physical therapy in any capacity and that the Agreement will remain in effect until further order of the Board.

Seconded by Richard Rutt.

Motion passed by roll call 6-0; Board members Wood and Sutton were absent from the vote.

Board Member Reports/Other Business

Chair Alstot called for new business. The Board Director reported briefly on the two Legislative House Bills sponsored by the OPTA. HB 2678 and HB 2684 both passed through both House and Senate Committees and Chambers. Now they were pending the Governor's signature.

Chair Alstot called for any other new business, hearing none, Chair Alstot adjourned the meeting at 11:23 AM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
May 17, 2013**

MINUTES

Friday, May, 17, 2013

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, Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

Per new legislation, on January 17, 2013, copies of the Board's proposed 2013-2015 operating budget, accepted by the Board via a public vote at its January 11, 2013 meeting, were sent for comment to the Governor's office, the Legislative Fiscal Office, the office of the President of the Senate and the Speaker of the House.

On March 5, 2013, Notice of the Public Hearing to adopt the Board's 2013-2015 Budget was sent to the Secretary of State Office for posting in the April 2013 Oregon Bulletin, to the President of the Senate, the Speaker of the House, all Interest Parties and was noted in the Board's Spring 2013 Newsletter mailed to all licensees on April 29, 2013. Lastly, the Board Budget, Budget Narrative, Notice of Hearing and Fiscal Impact Statement were all posted on the Board's public website.

The Hearing was convened at 8:30 AM by Jim Heider, Board Executive Director and Presiding Hearing Officer. There were no guests signed in to testify and no written testimony submitted.

Noting no testimony in support of, or in opposition to the adoption of the Board's 2013-2015 operating budget, Mr. Heider adjourned the Hearing at 8:50 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
May 17, 2013
MINUTES**

Friday May 17, 2013

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, Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:51 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 11:22 AM, 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.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison.

Board Motions:

Board 2013-2015 Budget

Motion by Troy Costales to adopt the 2013-2015 operating budget effective July 1, 2013.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Approval of Board Meeting Minutes

The drafted minutes, from the March 8, 2013 Regular Board Meeting, the April 2, 2013 Special Board Meeting and May 2, 2013 Emergency Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Board member Costales noted a correction to the April 2, 2013 Special Meeting. Chair Alstot asked for a motion to approve the minutes for the March 8th, April 2nd and May 2nd Board meetings as amended.

Motion by Troy Costales to approved the March 8, 2013 Regular Board Meeting Minutes, the April 2, 2013 Special Board Meeting Minutes as amended and the May 2, 2013 Emergency Board Meeting Minutes.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 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 March 8, 2013 through May 16, 2013. The Board Chair opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Troy Costales to ratify the list of PT and PTA licenses and temporary permits issued by the Board between March 8, 2013 and May 16, 2013.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 474-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter to the Licensee requiring copies of monitoring reports from current program provider and requiring a monthly self report from the licensee through the end of 2013.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 452-9/12

Motion by Troy Costales to issue a Notice of Proposed Disciplinary Action for violations of ORS 688.140(2)(a), ORS 688.140(2)(n), OAR 848-045-0020(2)(n), OAR 848-020-0040(2), OAR 848-020-0030(2) and OAR 848-020-0060(12) with a civil penalty assessment of \$5,000, a requirement to complete a Board approved course on Medicare Regulations and be placed on two years probation.

Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 462-11/12

Motion by Troy Costales to close case with no action.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 470-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter for violation of OAR 848-045-0020(2)(d) failure to report a misdemeanor conviction within ten days.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 471-3/13

Motion by Troy Costales to close the case granting the applicant licensure upon the completion of the application process.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 472-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter for violation of OAR 848-045-0020(2)(d) failure to report a misdemeanor conviction within ten days.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Case PT 475-5/13

Motion by Troy Costales to release the eligibility for applicant to sit for the PTA examination and upon licensure, issue a Confidential Advisory Letter that requires the Licensee to notify the Board upon completion of the deferred prosecution or within ten days if for any reason the deferred prosecution is not completed.
Seconded by Jennifer Wood.
Motion passed unanimously by a vote of 8-0.

Board Policy Issues:

Board's Statutory Authority to Require Primary Source Verification of Prior Licensure.

Per Board Counsel, ORS 688.080 gives the Board the authority to validate that a reciprocity (endorsement) applicant for licensure holds a valid unrestricted license from any other state or territory of the United States. In order to do so, the Board has promulgated policy and process that requires that validation be done in writing and generated from a primary source.

Current policy requires staff to receive a minimum of one written primary source verification of a current valid license but then allows staff to accept other verifications online if the online source is designated as a primary online source by the jurisdiction in question.

After discussion the Board instructed the Director to research and bring back to the Board proposed processes and policies that encompass changes to current policy allowing for the unlimited use of online primary source verifications.

Legislative Session Update

The Director provided the Board an updated legislative tracking report. The Director highlighted the PT Association bills that passed both houses and was signed by the Governor. The bills, HB 2684 eliminated the requirement to refer a PT patient back to an approved medical provider after 60 days, allowing for unlimited direct access; and HB 2678 which broadened the exemptions from Oregon PT licensure allowing a PT licensed in another state, traveling with an athletic organization, to treat an athlete of that organization, in Oregon for up to 60 days without obtaining an Oregon PT license. Both bills become effective January 1, 2014. Diana Godwin, AAL, attorney for OPTIP, spoke to the merits of her bill SB 544, which would further define the requirements for disclosure of financial interest in physical therapy services, requiring providers to write an open referral for physical therapy and inform patients they have freedom of choice relative to who delivers those services. Per Ms. Godwin SB 544 is no longer a viable bill but the provisions noted above in SB 544 were rolled up into SB 683 which did pass through the Senate and is now being considered by the House.

General Topics/Business

Citizen's Advocacy Center (CAC) Meeting – The Director reported that the cost to contract the CAC to complete the independent compliance review and audit was nearly \$30,000. After consulting with the FSBPT the Federation and the OR Director determined the probable outcome was not worth the costs.

Upcoming Audits - The Director reported that in the month of June or July the Board would have an Information Systems Security Risk Assessment as recommended by the Legislative Fiscal Office in its Semi-Independent Consolidated Report to the Governor and the Legislature and performed by the DAS Enterprise Security Office. The Board is also scheduled to have its legislatively mandated outside financial review completed through the Secretary of State office the week of July 8th. Additionally, all health boards are subject to a separate Secretary of State Office compliance audit as requested by the 2013 Legislature, and lastly, the Board is still pending a legislatively mandated Peer Review and Compliance Audit prior to the end of the 2013-2014 fiscal yearend.

Selection of Delegates to the 2013 FSBPT Annual Meeting – The Board selected Board Chair Alstot as the delegate, Board PT Member Rutt as the primary alternate and Board PTA Member Wood as the secondary alternate. The Director reported that all the delegates and the Administrator for the Council of Board Administrator have been successfully credentialed with the FSBPT.

FSBPT Jurisdictional Board Member Training – Board PT member Canizares is registered to attend the program June 6-9.

2013 Board Meeting Dates

As established by the Board, the remaining 2013 Board Meeting dates are as follows: July 19th; September 20th and November 15th. Member Costales suggested that the Board consider holding one of its 2013 remaining meetings remotely in another part of the State, preferably in either central or eastern Oregon. The Board asked staff to review options and bring a report back to the July meeting. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Report from the Rules Advisory Committee Meeting

The Director provided the Board with a copy of the Advisory Committee's May 14, 2013 agenda and the summary of the Advisory Committee's findings and rationale for proposed additions, deletions and amendments to the existing Division 35 Continuing Education Rules. The Board accepted the Committee's report and took the proposed changes under advisement. The Director informed the Board that the Committee was scheduled to finish its discussion topics at its May 29, 2013 meeting and the Director would provide the Committee's report of findings and rationale at the Board's July 19, 2013 meeting.

Board Member Reports/Other New Business

Chair Alstot asked for any other business, hearing none, Board member Costales moved to adjourn the meeting.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Board Chair Alstot adjourned the meeting at 1:32 PM.

**Physical Therapist Licensing Board
Board Meeting
July 19, 2013
MINUTES**

Friday July 19, 2013

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, Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:00 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 10:17 AM, 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.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison; Mike Billings, PT, Infinity Rehab.

Board Motions:

Case PT 452-9/12

Motion by Richard Rutt to issue a Stipulated Agreement and Final Order in accordance with the Notice of Proposed Disciplinary Action allowing six months for the completion of the course in Medicare regulations.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 436-5/12

Motion by Richard Rutt to issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2)(h)(i). The order will close the Interim Agreement, where Licensee agreed not to practice physical therapy and will place the Licensee on probation for one year with the following requirements; Licensee provides monthly status reports regarding her continued recovery to the Board, Licensee's mental healthcare provider provide quarterly status reports to the Board, Licensee abstains from the use of alcohol or opiate pain medications unless otherwise subscribed by a medical provider and Licensee submits random monthly urine analysis reports to the Board for a period of twelve months.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 445-8/12

Motion by Richard Rutt to issue a Confidential Advisory Letter cautioning Licensee to strictly follow the PT Plan of Care and to document any consultation with the providing physical therapist regarding clarifications of the plan of care.

Seconded by Ruggie Canizares.

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

Case PT 456-10/12

Motion by Richard Rutt to close case no violations.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 478-6/13

Motion by Richard Rutt to close case no violations and proceed with licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 480-6/13

Motion by Richard Rutt to close case no violations and proceed with licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 479-6/13

Motion by Richard Rutt to issue Confidential Advisory Letter citing the non disclosure of arrest and proceed with licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 481-7/13

Motion by Richard Rutt to close case no violations and proceed with licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Amend Public Agenda

Motion by Richard Rutt to amend the Public Session Agenda to include AAG Parks comments relative to the Court of Appeals Hearing of oral arguments in the case of the Oregon Acupuncture Association verses the Oregon Chiropractic Board.

Seconded by Ruggie Canizares

Motion passed unanimously by a vote of 8-0.

Approval of Board Meeting Minutes

The drafted minutes, from the May 17, 2013 Regular Board Meeting and the May 17, 2013 Administrative Rules Hearing were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Hearing none, Chair Alstot asked for a motion to approve the May 17, 2013 minutes.

Motion by Richard Rutt to approve the Minutes from the May 17, 2013 Regular Board Meeting and the May 17, 2013 Administrative Rules Hearing as written.

Seconded by Ruggie Canizares

Motion passed unanimously by a vote of 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 May 17, 2013 through July 18, 2013. The Board Chair opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Richard Rutt to ratify the list of new licensees and permit holders for the period May 17, 2013 through July 18, 2013 as submitted.

Seconded by Ruggie Canizares

Motion passed unanimously by a vote of 8-0.

Board Policy Issues:

- Board to review and approve the new policy on acceptance of primary source verifications

The Director presented the proposed policy to the Board citing that the Board would accept either a primary source written verification or a primary source online verification of licensure as evidence that the applicant hold a valid an unencumbered license in another State or Jurisdiction of the United States.

After review and discussion Richard Rutt moved to adopt the policy as presented. Ruggie Canizares seconded the motion. With no further discussion, the Board approved the policy by a unanimous vote of 8-0.

- Board to review and approve policy naming the Federation of State Boards of Physical Therapists' (FSBPT) National Physical Therapy Examination (NPTE), for both PTs and PTAs, as an "approved" examination of the Board.

The Director presented the proposed policy to the Board naming the FSBPT's NPTE as an approved examination of the Board.

After review and discussion Richard Rutt moved to adopt the policy as presented. Ruggie Canizares seconded the motion. With no further discussion, the Board approved the policy by an unanimous vote of 8-0.

Board 2012-2013 Year End Financials:

The Director provided the Board with copies of the 2012-2013 fiscal year-end financial report with the narrative for variances over \$1,000. Although, per Statute, the financial report specifically addresses the 2012-2013 fiscal year-end, the Director reviewed the variances for the 2011-2013 biennium in its entirety. A copy of the fiscal year-end financial report is posted on the Board's website at www.ptboard.state.or.us or can be obtained by contacting the Board office at 971.673.0200.

2013 Law Enforcement Data System (LEDS) Audit Results:

The Director reported that the 2013 LEDs audit was complete. There were no cases that needed to be brought before the Board.

Report from Rules Advisory Committee:

The Director presented the findings and recommendations of the 2013 Administrative Rules Advisory Committee. After review and discussion, the Board agreed with the Committees findings and proposed changes to the current rules. The Board directed staff to convene a drafting subcommittee of the Advisory Committee and begin to draft proposed rule change language for presentation back to the Board.

Federal Trade Commission (FTC) versus NC Dentistry Board:

The Board discussed the case of the FTC verses the NC Dentistry Board. Of concern to the Board was any precedence set that would jeopardize the OR PT Board members' personal State indemnity when conducting business for the Board. Noted was the finding of the Court who stated that because the NC Dentistry Board members are elected by the profession they are not truly State employees, they would be consider as a private entity and therefore not covered under the State's blanket of indemnity. Unlike the NC Dentistry Board, the Oregon Physical Therapist Licensing Board members are appointed by the Governor, confirmed by the Senate, serve at the pleasure of the Governor and are considered employees of the State, therefore when acting in good faith on Board business the PT Board members would be covered under the State's blanket of indemnity.

Assistant Attorney General's Report on Court of Appeals Hearing on Dry Needling

AAG Parks reported that she attended the Oregon Court of Appeals Hearing of oral arguments from the case Oregon Acupuncture Association verses Oregon Chiropractic Board. The case, brought forth by the Acupuncture Association alleges that the Chiropractic Board illegally adopted rules allowing for a Chiropractic Doctor to perform dry

needling when it is not in their scope to do so. The suite resulted in the Appellate Court placing on stay on Chiropractic doctors stating they could not practice dry needling pending a further order of the court. Parks reported the Justices were engaged and asking questions relative to the arguments presented on both sides.

The PT Board Director reminded the Board of the position they took in November 2009 which states "In the interest of public safety, until training and education can be determined, the Board strongly advises its licensees to not perform dry needling of trigger points". And further, that the advancement of this policy was pending the outcome of this case. For the record the Board restated their position (which is posted on the Board's website)

Legislative Session Update:

The Director provided the Board an updated legislative tracking report. The Director highlighted all the bills that passed through both houses and were signed into law by the Governor that may have some impact on the Board statutes, rules, administration and operations. None of which will create an undue hardship for the Board.

Providence Proposal Regarding Use of Telemedicine:

Providence rehab group has solicited the Board's input regarding an outpatient pilot program in which Providence therapists, in concert with the patient's care-giver, would utilize iPad or Smart phone technology to 1) perform a home safety assessment for trip hazards and grab bar placement and 2) perform exercise checks for accuracy and to progress a patient's exercise program. Both applications of telemedicine will meet a triple aim; to reduce costs, provide the right care and at the right time. After discussion, the Board determined that, as long as Providence therapists were meeting all other standards of care in current rule, including documentation, there is nothing in Statute or Rule that would prohibit Providence from proceeding with the pilot.

Next on the topic of telemedicine, the Board invited guest Mike Billings, PT to address the Board. Mike is the President of Infinity Rehab with clinics in both Oregon and Washington. Mike was instrumental in working with the WA PT Board and Legislature to establish rules and regulations allowing for the use of telemedicine within the State. Mike shared Infinity's motivation, rationale, research and outcomes along with a little bit of the process Infinity went through to advance telemedicine within WA State.

The Board was interested in the concept, and the future application of telemedicine in the State of Oregon. The Board instructed staff to continue to gather data and research into what other States are doing and to report back to the Board at its November 15th Board meeting.

General Topics/Business:

2011-2013 Financial Review – The Director reported that the Review was completed the week of July 8th. The audit seems to have gone well. The auditor already provided the Director with four Findings that need to be further discussed prior to completing the report. One of the Findings may go away altogether. The final report is due by the end of

August however the auditor thought the report may be ready as early as July 31st. The auditor congratulated the Board for maintaining an operation that is well organized and runs smoothly. The Director did not know the timing or scope of the pending Secretary of State audit of all health boards as requested by the legislature, only that the most recent audit, completed for the SOS office and conducted by an outside auditor will not play a role in the upcoming SOS audit.

FSBPT Board Member Training - Member Ruggie Canizares attended this year's FSBPT New Board Member Training. This training is sponsored and paid for by the Federation. Member Canizares reported that he was glad he invested the time to attend the meeting. He learned a lot about regulatory board function and responsibility, the national examination and the benefits and resources the Oregon Board can prevail upon as a member of the Federation. Member Canizares said he was glad he had some experience on the Oregon Board prior to attending the training and would recommend that any future Board members give themselves at least one year prior to attending the training.

FSBPT Leadership Information Forum – This meeting is hosted by the Federation. Vice Chair Fiske is scheduled to attend the meeting for the Oregon Board. The topics of discussion will focus on motions to be made by the Federation Board at its upcoming Delegates Assembly in October. Discussed will be the Federations intent to set eligibility criteria for sitting for the National Physical Therapy Examination i.e. lifetime limits, English language requirements and low score limits and; and to further explore the Federations role in providing its members with tools and programs targeted at increased portability amongst the States.

Citizens Advocacy Center Annual Meeting – The annual CAC meeting is scheduled to be held October 29-30 in Seattle WA. The Director asked Board members are interested in attending the CAC meeting to send him an email. The Board requested Board staff to email them a copy of the meeting agenda.

2013 Board Meeting Dates:

As established by the Board, the remaining 2013 Board Meeting dates are as follows: September 20th and November 15th. Board members were asked to bring their 2014 calendars to the September 20, 2013 Board meeting to set the 2014 meetings calendar. Consideration will be given, at that time, to holding a remote meeting on one of the school campuses or in a rural area within the State. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Board Member Reports/Other New Business:

Chair Alstot asked for any other business, hearing none, Board member Costales moved to adjourn the meeting.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Board Chair Alstot adjourned the meeting at 1:18 PM.

**Physical Therapist Licensing Board
Board Meeting
September 20, 2013
MINUTES**

Friday September 20, 2013

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

Board Members Absence: Burke Selbst, PT Member; Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

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 10:59 AM, 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.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison

Board Motions:

Case PT 476-5/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing failure to meet minimum documentation standards and requiring Licensee to successfully complete a Board approved documentation course within 90 days of the date of the Letter and to provide the Board evidence of completion.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 477-5/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing improper supervision of a patient while providing aquatic therapy and failure to consistently follow HIPAA standards relative to electronic communication with patients.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 482-6/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing Board concern over her Pilates advertising which may be misleading to the public. The Licensee should remove all references to being a licensed physical therapist from her Pilates advertisements. As a Pilates Instructor, advertising that she holds a degree in physical therapy is allowable, but referring to herself as a "licensed physical therapist" in her advertising can be misleading.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Case PT 451-9/12

Motion by Ruggie Canizares to close case due to a non-response from the applicant regarding request for additional background information and the one year expiration of the application file.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Board Policy Issues:

- Delegation of Authority Letter - The Board reviewed, updated and ratified updates and changes to its August 26, 2011 letter delegating specific authorities to the Board Director and Staff.

General Topics/Business:

Board Audits – The Director reported that the Board has successfully completed the biennial Financial Review required by Statute of all semi-independent Boards; all Board members previously received a copy of this report. Still to come is the Legislative Fiscal Office required IT security audit of all semi-independent Boards. Also, the Board has now completed the Legislative mandated Secretary of State audit of all Health Related Licensing Boards, with results still pending. Finally, Board staff needs to schedule the Legislative mandated peer review audit of all Health Related Licensing Boards.

Citizens Advocacy Center Annual Meeting – The annual CAC meeting is scheduled to be held October 29-30 in Seattle WA. The Director asked Board members that are interested in attending the CAC meeting to send him an email. Today is the cutoff date for the early registration benefit.

FARB Attorney Certification Seminar – The Director reported to the Board that based on the Board's prior approval, the Board will again co-sponsor the attendance of its AAG to the Annual FARB Attorney Certification Seminar. This year the Board will share the expense of the seminar and travel with the Board of Medical Imaging.

Federation of State Boards of Physical Therapy Delegate Assembly Motions – The Director announced the attendees for this year's Federation Delegates Assembly. Steve Alstot will act as the Board's Voting Delegate, Richard Rutt, Alternate Delegate, and Jen Wood, Second Alternate Delegate. The Director will also be attending the meeting as Board Administrator. The Federation will pay the travel costs and registration fees for the Administrator, the Delegate and the First Alternate Delegate. The travel costs and registration for the Second Alternate Delegate are paid by the Board. The Director presented each of the known assembly motions to the Board for discussion and consensus. The Board gave the Delegates direction with regards to its position on each of the motions.

Board Review of Proposed Draft Administrative Rule Changes:

The Director presented the Board with proposed administrative rule language changes as prepared by the Rules Advisory Committee. After thorough discussion, and a few amendments, the Board approved the proposed language and directed staff to proceed with the rule making process. The rule hearing is tentatively scheduled for Friday, November 15th at 8:30 AM. Notice will be sent to the Legislature, all Interested Parties and all Licensees. Lastly, the Board reviewed the Administrative Rules Committee's proposal to change the current renewal cycle from annual to bi-annual, matching the renewal cycle to the bi-annual continuing competency certification period occurring every two years on the even numbered years. After Board discussion and input from the Director, the Board decided to proceed with the proposal but that the timing was too short to make the change effective with the April 1, 2014 renewal period, which commences the first week in January 2014. The Board determined that they would make the change to bi-annual renewals effective April 1, 2016.

2014 Board Meeting Dates:

As established by the Board, the remaining 2013 Board Meeting dates are as follows: November 15th. The Board discussed and set its tentative calendar meeting dates for 2014. The meeting calendar for 2014 is as follows: Friday, February 7th (to be held at Mt. Hood Community College); Friday April 11th; Friday June 20th; Friday August 22nd and Friday October 24th. 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 July 19th, 2013 Regular Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Member Wood noted a couple of grammar changes to the minutes. Chair Alstot asked for a motion to approve the July 19, 2013 minutes.

Motion by Ruggie Canizares to approve the Minutes from the July 19th Regular Board Meeting as amended.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst 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 July 19, 2013 through September 19, 2013. The Board Chair opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Ruggie Canizares to ratify new licenses & Temporary Permits.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

Board Member Reports/Other New Business:

Board Member Canizares reported on a new bill in Congress HR 2914 which closes the self referral loophole for physical therapy, advanced imaging, radiation oncology and anatomic pathology under Medicare preventing physicians from receiving payment for referring patients to facilities in which they hold a financial interest.

The Director noted the end of second terms for Board Chair Alstot, October 31, 2013 and Board Vice Chair Fiske, January 22, 2014. Also noted were the end of first terms for public members Sutton and Costales February 28, 2014. The Director has notified the Governor's Office of Executive Appointments and made contact with the Oregon Physical Therapy Association. Board Member openings will be posted in the Board's next Newsletter to be distributed in October. Parties interested in volunteering for a Board position should contact the Board office or go the Office of Executive Appointments website at <http://www.oregon.gov/gov/pages/boards.aspx> .

The Director asked the Board's approval to add an on-call hourly staff position to the Board's payroll. The candidate is already a state employee working as an administrative assistant to one of the other health boards. The on-call hourly will be used at peak workflow times, during planned vacations and extended illnesses and leave. After discussion the Board approved adding the on-call hourly to the payroll.

Board Chair Alstot adjourned the meeting at 3:15 PM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
November 15, 2013**

MINUTES

Friday, November 15, 2013

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; Troy Costales, Public Member

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

Legal Counsel: Carol Parks, AAG

The Proposed Administrative Rules Hearing was held Friday, November 15, 2013 in Room 445 of the Portland State Office Building, 800 NE Oregon Street, Portland, OR. For the record; the Notices of Proposed Rulemaking Hearing and corresponding Fiscal Impact Statements were published in the November 1st Edition of the Oregon Bulletin. Pursuant to ORS 183.335(1)(d) and (15)(c) the Notices were also sent to the Legislature and the Governor's office. Pursuant to OAR 848-001-0000(3) the Notices were also sent to all Interested Parties. Further the Notices and Fiscal Impact Statements, along with the proposed rule text changes were posted on the Board's public website. Lastly, on October 22, 2013, all Licensees were mailed the Board's Fall 2013 Newsletter. In the Newsletter, the Board published a summary of the proposed rule changes and notification that the Hearing Notices and Fiscal Impact Statements along with the proposed rule text changes could be found on the Board's website at www.ptboard.state.or.us.

The Hearing was convened, at 8:42 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) and Rich Jones, PT, OPTA Liaison. The written testimonies of Mary Bigler, PTA, Marc Duyck, PTA, Paula Finch, PTA and John Ruscheinsky, PTA were read into the record.

After the testimony was complete, including Board consideration, questions and discussion, Mr. Heider recommended the Board consider any amendments and adoption of the proposed Administrative Rule changes in Public Session. Mr. Heider adjourned the Hearing at 8:56 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
November 15, 2013
MINUTES

Friday November 15, 2013

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

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

Legal Counsel: Carol Parks, Senior AAG

PUBLIC (OPEN) SESSION

At 9:02 AM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting the Board considered testimony heard at the Administrative Rules Public Hearing and 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.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison

Administrative Rules Hearing:

The Board discussed the adoption of the proposed administrative rules. Based on testimony citing concerns of adverse fiscal impact on physical therapist assistants with regards to the increase continuing competency credit requirements effective April 1, 2014, the Board suggested staff do research and publish a list of low cost/no cost continuing competency opportunities in a future Newsletter. After discussion and amendments to the proposed language in OAR 848-040-117(1)(e)(C) and OAR 848-035-0030(1), Chair Alstot asked for a motion to adopt the proposed rule changes as amended.

Motion by Jenn Wood to adopt the proposed rule changes as amended.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Question From Licensee Regarding CC Credit for Publishing a Book:

After discussion and consideration the Board determined that the publishing of a book does not fit the current continuing competency publishing requirements and would not be eligible for continuing competency credit. The Board did state, in the future, if the Federation of State Board of

Physical Therapy's ProCert Continuing Competency Model included the certification and accreditation for the publishing of a book, the Oregon Board would accept the ProCert credits.

Question From Board Staff Regarding CC Credit for Serving on a Board Committee:

After discussion and consideration the Board determined that serving on a committee for the Board does not fit the current continuing competency requirements and would not be eligible to receive continuing competency credit. The Board did state, in the future, if the Federation of State Board of Physical Therapy's ProCert Continuing Competency Model included credit for serving on committees, boards, etc., the Oregon Board would accept the ProCert credits.

Dry Needling Appellate Court Update:

Director Heider reported that he had contacted the Director of the Chiropractic Board to see if there had been a decision made in the Appellate Court Case between the Acupuncture Association and the Chiropractic Board. The Director of the Chiropractic Board said that there had been no new action taken to date by the Court.

General Topics/Business:

Federation of State Boards of Physical Therapy Annual Meeting – The Board Delegate Alstot, Alternate Delegate Rutt, Second Alternate Wood and the Director Heider delivered a verbal report out of the FSBPT annual meeting and delegates' assembly.

Council of Licensure, Enforcement and Regulation Annual Conference – Director Heider delivered a verbal report out of the CLEAR annual meeting. The Director advised the Board that he felt it in the best interest, of the Board, to require the Board's Clinical Advisor/Investigator attend the annual CLEAR conference. The Board was in support of the Director's recommendation.

Federation of Association of Regulatory Boards Attorney Certification Conference – Senior Assistant Attorney General Parks delivered a verbal report out of the FARB Attorney Certification Conference. AAG Parks told the Board that FARB, is the best continuing competence programs she has attended and he thanked the Board for their continued support in helping fund this opportunity.

New Board Member Appointments – Director Heider updated the Board on the status of the new appointments. The Board has two professional physical therapist member positions to be filled. The Office of Executive Appointments informed the Director that they had six interest forms for consideration and that they would be making the Governor's appointment for the open position sometime in February 2014. The appointments have to be confirmed by the Senate and the Senate will not be in session again until February.

2014 Board Meeting Dates:

The Board reviewed its meeting dates for 2014. The meeting calendar for 2014 is as follows: Friday, February 7th (to be held at Mt. Hood Community College); Friday April 11th; Friday June 20th; Friday August 22nd and Friday October 24th. 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 September 20, 2013 Regular Board Meeting, were presented to the Board. Chair Alstot opened the floor for additional discussion and comments. With none noted Chair Alstot asked for a motion to approve the September 20, 2013 minutes as written.

Motion by Jenn Wood to approve the Minutes from the September 20, 2013 regular Board Meeting as written.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Ratification of PT/PTA Licenses & Temporary Permits:

Director Heider presented the Board with a list of new licensees and temporary permit holders for the period of September 20, 2013 through November 14, 2013. Chair Alstot opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Jenn Wood to ratify the list of new licensees and temporary permit holders.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Board Member Reports and Other New Business:

Public Member Sutton reported out that she had had a very positive experience in her rehab after her total knee replacement. Member Sutton said it gave her a whole new perspective on the profession and she was grateful for the experience. Member Sutton also shared that her PTA therapists said they had considered going back to get their PT degrees before the degree requirement for an entry level degree became a doctorate. Director Heider conveyed to Member Sutton that Oregon Statute did not specify an entry level degree requirement. The professional education requirement was that a qualified therapist be a graduate of a PT program that had been accredited by the Commission of Accreditation of Physical Therapy Education. Further that it was the profession and the healthcare market demand that played the largest role in the PT entry level degree now being a doctorate. There was further Board conversation that speculated, because of changes in the healthcare market and delivery model that the PTA entry level degree would probably move from an Associate of Science degree to a Bachelor's degree some day.

Director Heider shared the proposed holiday schedule with the Board being closed the Friday following Thanksgiving; staff will be using their Governor's Holiday as compensating time off. Over the Christmas holidays the board will be open all scheduled work days, but there will be a skeleton staff in the office most of those days.

EXECUTIVE (CLOSED) SESSION

Chair Alstot adjourned Public Session and at 11:10 AM 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 1:45 PM Chair Alstot convened the Board back into Public Session for the purpose of hearing Board Motions.

Board Members Absent: Carol Sutton Public Member was excused from the remainder of the meeting due to post surgical pain.

Board Motions:

In review of the approved September 20, 2013 minutes, Member Costales noted an omission and clarification of one reported case outcome and upon reconsideration offered an amendment to the approved minutes.

Motion by Troy Costales to reconsider and amend the prior approved September 20, 2013 minutes. Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0. Public Member Sutton was not present for the vote.

Case PT 485-10/13

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to report the probationary status upon future renewals and providing documentation upon completion of the probationary period and the closing of the case.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0. Public Member Sutton was not present for the vote.

Case PT 487-10/13

Motion by Jennifer Wood to reinstate lapsed license per Board policy.

Seconded by Ruggie Canizares.

Motion passed by a vote of 6-0. Public Member Sutton was not present for the vote and Member Fiske abstained from the vote.

Case PT 491-11/13

Motion by Jennifer Wood to issue a Confidential Advisory Letter regarding failure to report an arrest or conviction.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Public Member Sutton was not present for the vote.

Chair Alstot called for any other Public Session business. Noting none, Chair Alstot adjourned Public Session at 1:53 PM.