

**Physical Therapist Licensing Board
Board Meeting
January 9, 2015
MINUTES**

Friday January 9, 2015

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: None

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:55 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 12:27 PM 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 12:43 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: Diana Godwin, Attorney for OPTIP, Ricci Susick, PT OPTA Liaison

Board Motions

Case PT 544-11/14

Motion by Ruggie Canizares 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 688.120(2)(c) and OAR 848-035-0020(7). Licensee must complete the remaining CE within 60 days of the Order and the Board will assess a civil penalty of \$350.00.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 553-11/14

Motion by Ruggie Canizares 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 688.120(2)(c) and OAR 848-035-0020(7). The Board will assess a civil penalty of \$450.00.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 548-10/14

Motion by Ruggie Canizares to issue a Confidential Advisory Letter regarding retention and maintenance of confidential patient records.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 551-11/14

Motion by Ruggie Canizares to issue a Confidential Advisory Letter regarding full disclosure of prior arrest record on application for licensure.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 552-11/14

Motion by Ruggie Canizares to issue physical therapist license and close case.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 549-11/14

Motion by Ruggie Canizares to closed the case with no action taken.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 521-5/14

Motion by Ruggie Canizares to issue Notice of Proposed Disciplinary Action for working beyond the scope of a physical therapist and failure to follow an order of the Board, violations of ORS

688.140(2)(b) and ORS 688.140(2)(a). The Board will assess a civil penalty of \$2,000.00 and the assessment of costs.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 524-5/14

Motion by Ruggie Canizares to issue a Confidential Advisory Letter regarding documentation requirements and supervision of assistive personnel.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Case PT 441-6/12

Motion by Ruggie Canizares to issue an Emergency Suspension Order.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. PTA member Wood recused herself from the case.

National Insurance Crime Bureau (NICB) and US Office of the Inspector General (OIG)

Representatives Lori Person from the NICB and Kim Vu from OIG were invited to present. Ms. Vu was called from the meeting unexpectedly but will be invited back to present at a later date. Ms. Person from the NICB shared an overview of the agency's role in partnering with private sector insurance carriers and through them, data gathering and mining aimed at detection of insurance fraud and overutilization. Ms. Person applauded the Board's interest in the NICB and encouraged the Board Staff's continue attendance at the NICB quarterly meetings. Both the Oregon Chiropractic Board and the Massage Board also attend these meetings. Many of the current fraud cases NICB is working on involve chiropractors and massage therapists.

Board Policy Issues/Review

- The Board reviewed the amended policy on posting of final orders on the Board website. After review Ruggie Canizares moved to ratify the amended policy as written.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.
- The Board reviewed the draft policy regarding the sharing of investigative information with other regulatory boards both in state and out of state. After review Ruggie Canizares moved to adopt the policy as written.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.
- The Board reviewed the draft policy regarding the internal handling of LEDS reports. After review Ruggie Canizares moved to adopt the policy as written.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Copies of any of the Board policies may be obtain by emailing a request to the Board office at physical.therapy@state.or.us or by calling 971.673.0200.

FSBPT new NPTE Eligibility Requirements and Impact on the Board

Effective January 1, 2016 the Federation of State Boards of Physical Therapy (FSBPT) will impose the first two of four new eligibility requirements to sit for the National Physical Therapy Examination (NPTE). The first two requirements impose a life time limit of six attempts at the examination and a lifetime limit for anyone receiving two low scores on the exam. A low score is set at chance (400 or less). Passing is 600. In January 2017 the second two eligibility requirements will become effective. They are; the requirement for a foreign educated physical therapist or physical therapist assistant to provide evidence that their foreign program was deemed substantially equivalent to that of a US graduate using the most recent version of the Federation's Course Work Tool and that the candidate show proof of English proficiency with passing scores on the Test of English as a Foreign Language (TOEFL). Standards on the TOEFL as set by the FSBPT. The Director informed the Board that in implementing these requirements the FSBPT will have an appeal process allowing member Boards to request an exception to the eligibility requirements on a case by case basis. In doing so, the Director told the Board that Oregon will have to determine whether they are going to allow for appeals and, if not, they are going to have to have administrative rule or policy in place to deal with endorsement applicants who have been successful on the exam following an appeal. The Director suggested, and the Board agreed, that for now staff will monitor the Federation's progress on building the appeal model and will address the issue when more is known about that process.

2015-2017 Proposed Financial Budget Review

The Director presented the Board with a proposed 2015-2017 Biennial Budget. The budget was presented with a line item comparison and written narrative to the 2013-2015 budget. The Director reviewed the proposed line item budget with the Board indicating that proposed 2015-2017 expenditures were projected to increase by less than 2.2% whereas the State agencies projected general inflationary factor for expenditures was set at 3.0%. The largest increase in the allocation of dollars on the expense side was in the area of employee benefits. On the income side, through a more thorough analysis of the income accounts, the biennium ending balance was projected to be around \$187,000.00. The Board determined that based on current reserves they would amend the proposed budgeted income to reflect a zero ending balance. The \$187,000 of income would be adjusted by lowering 2016-2018 renewal fees.

Ruggie Canizares moved to adopt the proposed budget as amended.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

New legislation, ORS 182.462(2), requires the Board to present the approved 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, March 20th with prior Notice sent to the Interested Parties list and all licensees and posted in the March 2015 Oregon Bulletin. Copies of the Notice for Hearing, the Fiscal Impact Statement, the Proposed Budget and the Narrative can be found on the Board Website at www.ptboard.state.or.us .

General Topics/Business

- Posting Final Order on the Board website – The Director reported that this project was complete that in accordance to the new policy. Only “Final Order” documents are now posted on the Board’s website.
- Fingerprinting of staff for LEDS certification audits – this is still an outstanding issue.
- 2015-2016 renewal process is ready to go. The process will begin Monday January 12th with the mailing of a renewal reminder postcard followed by a blast email to all currently licensed PT’s and PTA’s.
- The Director updated the Board on the scheduled meeting dates for the upcoming Rules Advisory Committee addressing the topic of Telehealth. The meeting dates are set for Tuesday, February 10th and Tuesday, February 24th. The Committee is comprised of 8 PTs representing a variety of work settings, 2 PTAs one a Board member, an Attorney representing a group of privately owned PT Clinics and Board staff.

Approval of Board Meeting Minutes

The drafted minutes, from the October 24, 2014 Regular Board Meeting and the November 25, 2014 Emergency Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted;

Member Ruggie Canizares moved to approve the Minutes as presented.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Future Board Meeting Dates:

The Board meeting dates for 2015 are all on Fridays; March 20th, May 29th, August 7th, October 9th and December 4th. 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 October 23, 2014 through January 8, 2015. 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 Ruggie Canizares moved to ratify the issuance of new licenses and temporary permits as presented.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

Director Heider reminded the Board of the upcoming FSBPT new board member training scheduled for June 12th through the 14th in Alexandria, VA. The program is fully funded by the Federation and Board members interested in attending the training should contact the Director.

Chair Rutt asked again for other new business. With none noted, Chair Rutt adjourned the meeting at 3:04 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
January 20, 2015
MINUTES**

Tuesday January 20, 2015

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; Carol Sutton, Public Member; Troy Costales, Public Member

Board Member Absent/Recused: Jennifer Wood, PTA 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 11:51 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 12:48 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 12:49 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 441-6/12

Motion by Ruggie Canizares to issue an Interim Stipulated Order restricting License's practice requiring a board approved female chaperone while treating female patients.

Seconded by Carol Sutton

Motion passed by a vote of 7-0. Member Wood recused herself from the case.

Chair Rutt asked the Board for any other public session business.

- Director Heider shared a list of candidates interested in appointment to fill the vacancy at the end of Member Selbst second term ending April 30, 2015. The Director also informed the Board that he has requested that Member Selbst second term be extended through June 30, 2015 to accommodate the Board's planned May 2015 Board meeting in Bend Oregon. The list of interested candidates includes: Phil Haworth of Salem; Lori Deal of Oregon City; Peter Schrey of Bend and Paul Westgard of Depoe Bay Oregon. The Director asked that any Board comments or input relative to the candidates be sent directly to him via email.
- Public member Costales made the Board aware of Senate Bill 289 which would establish legislative policy for periodic Sunset review of Boards, Commissions and other small entities' within the Executive Branch of Government. The Director said he was aware of the Bill and would be following it through the legislative process.

Chair Rutt asked for any other new business, hearing none he adjourned the meeting at 12:55 PM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
March 20, 2015**

MINUTES

Friday, March 20, 2015

Board Members Present: Richard Rutt, PT, Board Chair; Ruggie Canizares, PT, Board Vice Chair.

Staff: Rick Sullivan, PTA, Licensing Coordinator and Board Hearing Officer standing in for James Heider, Director who due to illness was unable to attend the meeting.

Legal Counsel: Carol Parks, AAG

The Hearing was convened at 8:00 AM by Rick Sullivan, PTA, Licensing Coordinator and Presiding Hearing Officer. There were no guests signed in to testify and no written testimony submitted.

Mr. Sullivan read the following for the Record: Per ORS 182.462(2), on January 28, 2015, copies of the Board's proposed Budget, accepted by public vote at the Board's January 9, 2015 meeting, were sent for comment to the Governor's office, the Legislative Fiscal Office, the President of the Senate, and the Speaker of the House.

On February 3, 2015, Notice of Public Hearing to adopt the Board's 2015-2017 Budget was sent to the Secretary of State Office for posting in the March 2015 Oregon Bulletin, to the President of the Senate, the Speaker of the House and all Interested Parties. On February 27th email Notice of Public Hearing was sent to all licensees of the Board. Lastly, the Board Budget, Budget Narrative, Notice of Hearing and Fiscal Impact Statement were all posted on the Board's website for public viewing.

Rule Summary:

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2015-2017 Biennium Budget of \$1,022,000 covering the period from July 1, 2015 through June 30, 2017. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$1,022,000 for the effective operation of the Board. The Board will not exceed the approved 2015-2017 Biennium Budget expenditures without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office and posted on the Board's website.

Noting no testimony in support of, or in opposition to the adoption of the Board's 2015-2017 operating budget, Mr. Sullivan adjourned the Hearing at 8:20 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
March 20, 2015
MINUTES**

Friday, March 20, 2015

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

Board Members Absent: Jennifer Wood, PTA Member

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

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, and Board policy and administration.

At 12:25 PM Chair Rutt adjourned Executive Session.

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

PUBLIC (OPEN) SESSION

At 12:43 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 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. Upon the approval of the Board, written minutes are published and available on the Board website.

Guests: Ricci Susick, PT OPTA Liaison

Board Motions

Case PT 441-6/12

Motion by Troy Costales to issue a Confidential Advisory Letter.
Seconded by Aubree Benson.

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

Case PT 556-1/15

Motion by Troy Costales to close case no action.

Seconded by Aubree Benson.

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

Case PT 521-5/14

Motion by Troy Costales to issue a Confidential Advisory Letter and additionally to issue a Stipulated Agreement and Final Order citing violation of ORS 676.110(2) and assessing a civil penalty of \$1,000.00.

Seconded by Aubree Benson.

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

Case PT 556-3/15

Motion by Troy Costales to issue an Interim Stipulated Agreement agreeing to stop practice of physical therapy pending a further order of the Board and additionally to issue a Notice of Proposed License Revocation for violations of ORS 688.140(2)(d) & (i) and OAR 848-045-0000(2)(f).

Seconded by Aubree Benson.

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

2015-2017 Board Budget

The Director was absent from the 03.20.15 public hearing on the Board's proposed rulemaking to adopt its 2015-2017 operating budget but did listen to the audio tape of the hearing. There were two Board members and the Board's AAG present at the meeting. They concur with the Director that there was no public testimony presented. Also the Director reported that Board staff had received no written testimony in support of, or in opposition to the proposed budget rule change. The proposed expenditure for the 2015-2017 budget is \$1,022,000.00 up 2.2% from the prior biennium which is lower than the DAS general inflationary rate of 3%. The original income projections for the budget had the Board reporting a positive ending balance of \$180,000. The Board chose to lower the projected income to balance the budget. The plan is to lower upcoming renewal fees by the \$180,000 to offset the projected gain in the ending balance.

Troy Costales moved to adopt the 2015-2017 budget as presented.

Aubree Benson seconded the motion.

Chair Rutt asked for further discussion, hearing none the motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Board Policy Issues/Review

- Discussion regarding written executive session minutes – The Director informed the Board that staff is still working on a templated format for the executive minutes from the January 9, 2015 board meeting. The Director is uncertain that taking written minutes in lieu of an audio recording is the best method of recording the meeting. The thought was the written minutes can be edited to include only relevant executive session information, discussion and action items. The Director will follow-up with the Board at its May meeting with recommendations.

- Discussion of policy requiring a social security number prior to licensure – The Board received two requests for the Board to reconsider its policy on requiring a social security number prior to issuing a license. After discussion the Board determined that, in the continued interest of public safety, it would not change its policy. The social security number is used as a unique identifier in running a national criminal background data base search prior to licensure and is required for the administration of federal and state revenue recovery programs, child support payment programs and for reporting of adverse actions taken against a licensee to the National Practitioners Data Bank.
- Discussion of early eligibility release policy allowing PTA students to take the NPTE prior to graduation – The current policy allows for staff to release the eligibility of a physical therapist to sit for the NPTE up to 90 days prior to graduation if the student has successfully completed all the program didactic work. The Board received a request to consider adding physical therapist assistant students to also sit for the NPTE prior to graduation if they met the same criteria. After discussion the Board determined that it would allow for a PTA student to be released early to sit for the NPTE if they met the same criteria. The Board instructed the Director to amend the policy and bring it to the May Board meeting for formal adoption.
- Discussion of early eligibility release policy allowing for students to take the NPTE prior to completion of didactic work – as noted above, the current policy allows for staff to release the eligibility of a physical therapist to sit for the NPTE up to 90 days prior to graduation if the student has successfully completed all the program didactic work. The Board received two requests to consider changing the policy to allow for early release regardless of the completion of the didactic portion of the program as long as the student was within 90 days of graduation. After discussion the Board determined that it would not change the current policy requiring the completion of all didactic work prior to release of early eligibility to sit for the NPTE.
- Discussion of creating a policy requiring completion of the jurisprudence exam when reinstating a lapsed license – The Director asked the Board to consider implementing a policy that would require an individual who was reinstating a lapsed license to take the current jurisprudence examination prior to reinstatement. The Board's legal counsel stated that a requirement of that nature would have to be designated in rule rather than policy. After discussion the Board agreed that in the interest of the public safety and wellbeing, an individual wishing to reinstate a lapsed license should be fully aware of the Oregon Statutes and Administrative Rules thus should be require to complete the jurisprudence examination prior to reinstatement. The Board instructed the Director to add the requirement to the list of changes for the current rule making cycle.

Copies of any of the Board policies may be obtain by emailing a request to the Board office at physical.therapy@state.or.us or by calling 971.673.0200.

General Topics/Business

- Update on Telehealth Rules Advisory Committee – The Director reported that the Telehealth Committee held two meetings and has completed an outline of essentials for consideration when drafting the telehealth rule language. The drafting subcommittee is planning its first meeting on April 6th and will send draft language back to the full

committee for review and comment. The Board should have a proposed draft of the telehealth rules at its May 29th meeting.

- Update on 2015-2016 renewal process – The Director reported that as of the meeting date there were nearly 1,000 therapists who had not yet renewed their 2015 license. Each year the Board expects around 300 non-renewals due to travelers on temporary assignments and attrition through retirements. In planning the workflow over the next 10 days, which will include the processing of nearly 700 renewals, staff decided they would send out a final email notice of renewal.
- Federation of State Boards of Physical Therapy's Jurisdictional application process satisfaction survey – Quarterly the FSBPT sends out to all member boards the survey results taking from the NPTE test takers upon completion of the exam. One of the questions on the survey asks "How satisfied were you with the processing of your application by the state in which you applied for licensure? The Director reported that Oregon has always beaten the bench mark but that this quarter was the highest satisfaction rating to date. The benchmark for all states was 83%. Oregon's stand alone satisfaction rating was at 97%. The Director attributed this high rating to the proficiency of its Licensing Coordinator, Rick Sullivan.

Approval of Board Meeting Minutes

The drafted minutes, from the January 9, 2015 Regular Board Meeting and the January 20, 2015 Special Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted;

Member Troy Costales moved to approve the Minutes as presented.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting dates for 2015 are all on Fridays; May 29th, August 7th, October 9th and December 4th. 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 January 9, 2015 through March 19, 2015. 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 Troy Costales moved to approve the Minutes as presented.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

The Director reported he had the opportunity to meet with Derek Fenwick the new OPTA Chapter President and that they discussed current issues and topics of interests for both organizations. Discussed were the FSBPT task force on dry needling, the OPTLB Telehealth rules advisory Committee, the FSBPT physical therapy compact, future legislation and the possibility of both organizations working together to further efforts of public outreach. The Director also discussed the statutory roll of the OPTA in slating possible candidates for the Governor's consideration for appointment to the upcoming opening on the board.

The Director reported that he has received the Federation of State Boards of Physical Therapy's request for credentialing of this year's delegate, alternate delegate and administrator attending the FSBPT's 2015 Delegates Assembly October 15th through the 17th in Orlando, Florida. As in years past the Board Chair, Richard Rutt, the Vice Chair, Ruggie Canizares and the Administrator, Jim Heider will be credentialed to attend and represent Oregon. The travel, hotel and meals for all three of these representative positions are funded by the Federation. The Director did tell the other Board members that might be interested in attending the program to contact him directly to discuss.

Chair Rutt asked again for other new business. With none noted, Chair Rutt adjourned the meeting at 2:24 PM.

At 2:25 PM Chair Rutt re-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 a current open case and considered legal advisement from Board Counsel.

At 2:27 PM Chair Rutt adjourned Executive Session.

At 2:28 PM, Board Chair Rutt re-convened the Board into Public Session and asked for any Board Motions.

Case PT 441-6/12

Motion by Troy Costales to issue a Termination of Interim Stipulated Order.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board members Canizares and Wood were absent from the vote.

Chair Rutt asked for any other new business. With none noted, Chair Rutt adjourned the meeting at 2:29 PM.

Physical Therapist Licensing Board

**Board Meeting
May 29, 2015
MINUTES**

Friday, May 29, 2015

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

Board Members Absent: Carol Sutton, Public Member

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

Legal Counsel: Carol Parks, AAG Executive Session only, via telephone.

EXECUTIVE (CLOSED) SESSION

At 8:56 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, and Board policy and administration.

At 12:34 PM 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 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 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. Upon the approval of the Board, written minutes are published and available on the Board website.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice, Rose Speck, PT.

Board Motions

Case PT 562-4/15

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order. Citing violations of ORS 688.140(2)(a); OAR 848-045-0020(2)(r) and OAR 848-045-0020(2)(z) and assess a civil penalty of \$100.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Case PT 563-4/15

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order. Citing violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(r) and assess a civil penalty of \$75.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Case PT 564-4/15

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order. Citing violations of ORS 688.140(2)(a); ORS 688.140(2)(c); OAR 848-045-0020(2)(r) and OAR 848-005-0030(3) and assess a civil penalty of \$325.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Case PT 506-3/14

Motion by Burke Selbst to issue a Termination of Interim Stipulated Order and reinstate the license without restrictions.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Case PT 515-4/14

Motion by Burke Selbst to issue a Final Order by Default and in addition to the civil penalty, include the assessment of costs from the Department of Justice and the Office of Administrative Hearings.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Case PT 565-5/15

Motion by Burke Selbst to accept initial licensure application, release eligibility to sit for the national exam and issue the temporary permit. Selbst also moved to issue a Confidential Advisory Letter requiring the Licensee to report any changes in the status of his court ordered probation and to provide the Board with documentation upon completion of the court ordered probationary period.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Board Policy Issues/Review

- Ratification of amendments made to the early NPTE release policy allowing PTAs along with PT students to take the national examination upon completion of all didactic work and prior to graduation.

Motion by Burke Selbst to ratify the early release policy as amended.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

- Policy on distribution format for future Board Communications/Publications – The Director presented the Board with a proposal to use Board Only Email Addresses for the distribution of future Board communications including, renewal notices and newsletters. After discussion the Board determined that they would support using email addresses but only as an opt-in option. As part of the 2016 renewal cycle licensees would be given the option to select to receive future Board communications by email.
- Discussion of Director's recommendation that the Board continue taking Executive Session Notes (Notes) in a written format – The Director reported to the Board that the pilot for recording the Notes in a written format verses the audio recording is complete. That, in the future, the meetings will still be recorded and the executive session recording will be transcribed into written Notes. Following the transcription of the Notes, the recording will be deleted.

Copies of Board policies may be obtained by emailing a request to the Board office at physical.therapy@state.or.us or by calling 971.673.0200.

Discussion of State Statutes and Rules Regarding Ownership of a PT Clinic

Although authorized under ORS 58.367 to write rules governing the ownership of a PT clinic, the Board's current position and legal opinion is, there is nothing in the current physical therapy statute or rule that dictates who can and cannot own a physical therapy clinic. Based on further discussions of the Board with regards to general statutes the Board asked its legal counsel continue to research this issue looking closer at the legislative intent of ORS 688.140(2)(L) and to further research into the statutes governing ownership of a professional corporation ORS 58.367 and ORS 58.345.

Board and Pharmacy Statutes and Rules Regarding Purchasing and Storage of Medication for use with Iontophoresis.

ORS 688.135 states that a physical therapist may purchase, store and administer topical and aerosol medications as part of the practice of physical therapy. Recently, the Clinical Advisor/Investigator has received several calls with regards to changes in Pharmacy regulation that has created issues for some PTs obtaining the medications used to administer iontophoresis. Ms. Paru reported that she has been meeting with a representative of the Pharmacy Board and they have determined that they would do a joint communication, to educate all licensed Pharmacists and Physical Therapists outlining the changes in pharmacy rules and suggest best practices/procedures for pharmacist to use when dispensing medications to physical therapists.

General Topics/Business

- Update on 2015-2016 renewal process – The Director reported the smoothest online renewal period to date. Of the 5,200 renewals notices mailed out there were 4,900 applicants who completed the process. 3,800 PTs and 1,100 PTAs. That is an attrition of 300 Licensees or a rate of 6% which is normal based on historic trends. Most of the non-renewals are attributed to travelers coming into the State to complete short term assignments. The Director reminded the Board that in 2016 the Board was moving to a 2 year renewal cycle. This change was made to sync the renewal cycle with the biannual Continuing Competency (CC) cycle. The rules are being amended now to accommodate for the change in cycle. Other changes for the 2016 renewal cycle will include having to have completed all of the required CC prior to completing the renewal. Along with the attestation the applicant will be required to list the CC activities and the associated credit. All applicants will have to complete a minimum of 24 hours of CC prior to renewal. There will still be a post renewal random CC audit where the selected licensees will have to provide the Board with the Certificates of Completion that document the CC activities they listed on the renewal form.
- Office Furniture/Ipad Purchase Discussion – The Director shared with the Board the current financial position and the projected fiscal yearend (FYE) June 30, 2015 position. Estimating FYE income over budget at \$190,000 and expense under budget by \$45,000. This will leave a net estimated ending balance of \$235,000. At the Board's request, the Director explained the budget process and policies relative to Semi-independent Boards budget approvals and appropriations. After the budget discussion, the Director introduced two standing projects; the purchase of Ipads or Tablets to move the Board to electronic paperless Board meetings and, the replacement of the old office furniture moving to a more ergonomic environment. After discussion, the Board approved the purchase of the Ipads at an estimated cost of \$10,000 and the new ergonomic furniture at an estimated cost of \$7,700.
- The Director announced the appointment of Board Member Philip Haworth, PT. Mr. Haworth is the current Outpatient Rehabilitation Manager for Salem Hospital. He will replace the outgoing Board member Burke Selbst, PT. Mr. Haworth's term is slated for 6/01/14 through 3/31/18.

Proposed Draft Telehealth Rules

The Director presented the Board with draft Telehealth Rules as written by the Telehealth Rules Advisory Committee. With a few points of clarification the Board approved the draft rules for rulemaking. The Notice of Rule Making Hearing will be submitted to the Secretary of State's office for publishing in the August Oregon Bulletin. The Hearing will be set for Friday, August 21st at 8:00 AM. The Notice, Fiscal Impact Statement and a copy of the proposed rule draft will be posted on the Board website, written notice will be sent to all interested parties and notification will be posted in the Board's Summer Newsletter sent to all Licensees.

Discussion of Two Year Renewal Cycle

As mentioned in the update of 2015-2016 renewal process, the Board will be moving to a 2 year renewal cycle effective April 1, 2016. After discussion of budget income, expense and Board reserves, the Director proposed that the Board consider lowering total renewal fees by up to 15%. The Director indicated that amendments to the current renewal rules and fees will be presented at the August Board meeting and that he would like the Boards approval to lower the fees. After the

Board's consideration and discussion, the Board determined they would approve lowering the renewals fees effective April 1, 2015 by 15%. It was noted that although the overall fee is being reduced, the total out of pocket cost to a licensee will be more because they will be paying for a two year license as opposed to an annual license.

Approval of Board Meeting Minutes

The drafted minutes, from the March 20, 2015 Administrative Rules Hearing and Regular Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted;

Member Burke Selbst moved to approve the Minutes as presented.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting dates for 2015 are all on Fridays; August 21st, October 9th and December 4th. 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 March 20, 2015 through May 27, 2015. 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 Burke Selbst moved to ratify the list of new licensees and temporary permit holders as presented.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0. Board member Sutton was absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

The Board said farewell to Burke Selbst, PT, board member. Burke served two full terms on the Board and he will be missed by the Board and the Staff.

The Director announced the pending retirement of the Board's long time Senior Assistant Attorney Carol Parks. Carol will retire at the end of December 2015.

Chair Rutt asked for any other new business. With none noted, Chair Rutt adjourned the meeting at 2:47 PM.

Special Telephone Board Meeting
June 25, 2015
MINUTES

Thursday June 25, 2015

Board Members Present via Phone Conference Line: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Aubree Benson, PT Member; Carol Sutton, Public Member; Troy Costales, Public Member

Board Members Absent: Jennifer Wood, PTA Member; Alan McAvoy, PT 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 11:45 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 12:25 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 12:26 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 515-4/14

Motion by Ruggie Canizares to enter into a Stipulated Agreement and Final Order where Licensee agrees to relinquish his rights to reinstatement of his physical therapist assistant lapsed license and agrees never again to apply in Oregon for a Physical Therapist Assistant's license. In consideration of the Licensee's concessions, the Board agrees to waive the civil penalty and hearing costs assessed in the Default Order in the above referenced case.

Seconded by Aubree Benson

Motion passed by a vote of 6-0. Members Wood and McAvoy were absent from the vote.

Case PT 550-11/14

Motion by Ruggie Canizares to withdraw the Interim Agreement and issue a Confidential Advisory Letter requiring Licensee to submit monthly self reports regarding Licensee's treatment and progress as it relates to their alcohol addiction and depression for a period of one year.

Seconded by Aubree Benson

Motion passed by a vote of 5-0. Member Costales was a nay vote. Members Wood and McAvoy were absent from the vote.

Chair Rutt asked the Board for any other public session business.

- The Director announced that staff has purchased the Ipads as directed, by the Board, to establish a secured paperless system for Board communications including paperless Board meetings. The Ipads are being programmed now and will be distributed at the August Board meeting. The Ipads are strictly for Board use only.

Chair Rutt asked for any other new business, hearing none he adjourned the meeting at 12:30 PM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
August 21, 2015**

MINUTES

Friday, August 21, 2015

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member

Staff: Jim Heider, Board Director and Hearing Officer; Rick Sullivan, PTA, Licensing Coordinator.

Legal Counsel: Carol Parks, AAG

Guests: Diana Godwin, Attorney at Law representing Oregon Physical Therapists in Private Practice (OPTIP) and Nancy Schuberg, Licensing Specialist, Occupational Therapy Board.

The Hearing was convened at 8:07 AM by Jim Heider, Hearing Officer.

Mr. Heider read the following into the record:

Proposed Adoption of New Telehealth Rules

A copy of the Notice was published in the August 1, 2015 Oregon Bulletin, the Notice was sent to the Legislature and, via the Summer 2015 Board Newsletter, to all Board Licensees. The Notice, Fiscal Impact Statement and the proposed rule text changes were also published on the Board's website at www.ptboard.state.or.us .

RULE SUMMARY

Adoption of new standards of practice for the delivery of physical therapy services by use of telehealth technologies. Including but not limited to assessment or consultation that can be safely and effectively provided using synchronous two-way interactive video conferencing, or asynchronous video communication, in accordance with generally accepted healthcare practices and standards. For purposes of these rules, "telehealth service" also means, or may be referred to, as "telepractice, teletherapy, or telerehab."

Proposed Change in the Renewal Cycle

A copy of the Notice was published in the August 1, 2015 Oregon Bulletin, the Notice was sent to the Legislature and, on July 28, 2015, emailed to all Board Licensees. The Notice, Fiscal Impact Statement and the proposed rule text changes were also published on the Board's website at www.ptboard.state.or.us .

RULE SUMMARY

Change the current renewal cycle from a one year renewal cycle to every two year renewal cycle effective April 1, 2016. This will put the renewal cycle in sync with the two year continuing competency cycle. Reduce the renewal fee by 15%. Eliminate the provision and fee of a wall certificate. Add an administrative fee for the processing and tracking of the new early eligibility release forms. Cleanup obsolete language in 848-010-0026. Add a requirement for a jurisprudence exam prior to reinstatement of a lapsed license. Add cultural competency course work to the list of approved continuing competency activities in Division 35 and correct errors previously published in Appendix A and B.

Mr. Heider asked for testimony on the adoption of the proposed Telehealth rules. Ms. Godwin, representing OPTIP, testified in favor of the proposed rule. There was no other verbal testimony. The Board did receive a supportive letter in favor of the rule from the Center for Connected Health Policy part of The National Telehealth Policy Resource Center, along with a proposed amendment to the rule language. Also the Board received written testimony from Mike Billings, PT and Susan Bamberger, PT both in favor of adoption of the rule but both had proposed amendments to the rule

language for the Board's consideration. That was the end of the testimony on the adoption of the proposed Telehealth rules.

Mr. Heider then asked for testimony on the adoption of the proposed change in the renewal cycle. Moving from an annual renewal to a two year renewal cycle. With no verbal testimony given, Mr. Heider read into the record the written testimony that was received. There were 12 emails from licensees all in favor of the proposed change. There was one letter from a licensee who asked the Board to consider making an exception, allowing her a one year renewal because she was close to retirement and did not need or want to pay for a two year license.

Mr. Heider asked for additional comments or testimony; hearing none, the Hearing was closed at 8:27 AM.

**Physical Therapist Licensing Board
Board Meeting
August 21, 2015
MINUTES**

Friday, August 21, 2015

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member

Board Members Absent: 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

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, and Board policy and administration.

At 11:01 AM Chair Rutt adjourned Executive Session.

Minutes from the closed door Executive Session are maintained in paper format and not subject to public disclosure as cited above.

PUBLIC (OPEN) SESSION

At 11:30 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 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. Upon the approval of the Board, written minutes are published and available on the Board website.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice, Nancy Schuberg, Licensing Specialist, Occupational Therapy Board.

Ipad Training

The first hour of Public Session was spent training on the new Board Ipads. Michelle Sigmund-Gains, Director of the Mortuary and Cemetery Board conducted the basic training.

Proposed Rules Hearings Discussion/Acceptance

The Board considered the testimony regarding the adoption of the new telehealth rules. Following the discussion, Jennifer Julkowski moved to adopt the proposed rule as amended. The motion was seconded by Carol Sutton. The motion passed by a vote of 7-0. Board member Costales was absent from the vote. The Board instructed the Director to file the permanent rule with the Secretary of State's office looking at an effective date of September 1, 2015.

The Board considered the testimony regarding change in the renewal cycle from annual renewal to a two year renewal cycle. Following the discussion, Jennifer Julkowski moved to adopt the rule changes as submitted. The motion was seconded by Carol Sutton. The motion passed by a vote of 7-0. Board member Costales was absent from the vote. The Board instructed the Director to file the permanent rule with the Secretary of State's office looking at an effective date of January 1, 2016.

Board Motions

Case PT 567-7/15

Motion by Jennifer Julkowski to reinstate lapsed license.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 566-7/15

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order citing violations of ORS 688.142(2)(a)(c) and OAR 848-035-0020(7). Assess a civil penalty of \$450 and require Licensee to take and pass the Board's jurisprudence examination.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 568-7/15

Motion by Jennifer Julkowski to grant a sixty (60) day extension of the Temporary Permit.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 560-3/15

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order imposing a license suspension for a minimum of two (2) years.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 498-1/14

Motion by Jennifer Julkowski to close the case no action taken.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 516-4/14

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order placing Licensee on probation during the pendency of the California stipulation and requiring Licensee to meet all the terms and conditions of the California probation. Failure to do so would constitute a violation of Oregon law.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Board Policy Issues/Review

- The Board discussed two proposed policy issues; will Oregon allow for appeals to the FSBPT new NPTE lifetime limit and low score eligibility requirements? And, if the Board does not allow for appeal, will Oregon accept an endorsement application from an applicant who has received a license through their home state's appeal process? After discussion the Board determined that these issues should be considered as more than policy issues. That, if the Board were to consider setting requirements, it should be done through rule making. Uncertain as to what position the Board should take, the Board instructed staff that it would like the input of a rules advisory group concerning the issues prior to rule making.

General Topics/Business

- The Director reported that he met with the Chair of the Oregon Physical Therapy Association's Government Affairs Committee and their Lobbyist regarding the PT Compact Model recently published by the Federation of State Boards of Physical Therapy. The discussion focused on the partnering of the OPTA and the OPTLB in moving Compact legislation forward during the 2016 legislative session. The Board supported the action.

- The Director welcomed new Board member Phil Haworth, PT. Mr. Haworth is the Manager of Outpatient Rehabilitation for Salem Health. Mr. Haworth's appointment to the Board commenced on May 22, 2015 and his term will extend through April 30, 2019.

Approval of Board Meeting Minutes

The drafted minutes, from the May 29, 2015 Regular Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. Member Jennifer Julkowski noted two changes in the Regular Board Meeting minutes. Chair Rutt asked if there was a motion to approve the minutes as amended.

Member Jennifer Julkowski moved to approve the Minutes as amended.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

The drafted minutes, from the June 25, 2015 Special Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted, Chair Rutt asked if there was a motion to approve the minutes as presented.

Member Jennifer Julkowski moved to approve the Minutes as presented.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting dates for 2015 are all on Fridays; October 9th and December 4th. The October meeting is scheduled to be held at Mt. Hood Community College in Gresham, OR.

The Board set its tentative meeting dates for 2016. The dates are as follows: Monday, February 29th; Friday, May 6th; Friday, July 15th; Friday, October 7th and Friday, December 6th.

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 May 28, 2015 through August 20, 2015. 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 Julkowski moved to ratify the list of new licensees and temporary permit holders as presented.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

- Vice Chair Canizares reported on varies topics covered at the Federation's Leadership Issues Forum held July 31st – Aug 2nd in Alexandria VA. Topics discussed included: the new PT Compact; the FSBPT Dry Needling resource paper identifying post graduate

education that would be required by PT's to promote the safe and effective practice of dry needling; further information regarding the definition of "action supervision" as established by the Supreme Court in the case of the FTC verses the NC Dental Board; the importance of full participation of all jurisdictions in the Exam Licensure Data Base, noting Oregon is fully participating and jurisdictions setting standards for practice, policies and procedures for the National Exam appeals process.

- The Director reported the results of the second quarter 2015 Application Satisfaction Survey. First quarter reported a satisfaction rating of 92% second quarter reported a satisfaction rating of 96%. Given the increase in volume, the Director congratulated Rick Sullivan, PTA Licensing Coordinator for continued excellence in maintaining a high level of satisfaction.
- Member Julkowski reported that the APTA House of Delegates passed the option for Chapters to allow for PTAs to have a full vote at business meetings of the association and that Oregon is one of the Chapters that will be voting on allowing a PTA a full vote.

Chair Rutt asked for any other new business. With none noted, Chair Rutt adjourned the meeting at 2:37 PM.

**Physical Therapist Licensing Board
Board Meeting
October 9, 2015
MINUTES**

Friday, October 9, 2015

Board Members Present: Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member, Troy Costales, Public Member

Board Members Absent: Richard Rutt, PT, Chair (attended a portion of the meeting via teleconference); Aubree Benson, PT Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 9:35 AM Vice Chair Canizares 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.

At 12:28 PM Vice Chair Canizares adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 1:02 PM, Board Vice Chair Canizares convened the Board into Public Session. During this portion of the meeting the Board considered inquiries from licensees and the public, approved 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Vice Chair Canizares thanked Debbie VanDover, PT, PTA Program Director at Mt. Hood Community College, for inviting the Board to meet at the College.

Guests: Ricci Susick, PT, OPTA PT Board Liaison; Debbie VanDover, PT, PTA Program Director Mt. Hood Community College and the PTA students from Mt. Hood Community College.

DRE Presentation

The Board invited Drug Recognition Expert, Sergeant Evan Sether of the Oregon State Police to present on the topic of drugs and the identification of different types of drug impairments. The presentation is intended to aid therapists in recognizing possible impairment in patients and co-workers.

Board Motions

Case PT 572-4/15

Motion by Troy Costales to issue Confidential Advisory Letter citing Board concerns over possible HIPAA violations and patient confidentiality, and the Board orders Licensee, at their own cost, to complete a Board approved HIPAA course within 60 days of receipt of the Letter.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

Case PT 558-2/15

Motion by Troy Costales to issue Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(a), ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B) and OAR 848-045-0020(2)(p). The Board will impose a civil penalty of \$5,000, probation of one year and, at Licensee's own cost, require Licensee to complete Board approved ethics and Medicare courses within 60 days of the Notice.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

Case PT 505-3/14

Motion by Troy Costales to issue Confidential Advisory Letter citing Board concerns over possible HIPAA violations and patient confidentiality, and the Board orders Licensee, at their own cost, to complete a Board approved HIPAA course within 60 days of receipt of the Letter.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

Case PT 571-8/15

Motion by Troy Costales to issue Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B), OAR 848-045-0020(2)(n), OAR 848-045-0020(2)(p), ORS 688.140(2)(t) and OAR 848-040-0105(6). The Board will impose a civil penalty of \$3,000, probation of one year and, at Licensee's own cost, require Licensee to complete Board approved ethics and Medicare courses within 60 days of the Notice and the Board's jurisprudence examination within 30 days of the Notice. The Board will also issue a Confidential Advisory Letter requiring the Licensee to complete a Board approved HIPPA course at Licensee's own cost.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

Case PT 560-3/15

Motion by Troy Costales to ratify the Stipulated Agreement and Final Order dated September 30, 2015.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

FSBPT Jurisprudence Assessment Module (JAM) for 2016

Director Heider presented several of the Federations' pricing models available to fund the development, delivery and implementation of an Oregon specific on-line jurisprudence assessment module. The pricing model recommended by the Director would provide Board subsidy for development of the JAM at \$45,000, thus lowering the fee to applicants when they access the module on-line. The \$45,000 is not part of the current biennium budget and would require the Board's approval to make payment and move forward with the project.

Motion by Troy Costales to approve a \$45,000 expenditure and amendment to the current 2015-2017 budget to subsidy the development of the JAM.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

Board Policy Issues/Review

- Reaffirm Board Delegation of Authority Letter

Motion by Troy Costales to adopt the amended Delegation of Authority Letter dated October 9, 2015.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

General Topics/Business

- Partnering with the Oregon Physical Therapy Association (OPTA) to Sponsor Licensure Compact Legislation - The Board discussed the proposed PT Compact Legislative Language. The Board determined it would support and move the Compact forward by partnering with the OPTA. The Director indicated that the first step would be for a representative from the Federation, the Board and the OPTA to appear before both the Senate and the House healthcare committees during Legislative Days in November 2015.
- Two Year renewal Cycle Update – The Board is on target with plans to move to a two year renewal cycle. The administrative rule amendments updating the language and the fee schedules have been filed for permanent rule making with the Secretary of State to take effect January 1, 2016. The database updates and online renewal processing changes have been identified and are on target for implementation.
- Telehealth Rules Update – On September 1, 2015 the Board filed its permanent rules setting the general standards and guidelines for the practice of telehealth by physical therapists and physical therapist assistants.
- The Director reported that the Federation of State Boards of Physical Therapy's (FSBPT) Annual Delegate's Assembly will be held October 15th through the 17th in Orlando Florida. Representing the Board as delegate and alternate delegate are Vice Chair Canizares and PTA member Julkowski. The Director will also attend the meeting and the FSBPT has invited the Board's Public Member Costales and the Board's Clinical Advisor/Investigator Paru to present an educational program. The travel, housing and meals for the Oregon Delegates, the Administrator and the Presenters will all be paid for by Federation.

Approval of Board Meeting Minutes

The drafted minutes, from the August 21, 2015 Administrative Rules Hearing and the August 21, 2015 Regular Board Meeting were presented to the Board. Board Vice Chair Canizares opened the floor for additional discussion and comments. Hearing none Vice Chair Canizares asked if there was a motion to approve the minutes as written.

Member Troy Costales moved to approve the Minutes as written.

Seconded by Carol Sutton.

Motion passed by a vote of 6-0. Board members Rutt and Benson were absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting date for 2015 was changed from Friday, December 4th to Friday, December 18th. The Board dates for 2016 are as follows: Monday, February 29th; Friday, May 6th; Friday, July 22th; Friday, October 7th hosted by George Fox University and Friday, December 6th.

Meeting Notices, Dates, Locations and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Ratification of PT/PTA Licenses & Temporary Permits

Vice Chair Canizares presented the Board with a list of new licensees and temporary permit holders for the period of August 21, 2015 through October 8, 2015. Vice Chair Canizares opened the floor for discussion. With none noted, Vice Chair Canizares asked for a motion to ratify the new licensees and permit holders.

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

Seconded by Carol Sutton.

Motion passed by a vote of 6-0. Board members Rutt and Benson were absent from the vote.

Board Member Reports/Other New Business:

Vice Chair Canizares asked for other new business. With none noted, Vice Chair Canizares adjourned the meeting at 3:59 PM.

**Physical Therapist Licensing Board
Board Meeting
December 18, 2015
MINUTES**

Friday, December 18, 2015

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

Board Members Absent: None

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

Legal Counsel: Carol Parks, AAG; Joanna Tucker Davis, AAG

EXECUTIVE (CLOSED) SESSION

At 8:48 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.

At 12:44 PM Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:07 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 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Guests: Diana Godwin, Attorney at Law representing Oregon Physical Therapists in Private Practice (OPTIP)

Introduction of New Board Counsel

Director Heider introduced the new Board Senior Assistant Attorney General Joanna Tucker Davis, AAG who will replace Carol Parks, AAG effective December 21, 2015. After representing the Board for the past 15 years Ms. Parks is retiring from the Department of Justice at the end of 2015. Ms. Tucker Davis introduced herself to the Board and shared her credentials and experience to date with the State of Oregon Department of Justice. The Board wished Ms. Parks all the best in her retirement and extended a warm welcome to Ms. Tucker Davis.

Board Motions

Case PT 571-8/15

Motion by Ruggie Canizares to issue Stipulated Agreement and Final Order citing violations of ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B), OAR 848-045-0020(2)(n), OAR 848-045-0020(2)(p), ORS 688.140(2)(t) and OAR 848-040-0105(6). The Board will assess a civil penalty of \$1,000, impose probation of one year and, at Licensee's own cost, require License to complete Board approved ethics and Medicare courses within 60 days of the Notice and the Board's jurisprudence examination within 30 days of the Notice.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 569-7/15

Motion by Ruggie Canizares to close no action.

Seconded by Carol Sutton

Motion passed unanimously by a vote of 8-0.

Case PT 575-10/15

Motion by Ruggie Canizares to issue Confidential Advisory Letter concerning lack of complete documentation.

Seconded by Carol Sutton

Motion passed by a vote of 7-0. Member Costales abstained.

Case PT 547-10/14

Motion by Ruggie Canizares to issue Notice of Proposed Discipline citing violations of ORS 688.140(2)(o)(t), ORS 688.140(2)(a) OAR 848-040-0105(6). The Board will assess a civil penalty of \$2,500 with a stay of \$500 with the completion of a Board approved HIPAA course within 60 days of the final order.

Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Case PT 570-8/15

Motion by Ruggie Canizares to close no action.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Case PT 502-3/14

Motion by Ruggie Canizares to close no action.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Case PT 577-12/15

Motion by Ruggie Canizares to issue the Temporary Permit with a Confidential Advisory Letter concerning failure to disclose on initial application.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Case PT 577-12/15

Motion by Ruggie Canizares to hold issuance of permanent license pending Board review of additional requested documentation.
Seconded by Carol Sutton
Motion passed unanimously by a vote of 8-0.

Board Policy Issues/Review

What information can be provided to the public regarding investigative cases?

Nothing specific to a case may be disclosed or discussed. But in a broad general sense Board members can discuss the types or trends of violations the Board deliberates without citing specific circumstance or incidences. For example; you might say “the Board has seen a number of HIPAA violations where confidential patient information was shared in a public setting and overheard by a bystander” or “the Board has dealt with a number of boundary issues where the bottom line is poor therapist/patient communications or failure to clearly gain informed consent before treatment”. Again general examples or statements are OK.

Attorney General’s Public Law Conference

Board Investigator Paru attended this year’s law conference. Ms. Paru reported back on topics of interest. Particularly she shared information relative to the handling of Orders in “Other than Contested Cases” and the opportunity to partner with the Department of Justice Financial Fraud and Consumer Protection Section. Ms Paru reported that the conference was very interesting and worth the value and would recommend Board members consider attending a future conference.

Quarterly Financials

Board Director Heider reported the Board financial position for the first five months of the biennium, July 1, 2015 through November 30, 2015. Director Heider explained the budgeting process, reviewed line item variances over \$1,000 and reported no concern over the Board's current financial position. Copies of the current budget with narratives and prior fiscal year end financial reports with narratives can be found on the Board website at www.ptboard.state.or.us . Copies of interim financial reports with the narrative may be requested by contacting the Board office. The Director did point out to the Board that this year will be different than past years as the bulk of the Board's operating income for the entire biennium will be booked in January through March of 2016. This is because the Board moved to a two year renewal cycle effective 4.1.16. This change was accounted for in the 2015-2017 budgeting process. After discussion, member Costales asked that, when reporting, staff adds a financial report that will show biennium to date data in addition to the fiscal year to date reports.

Carlos Soto, Personal Trainer

Board Investigator Paru shared with the Board a complaint received from a physical therapist alleging Mr. Soto, a non licensee, was in violation of Board statute associating the initials PT with his business as a personal trainer. After discussion with Mr. Soto and review of his website the Board determined that Mr. Soto was not purporting to be a PT or holding himself out as a PT contrary, it was clear from his website that he is a Personal Trainer. The Board decided not to pursue the issue.

General Topics/Business

- FSBPT Jurisprudence Assessment Module (JAM) – Director Heider reported that the JAM project, approved by the Board at its October meeting, was on target. The first phase was to begin in January with a cursory review of the blueprint for the exam reviewed by staff and Investigator Paru traveling back to Alexandria to meet with the project team, and begin the task of item writing. Phase II will include the Board hosting a standard setting meeting sometime in late Spring. This will involve Board members and interested volunteers. The plan is to roll the new jurisprudence exam out either late fall 2016 or the beginning of 2017.
- Law Enforcement Data System, (LEDS) Audit – Director Heider provided the Board with a handout that documented the results of the 2015 LEDS audit. The audit did not result in any unreported records or any cause for concern.
- 2 Year Renewal Cycle – Director Heider reported that staff and the system were on target for the projected 2016 online renewal rollout. The rollout date is set for Monday January 11th. New this year is the Board moving to a two year renewal cycle to sync the renewal date with the two year continuing competency cycle which ends March 31st of every even numbered year.
- Federation of State Boards of Physical Therapy (FSBPT) Annual Meeting – Director Heider provided the Board with a summary handout regarding the FSBPT annual meeting held in Orlando Florida. The Board discussed the motion and the results of the election and both Delegate Canizares and Alternate Delegate Julkowski gave verbal reports to the Board.
- Partnering with the Oregon Physical Therapy Association (OPTA) to Sponsor Licensure Compact Legislation – Director Heider provided the Board with a summary handout detailing the presentation and testimony presented to both the House and Senate Healthcare

Committees during the November Legislative Days in Salem. Representatives from the FSBPT, the OPTA and the Board were all part of the presentation. The results and feedback were positive and the legislature seemed open to the Compact concept.

- 2015 FSBPT Oregon School Reports – Director Heider provided the Board with a copy of the FSBPT 2015 Oregon School Reports. The reports summarize how graduates from Oregon PT and PTA programs did with regards to their success on passing the national exam. The results are broken down by PT/PTA program and in total pass or fail results.

Copies of all summary and report handouts mentioned in the General Topics section may be requested by contacting the Board office.

Approval of Board Meeting Minutes

The drafted minutes, from the October 9, 2015 Regular Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. Member Julkowski noted a one small change. AAG Parks recommended another change to the introductory paragraph in the Executive Session section. Noting the changes, Chair Rutt asked if there was a motion to approve the minutes as amended.

Member Canizares moved to approve the Minutes as amended.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Future Board Meeting Dates:

The Board dates for 2016 are as follows: Monday, February 29th; Friday, May 6th; Monday, July 25th; Friday, October 7th hosted by George Fox University and Friday, December 16th.

Meeting Notices, Dates, Locations and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Ratification of PT/PTA Licenses & Temporary Permits

Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of October 9, 2015 through December 18, 2015. 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 Canizares moved to ratify the list of new licensees and temporary permit holders as presented.

Seconded by Carol Sutton.

Motion passed unanimously by a vote of 8-0.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

Director Heider noted that all the Board members should have received copies of the Federation of State Board of Physical Therapy's (FSBPT) 2016 operating budget. It is part of the Federation's by-laws that all members of the member boards receive a copy of the annual budget.

The Director announced the date for the FSBPT 2016 new board member training. It will be held June 24th through the 26th in Alexandria VA and is hosted by the FSBPT who pays for all travel, hotel and meals for the attendees. All OR Board members with the exception of Benson and

Haworth have been through the training. Board members interested in attending this year's training need to let the Director know so he can get them put on the attendee list.

Chair Rutt asked again for other new business, with none noted Chair Rutt adjourned the meeting at 2:41 PM.