

**Physical Therapist Licensing Board
Board Meeting
January 5, 2017
MINUTES**

Thursday, January 5, 2017

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Aubree Benson, PT Member; Jennifer Julkowski, PTA Member; Troy Costales, Public Member

Board Members Absent: Alan McAvoy, PT Member; Phil Haworth, PT Member. This meeting was rescheduled from the December 16, 2016 meeting which was cancelled due to inclement weather. It was difficult, on such short notice, to find a date that would accommodate all the Board member's schedules. The absences noted above are excused for that reason. Carol Sutton, Public Member absence due to illness.

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

Legal Counsel: Joanna Tucker Davis, AAG

EXECUTIVE (CLOSED) SESSION

At 9:37 AM, Chair Rutt convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 1:10 PM, Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

Dry Needling Update

Prior to convening into Public Session the Board Director updated the Board on the status of its request for an opinion from the Attorney General's office regarding dry needling and whether or not, based on statutes, dry needling would be considered as part of a PT scope of practice. Director Heider reported that there has been no opinion rendered to date from the Attorney General's office.

Due to the nature of the meeting and the need to conduct as much business as possible, Chair Rutt moved in and out of public session as deemed appropriate. At 8:45 AM, Chair Rutt convened the Board into Public Session. At 9:36 AM, Chair Rutt adjourned Public Session and convened Executive Session. At 1:10 PM, Chair Rutt adjourned Executive Session and at 1:11 PM, convened back into Public Session for the remainder of the meeting.

During the Public Session 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: Jamie Niebergall, applicant.

Board Motions

Case PT 605-9/16

Motion by Troy Costales to withdraw previously issued Stipulated Agreement and issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2) (a), OAR 848-035-0020 (7), and assess a civil penalty of \$100.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 604-9/16

Motion by Troy Costales to withdraw previously issued Stipulated Agreement and issue a Stipulated Agreement and Final Order for violations of ORS 688.140(2)(a) and OAR 848-035-0020(7) and assess a civil penalty of \$100.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 607-9/16

Motion by Troy Costales to issue Proposed Notice of Discipline Suspension of License pending compliance with request of continuing competency audit. Citing violations of ORS 688.140(2)(a) relating to OAR 848-045-0020(2)(u)(B), ORS 688.140(2)(a) relating to OAR 848-035-0020(7), ORS 688.140(2)(a) and (c) relating to OAR 848-045-0020(2)(u)(E) and assessment of a civil penalty of \$800.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 587-4/16

Motion by Troy Costales to issue Proposed Notice of Discipline citing violations of ORS 688.140(2)(a) and ORS 688.140(2)(s) relating to OAR 848-040-0110(7), OAR 848-040-0140(1)(a)(b)(c) and (2), OAR 848-040-0150(1)(a)(b)(c)(d)and(e), OAR 848-040-0160(1) and (2)(a)(b)(c)(d)(e)(f) and 848-040-0170(1) and (2)(a)(b)(c) and (d). Require Licensee to provide evidence of completion of a Board approved documentation course and copies of the continuing competency completion certificates from the prior certification period. In addition, over the next

six months, Licensee's patient chart notes are subject to Board audit and Board assesses a civil penalty of \$2,500.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 591-4/16

Motion by Troy Costales to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 580-1/16

Motion by Troy Costales to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 526a-6/14 and 526b-6/14

Motion by Troy Costales to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 576-11/15

Motion by Troy Costales to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 613-12/16

Motion by Troy Costales to close case with no action.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 584-2/16

Motion by Troy Costales to issue Confidential Advisory Letter.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 596-5/16

Motion by Troy Costales to issue Confidential Advisory Letter.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Case PT 613-12/16

Motion by Troy Costales to issue Interim Stipulated Agreement not to practice physical therapy until the Board issues a final order in the case or withdraws the Interim Order.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

2017-2019 – Board Biennial Budget Review and Approval.

The Board Director presented a draft of the proposed 2017-2019 Board operating budget. After review and discussion, the Board approved the Director to move the proposed budget through the rule making process.

Board Policy/Scope of Practice Issues

- Approval of PT Board 2017-2019 Affirmative Action Policy and Summary Statement – The Director presented the Board with a final draft of the 2017-2019 Affirmative Action Policy and Summary Statement as approved by the Governor’s Office of Diversity and Inclusion. Noting a small correction, Troy Costales moved to adopt the 2017-2019 Affirmative Action Policy and Summary Statement as amended. Seconded by Ruggie Canizares. Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.
- FSBPT Practice Review Tool(PRT)/oPTion - The Director explained that current policy allows for the use of the PRT as one tool in measuring competency for individuals seeking re-entry to practice after an absence of five years or more. The PRT is no longer available for use. In its place, the FSBPT has developed the oPTion assessment tool. After discussion and consideration, Troy Costales moved to amend the current policy which requires the PRT for a PT to reenter practice with the new oPTion assessment tool. Seconded by Ruggie Canizares. Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote. Secondly, the Board instructed staff to monitor the use of oPTion once a number of individuals have taken it to get feedback as to its relevance in assessment of practice. With regards to OAR 848- 035-0030(k) which awards credit for the completion of the PRT, the Board determined it would address this matter later or as part of the rule making process.
- Discussion of application policy regarding foreign trained applicants – After discussion, Troy Costales moved that the Board delegate authority to its Executive Director to amend the initial and renewal licensure application forms, effective January 1, 2017, in order to comply with federal and state requirements identifying legal residency and qualified alien status of an applicant. Seconded by Ruggie Canizares. Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.
- Publishing of Disciplinary Actions on website/newsletter – After some discussion the Board chose to table this item to a future Board meeting.

- Ratification of Delegation of Authority Letter Amended 1.5.17 – After review and discussion, Troy Costales moved to approve the Delegation of Authority Letter as amended 1.5.17. Seconded by Ruggie Canizares. Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

FSBPT Jurisprudence Assessment Module (JAM)

The Board's Licensing Coordinator reported to the Board that the new jurisprudence assessment module was fully implemented and running smoothly. The Director then posed a couple of questions relative to the Board's administration of the JAM. What does the Board want to set as the minimum passing score? After discussion the Board chose to follow the FSBPT suggested passing score criteria of 80%. Does the Board want to set exam attempt limits? After discussion, the Board determined it would not limit the number of attempts on the JAM. Does the Board want to allow continuing competency (CC) credits for completion of the JAM? After discussion, the Board determined it would offer 3.0 CC credits for successful completion of the JAM. The credit would be available once each certification period and would be awarded to individuals who have completed the JAM as a requirement for initial licensure, for re-entry into practice and for those who voluntarily take the exam. CC credit will not be awarded to individuals who are ordered to take the JAM as part of a Board action.

General Topics/Business

- Physical Therapy Compact – Director Jim Heider gave the Board an update on the status of the Compact. The Director reported in preparation for the implementation of the Compact staff has been working to get forms and processes in place to implement the FBI fingerprint background check required by all Compact states. Staff is also reviewing the administrative rules to see if it will be necessary to adopt new rules. The Compact language requires a minimum of 10 states to join in order to form the Commission. Four states have already adopted the Compact language and seven more have legislation moving forward this session. The FSBPT is anticipating the Commission will form in 2017 with the first Commissioners meeting in fall of 2017. Each Compact state will be represented by a Commissioner. The Commissioner must be a current state Board member or Administrator. Director Heider nominated Troy Costales for the position of Commissioner. Hearing no other nominations, Chair Rutt moved to appoint Troy Costales as Commissioner for the State of Oregon. Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 5-0. Board member Haworth, McAvoy and Sutton were absent from the vote.
- FSBPT Annual Meeting – Due to time constraints the Director referred Board members to the FSBPT Forum Newsletter which published a good synopsis of the educational programming offered at the meeting.

Approval of Board Meeting Minutes

The drafted minutes, from the October 7, 2016 regular board meeting and the December 29, 2016 special board meeting were presented to the Board. Chair Rutt opened the floor for additional discussion and comments. Member Costales noted one amendment. With the change noted, Chair Rutt asked if there was a motion to approve the minutes as amended.

Motion by Troy Costales to approve the October 7, 2016 and the December 29, 2016 telephonic meeting minutes as amended. Seconded by Ruggie Canizares. Motion passed unanimously by a vote

of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Future Board Meeting Dates:

The Board Meeting dates for 2017 are as follows: Thursday, March 2nd; Friday, May 19th; Friday, July 28th; Friday, October 6th and Friday, December 8th. 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

Staff presented the list of new licenses and temporary permits issued July 25, 2016 through October 5, 2016 and October 6, 2016 through December 15, 2016. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders. Troy Costales moved to ratify the July 25, 2016 through October 5, 2016 and the October 6, 2016 through December 15, 2016 lists of new licensees and temporary permit holders. Seconded by Ruggie Canizares. Motion passed unanimously by a vote of 5-0. Board members Haworth, McAvoy and Sutton were absent from the vote.

Board Member Reports/Other New Business: - Due to time constraints, the Board chose to table these items to a future Board meeting.

- Board NPTE application satisfaction survey 3rd QTR 2016.
- Board moving to FSBPT Alternate Approval Pathway to NPTE.
- Board Law Enforcement Database Audit (LEDS) Results.
- PT Workforce Data.

At 2:03 PM Chair Rutt adjourned the meeting.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
February 6, 2017
MINUTES**

Monday, February 6, 2017

Board Members Present via Phone Conference Line: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Aubree Benson, PT Member; Phil Haworth, PT Member; Alan McAvoy, 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, Licensing Coordinator

Legal Counsel: Joanna Tucker Davis, AAG

Board Chair, Richard Rutt convened the Board into Executive Session at 1:04 PM citing ORS 192.660(2)(k). In Executive Session, the Board confided with legal counsel and discussed a new case with possible public safety implications. 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 1:48 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 1:49 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 Motions:

CASE PT 603-8/16

Motion by Troy Costales to offer Licensee a Stipulated Agreement and Final Order whereas the Licensee would voluntarily surrender his license to practice physical therapy in the State of Oregon and that the case in question would be reopened if Licensee chose to make application for licensure at a future date.

Seconded by Jennifer Julkowski.

Motion passed by a vote of 7-1. Member Sutton abstained from the vote.

Board Member Reports/Other Business:

Chair Rutt asked for any other new business. Hearing none, Chair Rutt adjourn the meeting at 1:53 PM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
March 02, 2017**

MINUTES

Thursday March 2, 2017

Board Members Present: Ruggie Canizares, PT, Board Vice Chair.

Staff: James Heider, Executive Director, and Hearing Officer, Rick Sullivan, PTA, Licensing Coordinator.

Legal Counsel: Joanna Tucker Davis, AAG

The Hearing was convened at 8:00 AM by Jim Heider, Executive Director and Hearing Officer.

Director Heider read the following for the record: Per ORS 182.462(2), on January 10, 2017, copies of the Board's proposed Budget, approved by the Board in its January 5, 2017 Public Session 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.

Notice of a Proposed Rulemaking Hearing to adopt the Board's 2017-2019 proposed budget was sent to the Secretary of State Office for posting in the February 2017 Oregon Bulletin. Copies of the Notice with the Fiscal Impact were also sent to the President of the Senate, the Speaker of the House, all Interested Parties. In addition, on February 9, 2017 via email, a copy of the Notice of Rulemaking Hearing with the Fiscal Impact Statement was emailed to all licensees of the Board. Lastly, the Board's proposed budget, budget narrative and the Notice of Hearing with Fiscal Impact Statement were all posted on the Board's website.

Rule Summary:

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2017-2019 Biennium Budget of \$1,183,000 covering the period from July 1, 2017 through June 30, 2019. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$1,183,000 for the effective operation of the Board. The Board will not exceed the approved 2017-2019 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 2017-2019 operating budget, Director Heider 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 2, 2017
MINUTES**

Thursday, March 2, 2017

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

Board Members Absent: None.

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

Legal Counsel: Joanna Tucker Davis, AAG

EXECUTIVE (CLOSED) SESSION

Vice Chair Canizares chaired the meeting as Chair Rutt was available only by telephone. At 8:41 AM, Vice Chair Canizares convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:54 AM, Vice Chair Canizares adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:21 PM Vice Chair Canizares convened Public Session. During the Public Session 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, AAL, Representing Oregon Physical Therapist in Independent Practice.

Board Motions

Board Application Process

Motion by Alan McAvoy to delay implementation of new application questionnaire as approved by the Board at its January 5, 2017 Board meeting pending further advice from its legal counsel. Seconded by Aubree Benson.

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

Case PT 611-11/16

Motion by Alan McAvoy to close case with no action.

Seconded by Aubree Benson.

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

Case PT 587-4/16

Motion by Alan McAvoy to offer Licensee settlement through a Stipulated Agreement and Final Order. Citing the violations and sanctions as noted in the Notice of Proposed Disciplinary Action dated January 20, 2017 however, modifying the proposed sanctions by eliminating the requirement for Licensee to submit to a random audit of patient records and lowering the civil penalty from \$2,500 to \$1,250.

Seconded by Aubree Benson.

Motion passed by a vote of 6-0. Board member McAvoy abstained and board member Rutt was absent from the vote.

Case PT 614-1/17

Motion by Alan McAvoy to issue Notice of Proposed Disciplinary Action. Citing violations of ORS 688.140(2)(t), failure to maintain patient confidentiality, and OAR 848-045-0020(2)(o)(A), failure to maintain appropriate patient/therapist relationship. Licensee to be placed on a twelve (12) month probationary period in which time Licensee is required to complete a Board approved boundaries and HIPAA course and remain complaint free during the full term of probation.

Seconded by Aubree Benson.

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

Case PT 598-5/16

Motion by Phil Haworth to issue Notice of Proposed Disciplinary Action. Citing violations of OAR 848-045-0020(2)(a) failure to disclose information on application for licensure and OAR 848-045-0020(2)(b) is disciplined by an out-of-state licensing board for conduct which if committed in Oregon would be grounds for discipline under OAR 848-045-0020(2)(p) knowingly makes a false entry or false alteration in a patient record. Licensee assessed a civil penalty of \$500 for the first violation and \$1,000 for the second violation and required to complete a Board approved ethics course.

Seconded by Aubree Benson.

Motion passed by a vote of 6-1. Board member McAvoy voted nay and board member Rutt was absent from the vote.

2017-2019 – Board Biennial Budget:

The Director presented the draft of the proposed 2017-2019 Board operating budget as approved for rule making at the Board's January 5, 2017 Board meeting. The proposed rulemaking hearing was held March 2, 2017 at 8:00 AM. There was no written or verbal testimony in favor of, or in opposition to, the adoption of the proposed budget. Noting no testimony in opposition to the proposed budget. Board member McAvoy moved to adopt the Board's 2017-2019 operating budget as submitted.

Seconded by Aubree Benson.

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

Board Policy/Scope of Practice Issues:

- PT Board 2017-2019 Affirmative Action Policy and Summary Statement - The Director presented the Board with a letter approving the Board's 2017-2019 Affirmative Action Statement from the Governor's Office of Diversity & Inclusion/Affirmation Action. No action necessary on the part of the Board.
- Re-entry to Practice Policy – The Director presented the Board with a revised draft of the Board's Re-entry to Practice Policy, replacing the Federation of State Boards of Physical Therapy's (FSBPT) Practice Review Tool with the FSBPT oPTion Assessment Tool. Noted was the need to set a passing score standard for the oPTion Tool. Following review and discussion the Board set the minimum performance standard on the oPTion tool at a level three. At a level 3 performance, the examinee has demonstrated a level of knowledge that covers a broad range of patient conditions and the ability to provide care in complex clinical situations. Board member McAvoy moved to approve the revised Re-entry to Practice Policy as submitted and setting the minimum performance standard at level three. Seconded by Aubree Benson
Motion passed by a vote of 6-0. Board member Costales abstained and member Rutt was absent from the vote.
- Jurisprudence Assessment Module (OR-JAM) Policy – The Director presented the Board with a copy of the newly drafted OR-JAM policy adopted by the Board at its January 5, 2017 meeting. Board member McAvoy moved to ratify the policy as written. Seconded by Aubree Benson.
Motion passed by a vote of 7-0. Board member Rutt was absent from the vote.
- Discussion of application policy regarding foreign-trained applicants – Following the Governor's recent Executive Order 17-04, the Board rescinded its January 5, 2017 vote requiring proof legal resident/alien status on all applications prior to licensure.
- Discussion related to the publication of disciplinary actions on the Board's website/newsletter – After review and discussion of current policy regarding posting of Board final orders, the Board determined that they would continue to post all final orders, interim stipulated agreements and emergency suspensions on the Board website as stated

in policy. The policy would be amended to include the publishing of all board final orders aggregate statistics in the Board Newsletter at least once a year i.e. XX number of complaints, XX number of actions taken, XX actions for boundary violations, XX actions for documentation issues, XX complaints closed with no action, etc.

General Topics/Business:

- Federation of State Boards of Physical Therapy's (FSBPT) Alternate Approval Pathway to NPTE – The Director presented an option for the Oregon Board to elect to use the FSBPT's new alternate approval pathway to licensure. There is no cost to the Oregon Board or to applicants to use the new approval pathway and it will save the Board's administrative staff time in the processing and releasing the approval for Oregon applicants to sit for the national examination. Once the exam scores are released, the Oregon Board will still maintain final authority in making the licensure decision. After discussion, Board member McAvoy moved to approve the use of the FSBPT's Alternate Approval Pathway.
Seconded by Aubree Benson.
Motion passed by a vote of 7-0. Board member Rutt was absent from the vote.
- FSBPT Board member training June 9-11 Alexandria VA – The Director reported that all the current Board members have been through the training and that if anyone on the Board was interested in a refresher course they should contact him with their interest.

Approval of Board Meeting Minutes:

The drafted minutes, from the January 5, 2017 regular board meeting and the February 6, 2017 special board meeting were presented to the Board. Vice Chair Canizares opened the floor for additional discussion and comments. With one small correction noted Member McAvoy moved to approve the January 5th and February 6th 2017 meeting minutes as amended.

Seconded by Aubree Benson.

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

Future Board Meeting Dates:

The Remaining Board Meeting dates for 2017 are as follows: Friday, May 19th; Friday, July 28th; Friday, October 6th; Friday, December 8th. 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:

Staff presented the list of new licenses and temporary permits issued December 16, 2016 through March 1, 2017. 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 McAvoy moved to ratify the list of new licenses and permit holders for the period December 16, 2016 through March 1, 2017.

Seconded by Aubree Benson.

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

Board Member Reports/Other Business:

- Board NPTE application satisfaction survey 3rd QTR 2016 - The Director presented the Board with the FSBPT post-examination survey which measures the exam applicant's satisfaction with the licensure process in Oregon. The Oregon Board continues to rank higher than the national average in satisfaction of applicants with the Board's application

process. Oregon's overall satisfaction rate for 4th quarter 2016 was 94.4%. The national average was 88.32%.

- Board 2016 Law Enforcement Database Audit (LEDS) Results – The Director presented the Board with a passing audit letter from the Oregon Department of State Police. The Board's audit was clean with no audit notes or follow-up required. The Board's next audit will be scheduled for the fall of 2019.
- PT Workforce Data – Tabled until May 19th meeting.
- Board Member on Rules Committee – PTA member Jennifer Julkowski volunteered to represent the Board on the Advisory Rules Committee.
- The Director announced that Board Clinical Advisory/Investigator Paru has volunteered to serve as a ProCert Reviewer for the FSBPT. All costs associated with Ms. Paru ProCert Training and travel will be paid by the FSBPT. Ms. Paru's experience with the ProCert application will benefit the Oregon Board when considering the credentialing and crediting of continuing competency activities for the Oregon Board.
- Board member Haworth attended APTA Combined Sections Meeting. During a Leadership presentation, he learned that in the State of New Jersey, the administrative rules mandate that licensees complete an ethics course and the State Jurisprudence Exam as part of New Jersey's continuing competency program. Member Haworth said he would be interested if Oregon Board staff could research or find any data or outcomes from requiring such a mandate.

Vice Chair Canizares asked for any other new business, hearing none he adjourned the meeting at 1:46 PM.

Physical Therapist Licensing Board
Board Meeting
May 19, 2017
MINUTES

Friday May 19, 2017

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

Board Members Absent: Carol Sutton, Public Member (Excused).

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

Legal Counsel: Joanna Tucker Davis, AAG

EXECUTIVE (CLOSED) SESSION

At 8:35 AM, Chair Rutt convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:22 AM, Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:07 PM Chair Rutt convened Public Session. During the Public Session 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Guests: Diana Godwin, AAL, representing Oregon Physical Therapist in Independent Practice. Ricci Susick, PT, representing the Oregon Physical Therapy Association and Karen McLean interested party.

Board Motions:

Case PT 611-11/16

Motion by Jennifer Julkowski to issue a Confidential Advisory Letter.

Seconded by Alan McAvoy.

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

Case PT 616-2/17

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

Seconded by Alan McAvoy.

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

Case PT 617-2/17

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

Seconded by Alan McAvoy.

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

Case PT 587-4/16

Motion by Jennifer Julkowski to amend the Notice of Proposed Discipline to include documentation violations found in other patient records and to give the Licensee the options to proceed to hearing, to sign the Stipulated Agreement and Final Order offered or to surrender his PT license in lieu of a fine via a new Stipulated Agreement.

Seconded by Alan McAvoy.

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

Case PT 598-5/16

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order requiring licensee to complete a Board approved ethics course within 60 days of the Order and assess a civil penalty of \$250.00.

Seconded by Alan McAvoy.

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

Case PT 621-5/17

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

Seconded by Alan McAvoy.

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

Rules Advisory Committee:

The Board Clinical Advisor/Investigator presented the Board with the recommendations from the Rules Advisory Committee (RAC). After review and discussion, the Board agreed with the recommendations of the RAC and instructed staff to move forward with the rules drafting subcommittee. A copy of the RAC Summary of Meetings Notes can be obtain by contacting the Board office.

Dry Needling:

Chair Rutt reported that the Board is still waiting for the Department of Justice's opinion/response to the question; Is "dry needling" within the scope of practice of a physical therapist licensed in Oregon? The Board expects the opinion any day.

PT Compact:

The Board Director reported that on April 25, 2017 Washington became the 10th state to sign the Compact language into law forming the Compact Commission. The Federation of State Boards of Physical Therapy (FSBPT) will provide the initial funding for the Commission startup costs. At its March 2, 2017 meeting the Board appointed Troy Costales as Oregon's Delegate to the Commission. The first Commission meeting will be held via teleconference on June 14, 2017 and will include on its agenda a general orientation to the Commission, election of officers, establishment of both a Rules and a Bylaws Taskforce and other general business. The first face-to-face meeting of the Commission will be in November at the conclusion of the FSBPT Annual Meeting in Albuquerque NM.

Board Policy/Scope of Practice Issues:

- Create policy on how the Board wants to handle scope of practice issues – this issue was tabled to the next Board meeting.
- Question from Licensee regarding the use of hemp oil in PT practice – originally it was thought that the Licensee used the oil in a topical application. After further investigation it was determined that the Licensee uses the oil as an ingestible and wanted to know if it was within the PT scope of practice to promote and sell the oil to patients. After discussion, the Board determined that, as with other pharmaceuticals and nutraceuticals, it is not within the PT scope to promote or sell this product while working under the PT license. This did bring up the question of use of marijuana products in the provision of PT services. The Board will ask its Legal Counsel to do some research with other State agencies and health boards and report later.
- Question from physical therapist employer regarding the supervision of Aides – Is an interactive audio/video feed from a therapy pool an acceptable means to supervise the patient related tasks assigned to a physical therapist aide? After consideration, the Board determined that this scenario does not meet the standards of supervision of an Aide.
- Adoption of the APTA code of Ethics into rule – The Director brought this issue to the Board after having discussion with another health board who's AG suggested that it would be a good idea to have their professional code of ethics written in rule. After further investigation it was discovered that unlike the Physical Therapist board who already had ethics violations cited in rule the other board did not. After discussion, the Board determined that there was not need to adopt the APTA code of ethics into rule and in fact doing so would place undue encumbrances on Oregon licensees.

2017 Legislation:

The Board Director shared two bills; SB 48 the Suicide Education Bill and SB 664 Civil Penalty Prohibition. SB 48, if adopted, would have certain impact on the Board and its Licensee's. SB 664, if adopted, would prohibit Boards from imposing civil penalties on small businesses under certain circumstances. It is uncertain at this time under SB 664 whether the definition of small business would be applicable to a licensee practicing independently as sole proprietors. The Director is following these bills through the legislative process and will keep the Board posted of changes and outcomes.

General Topics/Business:

- Federation of State Boards of Physical Therapy's (FSBPT) Alternate Approval Pathway to NPTE – At its March 2, 2017 meeting the Board voted to move forward with the FSBPT Alternate Approval Pathway to the NPTE examination. The Director informed the Federation that the Oregon Board was prepared to move forward with the new process. As part of the process, the Federation asked the Board to sign a service agreement contract. Upon legal review of the contract, it was determined that there were constitutional concerns and the Board was advised against executing the contract as written. Given current priorities, at this time the Board advised staff to place the process on hold.

Approval of Board Meeting Minutes:

The drafted minutes, from the March 2, 2017 regular board meeting and the March 2, 2017 Administrative Rules Hearing were presented to the Board. Chair Rutt opened the floor for additional discussion and comments. Member Julkowski moved to approve the March 2, 2017 Board minutes and the March 2, 2017 Rules Hearing Minutes as written.

Seconded by Alan McAvoy.

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

Future Board Meeting Dates:

The Director discussed changing the July 28, 2017 meeting due to a scheduling conflict with both himself and Board Chair Rutt. The July date was changed to Friday, August 4, 2017. The remaining Board Meeting dates for 2017 are as follows: Friday August 4th; Friday, October 6th and Friday, December 8th. 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:

Staff presented the list of new licenses and temporary permits issued March 2, 2017 through May 18, 2017. Chair Rutt opened the floor for questions and discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders. Member Julkowski moved to ratify the list of new licenses and permit holders for the period March 2, 2017 through May 18, 2017 as presented.

Seconded by Alan McAvoy.

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

Board Member Reports/Other Business:

- Collection of Board iPads – The Director informed the Board that the iPads would be collected at the end of the meeting. The Board IT provider was going to update the iPads with new software and applications. The Board staff would return the iPads to the Board via a secured delivery prior to the next Board meeting.

- Board election of Chair and Vice Chair – The Director reported two nominations for officer positions, Richard Rutt for Board Chair and Ruggie Canizares for Board Vice Chair. Being there was only one nomination for each position; the officers were elected by a verbal acclamation of the Board. The vote was unanimous 7-0; member Carol Sutton was not present for the vote.
- Board Administrative Statistics – The Director shared the year to date statistics and comparison to prior year statistics for the processing of applications, number of licenses issued and written verification services requested. All year to date volumes exceed prior year numbers. Copies of reports to the Board can be requested by contacting the Board office.
- Board NPTE Candidate Satisfaction Survey - The Director shared the exam candidates' survey satisfaction results for 1st quarter 2017. OR achieved a 90% satisfaction rating which was slightly above the national average. Over the past two years of surveying, Oregon has continually ranked higher than the national average. For first quarter, 2017 staff noted a drop in ranking but attributes the drop to changes in the application process. Candidates for the exam are now required to complete a more interactive jurisprudence assessment module and, as a Compact requirement, a FBI fingerprint background check process.
- Board Law Enforcement Database Audit (LEDS) - The Director shared the results of the Oregon State Police Criminal Justice Information Services audit. The Board is audited every three years. The audit reported that the Oregon Physical Therapist Licensing Board was found to be in compliance with LEDS and NCIC policies and procedures. Copies of the audit can be requested by contacting the Board office.
- New Application Journey Map – The Licensing Coordinator shared a new visual tool that he developed in an effort to aid initial licensure exam candidates with navigating the application process. The “Evergreen Tree” journey map has been well received by students in our local programs.

Chair Rutt asked for any other new business, hearing none he adjourned the meeting at 2:58 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
June 5, 2017
MINUTES**

Monday, June 5, 2017

Board Members Present via Phone Conference Line: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Aubree Benson, PT Member; Phil Haworth, PT Member; Alan McAvoy, 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

Legal Counsel: Joanna Tucker Davis, AAG

Board Chair, Richard Rutt convened the Board into Executive Session at 1:04 PM citing ORS 192.660(2)(f)(1). In Executive Session, the Board confided with legal counsel and discussed a new case with possible public safety implications. Pursuant to ORS 192.660(2)(f), 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 1:51 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 1:52 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 Motions:

Motion by Ruggie Canizares to submit a temporary rule to amend the Board's 2015-2017 expense budget from \$1,022,000 to \$1,076,000.

Seconded by Phil Haworth

Motion passed by a unanimous vote 7-0. Member Benson was not present for the vote.

Motion by Ruggie Canizares to amend the January 5, 2017 version of the Board's Delegation of

Authority Letter to include the following: the authority for staff to refer cases and/or complaints to other agencies or law enforcement where appropriate or mandated by law. In addition, the authority to initiate and execute both the permanent and temporary rule making process once the new rule language has been reviewed and approved by the Board.

Seconded by Phil Haworth

Motion passed by a unanimous vote 7-0. Member Benson was not present for the vote.

Board Member Reports/Other Business:

Chair Rutt asked for any other new business. Hearing none, Chair Rutt adjourn the meeting at 1:57 PM.

Physical Therapist Licensing Board
Board Meeting
August 4, 2017
MINUTES

Friday August 4, 2017

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

Board Members Absent: None.

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

Legal Counsel: Joanna Tucker Davis, AAG.

EXECUTIVE (CLOSED) SESSION

At 8:40 AM, Vice Chair Canizares convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:39 AM, Vice Chair Canizares adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:06 PM Vice Chair Canizares convened Public Session. During the Public Session 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Guests: Diana Godwin, AAL, representing Oregon Physical Therapist in Independent Practice.

Board Motions:

Case PT 614-1/17

Motion by Alan McAvoy to withdraw Notice of Proposed Disciplinary Action and to issue a Confidential Advisory Letter.

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Case PT 622-6/17

Motion by Jennifer Julkowski to order a chemical addiction evaluation under the authority of ORS 688-140(3)(g).

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0. Board member McAvoy recused himself from the deliberations and abstained from the vote.

Case PT 622-6/17

Motion by Jennifer Julkowski to issue a Notice of Proposed Disciplinary Action Restriction of Practice citing violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(i) and requiring that a fellow employee be physically present when Licensee is treating patients.

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0. Board member McAvoy recused himself from the deliberations and abstained from the vote.

Case PT 626-7/17

Motion by Alan McAvoy to order a mental, physical, competency and chemical addiction evaluation under the authority of ORS 688.140(3)(g).

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Case PT 607-9/16

Motion by Alan McAvoy to send Licensee a letter requiring Licensee to appear before the Board at its October 6, 2017 Board meeting.

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Case PT 623-6/17

Motion by Alan McAvoy to issue Notice of Proposed Denial of Licensure citing ORS 688.140(2)(h).

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Case PT 625-7/17

Motion by Alan McAvoy to Issue a Confidential Advisory Letter and close the case.

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Case PT 606-9/16

Motion by Alan McAvoy to close the case no action.

Seconded by Phil Haworth.

Motion passed unanimously by a vote of 8-0.

Fiscal Year-end/Biennium Financials:

The Director presented the Board with the 2016-2017 fiscal year-end financial statements accompanied by a variance narrative and a 2015-2017 biennial financial report accompanied by an executive summary.

After Board review and discussion, Alan McAvoy moved to accept the financials as reported, to send copies of the reports to the Department of Administrative Services as required by statute and to publish the reports on the Board's website.

Seconded by Phil Haworth

Motion passed unanimously by a vote of 8-0.

Rules Advisory Committee:

The Director presented the Board with the Rules Advisory Committee's proposed drafted rules changes. After Board review and discussion the Board made several suggestions to the proposed rule language then instructed staff to make the changes and move forward with the rule making process with the Secretary of State (SOS). Copies of the proposed rule changes with fiscal impact will be posted on the Board website once they are filed with the SOS's office.

Dry Needling:

At its May 19, 2017 meeting, the Board reported it had not received the final opinion on "Dry Needling" from the Oregon Department of Justice Attorney General's office. Since May, the Board has received the opinion. The Attorney General (AG) for the State of Oregon has determined the practice of "dry needling" is not within the Oregon physical therapy scope of practice (The full text of the opinion may be accessed via a link on the Board's website at www.ptboard.state.or.us). The AG's noted resolution was to seek a legislative solution to the issue. The Board discussed this option and determined that its primary mission is protection of the public through credentialing and regulation. The Board's function is not to promote the profession. Further, the Board will not be seeking a legislative solution to broaden the scope of physical therapy practice in Oregon to include dry needling. The Board also reviewed the Oregon Physical Therapy Association's (OPTA) communication to its members and its concern over the AG's opinion. In its communication, the OPTA stated that it does not have the resources to pursue legislative action and is exploring potential strategies and asking for its members input. The Board also reviewed the action statement published by the New Jersey PT Board relative to a similar dry needling opinion the New Jersey Board received. The Board did instruct staff to publish the "short" opinion in the next Newsletter to be distributed via email to all Oregon licensees.

Given the AG's opinion, the Board then considered the question of whether continuing competency (CC) courses on dry needling would qualify towards the total CC credits required for renewal of licensure. After discussion, the Board determined that, if the course met the qualifying criteria in OAR 848-035-0030(1), it would be eligible for CC credit. The Board did raise a note of caution citing that if the course was taught within the State of Oregon and the

participants perform dry needling as part of the class they would be practicing beyond their scope.

PT Compact:

The Board Director reported that its Public Member and Delegate to the Compact Troy Costales was elected as Chair of the Compact Executive Committee. The first Commission meeting was held via teleconference on June 14, 2017. It was a public meeting. Since its first meeting the Rules and Bylaws taskforces have met and have begun to develop the bylaws and rules by which the Commission will operate. The Commission will meet face-to-face in November at the conclusion of the FSBPT Annual Meeting in Albuquerque NM. It is anticipated that the by-laws and rules will be finalized and adopted by the Commission at that meeting. It is still anticipated that the first Compact Privileges will be issued by the Commission sometime in early 2018.

Continuing Competency and Practice Questions from Licensees:

- Question from Licensee regarding continuing competency credit for Reiki Training – After review and discussion the Board determined that course work and study in the practice of Reiki would not qualify for continuing competency credit.
- Question from Licensee regarding continuing competency credit for a Spanish Immersion course - After review and discussion the Board determined that based on the particular circumstances with regard to this special request, it would allow for continuing competency credit for the coursework.
- Question from Licensee regarding the supervision of a PTA with specialized training in lymphedema treatment – the question was “Can a PT who does not have specialty training in lymphedema supervise a PTA who does?” After review and discussion, the Board determined it is appropriate for the PT to supervise the PTA as long as the supervising PT has evaluated the patient and is updating the plan of care and the goals.

Board Policy/Scope of Practice Issues:

- Ratify amendments to Delegation of Authority Letter – After review and discussion member McAvoy moved to ratify the amendments to the Delegation of Authority Letter as written. Member Haworth seconded the motion. The motion passed unanimously by a vote of 8-0.
- Discussion of the PT’s role in nutrition and diet – The Board review the latest APTA position paper on the role of a PT in the screening and education of nutrition and diet issue in their patients. After review and discussion, the Board chose not to take a position on the issue at this time. Current policy does not allow a therapist to advertise or sell pharmaceutical and nutraceutical products as part of their PT practice.
- Release of criminal background check information to individuals – On the advice of Council and base upon established Oregon State Police policy, the Board determined that information obtained as part of the criminal background check will be made available to the individual once the person’s identity can be substantiated.
- Use of topical marijuana products in the practice of physical therapy – Pending further research, this topic was tabled to a later date.

General Topics/Business:

- Board moving to the Federation of State Boards of Physical Therapy's Alternate Approval Pathway the NPTE – At its last meeting the Director reported to the Board that there were legal issues preventing the Board from signing a contract with the FSBPT to authorize them to approve Oregon examination licensure applicants to take the national physical therapy examination. The Director told the Board that he would still like to move forward with use of the FSBPT Alternative Pathway and that he would work with Counsel to see if there was a viable solution to the issue.

Approval of Board Meeting Minutes:

The drafted minutes, from the May 19, 2017 regular board meeting and the June 5, 2017 special board meeting were presented to the Board. Vice Chair Canizares opened the floor for additional discussion and comments. Member Julkowski had an amendment to the May 19th minutes. Member McAvoy moved to approve the May 19, 2017 minutes as amended. Member Haworth seconded the motion. The motion passed unanimously by a vote of 8-0. Member McAvoy then moved to approve the June 5, 2017 minutes as presented. Member Haworth seconded the motion. The motion passed unanimously by a vote of 8-0.

Future Board Meeting Dates:

The remaining Board Meeting dates for 2017 are as follows: Friday, October 6th and Friday, December 8th. The Board discussed and approved changing the Friday, December 8, 2017 Board meeting date to Monday, December 11, 2017. The Board then set its meeting calendar for 2018 as follows; Friday, March 9, 2018; Friday, May 18, 2018; Friday, July 27, 2018; Friday, October 5, 2018 and Friday, December 7, 2018. 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:

Staff presented the list of new licenses and temporary permits issued May 19, 2017 through August 3, 2017. Vice Chair Canizares opened the floor for questions and discussion. With none noted, Vice Chair Canizares asked for a motion to ratify the new licensees and permit holders. Member Costales moved to ratify the list of new licenses and permit holders for the period May 19, 2017 through August 3, 2017 as presented. Member Haworth seconded the motion. The motion passed unanimously by a vote of 8-0.

Board Member Reports/Other Business:

- National PT Exam Pass Rates by Schools in Oregon – The Director presented the Board with a national exam pass rate report for the PT and PTA programs in Oregon. This was for the Board's information. All PT and PTA program pass rate are available on the Federation of State Boards of Physical Therapy website.
- Board exam application process satisfaction survey – The Director shared the exam candidates' survey satisfaction results for 2nd quarter 2017. OR achieved an 87% satisfaction rating which was slightly below the national average. Over the past two years of surveying, Oregon has continually ranked higher than the national average. For the first quarter and second quarters of 2017, staff noted a drop in ranking but attributes the drop to changes in the application process. Candidates for the exam are now required to complete a more interactive jurisprudence assessment module and, as a Compact requirement, a FBI fingerprint background check process.

- Director's Retirement Succession Plan – After 15 years of service, Director Heider is planning to retire on January 1, 2018. The Director shared his succession plan, which does include a period of shadow work with the new Director. The dollars for this option are in the budget for 2017-2019. The Director also indicated interest and the Board approved signing a Personal Service Contract with the Director should his services be needed after his retirement date.
- The Federation of State Boards of Physical Therapy's annual meeting is scheduled for November 2nd through the 4th in Santa Ana Pueblo, New Mexico. The Director reported that the Oregon Physical Therapist Licensing Board had been nominated and is one of the finalist to receive the FSBPT's 2017 Excellence in Regulation Award. If selected, the Board will be presented the award at the annual meetings award ceremony on Saturday, November 4th.

Vice Chair Canizares asked for any other new business, hearing none he adjourned the meeting at 3:20 PM.

**Physical Therapist Licensing Board
Administrative Rules Hearing
Friday October 6, 2017**

MINUTES

Friday October 6, 2017

Board Members Present: Richard Rutt, PT, PhD, Board Chair, Ruggie Canizares, PT, Board Vice Chair, Jennifer Julkowski, PTA Member.

Staff: James Heider, Executive Director, and Hearing Officer

Legal Counsel: Joanna Tucker Davis, AAG

Jim Heider, Executive Director and Hearing Officer convened the Hearing at 8:10 AM.

Director Heider read the following for the record: The Board convened the 2017 Rules Advisory Committee (RAC) to address certain issues and concerns brought to the Board by various interested parties. The RAC met on two separate occasions. The RAC deliberated on the issues, proposed amendments, and new rule language to the Board for their consideration. At its August 4, 2017 meeting, the Board reviewed the proposed language changes, made some modifications, and directed staff to move forward with the rule making process.

On August 11, 2017, Board staff filed a Notice of Rule Making Hearing (Notice) along with the Fiscal Impact Statement with the Secretary of State Office for posting in the September 2017 Oregon Bulletin. Pursuant to ORS 183.335(1)(d), on September 12, 2017 the Notice was electronically sent to the President of the Senate and the Speaker of the House. Also on September 12, 2017, pursuant to OAR 848-001-0000(3), copies of the Notice were sent via United States Postal Service to all interested parties and was emailed to all current licensees. The Notice with the Fiscal Impact statement and proposed rule language text has been posted on the Board's public facing website since August 11, 2017.

The Hearing Officer noted that there was no public in attendance at the meeting and no one signed up to present testimony. He did state for the record that the board office had received two pieces of written testimony related to the proposed rule changes. Written testimony was received from Ms. Joni Kalis, PT, Manager, Dept. of Physical Rehab, Samaritan North Lincoln Hospital. Ms. Kalis' testimony was in opposition to the adoption of the proposed new rule 848-040-0190 governing standards for Community Education, Prevention, Health Promotion and Wellness Service. The other piece of written testimony was received from Ms. Diana Godwin, AAL, Attorney Representing Oregon Physical Therapists in Independent Practice, an association of 150 private practice clinics in Oregon. Ms. Godwin's testimony was in favor of the proposed rule changes. Both pieces of written testimony were provided to the entire Board for their consideration when deliberating on the adoption of the new rules. Copies of the written testimony may be obtained by contacting the Board office.

Noting no additional testimony, the Hearings Officer closed 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 file.

10.06.17 Admin Rules Hearing Minutes

**Physical Therapist Licensing Board
Board Meeting
October 6, 2017
MINUTES**

Friday, October 6, 2017

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

Board Members Absent: Alan McAvoy, PT Member.

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

Legal Counsel: Joanna Tucker Davis, AAG.

EXECUTIVE (CLOSED) SESSION

At 8:43 AM, Chair Rutt convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:39 AM, Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:58 PM Chair Rutt convened Public Session. During the Public Session 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Guests: None

Board Motions:

Case PT 622-6/17

Motion by Phil Haworth to reject the Licensee's settlement offer and counter with a Stipulated Agreement and Final Order requiring on-sight supervision by a physical therapist for a period of one year. The offer to settle will expire in 30 days from the date of the offer letter.

Seconded by Aubree Benson.

Motion passed by a vote of 6-1. Troy Costales voted nay and Alan McAvoy was not present for the vote.

Case PT 626-7/17

Motion by Phil Haworth to accept offer to settle with Interim Stipulated Agreement, agreeing not to practice and to amend the evaluation order extending the timeline requirement to two years.

Seconded by Aubree Benson.

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

Case PT 607b-9/16

Motion by Phil Haworth to issue a Notice of Proposed Disciplinary Action for violations of ORS 688.140(2)(a) and OAR 848-045-0020(u)(A)(B)(C). Suspend license until Licensee appears before the Board, assess a civil penalty of \$5,000 and require the Licensee to complete the Board Jurisprudence Assessment Module within 30 days of the Final Order.

Seconded by Aubree Benson.

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

Administrative Rules Hearing:

The Director reported that there was no public testimony at the rulemaking hearing held just prior to the Board meeting at 8:00 AM. Board Chair Rutt, Vice Chair Canizares and PTA Member Julkowski were present for the hearing. The Director did go on record, at the hearing, and did present copies of the written testimony in favor of and in opposition to the newly drafted proposed administrative rule changes. The Board also had copies of the most recent version of the drafted rules. A motion was made by Phil Haworth to adopt the proposed rule changes.

Seconded by Aubree Benson.

Discussion: Member Canizares went on record supporting the new rule that sets standards for community education, prevention, health promotion and wellness services. Member Costales wanted Board staff to send some sort of recognition or thank you to the Rules Advisory Committee Members, which staff said they would acknowledge in the next Board Newsletter.

Motion passed unanimously by a vote of 7-0.

PT Compact Update:

Member Costales gave a verbal update on the activities of the newly formed Compact Commission. Member Costales is Oregon's delegate representative on the Commission. He was also elected, by the Commission membership, as the Chair of the Compact Executive Committee and officiates over the Commission meetings. The Commission is currently drafting its bylaws and rules to be finalized in November at a face-to-face meeting following the Federation of State Boards of Physical Therapy's annual conference. Member Costales also shared the Commission's November agenda including the financing of the Compact and the likelihood of a future member state assessment. The Commission anticipates that the first Compact privileges will be awarded in the first part of 2018. Following Member Costales' update the Director reported that once written, the Commission Rules must be adopted by the Oregon Board through the rule making process. With regard to the Compact financials, the Director reported that the Board has already anticipated a compact assessment fee and delegate travel expenses and that they are part of the

2017-2019 adopted budget. Lastly, The Director reported that he has had the first teleconference with the Commission regarding member state preparation for the implementation of the Compact in our state and the required data transfer file. In Oregon, the social security number is protected under Federal Law and the Director told the Commission that without prior approval from each individual licensee, the Board could not provide the SSNs. This is an open issue yet to be resolved.

Board Policy/Scope of Practice Issues:

- Discussion about PT role in nutrition and nutrition education – After review of materials and discussion, the Board instructed its Attorney and Clinical Advisor to draft a statement relative to nutrition and nutritional wellness education and bring it back to the Board for review and approval. Once approved the staff will publish the statement on the Board website in a newly developed page titled Frequently Asked Questions (FAQs).
- Discussion about PT use of CBD oils/marijuana products in treatment – After review of materials and discussion, the Board instructed its Attorney and Clinical Advisor to draft a statement relative to a PTs use of CBD oils/marijuana products in patient treatment and bring it back to the Board for review and approval. Once approved the staff will publish the statement on the Board website in a newly developed page titled Frequently Asked Questions (FAQs).

General Topics/Business:

- Administrative Statistics – The Director presented the current year-to-date workload statistics report. The report data indicated a flattening in the growth of new license applications over the prior three years. Also presented was the two-month, biennium to date, Profit and Loss Budget verses Actual expense report. Copies of the statistics or financial reports are available by contacting the board office.
- Information Systems Update/Temporary Staffing Request – The Director updated the Board on the search for a new Information Technology Desktop Support solution. The Board's current vendor contract expired September 30, 2017 and the current vendor is not going to renew the contract for the 2017-2019 biennium. In partnership with nine other small health boards, who all use the same vendor, the Director has been working on several options. One is the development of a charter and statement of work to use in the development of a Request for Proposal through DAS. This is a lengthy process with no guarantee of a viable solution. DAS procurement has offered another solution using an existing contract with an existing vendor. This solution is being evaluated at this time. In the interim, the PT Board could be without coverage for its desktop IT issues. We have approached the current vendor to extend the expired contract and he is amenable, however wants to see progress towards a solution. In the interim, if something should happen with the current situation, the Director would like the Board's permission to hire limited duration IT professional to cover the needs of all the nine boards. The estimated cost of the temporary employee would be approximately \$100,000/year, probably split between the nine boards, or roughly \$11,000/per board depending on each board's usage. After discussion, Phil Haworth moved to give the Director permission to hire a limited duration IT professional. Aubree Benson seconded the motion. The motion passed unanimously by a vote of 6-0. Board members Carol Sutton and Alan McAvoy were not present for the vote.

- Executive Director's Search – The Director gave an update on the search for a replacement for his position pending his January 1, 2018 retirement date. The job was publicly posted and sent to the Board's Interested Parties List. Seven viable candidates applied. The Board appointed a Selection Committee to interview the candidates and make a hiring recommendation back to the Board. The Selection Committee was slated with Chair Rutt, Vice Chair Canizares and Ms. Shelley Sneed, Executive Director of the Optometry Board (also a semi-independent board). After discussion, Phil Haworth moved to confirm the Board's appointment of the Selection Committee as slated. Aubree Benson seconded the motion. The motion passed unanimously by a vote of 6-0. Board members Carol Sutton and Alan McAvoy were not present for the vote.

Approval of Board Meeting Minutes:

The drafted minutes, from the August 4, 2017 regular board meeting were presented. Chair Rutt opened the floor for additional discussion and comments. Member Julkowski had two minor amendments to the minutes. Phil Haworth moved to approve the August 4, 2017 minutes as amended. Aubree Benson seconded the motion. The motion passed unanimously by a vote of 6-0. Board members Carol Sutton and Alan McAvoy were not present for the vote.

Future Board Meeting Dates:

The remaining Board Meeting dates for 2017 are as follows: Monday, December 11, 2017; Friday, March 9, 2018; Friday, May 18, 2018; Friday, July 27, 2018; Friday, October 5, 2018 and Friday, December 7, 2018. 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:

Staff presented the list of new licenses and temporary permits issued August 4, 2017 through September 30, 2017. Chair Rutt opened the floor for questions and discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders. Phil Haworth moved to ratify the list of licenses and temporary permits issued August 4, 2017 through September 30, 2017. Aubree Benson seconded the motion. The motion passed unanimously by a vote of 6-0. Board members Carol Sutton and Alan McAvoy were not present for the vote.

Board Member Reports/Other Business:

Chair Rutt asked for Board reports or any other new business.

- Director Heider informed the Board that during the public posting process for the Director's position one of the potential candidates informed him that he had posted the incorrect salary range for the position description. Upon further research, Director Heider did discover that he had posted the correct position description but the incorrect representation code and salary range and that he himself had been misclassified. The Director presented the Board with the research and documentation related to the misclassification, which resulted in a pay discrepancy dating back to January 2012. After review and discussion, the Board instructed the Director to correct the misclassification for the October 2017 pay period. In addition, the Board asked the Director to complete a detailed month-by-month calculation of the pay discrepancy dating back to January 2012 and

to check with the Department of Administrative Services for advice or protocol to correct the misclassification.

- Vice Chair Canizares reviewed a situation relative to his PT practice regarding the delivery of physical capacity evaluations. Vice Chair Canizares wanted to be certain he was working within the established standards of practice. After discussion, the Board determined that the service Vice Chair Canizares was providing was not treatment and would fall under the classification of a screening and not subject to the same standards of practice required of a treatment.

Chair Rutt asked for any additional new business. Hearing none, he adjourned the meeting at 2:57 PM.

**Physical Therapist Licensing Board
Special Telephone Board Meeting
October 18, 2017
MINUTES**

Wednesday October 18, 2017

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

Board Members Absent: Alan McAvoy, PT Member

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

Legal Counsel: Joanna Tucker Davis, AAG

Board Chair, Richard Rutt convened the Board into Executive Session at 11:47 AM citing ORS 192.660(2)(f)(1). In Executive Session, the Board confided with legal counsel and discussed an existing case and to obtain legal advice. Pursuant to ORS 192.660(2)(f), 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 1:55 AM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 11:56 AM, 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, discuss personnel policies and procedures 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. Public Session written minutes can be found on the Board's website once reviewed by and approved by the Board.

Board Motions:

Case PT 623-6/17

Motion by Ruggie Canizares to issue a Final Order by Default, Denial of Application for the violations referenced in the Notice.

Seconded by Carol Sutton.

Motion passed by a unanimous vote 7-0. Member McAvoy was not present for the vote.

Adoption of Hiring Standards, Criteria and Policy Directives: - The Director presented the Board with a draft of standards, criteria and policy directives for their consideration. After review and discussion, Vice Chair Ruggie Canizares moved to adopt the hiring standards, criteria and policy directives of the Board relative to the hiring of a replacement for the Board's Executive Director.

Seconded by Carol Sutton.

Motion passed by a unanimous vote 7-0. Member McAvoy was not present for the vote.

Copies of the Standards, Criteria and Policy Directive may be obtain by contacting the Board office.

Board Member Reports/Other Business:

Chair Rutt asked for any other new business. Hearing none, Chair Rutt adjourn the meeting at 12:12 PM.

**Physical Therapist Licensing
Board Selection Committee
Meeting October 27, 2017
MINUTES**

Friday, October 27, 2017

Committee Members Present: Richard Rutt, PT, Board Chair and Committee Chair; Ruggie Canizares, PT, Board Vice Chair; Shelley Sneed, Executive Director Board of Optometry

Committee Chair, Rutt convened the Committee into Executive Session at 8:00 AM citing ORS 192.610 through ORS 192.690. In Executive Session, the Committee interviewed and discussed candidates for the position of Executive Director of the Physical Therapist Board. The Committee narrowed the field down to two Candidates with the intent of presenting both Candidates to the Board, offering the Board the Committee's recommended top choice of hire. Per ORS 192.610 through ORS 192.690, this portion of the meeting is closed to the public.

Upon completion of the interviews and discussion, Committee Chair Rutt adjourned Executive Session at 1:10 PM.

At 1:11 PM, Committee Chair Rutt convened the Committee into Public Session.

Committee Chair Rutt opened the floor asking for any public comment. Hearing none, Chair Rutt adjourned the Selection Committee Public Session at 1:12 PM.

**Physical Therapist Licensing
Board Special Telephone Board
Meeting November 3, 2017
MINUTES**

Friday, November 3, 2017

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

Board Members Absent: Jennifer Julkowski, PTA

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

Legal Counsel: Joanna Tucker Davis, AAG was not present for the meeting

Board Chair, Richard Rutt convened the Board into Executive Session at 7:35 PM citing ORS 192.660(2)(a). In Executive Session, the Board considered the hiring of a replacement for its Executive Director position. Pursuant to ORS 192.660(2)(a), this portion, of the Meeting, is closed to the public.

At 8:05 PM, Board Chair Rutt adjourned the Executive Session.

PUBLIC (OPEN) SESSION

At 8:06 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, discuss personnel policies and procedures 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 written minutes can be found on the Board's website once reviewed by and approved by the Board.

Board Motions:

Chair Rutt asked for any motions from the Board.

Vice Chair Canizares moved to offer the Director position to Ms. Michelle Sigmund-Gaines. Member Benson seconded the motion.

Chair Rutt asked for any further discussion. Hearing none, Chair Rutt asked for a roll call vote. Motion passed by a unanimous vote of 7-0. Member Julkowski was not present for the vote.

Board Member Reports/Other Business:

Chair Rutt asked for any other new business. Hearing none, Chair Rutt adjourned the meeting at 8:10 PM.

Physical Therapist Licensing Board
Board Meeting
December 11, 2017
MINUTES

Monday, December 11, 2017

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

Board Members Absent: None

Staff: Michelle Sigmund-Gaines, Executive Director; James Heider, Former Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Rick Sullivan, PTA, Licensing Coordinator.

Legal Counsel: Joanna Tucker Davis, AAG.

EXECUTIVE (CLOSED) SESSION

At 8:44 AM, Chair Rutt convened the Board into Executive Session. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 12:42 PM, Chair Rutt adjourned Executive Session.

PUBLIC (OPEN) SESSION

At 12:54 PM Chair Rutt convened Public Session. During the Public Session 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 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. Upon the approval of the Board, written public session minutes are published and available on the Board website.

Guests: Diana Godwin, Attorney Representing OPTIP; Grant Engrav Attorney, Engrav Law; Paul Shew, PT George Fox University. Ricci Susick, a Liaison to the PT Board representing the Oregon Physical Therapy Association sent her regrets and announced she would be resigning her position with the OPTA and that a new OPTA Liaison will be appointed and would be attending the PT Board's March 2018 meeting.

Introduction of new Executive Director:

Ms. Michelle Sigmund-Gaines introduced herself to the Board, staff and guests. Michelle officially became the Director of the Board on December 1, 2017. Michelle was most recently the Director of the Mortuary and Cemetery Board and held that position for nearly ten years. Immediately prior

to the MCB, Michelle was the Chief Information Officer for the Port of Portland and held that position for eight years. In addition to public service, Michelle stated that her driving passion is Education, whether in the context of Regulation or in schools, and she has also worked and taught at both the K-12 and University levels. Michelle said she was thrilled to be here and to have the opportunity to take the Director position for the Physical Therapist Licensing Board.

Board Motions:

Case PT 632-12/17

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

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 488-10/13

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

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 488b-5/14

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

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 620-4/17

Motion by Jennifer Julkowski to close case and issue a Confidential Advisory Letter.

Seconded by Aubree Benson.

Motion passed unanimously by a vote of 7-1. Member Canizares voted nay.

Case PT 631-11/17

Motion by Jennifer Julkowski to close case and issue Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(a)(k)(A) and OAR 848-045-0020(2)(L)(m)(o)(A). And requiring Licensee to attend a Board approved live boundary course at the Licensee's expense.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Administrative Rules Permanent Filing Status

Former Director Heider gave the Board an update on the status of the Administrative Rules adopted at its October 6, 2017 Board Meeting. Mr. Heider told the Board the rules have been filed for permanent rule making with the Secretary of State and are scheduled to take affect January 1, 2018. The Board instructed staff to send a notice of the new rules to all licensees.

PT Compact Update:

Former Director Heider gave the Board an update on the implementation status of PT Compact in Oregon. Mr. Heider reported that prior to implementing the Compact, the Oregon Board had to adopt the Compact Commission Rules. Mr. Heider stated that there is a problem with adoption of the rules because the Commission asks for social security numbers in the data file transfer. The Oregon Department of Justice has advised the PT Board that due to federal privacy laws the Board is restricted from sharing Licensees social security numbers without the explicit consent from the Licensees. This matter is still under discussion between the Commission, the Oregon DOJ and

Board staff. Mr. Heider also reported that staff has to update the Board administrative rule to allow for charging a Compact Privilege fee and, lastly, that the Board database had to be programmed to allow for the tracking and displaying of Compact Privilege holders on the Board website. Member Costales, who also serves as the Chair of the Compact Commission's Executive Committee and the Oregon Board Delegate to the Compact, gave an update on the first face-to-face meeting of the Commission. Member Costales noted the Commission did adopt their by-laws and administrative rules at their meeting. When asked, Member Costales indicated that the Commission has targeted mid 2018 as the timeframe the Commission will be ready to issue the first privileges.

Board 2015-2017 Financial Review:

Former Director Heider reported that the Board's biennial financial review was completed in October and that there were no substantial findings to be noted in the review. A final draft of the review will be made available to the Board at its March 2018 meeting and published on the website as part of the Board's 2015-2017 report to the Governor. Mr. Heider did inform the Board that in January 2018 the auditors would return to conduct a full Change of Director's (COD) audit.

Board Policy/Scope of Practice Issues:

- Staff presented the Board with a draft of frequently asked questions relative to nutrition – after review of the draft, the Board tabled the topic pending further research and development.
- Staff presented the Board with a draft of frequently asked questions relative to CBD oil and use of marijuana products in practice – after review of the draft, the Board tabled the topic pending further research and development.
- Discussion of the two subjects above lead the Board to a discussion relative to use and sale of products in general to patients. The Board determined that, like the rules governing the disclosure of financial interest in the sale of certain equipment to patients, the sales of products should require the same disclosure of financial interest. The Board instructed staff to add the disclosure of sale of products to the list for future rule making items.

General Topics/Business:

- Information Systems Update/Temporary Staffing Request – Director Sigmund-Gaines updated the Board on the search for a new Information Technology Desktop Support solution. The Board's current vendor contract expired September 30, 2017 but the vendor has agreed to extend the contract through June 2018.
- Board discussion on former Director's job and salary misclassification – Per a Board directive the former Director provided the Board with a month by month analysis of the pay discrepancies and informed the Board that he had the work papers and analysis reviewed by the outside auditors and a letter written validating the analysis and final figure. After discussion, the Board determined they would pay the back pay in a taxable lump sum to the former Director in the next pay cycle. Member Jennifer Julkowski moved to make the payment to the Director. Member Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 7-0. Member Sutton was not present for the vote.

Approval of Board Meeting Minutes:

The drafted minutes, from the October 6, 2017 Administrative Rules Hearing, the October 6, 2017 Regular Board Meeting, the October 18, 2017 Special Board Meeting, the October 27, 2017 Selection Committee Meeting and the November 3, 2017 Special Board Meeting were all presented to the Board for approval. Member Jennifer Julkowski moved to approve all but the October 6,

2017 Regular Board Meeting Minutes as written. Member Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 7-0. Member Sutton was not present for the vote. Member Jennifer Julkowski then moved to approve the October 6, 2017 Regular Board Meeting Minutes as amended. Member Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 7-0. Member Sutton was not present for the vote.

Future Board Meeting Dates:

The Board meeting dates for 2018 were set as follows: Friday, March 9, 2018; Friday, May 18, 2018; Friday, July 27, 2018; Friday, October 5, 2018 and Friday, December 7, 2018. After discussion, two of the meeting dates were changed. The July 27, 2018 date was changed to Friday, August 3, 2017 and the October 5, 2018 date was changed to October 12, 2018. All other dates remained the same. 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:

Staff presented the list of new licenses and temporary permits issued October 1, 2017 through December 7, 2017. Chair Rutt opened the floor for questions and 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 licenses and temporary permits issued October 1, 2017 through December 7, 2017. Member Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 7-0. Member Sutton was not present for the vote.

Board Member Reports/Other Business:

Chair Rutt asked for Board reports or any other new business.

Former Director Heider went on record congratulating the Oregon Board for the national recognition it received at the Federation of State Boards of Physical Therapy's annual conference. The Oregon Physical Therapist Licensing Board was awarded the 2017 FSBPT Excellence in Regulation Award.

Chair Rutt asked for any additional new business. Hearing none, he adjourned the meeting at 2:35 PM.