

**Physical Therapist Licensing Board
Special Board Meeting
February 18, 2014
MINUTES**

Tuesday February 18, 2014

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 8:58 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 12:51 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 483-7/13

Motion by Ruggie Canizares to issue Notice of Disciplinary Action for violation of ORS 688.140(2)(a), ORS 688.140(2)(m), ORS 688.140(2)(o) and OAR 848-040-0045(2)(p) with the following sanctions; Licensee is to complete a Board approved ethics course, noting that the credit for completion of the course cannot be used to satisfy continuing competency credits, Licensee's license be placed on a one year probation and Licensee pay a civil penalty of \$5,000.

Seconded by Richard Rutt.

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

Case PT 493-11/13

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

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

Case PT 484-7/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter citing concerns of documentation and requiring Licensee to complete Board approved Medicare and documentation courses within a period of 60 days from date of the letter.

Seconded by Richard Rutt.

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

Case PT 494-11/13

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

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

Case PT 496-12/13

Motion by Ruggie Canizares to issue a Confidential Advisory Letter for failure to disclose a Board action taken in another state.

Seconded by Richard Rutt.

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

Case PT 492-11/13

Motion by Ruggie Canizares to issue Notice of Disciplinary Action for violation of ORS 688.140(2)(a), ORS 688.140(2)(m), ORS 688.140(2)(n) and OAR 848-045-0020(2)(p) with the following sanctions; Licensee is to complete a Board approved ethics course, noting that the credit for completion of the course cannot be used to satisfy continuing competency credits, and Licensee pay a civil penalty of \$3,000.

Seconded by Richard Rutt.

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

Case PT 486-10/13

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

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

Case PT 490-10/13

Motion by Ruggie Canizares to close case no action.

Seconded by Richard Rutt.

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

Dry Needling Update

On January 23, 2014 the Court of Appeals Appellate Commissioner's held the opinion that dry needling is not within the scope of practice of chiropractic medicine.

At its February 18, 2014 Special Meeting the Oregon Physical Therapist Licensing Board discussed the Appellate Courts findings and has determined the Appellate Courts opinion is not applicable to the practice of physical therapy.

The Board reiterates that the primary accountability of the Physical Therapist Licensing Board is to promote public protection. The Board accomplishes this outcome by establishing professional standards of practice which assure that physical therapists and physical therapist assistants are properly educated, hold valid/current licenses, practice within their scope of practice and continue to receive ongoing training throughout their careers. The Board is not here to promote the profession of physical therapy; it is here to regulate it.

The Oregon Physical Therapist Licensing Board still holds to its original opinion that dry needling of trigger points is likely within the physical therapist scope of practice (excluding PTAs). Further the Board acknowledges that dry needling of trigger points is an advanced intervention requiring post graduate training and education.

That said, in the interest of public safety, until evidence based training and education can be determined, the Board strongly advises its licensee to not perform dry needling of trigger points.

Use of Educational Degree/Designation of Unlicensed Therapists – Following discussion and debate the Board determined that any graduate can use/post the education credentials they earned, as designated on their diploma, whether they hold a license or not. Therefore, someone who has earned a doctorate in physical therapy may post the initials “DPT” after their name even if they do not hold a current physical therapy license. However, they cannot refer to themselves as a physical therapist nor use the initials “PT” following their name.

Question from Licensee Regarding CE for Publishing a Manual

After review and consideration the Board determined that the manual “Clinical Pathways for the Orthotronic Mobility System” did not meet the standards for continuing competency credit.

New Board Member Appointments

The Director reported that of the four Board member positions up for appointment three of the positions have been filled. Public members, Troy Costales and Carol Sutton have been reappointed and confirmed to serve second terms effective 3.1.14 through 2.28.18. New professional Board member Aubree Benson, PT was appointed and confirmed to serve her first term effective 3.1.14 through 2.28.18. The fourth professional PT position remains open pending appointment by the Governor’s office and confirmation by the senate.

General Topics/Business

- **FARB Annual Meeting** – The Director attended FARB as a representative of the Federation of State Boards of Physical Therapy, funded by the FSBPT. The Director reported to the Oregon Board that he preferred the CLEAR annual conference over the FARB conference only because the agenda topics at the FARB conference did not cover any new material for the Director. FARB is focused more towards administration and policy and CLEAR is geared more towards regulation and compliance.
- **License Renewal Update/Status** – The Director reported that the online renewal system was working very well with positive feedback from licensee’s who have used the system. To date over 2,000 of the 5,000 licensees had processed their renewals through the system.
- **FSBPT Annual Budget** – The Federation By-Laws state that each member of a member board should receive a copy of the Federations annual budget. The Director confirmed with Oregon Board Members that each of them had received an electronic copy of the FSBPT 2014 budget.
- **FSBPT NPTE Eligibility Requirements** – The Director reviewed the Federation’s Plan to implement national examination eligibility criteria effective January 1, 2016. The four criteria would include; a lifetime limit of 6 attempts, a low score limit of 2 attempts with a score less than 400, a requirement for a Course Work Tool evaluation stating “substantial equivalence” for anyone not a graduate of a CAPTE accredited PT/PTA program and a requirement for passing scores on a Test of English as a Foreign Language.

Future Board Meeting Dates:

As established by the Board, the remaining 2014 Board Meeting dates are as follows: Friday April 11th; Friday June 20th; Friday August 22nd and Friday October 24th. The Board meeting scheduled for Friday, February 7th, to be held at Mt. Hood Community College was cancelled due to inclement weather. In lieu of the February 7th regular Board meeting, the Board held its February 18th Special Board Meeting. 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 November 15, 2013 Regular Board Meeting and the November 15, 2013 Administrative Rules Hearing were presented to the Board. The Board Chair opened the floor for additional discussion and comments. With none noted, Chair Alstot asked for a motion to approve both the November 15 meeting minutes as written.

Motion by Ruggie Canizares to approve the Minutes from the November 15th Regular Board Meeting and the November 15th Administrative Rules Hearing as written.

Seconded by Richard Rutt.

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 November 15, 2013 through February 6, 2013. The Board Chair opened the floor for discussion. With none noted, Chair Alstot asked for a motion to ratify the new licensees and permit holders.

Motion by Ruggie Canizares to ratify new licensees and permit holders.

Seconded by Richard Rutt.

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:

The Director brought up the topic of new officers. Typically the Board elects its officers every year. Board Chair Alstot's second term ended in October 2013. Chair Alstot chose to serve until the appointment of the new professional PT member Benson whose first term will commence on March 1, 2014. Board Vice Chair Fiske term will end February 28, 2014. It is yet to be determined if a new professional PT member will be appointed and confirmed prior to the April 11, 2014 Board meeting. Until the Board is fully appointed the Director suggested that the Board elect an Interim Board Chair. Steve Alstot moved to elect Richard Rutt as the Interim Board Chair. Jennifer Wood seconded the motion. The motion passed unanimously by a vote of 6-0, Board Members Costales and Selbst were absent from the vote.

The Board, Board Staff and Legal Counsel said goodbye to Steve Alstot, PT and Jason Fiske, PT who both completed two full four year terms on the Board. Staff presented them with commemorative Certificates of Service and publically acknowledged their contributions to the

Board, to the Community and to their profession. Their leadership, knowledge and insights will be missed.

- Chair Alstot asked for any other new business. With none noted Chair Alstot adjourned the meeting at 2:16 PM.

**Physical Therapist Licensing Board
Board Meeting
April 11, 2014
MINUTES**

Friday April 11, 2014

Board Members Present Richard Rutt, PT Interim Chair, Jason Fiske, PT Vice Chair; Ruggie Canizares, PT Member; Burke Selbst, PT Member; Aubree Benson, PT Member; Troy Costales, Public Member; Carol Sutton, 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

EXECUTIVE (CLOSED) SESSION

At 9:01 AM, Vice Chair 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 1:37 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.

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

Board Motions:

Case PT 426-3/12

Motion by Burke Selbst to issue a Confidential Advisory Letter stating that Licensee must provide a clear delineation between use of prayer in the clinic and the provision of PT services. Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 483-7/13

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order for violations as noted in the previously issued Notice of Proposed Disciplinary Action. Sanctions to include: requirement for Licensee to complete both a Board approved ethics course and a documentation course within 60 days of the notice, the cost of the courses to be incurred by the Licensee and the continuing competency credits from the courses cannot be used to satisfy the Board's Division 35 requirements for Continuing Competence; assessment of a civil penalty of \$2,500 and two years probation of license with Board elected random audit of Licensee's practice.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 492-11/13

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order for violations as noted in the previously issued Notice of Proposed Discipline. Sanctions to include: requirement for Licensee to complete a Board approved ethics course within 60 days of the notice, the cost of the course to be incurred by the Licensee and the continuing competency credits from the course cannot be used to satisfy the Board's Division 35 requirements for Continuing Competence and assessment of a civil penalty of \$1,500.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 454-10/12

Motion by Burke Selbst to issue an Order to remove previously invoked restrictions on Licensee's license.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 501-2/14

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(r). Sanctions to include: the assessment of a civil penalty in the amount of \$562.50.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 503-3/14

Motion by Burke Selbst to issue a Notice of Proposed Disciplinary Action for violations of ORS 676.150(3), ORS 688.140(2)(h), ORS 688.140(2)(a), OAR 848-045-0020(2)(u)(F) and OAR 848-045-0020(2)(d). Sanction to include: requirement for Licensee to provide to the Board, monthly self reports regarding progress with rehabilitation for a period of one year; upon completion of the Washington and Oregon Court ordered actions, the Licensee will provide evidence of completion to the Board and the Licensee will be assessed a civil penalty of \$500.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 506-3/14

Motion by Burke Selbst to issue an Interim Stipulated Agreement whereby the Licensee agrees not to practice physical therapy in Oregon pending further action of the Board.

Seconded by Ruggie Canizares.

Motion passed by a vote of 6-0, Board Member Benson abstained and Board Member Wood was absent from the vote.

Case PT 508-3/14

Motion by Burke Selbst to issue a Confidential Advisory Letter citing violations of ORS 688.140(2)(a) and OAR 848-035-0020(2). The Board is requiring Licensee to complete the continuing competence within 90 days of the Letter and provide evidence to the Board that they have done so, and until the continuing competence is completed they cannot practice physical therapy in Oregon. Failure to follow the orders of the Board may lead to further actions by the Board.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 509-3/14

Motion by Burke Selbst to issue a Confidential Advisory Letter citing violations of ORS 688.140(2)(a) and OAR 848-035-0020(2). The Board is requiring Licensee to complete the continuing competence within 90 days of the Letter and provide evidence to the Board that they have done so, and until the continuing competence is completed they cannot practice physical therapy in Oregon. Failure to follow the orders of the Board may lead to further actions by the Board.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 511-4/14

Motion by Burke Selbst to issue a Confidential Advisory Letter citing violations of ORS 688.140(2)(a) and OAR 848-035-0020(2). The Board is requiring Licensee to complete the continuing competence within 90 days of the Letter and provide evidence to the Board that they have done so, and until the continuing competence is completed they cannot practice physical therapy in Oregon. Failure to follow the orders of the Board may lead to further actions by the Board.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 513-4/14

Motion by Burke Selbst to issue a Confidential Advisory Letter citing violations of ORS 688.140(2)(a) and OAR 848-035-0020(2). The Board is requiring Licensee to provide evidence of completion of the continuing competence.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 512-4/14

Motion by Burke Selbst to issue a Confidential Advisory Letter citing violations of ORS 688.140(2)(a) and OAR 848-035-0020(2). The Board is requiring Licensee to complete the continuing competence within 90 days of the Letter and provide evidence to the Board that they have done so, and until the continuing competence is completed they cannot practice physical therapy in Oregon. Failure to follow the orders of the Board may lead to further actions by the Board.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 514-4/14

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

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Case PT 519-4/14

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(r). Sanctions to include: the assessment of a civil penalty in the amount of \$100.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

New Board Member Appointments & Selection of Board Officers

The Director introduced the newest professional member to the Board. PT Member Aubree Benson was appointed to the Board by the Governor and confirmed by the Senate. Ms. Benson's first term on the Board runs from 3.1.14 through 2.28.18. Board, staff and guests introduced themselves and welcomed Aubree to the Board.

The Director then handed out ballots to the Board for the selection of the next Board Chair and Vice Chair. Richard Rutt, PT, PhD will be the new Board Chair and Ruggie Canizares, PT will be the Vice Chair. Both Board members will serve a term of approximately one year. The selection of officers is typically held at the spring meeting each year.

Telemedicine

The Director brought the topic of Telemedicine to the Board hoping the Board would give some direction as to how they wanted staff to proceed. The Director reported that over the past several months the Board has received numerous inquiries into the subject of Telemedicine asking if the

Board had a position or was going to develop rules or guidelines with regards to it use in the community. After discussion the Board directed the Director to further investigate what other jurisdictions and possibly other Oregon Health Boards are doing with regards to telemedicine and report back at the June Board meeting.

Vision Therapy

The Board Investigator/Clinical Advisor reported to the Board that an Optometry Clinic providing vision therapy is advertising that it is type of physical therapy. After discussion the Board determined that what the optometry clinic is doing is within their scope of practice however they cannot refer to it as a type of “physical therapy”. The Board directed staff to write a letter to the clinic advising them that they cannot use the term “physical therapy” unless their statute specifically allowed for it.

Response to Board from Bill Bowen, MFA, LMT

After Board review and discussion of Mr. Bowen’s response regarding the Board’s concern over his use of the term “psycho-physical” therapy, separating the term psychophysical by placing a hyphen between psycho and physical, the Board determined that it’s legal counsel will send Mr. Bowen a response requesting he change his terminology. And not being certain that psychophysical therapy is within the scope of practice for a massage therapist, the Board also instructed staff to report the issue to both the Oregon Psychology Board and the Board of Massage and the California PT Board because he also operates a clinic in California.

Board Review of Record Keeping Rules Regarding PTA Documentation

The Board Investigator/Clinical Advisor reported that with the 1/1/14 adoption of the new rules for Division 40 regarding a PTAs documentation, the new language created a conflict of two administrative rules. After discussion the Board determined that it would do housekeeping rulemaking to correct the conflict and change the language to more accurately reflect the intent of the rule.

Motion by Burke Selbst to do rule making to correct the conflict between the language in OAR 848-040110(4) and OAR 848-040-0150(2).

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Lapsed License PTA Civil Penalty Matrix

While deliberating on a compliance case it was discovered that the PTA civil penalty matrix used in lapsed license compliance cases was in error. The penalty for working as a PTA with a lapsed license for 6 to 12 months is published at \$562.50. To be consistent with all the other PTA penalties it should have been published at \$750.00 or 75% of the PT penalty of \$1,000.00.

Motion by Burke Selbst to do rule making to correct the error in the PTA Civil Penalty Matrix changing the fine for PTA violation for working with a lapsed license for a period of 6 to 12 months from \$562.50 to \$750.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Board Policy Issues

- **Policy on Requiring Social Security Numbers for Licensure** – The Director informed the Board that its policy statement requiring a social security number (SSN) prior to licensure was outdated. The law governing the requirement for a SSN was no longer valid. The Director stated that regardless of the legal requirement the SSN is the one unique identifier that the Board currently uses to run the online National Criminal Background check on new applicants. Without the SSN the reliability of the reports and the false responses would take up valuable staff time and resource and could cause excessive waits. The investigator's workload tracking down false reports on duplicate or similar names would be greatly increased. The Director felt that, in the interest of public safety and until such time the Board adopts FBI finger printing as a screening tool, that SSNs are warranted in screening new applicants for licensure. After discussion the Board determined it would adopt a new Board policy that stated, in the interest of public safety, the Board would require a valid US Social Security Number prior to issuing a license. Motion by Burke Selbst to adopt a Board policy requiring that candidates for licensure provide evidence that they hold a valid US Social Security Number prior to the issuance of a license. Staff will draft the policy which will be ratified at the June Board meeting. Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.
- **Policy on Renewal of License if CE is Not Completed as Required** – The Director reported that during the 2014 renewal cycle the Board experienced a number of individuals who renewed early by answering the Continuing Competence question option 2 on the renewal application that stated they would complete their required CC by March 31st. After they had completed the renewal application and been issued a license, the Licensees called the Board prior to March 31st and reported (as required) that they could not complete their CC. This created several new compliance issues that the Board has never had to deal with before. The Director stated that allowing renewal applicants the ability to renew early and attest to the fact that they would complete their CC by the deadline was done during the period of time renewals were all handled by paper. The early option was to encourage early renewal to better spread out the paper workflow. Now that the Board has 100% online renewal the heavy volumes due to licensees waiting until the end of the renewal period to finish their CC is no longer an issue. The Director suggested the Board adopt a new policy that would require all renewal applicants to fully complete their required CC prior to completing the renewal process and being issued a license. After discussion the Board determined that it would adopt such a policy. Motion by Burke Selbst to adopt a Board policy requiring applicants for renewal to attest to completion of the continuing competency requirement as part of the renewal application and prior to being issued a renewal license. Staff will draft the policy which will be ratified at the June Board meeting. Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

General Topics/Business

- **Professional Licensing Report Subscription** – The Board Investigator/Clinical Advisor questioned the value of the current subscription to the “Professional Licensing Report” which is received monthly at a cost of \$200/year. Originally the Board approved the publication with the intent of distributing electronic copies of the publication to all Board members. Once received, it was determined that copying the publication in any format would be a copyright infringement. Upon closer inspection the Clinical Advisor determined that there may be an additional nominal licensing fee that would allow for the electronic distribution of the publication. The Board asked the Clinical Advisor to research the addition fee and report back at the next meeting.
- **License Renewal Update/Status** – The Director reported that the online renewal system worked very well. The Board had 100% online electronic renewal without any notable system problems. The renewal processing was kept current everyday with no backups. Renewals for 2014 included 3668 PTs and 1,025 PTAs. A total of 4693 renewals, up from 4491 in 2013 or a 4.5% increase in total licensees.
- **FSBPT Annual Meeting Selection of Delegates** – The Board elected a new Chair and new Vice Chair. Traditionally the Board’s Chair and Vice Chair have acted as the Delegates at the Federation of State Boards of Physical Therapy’s (FSBPT) annual Delegates Assembly to be held this year September 18th through the 20th in San Francisco, CA. The Director will credential Board Chair Rutt and Board Vice Chair Canizares as this year’s Delegates. All expenses associated with member boards Delegates attending the annual assembly are paid for in full by the FSBPT.

Future Board Meeting Dates:

As established by the Board, the remaining 2014 Board Meeting dates are as follows: Friday June 20th; Friday August 22nd and Friday October 24th. The Board did discuss the possibility of changing the August date to August 17th, that determination is yet to be made. 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 February 18th Special Board Meeting were presented to the Board. The Board Vice Chair opened the floor for additional discussion and comments. With none noted, Vice Chair Fiske asked for a motion to approve the meeting minutes as written.

Motion by Ruggie Canizares to approve the Minutes from the February 18, 2014 Special Board Meeting as written.

Seconded by Burke Selbst.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Ratification of PT/PTA Licenses & Temporary Permits

The Board Vice Chair presented the Board with a list of new licensees and temporary permit holders for the period of February 7, 2014 through April 10, 2014. The Board Vice Chair opened the floor for discussion. With none noted, Vice Chair Fiske asked for a motion to ratify the new licensees and permit holders.

Motion by Public Member Sutton to ratify new licensees and permit holders.

Seconded by PT Member Selbst.

Motion passed unanimously by a vote of 7-0, Board Member Wood was absent from the vote.

Board Member Reports/Other New Business:

Vice Chair Fiske asked for any other new business.

Member Costales asked if the Board wanted to address the topic of Interstate Compacts. Member Costales is the Public Member on the Federation of State Boards of Physical Therapy's Licensure Compact Task Force and has two upcoming meetings and would like the Oregon Board's initial input on what position the Oregon Board might take regarding participation in an Interstate Compact. The Board determined they would hold discussion of the Compact until its June meeting.

Vice Chair Fiske again asked for other new business. With none noted Vice Chair Fiske adjourned the meeting at 2:58 PM.

**Physical Therapist Licensing Board
Board Meeting
June 20, 2014
MINUTES**

Friday June 20, 2014

Board Members Present Richard Rutt, PT, Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Wood, PTA Member; Troy Costales, Public Member (attendance by teleconference); Carol Sutton, Public Member

Board Members Absent: Ruggie Canizares, PT, Vice Chair

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:39 AM, Chair Rutt 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 12:44 PM, Board Chair Rutt 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: Susan Bamberger, PT, Creative PT Solutions.

Board Motions:

Case PT 426-3/12

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 495-12/13

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring the Licensee to complete a Board approved boundaries course within six months of the Letter, and the American Physical Therapy Association Clinical Instructor training course prior to serving as a Clinical Instructor. Also the Licensee must provide a copy of the Letter to his employer and provide the Board with evidence that he has done so.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 497-12/13

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 499-2/14

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 500-2/14

Motion by Jennifer Wood to issue a Confidential Advisory Letter for failure to disclose an arrest on a license application.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 517-4/14

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to provide the Board with monthly self status reports regarding her progress and treatment for a period of one year. Also that the Licensee provides the Board with evidence that she has successfully completed her court-ordered treatment program.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 518-5/14

Motion by Jennifer Wood to issue a Stipulated Agreement and Final Order for violation of ORS 688.140(2)(a)(c) and OAR 848-035-0020(10) for failure to complete the continuing education requirement within the specified certification period and assess a civil penalty of \$450.00.

Seconded by Aubree Benson.

Motion passed by a vote of 5-0, Board Member Costales abstained and Board Member Canizares was absent from the vote.

Case PT 523-5/14

Motion by Jennifer Wood to issue a Stipulated Agreement and Final Order for violation of ORS 688.140(2)(a)(c) and OAR 848-035-0020(10) for failure to complete the continuing education requirement within the specified certification period and assess a civil penalty of \$450.00.

Seconded by Aubree Benson.

Motion passed by a vote of 5-0, Board Member Costales abstained and Board Member Canizares was absent from the vote.

Case PT 520-5/14

Motion by Jennifer Wood to issue an unrestricted physical therapist assistance license upon successful completion of the national physical therapy examination and to close case with no further action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 507-3/14

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 515-4/14

Motion by Jennifer Wood to issue Notice of Proposed Disciplinary Action for violation of ORS 688.140(2)(c) obtains license by fraud or misrepresentation and ORS 688.140(2)(a) violates board rule, specifically OAR 848-045-0020(2)(d) failure to notify the Board of a misdemeanor conviction within 10 days, and assess a civil penalty of \$1,000.00.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 504-3/14

Motion by Jennifer Wood to issue a Confidential Advisory Letter requiring Licensee to provide the Board with monthly self status reports regarding his continued progress for a period of one year. Also that the Licensee provides the Board with evidence that he has successfully completed his court-ordered requirements.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 510-3/14

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Case PT 525-6/14

Motion by Jennifer Wood to close case no action taken.

Seconded by Aubree Benson.

Motion passed by a vote of 5-0, Board Member Costales abstained and Board Member Canizares was absent from the vote.

Remediation Management and Tracking

Board Clinical Advisor/Investigator Paru shared a concern with the Board relative to the Board assigning a remediation time frame when considering a sanction for a license to take an action. In the future, Investigator Paru would like the Board to consider the timing of subsequent Board meetings when assessing a remediation sanction so, if plausible, the action would be completed prior to the subsequent board meeting date. That way the remediation can be reviewed with the board and the case can closed sooner. This will help with the Boards statistics on compliance and performance measurements reported bi-annually to the Governor's office.

Welcome New Board Member Alan McAvoy

The Board welcomed Alan McAvoy, PT to the board as its newest professional PT member. Alan's appointment by the Governor and confirmation by the Senate commenced on June 1, 2014 and extends through May 31, 2018. In 2005, Alan earned his DPT from University of St. Augustine in Florida. He was initially licensed in Oregon in 2008, works for Gentiva Health Services providing home health care and currently resides in Portland.

CC Question from Susan Bamberger, PT

Ms. Bamberger provided the Board with a summary of a new business venture by which she wanted to award CCUs for completion of specific educational programs she plans offering to therapists. Although the PT Board does not approve specific courses, they did review and discuss Ms. Bamberger's outline and determined that the program offerings did meet the standards for CC as published in Division 35 of the Board's administrative rules. The Board did make it clear that CC completion certificates had to meet certain guidelines and be distributed at the completion of a program.

Telehealth Follow-Up

At its April 11, 2014 meeting the Board requested a legal opinion from its counsel regarding its legislative authority or restrictions relative to the development of rule standards governing a PTs use of telehealth within their scope of practice. Also the Board asked staff to investigate what other jurisdictions and healthcare professions might be doing or have done relative to telehealth. The Director reported that counsel advised current statute and rule were silent on the issue and

that there was nothing in statute or rule or relating statutes and rule that would prevent the Board from developing standards and guidelines governing the provision of telehealth in Oregon. The Director also reported that there are only two states, Alaska and Washington that have published standards for the provision of telehealth in both statute and rule but Kentucky is currently looking at the issue. The Federation's Ethics and Legislative Committee is currently working on a Telehealth Resource Paper (Paper) that will be published in the fall following its annual meeting in September. The Paper will provide jurisdiction with proposed best practices and standards relative to the provision of telehealth. After discussion, the Board determined that it did want to move forward with the development of telehealth standards through the rule making process at this time. However, the Board did instruct staff to wait until the Federation of State Boards of Physical Therapy (FSBPT) publishes its Telehealth Resource Paper before beginning rulemaking and standard setting process.

Board Policy Issues

Per the Board's prior instruction, the Director presented the Board for ratification, drafted copies of two new policies it adopted at its April 11, 2014 Board meeting. After review the Board ratified the policies on requiring a Social Security Number for licensure, and the requirement that continuing competence credits be fully completed prior to processing a license renewal application.

Motion by Jennifer Wood to ratify the drafted policies as written.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

General Topics/Business

- **AAG Parks attendance at the Federation of Association of Regulatory Boards' (FARB) Annual Regulatory Law Seminar** – The Director asked for and was granted the authority to send the Board's Senior Assistant Attorney General to the FARB Seminar in Annapolis. The Director did share with the Board that in years prior the cost of sending the AAG to this seminar was shared with two other regulatory boards and so far one of those boards has agreed to share this years cost. This is a budgeted item.
- **Clinical Advisor/Investigator Paru attendance at the Council on Licensure, Enforcement & Regulation's Annual Educational Conference (CLEAR)** – The Director asked for and was granted the authority to send the Board's Investigator to the CLEAR conference in New Orleans. This is a budgeted item.
- **Clinical Advisor/Investigator Paru invitation to speak at the FSBPT Annual Conference** – The Director reported that the Mark Lane, Director of Professional Assessment from the FSBPT had contacted Ms. Paru and asked if she would consider presenting at the Federations annual meeting in San Francisco. The Federation will pay all Ms. Paru's travel expenses and she will be able to attend all educational offerings during the programming. It is an honor to Ms. Paru and the Oregon Board that she has been nationally recognized and invited to speak on the topic of investigations.

Board Member Costales Participation in FSBPT Compact Task Force

Per a FSBPT Delegates Assembly Motion, the Federation has established a Physical Therapy Compact Task Force. Public Board Member Costales was selected to serve on the task force looking at the design and development and implementation of a national physical therapy compact. Board Member Costales summarized the concept of interstate compacts reporting that it would allow PT Compact Members greater mobility and portability between States participating in the Compact. Director Heider solicited discussion of the Board regarding Oregon's possible interest in considering being a Compact State. The Board supports Member Costales in his role on the Task Force and was positive in its response regarding the consideration of being a Compact State. The Board will wait to see what the Compact Task Force and the FSBPT present to its Member Boards.

Response to Board from Bill Bowen, MFA, LMT

After Board review and discussion of Mr. Bowen's latest changes to his website, clarifying the term "psycho-physical therapy" and disclaiming it was in any way associated with physical therapy, the Board determined that it would not proceed with further action at this time.

Question/Concern Regarding Bruce Farmer, MD Fitness Therapeutics and Staff

The Board determined this topic required more investigation/information and was removed from discussion and tabled to a subsequent Board meeting.

Future Board Meeting Dates:

As established by the Board, the remaining 2014 Board Meeting dates are as follows: Friday August 15th and Friday October 24th. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us. The Director asked the Board to bring their calendars to the August 15th meeting so the Board can set meeting dates for 2015.

Approval of Board Meeting Minutes

The drafted minutes, from the April 11, 2014 Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted, Chair Rutt asked for a motion to approve the meeting minutes as written.

Motion by Jennifer Wood to approve the Minutes from the April 11, 2014 Board Meeting as written.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Ratification of PT/PTA Licenses & Temporary Permits

Board Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of April 11, 2014 through June 19, 2014. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Motion by Jennifer Wood to ratify the list of new permit holders and licensees as presented.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 6-0, Board Member Canizares was absent from the vote.

Question Regarding a Physical Therapist Ordering X-rays

After consultation and review by the Board legal counsel it was determined that in Oregon a physical therapist cannot order x-ray services. The reference to this limitation can be found in the Radiology Protection Services Oregon Administrative Rule 333-106-0035 **Deliberate Exposure Restricted** the rule goes onto say; “*Persons shall not be exposed to the useful beam except for healing art purposes until the patient has been evaluated, and a medical need for the X-ray/s is determined, and has been **authorized by a physician or Dental Professional** licensed to practice the healing arts in Oregon.*” A physical therapist does not fall under the definition of a physician.

Board Member Reports/Other New Business:

Chair Rutt asked for any other new business.

Director Heider submitted the following information:

1. CAPTE Report on Developing Programs – George Fox University – status indicates that the program is making satisfactory progress towards compliance with accreditation criteria. First graduating class scheduled for May 2015.
2. APTA HOD –
 - Resolution to adopt DPT as the new designator for physical therapists passed. Targeted for nationwide legislative campaign in 2025. State of AZ may move sooner.
 - APTA and House of Delegates will support the Federations efforts in the development and implementation of a physical therapist licensure compact between jurisdictions.
 - HOD rescinded RC 212 introduced and adopted last year that would expand the types of assistive personnel a PT could supervise under their license. i.e. under RC 212 a PT could supervise an Athlete Trainer, Massage Therapist etc.
3. CC Audit – Letters going out next week based on a random selection of 465 licensees. To that list we are adding all therapists that renewed their licenses after the March 31st date even though they indicated they completed their required CC. Rutt and Wood will get letters next week.
4. The random LEDs audit will be conducted simultaneously. This will be a separate audit list. In prior years the same list has been used for CC and LED’s audits.
5. In addition to the License Ratification Report, Rick is going to start providing statistics and graphics relative to licensing activity and volumes.
6. SB 879 – Final Rules specifying administrative requirements for health professional student placements in a clinical training setting will go into effect July 1, 2014. Impacts schools, hospitals, health systems, and long-term care residential facilities. (handout)

Chair Rutt again asked for other new business. With none noted Chair Rutt adjourned the meeting at 2:22 PM.

**Physical Therapist Licensing Board
Board Meeting
August 15, 2014
MINUTES**

Friday August 15, 2014

Board Members Present Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Wood, PTA Member; Troy Costales, Public Member; Carol Sutton, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:59 AM, Chair Rutt 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 1:07 PM, Board Chair Rutt 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: Rich Jones, PT APTA Liaison to the PT Board.

Board Motions:

Case PT 515-4/14

Motion by Troy Costales to issue Stipulated Agreement and Final Order with terms as stated in the Notice of Proposed Disciplinary Action dated July 1, 2014.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 523-5/14

Motion by Troy Costales to issue a Confidential Advisory Letter for failure to the complete continuing competency requirement within the certification period.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0, PT Member McAvoy abstained.

Case PT 527-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter requiring Licensee to submit monthly recovery status reports to the Board for a period of one year.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 528-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter for failure to report a prior conviction on initial application for licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 529-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 530-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 531-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 532-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 533-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 534-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 535-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 536-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order to accept voluntary surrender of license in lieu of Board Action for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10).

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Cases PT 537-7/14 and PT 504-3/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement. Also issue a Notice of Proposed Disciplinary Action for failure to follow the terms and conditions of a Board Confidential Advisory Letter a violation of OAR 848-045-0020(2)(u)(F) and assess a civil penalty of \$500.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 473-3/13

Motion by Troy Costales to close the case no action taken.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 539-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter for concern of possible HIPAA violations.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 541-8/14

Motion by Troy Costales to close the case no action taken.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Patient Safety Commission New Mediation Program

New legislation enabled the Oregon Patient Safety Commission (PSC) to introduce a new Early Discussion and Resolution program. The program is designed to facilitate the settlement of claims of patient injury through a mediation process. The process is totally confidential and cases are not reported to the regulatory health boards or to the National Practitioner Data Bank. Further the PSC is not a mandatory reporter for child and elder abuse. Concerned by possible public safety issues and ramifications of the new program, the Board Director has asked its legal counsel to look further into the legislation and reporting requirements. The Board will further discuss this topic at its October meeting.

Board Policy Issues

The Director reviewed existing policies and provided the Board with three policies that were out of date and needed amendments:

- Foreign credentialing agencies
- Law enforcement data checks (LEDS)
- Returned checks

After review and discussion Troy Costales move to ratify the policies as amended.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

Board policies are a matter of public record. Anyone wishing to see copies of any of the Board policies can do so by contacting the Board Executive Director at 971.673.0200 or by emailing the Board office at physical.therapy@state.or.us .

Since the Board has a new Chair and Vice Chair and two new Board members the Director thought it would be a good time to reaffirm the Board's Delegation of Authority Letter. The only change to the Letter was the update of terminology from Continuing Education to Continuing Competency.

After review and discussion Troy Costales move to reaffirm the Delegation of Authority Letter as amended.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

The Delegation of Authority Letter is a matter of public record. Anyone wishing to see a copy of the Letter may do so by contacting the Board Executive Director at 971.673.0200 or by emailing the Board office at physical.therapy@state.or.us .

The Board did instruct the Director to amend the Delegation of Authority Letter for the October meeting. The Board wants to delegate the authority for Staff to issue a Notice of Satisfaction of Probation upon a Licensee's successful completion of a probationary period.

General Topics/Business

Fiscal year-end 2014 Financial Report – The Director provided the Board with copies of the 2012-2014 fiscal year-end financial report with the narrative for variances over \$1,000.

After review and discussion Troy Costales move to accept the 2014 fiscal year-end financial report as submitted.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

A copy of the 2014 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.

PT Board 2015-2017 Affirmative Action Plan – The Director presented a draft of the 2015-2017 Board Affirmative Action Plan (AAP). The plan is due by August 29, 2014.

After review and discussion Troy Costales move to accept the 2015-2017 Board AAP as submitted.
Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

A copy of the Board's 2015-2017 AAP will be posted on the Board's website at www.ptboard.state.or.us once it has been approved by the Governor's Office of Diversity and Inclusion.

Future Board Meeting Dates:

As established by the Board, the remaining 2014 Board Meeting dates are as follows; Friday October 24th. The tentative Board meeting dates for 2015 are all on Fridays; January 9th, March 20th, May 29th, August 7th, October 9th and December 11th. The May meeting is scheduled to be held in Bend, OR and the October meeting is scheduled to be held at Mt. Hood Community College in Gresham, 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 June 20, 2014 Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted, Chair Rutt asked for a motion to approve the meeting minutes as written.

Public Member Troy Costales moved to approve the Minutes from the June 20, 2014 Board Meeting as written.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Ratification of PT/PTA Licenses & Temporary Permits

Board Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of June 20, 2014 through August 14, 2014. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Public Member Troy Costales moved to ratify the list of new licensees and temporary permit holders.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Possible New Complaint

Sherry Paru, PT Board Investigator asked the Board to review a possible complaint of practice of physical therapy without a license. The case was referred to the Board based on an individual referring to themselves as a "Posture Alignment Therapist". PT Board member Selbst said that he was familiar with the practice and stated it really was not related to the practice of physical therapy. The Board advised staff not to move forward with an investigation.

Board Member Reports/Other New Business:

Chair Rutt asked for any other new business.

Director Heider submitted the following information:

Director Heider announced the dates for the 2015 Federation of State Boards of Physical Therapy new board member training. To be held in Alexandria, Virginia June 12-14, 2015. New board members are encouraged to attend, however the Federation is opening the orientation up to all board members whether new or experienced. Feedback from the program has been extremely positive. The program, all travel, hotel and meals are funded by the Federation. The Director asked all Board members to check their calendars and to get back to him if anyone is interested in attending.

Based on a recent article in Oregonlive.com regarding the Dentistry Boards change in policy related to the publishing of disciplinary actions taken by the Dentistry Board on its website, Director Heider reviewed the PT Board current policy on posting of public records on its website. After discussion and consideration the Board determined that it would continue with its current policy of posting all public records relating to a disciplinary action on its website, Licensee Look Up Screen.

The Director discussed the upcoming summer edition of the Newsletter and mentioned that he was going to publish another article regarding the Federation of State Boards of Physical Therapy's application called aPTitude. A free web based application that will allow a therapist to track continuing competency requirements, due dates, renewal dates, etc. for any license they may hold in any and all states.

Chair Rutt again asked for other new business. With none noted Chair Rutt adjourned the meeting at 2:32 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
August 25, 2014**

MINUTES

Monday, August 25, 2014

Board Members Present via Phone Conference Line: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, 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, Richard Rutt convened the Board into Executive Session at 11:35 AM 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 12:13 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 12:13 PM, Board Chair Rutt 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 Motion:

Case PT 540-8/14

Motion by Ruggie Canizares to issue a Stipulated Agreement and Final Order (Order) for violation of ORS 688.140(2)(h) conviction of a crime, ORS 688.140(2)(a) violates a board rule specifically OAR 848-045-0020(2)(a) failing to disclose material facts during the application

process. Applicant is granted a probationary license for a period of one year with review by the Board and must provide evidence to the Board that he has given a copy of the Order to any Oregon employers. Further the Licensee must notify the Board within 5 business days of any change in employment.

Seconded by Jennifer Wood.

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

Chair Rutt asked the Board for any other public session business. Hearing none Chair Rutt adjourned the meeting at 12:15 PM.

**Physical Therapist Licensing Board
Board Meeting
October 24, 2014
MINUTES**

Friday October 24, 2014

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, 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

EXECUTIVE (CLOSED) SESSION

At 8:42 AM Chair Rutt 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.

At 11:40 Chair Rutt adjourned Executive Session.

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

PUBLIC (OPEN) SESSION

At 11:41 AM, Board Chair Rutt 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, Attorney for OPTIP, Rich Jones, PT OPTA Liaison

Board Motions

Case PT 515-4/14

Motion by Jennifer Wood to amend the Notice of Disciplinary Action to include the recovery of costs in accordance to ORS 688.140(1)(i).

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 522-5/14

Motion by Jennifer Wood to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 538-7/14

Motion by Jennifer Wood to issue a Confidential Advisory Letter with regards to having an inappropriate conversation with a patient.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 542-9/14

Motion by Jennifer Wood to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(a), ORS 688.140(2)(c), OAR 848-045-0020(2)(u)(B), and OAR 848-035-0020(10). And to require Licensee to complete the CC's within 60 days of the Order and assess a civil penalty of \$550.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 544-9/14

Motion by Jennifer Wood to issue a Stipulated Agreement and Final Order accepting a voluntary surrender of license in lieu of a disciplinary action for violation of ORS 688.140(2)(a) ORS 688.140(2)(c), OAR 848-045-0020(2)(u)(B), OAR 848-035-0020(10).

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 546-9/14

Motion by Jennifer Wood to close the case and provide a letter to the Licensee noting the Board acceptance of the continuing competency credits submitted.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 543-9/14

Motion by Jennifer Wood to issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2)(a), OAR 848-045-0020(2)(u)(B) and assess a civil penalty of \$100.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 537-7/14 and PT 504-3/14

Motion by Jennifer Wood to accept the Stipulated Agreement and Final Order, as signed by the Licensee, for voluntary surrender of their PTA license in lieu of the Board's issuance of a discipline action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Case PT 545-9/14

Motion by Jennifer Wood to issue a Confidential Advisory Letter regarding the Licensee having an inappropriate conversation with a patient and, at the Licensee's expense, require the completion of a Board approved Boundary course within 60 days of the date of the letter.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Dry Needling Update

The Director introduced two new pieces of information relative to dry needling. The first was the latest edition of the APTA's Guide to Physical Therapy Practice which now includes the intervention of dry needling as part of a PTs scope of practice. The second was a ruling from a Washington trial court that ruled with a partial summary judgment, enforcement an injunction against an out of State Continuing Education Provider and a group of physical therapists who attended a dry needling course and during the course practiced dry needling. The Court ruled that without specific language in the Washington's PT scope of practice allowing for dry needling, the physical therapists attending the CE course were practicing acupuncture without a license. The Oregon Board discussed the new information and determined that it would hold to its current position as posted on the Board's website. The Board instructed the Director to post an update on the website noting the discussion.

Patient Safety Commission's New Mediation Program

New legislation enabled the Oregon Patient Safety Commission (PSC) to introduce a new Early Discussion and Resolution program. The program is designed to facilitate the settlement of claims of patient injury through a mediation process. The process is totally confidential and cases are not reported to the regulatory health boards or to the National Practitioner Data Bank. Further the PSC is not a mandatory reporter for child and elder abuse. Although the Board has concerns of possible public health and safety issues going unchecked, the Board has no recourse but to monitor the outcomes or ramifications of the legislatively approved program.

Questions Regarding PTs Ordering X-Rays & Imaging

The Board determined that current law does not allow for a physical therapist to order an X-ray or imaging and the requirement to refer a patient does not include referring to a radiologist as a physician.

CLEAR, FARB and FSBPT Conferences

- Clinical Advisory/Investigator Sherri Paru attended the Council on Licensure, Enforcement and Regulations' (CLEAR) annual conference and reported that her most valuable take away from the conference were the contacts and networking with other compliance officers and investigators. Ms. Paru felt that a disproportionate amount of the content was geared towards Canada.
- The Board's Senior Assistant Attorney General Carol Parks attended the Federation of Association of Regulatory Boards' (FARB) annual Regulatory Law Seminar. Ms. Parks reported that given all the educational opportunities for attorneys representing regulatory Boards, the FARB programming is, by far, the best match of relevant issues and topics. One topic of discussion included the legality of specific background questions used by Boards during the credentialing/application process. Ms. Parks will review the Board's current initial and renewal application language and render an opinion relative to the background questions used by the Board. Ms. Parks reported on the varying differences in type of legal representation Boards have around the country and how the Oregon structure offers one of the better solutions with regards to representation and associated costs. Ms. Parks also shared a handout with the Board relative to a case currently in front of the US Supreme Court, Federal Trade Commission vs. N.C. Dental Board. Ms. Parks reported that this case needs to be followed closely because depending on the outcome there could be ramifications to individuals serving on regulatory boards. Ms. Parks also attended a program on Telehealth practice and brought back language being adopted by the Kentucky Board; in conclusion, Ms. Parks cautioned the Board and Board staff of the ethical use of both email and social media citing case studies from the program.
- Board Chair/Delegate Richard Rutt, Vice Chair/Alternate Delegate Ruggie Canizares and Director Jim Heider attended this year's Federation of State Boards of Physical Therapy's (FSBPT) Delegates Assembly. The Board's Clinical Advisory/Investigator Sherri Paru also attended as a presenter. All Board members and staff, travel, hotel and meals were funded by the FSBPT. The attendees reported on the varying topics with the major theme focused on breaking down barriers to licensure. Topics included; telehealth, development of a national PT compact and credentialing and licensure for foreign educated therapists. The Director also reported that he had been elected to serve a second term as Director on the Federation Board.

Board Policy Issues/Review

- Policy discussion on posting of final orders and all public records on the Board's website – After review and discussion the Board determined that they would amend the current policy of posting all public records leading up to the final order on the Board's website. The new policy will conform to what the other Oregon Health Boards are doing by posting only the final order by itself on the website. The documents leading up to the final order are still considered public records and are available to the public at any time with a public records request. The Board directed staff to amend the policy and bring it to the next meeting for ratification. Also the Board instructed staff to begin the project of amending the current public posting on the Board's website.
- Ratify amended Delegation of Authority Letter to include issuance of Order of Satisfaction of Probation – Based on an earlier directive of the Board, the Director

presented the Board an amended copy of the Delegation of Authority Letter adding the authority for Board Staff to issue a “Notice of Satisfaction of Probation” upon the successful completion of a Board imposed probationary period upon a Licensee. After review Board member Jennifer Wood moved to ratify the amended Delegation of Authority Letter. The motion was seconded by Ruggie Canizares. The motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

- Ratify amended policy of NPTE Special Accommodations – The Oregon Board’s Guide to Special Accommodations has been updated for changes in the new federal regulations. After review and discussion, Board Member Jennifer Wood moved to ratify the amended ADA Policy as written. The motion was seconded by Ruggie Canizares. The motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

General Topics/Business

- 2015-2017 Financial Budget Discussion – the Board is in its current budget preparation cycle for 2015-2017. A draft of the proposed budget will be brought to the Board at its January 2015 meeting.
- Issuance of State IDs to Board Members – The Director issued each Board member a State of Oregon picture I.D. badge to be used only when on Board business i.e. parking, travel, hotels.
- Jurisprudence Exam Online – The Board Licensing Coordinator has put its current jurisprudence examination online taking the place of its current paper pencil test. This is part of the new online application packet. It is more of a learning tool now requiring applicants to review incorrect answers and select the correct answer. The Federation has developed a jurisprudence examination model that they are offering as a service to its member boards. The exam development is done by the Federation and will be offered in multiple forms. The Federation exam will be a valid reliable examination with similar qualities to the NPTE. The Director asked the Board for its approval to pursue moving towards the Federations new exam. The Board approved investigating the costs and viability of offering the Federations new jurisprudence model.
- Fingerprinting versus Database Search for Background Checks – After discussion the Board asked the Director to research the feasibility and costs associated to move from the current system of using online background checks through a data service to the FBI fingerprinting system.
- Fingerprinting of staff for LEDS Certification Audit – The Director reported that the Board completed its LEDS certification audit and there were two findings. The first was that the Director and the Clinical Advisor/Investigator need to complete the FBI fingerprinting process and the Clinical Advisor/Investigator needs to complete the CIJIS Awareness Class and pass the examination.

George Fox 2015 Graduate NPTE Status

The first co-hort from George Fox University will be graduating May 2, 2015 but will not be eligible to sit for the national physical therapy examination (NPTE) until the Board receives verification from the Commission on Accreditation of Physical Therapy Education (CAPTE) that the University has been accredited. That notification is expected to be received sometime after April 29, 2015. The first opportunity the graduates from George Fox University will have to

take the NPTE will be in July but once the accreditation is awarded the graduates will be eligible to apply for temporary permits.

Questions Regarding School Based Physical Therapists

The Board Investigator Paru shared with the Board an anonymous email from an individual who identified themselves as a therapist and a person in contact with a number of therapists in Multnomah County working in the school setting. The email detailed concerns with regards to case loads and work situations that force therapists to either work outside their scope or contrary to statutes and rules. After discussion the Board determined that its accountability is to enforce the Oregon Statute and Rules. If a therapist is working outside their scope or contrary to the statute and rule, they are subject to disciplinary action by the Board. The Board instructed staff to reply to the email address with a letter noting the therapists responsibility to adhere to statute and rule, to report if someone is practicing outside their scope or contrary to statute and rule or if they witness an individual practicing physical therapy without the proper credentials. If this is an employment issue the therapist should bring their case to the Department of Education.

National Insurance Crime Bureau (NICB)

Sherri Paru, PT, Clinical Advisor/Investigator reported that both she and the Director were invited and attended a meeting at the Crime Bureau. Also in attendance were compliance representatives from the Oregon Chiropractic and the Massage Board. The Bureau hosts quarterly meetings of investigators from large insurance providers throughout the state. The group discussed and share information and names relative to healthcare providers suspected of fraud. Ms. Paru indicated that, unless the Board felt otherwise, staff would continue to have an involvement with the NICB at some level. There was no opposition from the Board members.

Approval of Board Meeting Minutes

The drafted minutes, from the August 15, 2014 Regular Board Meeting and August 25th, 2014 Special Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. Member Jennifer Wood noted two changes to the minutes of August 25th. Noted, Chair Rutt asked for a motion to approve the meeting minutes as amended.

Member Jennifer Wood moved to approve the Minutes from the August 15 and August 25th Board meetings as amended.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Future Board Meeting Dates:

The Board meeting dates for 2015 are all on Fridays; January 9th, March 20th, May 29th, August 7th, October 9th and December 11th. The May meeting is scheduled to be held in Bend, OR and the October meeting is scheduled to be held at Mt. Hood Community College in Gresham, OR. 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

Board Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of August 15, 2014 through October 23, 2014. Chair Rutt opened the floor for

discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Member Jennifer Wood moved to ratify the list of new licensees and temporary permit holders as submitted.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0, Member Costales was absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for any other new business.

Director Heider submitted the following information:

Director Announcements

- The Director distributed new State of Oregon I.D. badges to each of the Board members. This will allow members traveling on Board business to take advantage of State employee discounts at hotels.
- Board member stipends for the October 2014 meeting will not be paid until the November end of month payroll because the October payroll had to be reported a week earlier than normal.
- Board member reimbursement checks for 2014 meeting expenses will be issued by the end of the month.

The Director informed the Board that he was scheduled to have back surgery in November and depending on the outcome would be out of the office on medical leave for a period of time following the surgery.

The Director announced the holiday office closure dates. The Board office will be closed Thanksgiving and the day after Thanksgiving (staff taking the Governor's Day on Friday). The Board office will also be closed December 24th 25th and 26th for Christmas (staff using personal time off for the 24th and 26th) and the office will be closed on Thursday, January 1st for New Years.

Chair Rutt again asked for other new business. With none noted Chair Rutt adjourned the meeting at 2:32 PM.

**Physical Therapist Licensing Board
Emergency Telephone Board Meeting
November 25, 2014**

MINUTES

Tuesday November 25, 2014

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Wood, PTA Member, Carol Sutton, Public Member; Troy Costales, Public Member

Board Members Absent:

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

Legal Counsel: Carol Parks, AAG

Board Members Absent:

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

Legal Counsel: Carol Parks, AAG

For the record Chair Rutt announced the Board would be holding an “Emergency Board” meeting pursuant to ORS 192.640(3). Chair Rutt 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 11:35 AM Chair Rutt convened 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 12:08 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 12:08 PM Chair Rutt 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 550-11/14

Motion by Troy Costales to issue an Interim Stipulated Agreement (Agreement) in which Licensee agrees not to practice physical therapy in any capacity until further action of the Board. Licensee must acknowledge the Agreement by Monday, December 1st. If the Board has not heard from the Licensee by December 1st the Board will issue an Emergency Suspension Order effective immediately.

Seconded by Ruggie Canizares .

Motion passed by roll call 7-1; Board member McAvoy voted Nay.

Board Member Reports/Other Business

Chair Rutt called for any other new business. With none noted, Chair Rutt adjourned the meeting at 12:10 PM.