

**Physical Therapist Licensing Board  
Special Telephone Board Meeting  
January 8, 2018  
MINUTES**

**Monday, January 8, 2018**

**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; Troy Costales, Public Member.

**Board Members Absent:** Alan McAvoy, PT Member (Excused); Carol Sutton, Public Member (Excused).

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator.

**Legal Counsel:** Joanna Tucker Davis, AAG.

**EXECUTIVE (CLOSED) SESSION**

At 9:06 AM, Chair Rutt convened the Board into Executive Session. Citing ORS 192.660(2)(f) and (L), this portion of the Meeting is closed to the public.

At 9:40 AM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 9:40 PM Chair Rutt convened Public Session. During the Public Session portion of the meeting the Board entertained motions and 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 613-12/16**

Motion by Troy Costales to make offer of voluntary surrender and delegate to Executive Director the authority to issue and execute stipulated agreement and final order, if accepted.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 6-0.

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### **Case PT 622-6/17**

Motion by Troy Costales to offer stipulated agreement and final order and delegate to Executive Director authority to issue and execute, if accepted.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 5-0. Member Julkowski recused.

### **Case PT 607-9/16**

Motion by Troy Costales to accept agreement and issue stipulated agreement and final order.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 6-0.

### **Case PT 631-11/17**

Motion by Troy Costales to accept agreement and issue stipulated agreement and final order.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 6-0.

### **Board Member Reports/Other Business:**

Chair Rutt asked for any other new business.

Hearing none, he adjourned the meeting at 9:44 AM.

**Physical Therapist Licensing Board  
Board Meeting  
March 09, 2018  
MINUTES**

**Friday, March 09, 2018**

**Board Members Present:** Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Troy Costales, Public Member; Carol Sutton, Public Member.

**Board Members Absent:** Alan McAvoy, PT Member (Excused); Jennifer Julkowski, PTA Member (Excused); Aubree Benson, PT Member (Excused).

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

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Rutt convened the Board into Public Session at 8:47am. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Rutt convened the Board into Executive Session at 8:49am. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 12:53 PM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 1:00 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:** Joyce Stahly, Brian Eubanks, Nancy Schuberg, Grant Engrav, Rob Hannon, Jim Heider, Susan Bamberger, Mark L. Callanen.

**Presentation to Board:** At the invitation of the Board, Mark L. Callanen, PT, DPT, OCS of LightForce Therapy gave a presentation covering a review of Class 4 Laser, which highlighted the

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similarities/differences with PBM lasers. The regular order of the agenda was suspended in order to allow the presenter to present at the published time of 1pm.

### **Board Motions:**

#### **Request for Release of Confidential Information under ORS 676.175(2)(b)**

Motion by Ruggie Canizares to Deny Request.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 628-9/17**

Motion by Ruggie Canizares to not impose discipline and close case.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 630-10/17**

Motion by Ruggie Canizares to issue a Notice of Proposed Disciplinary Action for five violations of ORS 688.140(a)(K) and OAR 898-045-0020(2)(k)(l) and (u)(F) with the following sanction: suspension of license until successful completion of Board approved boundaries course.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 627-8/17**

Motion by Ruggie Canizares to not impose discipline and close case.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 633-12/17**

Motion by Ruggie Canizares to issue a Confidential Advisory Letter and close case.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 634-2/18**

Motion by Ruggie Canizares to issue a Confidential Advisory Letter and close case.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Case PT 489-10/13**

Motion by Ruggie Canizares to not impose discipline and close case.

Motion seconded by Carol Sutton.

Motion passed unanimously by a vote of 5-0.

#### **Recognition of Service: Member Carol Sutton**

Chair Rutt recognized Member Sutton, thanking her for her years of service to the Board.

### **Board Member Reports**

*Please contact the Board office for copies of any reports or other documents referenced.*

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Member Troy Costales, who serves as the Oregon Delegate to the Compact Commission, and who is currently serving as the Chair of the Compact Commission, gave an update on the current national status of the Compact and provided detail about the most recent meeting of the Compact Commission Executive Board. Thus far, 15 states have now passed legislation to join the Compact. Those states, including Oregon, are moving toward implementation. There are also 5-7 additional states that are considering Compact legislation in their states. The Compact itself can go into effect once at least three member states are ready, and approved to go live. Currently, several states may be ready to go live as soon as April, with additional states ready in the June/July timeframe. Member Costales then summarized the remainder of the topics, including discussion of questions raised by some member states relating to the implementation of FBI background checks. The Commission is currently working with those states to resolve the questions, in conjunction with the FBI. The state of Colorado, which had been suspended, has now been re-instated and has resumed working toward implementing the Compact. Member Costales then asked Director Sigmund-Gaines to relay the concerns and status of Oregon during that portion of the presentation. Oregon has raised some questions related to the use of SSN as the unique identifier, and compliance with the 1974 Privacy Act. Oregon staff is working with the Commission staff to address the concerns.

### **Presentation and Approval of the Executive Director’s Report**

Chair Rutt recognized Director Sigmund-Gaines and asked her to present the Executive Director Report. Director Sigmund-Gaines reviewed the information in the new report, and requested input on any requested information the Board would like to see included in future reports. Chair Rutt opened the floor for questions and discussion. The members generally commented that the report was useful, and that they would like to see it presented at future meetings with generally the same scope of information. Chair Rutt asked for a motion to accept and approve the report. Member Ruggie Canizares so moved. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Wellness Policy & Plan**

Staff presented the Board with a draft of the PT Board Wellness Policy and Plan for consideration, per Executive Order 17-01. After brief discussion, Chair Rutt asked for a motion to ratify the Wellness Policy and Plan. Member Ruggie Canizares so moved. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Executive Director Delegated Authority Policy**

As best practice, the Board regularly reviews the Delegated Authority Policy. The Board considered a document reflecting minor updates and clarifications to the current policy. Chair Rutt asked for a motion to adopt the Executive Director Delegated Authority Policy as written and amended. Member Ruggie Canizares so moved. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Review of NPTE Lifetime Limit Jurisdiction Appeal Policy**

The Board considered a document reflecting an amendment to the current Appeal Policy which would remove “at this time” from the current policy to reflect that the Policy is in effect until revised or revoked by motion of the Board. Staff also recommended that the Policy be codified into the OAR as part of a future Rulemaking. Chair Rutt asked for a motion to adopt the NPTE Lifetime Limit Jurisdiction Appeal Policy as written and amended and add the Policy into OAR during a future Rulemaking process. Member Ruggie Canizares so moved. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

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### **Continuing Competence (CC) Credit Approval Requests**

Staff requested clarification from the Board regarding two types of requests for CC Credit Approval under the OAR. The first clarification was with regard to certification in Six Sigma certification when offered by a medical facility for the purpose of working on process improvement projects relating to patient care. The Board clarified that Six Sigma certification or similar, even if taken to subsequently work on projects relating to patient care, does not meet the criteria, and would not be approved by the Board. The second request related to an allowance for credit for mandatory workplace training or orientation courses if those courses were clinical in nature, and directly related to the practice of PT. The Board clarified that in those circumstances, credit for those courses would be approved by the Board. During the discussion, the Board directed staff to earmark OAR 848 Division 35 for future discussion and Rulemaking.

### **Ratification of PT/PTA Licenses & Temporary Permits:**

Staff presented the list of new licenses and temporary permits issued December 8, 2017 through March 2, 2018. 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 Ruggie Canizares moved to ratify the list of licenses and temporary permits issued December 8, 2017 through March 2, 2018. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Approval of Board Meeting Minutes:**

The drafted minutes from the December 11, 2017 Regular Board Meeting and the January 08, 2018 Special Telephone Board Meeting, were all presented to the Board for approval. Member Ruggie Canizares moved to approve the minutes as written. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Initiation of Administrative Rulemaking**

Staff requested approval to initiate the Administrative Rulemaking process in order to adopt the Compact Commission Rules, as required by ORS 688.240, as well as any other items related to Oregon's participation in the Compact. Chair Rutt opened the floor for questions and discussion. With none noted, Chair Rutt asked for a motion to direct staff to initiate the administrative rulemaking process for the Compact Commission related rules. Member Ruggie Canizares so moved. Member Carol Sutton seconded the motion. The motion passed unanimously by a vote of 5-0.

For the record, at 2:59 PM Member Carol Sutton had to leave the meeting and the Board no longer had quorum. No additional business of the Board was conducted. Director Sigmund-Gaines provided brief informational updates on a few remaining items, and the remaining items were deferred to the May 18 2018 Board Meeting.

### **2018 Legislative Session & Upcoming 2019 Session**

Director Sigmund-Gaines presented a brief update on the current 2018 legislative session and bills that may impact the Board or Board licensees, and distributed a schedule for submitting any legislative concepts for the 2019 legislative session.

### **Member Availability for Special Session**

The Members present identified their availability for a Special Meeting by Teleconference, and directed staff to query the members not present in order to schedule the meeting.

**Agenda Items Deferred to May Meeting**

- Officer and FSBPT Delegate Selection Policy
- Election of Officers and FSBPT Delegates
- Strategic Planning Process and Session
- 2018 Legislative Session Report and 2019 Legislative Concepts

Chair Rutt adjourned the meeting at 3:09 PM.

**Physical Therapist Licensing Board  
Special Telephone Board Meeting  
March 19, 2018  
MINUTES**

**Monday, March 19, 2018**

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

**Board Members Absent:** None. Public Member Position-Vacant.

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator.

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Rutt convened the Board into Public Session at 9:33 AM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Rutt convened the Board into Executive Session at 9:34 AM. Citing ORS 192.660(2)(f) and (2)(L), this portion of the Meeting is closed to the public.

At 10:13 AM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 10:13 AM Chair Rutt convened Public Session. During the Public Session portion of the meeting the Board 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.

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**Guests:** None.

### **Board Motions:**

#### **Case PT 635-3/18**

Motion by Jennifer Julkowski to offer interim stipulated agreement and issue, subject to licensee's acceptance.

Motion seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0.

#### **Case PT 636-2/18**

Motion by Jennifer Julkowski to issue confidential advisory letter.

Motion seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0.

#### **Case PT 637-3/18**

Motion by Jennifer Julkowski to issue confidential advisory letter.

Motion seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 7-0.

### **Other Business:**

Chair Rutt asked for any other new business.

Member Costales requested that the Board establish an additional protocol ahead of executive sessions to confirm that no member has an actual or perceived conflict relating to any discussion so as to remove themselves from the room or conference line during that portion of the meeting in order to best coordinate that action, if required, particularly for telephonic meetings. Staff was directed to make such procedural note to facilitate practice at all upcoming meetings.

Chair Rutt asked for any additional new business. Hearing none, he adjourned the meeting at 10:18 AM.



**Physical Therapist Licensing Board  
Special Telephone Board Meeting  
April 06, 2018  
MINUTES**

**Friday, April 06, 2018**

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

**Board Members Absent:** Jennifer Julkowski, PTA Member (Excused); Public Member Position-Vacant.

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator.

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Rutt convened the Board into Public Session at 2:33 PM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Rutt convened the Board into Executive Session at 2:34 AM. Citing ORS 192.660(2)(f) and (2)(L), this portion of the Meeting is closed to the public.

At 3:00 PM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 3:03 PM Chair Rutt convened Public Session. During the Public Session portion of the meeting the Board 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:** Grant Engrav, Engrav Law Office.

**Board Motions:**

**Case PT 630-10/17**

Motion by Troy Costales to rescind prior action and accept stipulated agreement and issue final order.  
Motion seconded by Ruggie Canizares.

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Motion passed unanimously by a vote of 6-0.

### **Case PT 639-04/18**

Motion by Troy Costales to issue confidential advisory letter, and issue license.

Motion seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 6-0.

### **Other Business:**

Chair Rutt asked for any other new business.

Hearing none, he adjourned the meeting at 3:05 PM.

**Physical Therapist Licensing Board  
Board Meeting  
May 18, 2018  
MINUTES**

**Friday, May 18, 2018**

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

**Board Members Absent:** None. Public Member Position-Vacant.

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

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Rutt convened the Board into Public Session at 8:35 AM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Rutt convened the Board into Executive Session at 8:37 AM. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:00 AM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 11:11 AM 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:** Jim Heider, Diana Godwin.

**Board Motions:**

**Case PT 595-05/16**

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Motion by Alan McAvoy to issue notice of proposed disciplinary action for violations of ORS 688.140(2)(a), OAR 848-040.0105(5) and OAR 848-045-0020(2)(k)(o)(A) with the following sanctions: completion of board approved live boundaries course within 9 months of issuance of final order and, in addition, to issue confidential advisory letter.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 597A-05/16**

Motion by Alan McAvoy to not impose discipline and close case.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 597B-05/16**

Motion by Alan McAvoy to not impose discipline and close case.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 597C-05/16**

Motion by Alan McAvoy to not impose discipline and close case.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 609-09/16**

Motion by Alan McAvoy to not impose discipline and close case.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 629-10/17**

Motion by Alan McAvoy to not impose discipline and close case.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 640-04/18**

Motion by Alan McAvoy to offer stipulated agreement for violation of ORS 688.140(2)(a)(c) and OAR 848-045-0020(2)(r) and impose civil penalty of \$100.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 641-04/18**

Motion by Alan McAvoy to offer stipulated agreement for violation of ORS 688.140(2)(a) and OAR 848-045-0020(2)(r) and impose civil penalty of \$100.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 642-04/18**

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Motion by Alan McAvoy to offer stipulated agreement for violation of ORS 688.140(2)(a)(c) and OAR 848-045-0020(2)(r) and impose civil penalty of \$100.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Case PT 647-05/18**

Motion by Alan McAvoy to offer stipulated agreement for violation of ORS 688.140(2)(a) and OAR 848-045-0020(2)(r) and impose civil penalty of \$250.

Motion seconded by Phil Haworth

Motion passed unanimously by a vote of 7-0.

### **Recognition of Service: Member Richard Rutt**

The Board recognized Member Rutt, thanking him for his years of service to the Board.

### **Public Comment**

Chair Rutt recognized Jim Heider. Jim expressed his appreciation to Member Rutt for his service. Chair Rutt then recognized Diana Godwin, who expressed interest in serving on an upcoming Rules Advisory Committee and in support of the Board's proposed legislative concept.

### **Board Member Reports**

Member Troy Costales, who serves as the Oregon Delegate to the Compact Commission, and who is currently serving as the Chair of the Compact Commission, gave an update on the current national status of the Compact. The first states are expected to begin issuing privileges this summer. Oregon would be appearing at the upcoming meeting for a request for an alternate verification process for licensees pursuant to the requirements of Compact Commission Rule 6.1.

FSBPT: Chair Rutt, as FSBPT delegate, asked if the members had any motions for consideration for submittal to the Delegate Assembly. No motions were put forth for consideration. Member Canizares noted that he has been slated as candidate for FSBPT Board Treasurer. Ms. Paru noted that she has been slated as candidate for the Nominating Committee. Ms. Paru, who currently serves on the Education Committee, noted that the 2019 Annual Meeting and Assembly will be located in Oklahoma City. Ms. Paru also noted for the Board that the FARB Regulatory Law Seminar would be held in Portland September 27-29, 2018.

### **Presentation and Approval of the Executive Director's Report**

Chair Rutt recognized Director Sigmund-Gaines and asked her to present the Executive Director Report. Director Sigmund-Gaines reviewed the information in the report for the Board as written. Member Costales asked if Compact Privilege holders would be noted in the statistical reports once issued. Director Sigmund-Gaines noted that this information would be tracked and included. Chair Rutt asked for a motion to accept and approve the report. Member McAvoy so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Consideration of Information Relating to LLLT Therapeutic Lasers**

The Board discussed the presentation from the March meeting on LLLT Therapeutic Lasers, and considered information from the Oregon Medical Board staff and current PT board statute and rule. The Board determined that the use of LLLT Therapeutic Lasers as an intervention would be allowable under existing Oregon law and would be covered under OAR 848 as are other interventions.

### **Election of FSBPT Delegates and Board Officers**

Chair Rutt asked the Board to consider a change in policy to untether the role of FSBPT delegate and alternate delegate from the officer positions. After discussion, Chair Rutt asked for a motion, and Member McAvoy moved to untether the roles. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

Chair Rutt asked for candidates Board Chair. Member Ruggie Canizares was identified. After discussion, Chair Rutt asked for a motion to elect Member Canizares as Chair, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 6-0. Member Canizares abstained.

Chair Rutt asked for candidates Board Vice Chair. Members Aubree Benson and Phil Haworth were identified as candidates. After discussion, Chair Rutt asked for a vote, which resulted in the selection of Member Benson as candidate for Vice Chair. Chair Rutt asked for a motion to elect Member Benson as Vice Chair, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 6-0. Member Benson abstained.

Chair Rutt asked for candidates for Board FSBPT Delegate. Member Phil Haworth was identified. After discussion, Chair Rutt asked for a motion to elect Member Haworth as Delegate, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

Chair Rutt asked for candidates for Board FSBPT Alternate Delegate. Member Alan McAvoy was identified. After discussion, Chair Rutt asked for a motion to elect Member McAvoy as Alternate Delegate, and Member Haworth so moved. Member McAvoy seconded the motion. The motion passed by a vote of 7-0.

### **Strategic Planning Process**

Chair Rutt recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines recommended the Board implement a specific strategic planning session and the Board discussed potential approaches. The Board directed staff to bring back to the board a draft process and schedule for consideration at an upcoming meeting. Member Costales requested that the process and schedule include sufficient time for the board to receive and consider input before finalization of any resulting strategic plan.

### **Administrative Rulemaking Related to the adoption of PT Compact Rules and Fee**

Chair Rutt recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines, as Hearings Officer, reported on the input on the administrative rule-making related to the implementation of the PT Compact. The first open process related to the adoption of a new fee levied to applicants for a compact privilege in Oregon. No public comment was received. Chair Rutt asked for a motion to adopt the Compact Fee Rules as proposed, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0. Ms. Sigmund-Gaines then relayed the input to date relating to the adoption of the PT Compact Commission Rules. Some modifications to the draft were recommended by Board Counsel and so noted. Ms. Sigmund-Gaines also noted that the Compact Commission itself had subsequently initiated rulemaking to make a minor change to the language and recommended the Board extend the rulemaking period for the adoption of the PT Compact Rules to allow for the consideration of the new language. Chair Rutt asked for a motion to extend the rulemaking process to June 18th, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

### **Initiation of Administrative Rulemaking**

Staff requested approval to initiate the Administrative Rulemaking process relating to the overall administrative rule review, as required by Statute, to make housekeeping updates or corrections. Chair Rutt opened the floor for questions and discussion, and minor edits were made to the proposed rules. Chair Rutt then asked for a motion to direct staff to initiate the administrative rulemaking process for the overall administrative rule review housekeeping changes and publish the notice of rulemaking in the June 1<sup>st</sup> Oregon Bulletin. Member Alan McAvoy so moved. Member Ruggie Canizares seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Future Rulemaking Topics**

The Chair recognized Member Canizares. Member Canizares identified a number of items that could be added to the list of topics for consideration for public rulemaking and possible rule changes in the future and requested discussion. After discussion on each item, Chair Rutt asked for motions.

Member Canizares moved to add to the list for future consideration and further discussion the development of a rubric or template for standard sanction relating to ORS 688.140(2)(c). Member Haworth seconded the motion. The motion passed by a vote of 6-1, with Member Costales voting No.

Member Canizares then moved to add to the list for future consideration and further discussion modification to OAR 848-045-0020(L), or addition of new rule, to broaden the application to cover co-workers, students, or other parties to be more consistent with the statute 688.140(k). Member Haworth seconded the motion. The motion passed by a vote of 7-0.

### **Legislative Concept**

Chair Rutt recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented a draft legislative concept to change the name of the Board to Oregon Board of Physical Therapy. After discussion, Chair Rutt asked for a motion to submit the legislative concept to the Governor's Office for approval for the 2019 Legislative Session, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

### **Board Best Practice Criteria**

Chair Rutt recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented the current best practice criteria for board performance that is currently part of the biannual Governor's Report. The criteria has historically been completed by the Board Chair or Director on a biennial basis. Ms. Sigmund-Gaines proposed having the full Board review and complete the assessment on an annual basis. After discussion, Chair Rutt asked for a motion to have the full board complete the assessment on an annual basis, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

### **Ratification of PT/PTA Licenses & Temporary Permits:**

Staff presented the list of new licenses and temporary permits issued Mar 3 2018 through May 10, 2018. 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 Alan McAvoy so moved. Member Phil Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Approval of Board Meeting Minutes:**

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The drafted minutes from the March 09, 2018 Regular Board Meeting, the March 19, 2018 Special Telephone Board Meeting, and the April 06, 2018 Special Telephone Board Meeting were all presented to the Board for approval. Member Alan McAvoy moved to approve the minutes as written. Member Phil Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Other Business**

**Criminal Background Check Policy on Renewal**-Chair Rutt recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented the current policy for background checks on licensees on renewal, which should be updated to reflect the shift from annual to biannual renewals. In addition, Ms. Sigmund-Gaines relayed that in 2014 the Secretary of State's Office performed an audit of health professional regulatory boards and one of the recommendations was to have 100% of licensees screened at renewal. Currently, the Board is screening 10% of licensees by random selection. After discussion, Chair Rutt asked for a motion to change the policy to screen 100% of biannual renewal applications in this licensing period, and Member McAvoy so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

Chair Rutt requested that additional changes to the policy be drafted based on the discussion and brought back to the Board at an upcoming meeting for consideration by the Board.

Chair Rutt adjourned the meeting at 3:10 PM.



**Physical Therapist Licensing Board  
Special Telephone Board Meeting  
June 19, 2018  
MINUTES**

**Tuesday, June 19, 2018**

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

**Board Members Absent:** None. Public Member Position-Vacant.

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator.

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Rutt convened the Board into Public Session at 9:01 AM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Rutt convened the Board into Executive Session at 9:02 AM. Citing ORS 192.660(2)(f) and (2)(L), this portion of the Meeting is closed to the public.

At 9:43 AM, Chair Rutt adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 9:43 AM Chair Rutt convened Public Session. During the Public Session portion of the meeting the Board 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 649-5/18**

**Motion by Ruggie Canizares:** Per ORS 688,140 2(a)(e), to offer settlement agreement and delegate to the executive director the authority to negotiate and issue agreement and conditional license to require total of 1-year supervision, and satisfactory review of performance as determined by Board.

**Motion seconded by:** Phil Haworth

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Motion passed unanimously by a vote of 7-0.

### **PT Compact Related Rulemaking**

Chair Rutt recognized Director Sigmund-Gaines and requested a report on the PT Compact related Rulemaking, which had been extended to allow for additional public input and the consideration of the adoption of the most recent version of the rules as adopted by the Compact Commission on June 5<sup>th</sup>, 2018. Ms. Sigmund-Gaines summarized the input received, which had also been passed to the Commission, and confirmed that the Compact Commission had adopted the most recent version as proposed. Chair Rutt asked for a motion to adopt the Compact Commission Rules as modified, and Member Canizares so moved. Member Haworth seconded the motion. The motion passed by a vote of 7-0.

### **Other Business:**

Chair Rutt asked for any additional business. Hearing none, he adjourned the meeting at 9:49 AM.

**Physical Therapist Licensing Board  
Board Meeting  
Aug 03, 2018  
MINUTES**

**Friday, Aug 03, 2018**

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

**Board Members Absent:** Phil Haworth, PT Member (Excused). Public Member Position-Vacant.

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

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Canizares convened the Board into Public Session at 8:42 AM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, Chair Canizares convened the Board into Executive Session at 8:37 AM. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

At 11:59 AM, Chair Canizares adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 12:16 PM Chair Canizares convened Public Session. All members noted previously were present. 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, Susan Bamberger, Erica Goldsmith, PTA.

**Board Motions:**

**Case PT 595-05/16**

Motion by Alan McAvoy to offer a settlement agreement with a board approved online boundaries course in lieu of live course.

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Motion seconded by Aubree Benson.  
Motion passed unanimously by a vote of 6-0.

### **Case PT 639-04/18**

Motion by Alan McAvoy to rescind prior action without prejudice.  
Motion seconded by Aubree Benson.  
Motion passed unanimously by a vote of 6-0.

### **Case PT 467-02/03**

Motion by Alan McAvoy to not impose discipline and close case.  
Motion seconded by Aubree Benson  
Motion passed unanimously by a vote of 6-0.

### **Case PT 557-01/15**

Motion by Alan McAvoy to close case and issue a confidential advisory letter.  
Motion seconded by Aubree Benson  
Motion passed unanimously by a vote of 6-0.

### **Case PT 643-04/18**

Motion by Alan McAvoy to not impose discipline and close case.  
Motion seconded by Aubree Benson  
Motion passed unanimously by a vote of 6-0.

### **Case PT 646-05/18**

Motion by Alan McAvoy to close case and issue a confidential advisory letter.  
Motion seconded by Aubree Benson  
Motion passed unanimously by a vote of 6-0.

### **Case PT 638-03/18**

Motion by Alan McAvoy to offer a stipulated agreement for violation of ORS 688.140(t) and OAR 848-040-0105(l) and surrender of license.  
Motion seconded by Aubree Benson  
Motion passed by a vote of 5-1; Member Costales voting Nay.

### **Case PT 650-06/18**

Motion by Alan McAvoy to offer a stipulated agreement of probationary license.  
Motion seconded by Aubree Benson  
Motion passed by a vote of 6-0.

### **Case PT 653-07/18**

Motion by Alan McAvoy to close case and issue license.  
Motion seconded by Aubree Benson  
Motion passed unanimously by a vote of 6-0.

### **Case PT 657-07/18**

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Motion by Alan McAvoy to offer a stipulated agreement with licensure dependent on completion of Board approved courses in Documentation, Billing and Professionalism AND probationary term restricting licensee from supervising any students of Aides, and only one PTA until March 31, 2020.

Motion seconded by Aubree Benson

Motion passed by a vote of 6-0.

### **Recognition of Service: Member Jennifer Julkowski, PTA**

The Board recognized Member Julkowski, thanking her for her years of service to the Board.

Member Rutt left the meeting at 12:23 PM.

### **Public Comment**

None.

### **Board Member Reports**

**PT Compact:** Member Troy Costales, who serves as the Oregon Delegate to the Compact Commission, and who is currently serving as the Chair of the Compact Commission, gave an update on the current national status of the Compact. The Commission is currently reviewing the internal policies and Rules for possible changes and possible public rulemaking, and has been building outreach and training materials. Five states, including Oregon, are now currently issuing Privileges out of 20+ States that have passed the Compact statute.

**FSBPT:** Member Costales, Director Sigmund-Gaines and Clinical Advisor/Investigator Paru provided an overview of the recent FSBPT Leadership Issues Forum (LIF), and upcoming Annual Meeting. Director Sigmund-Gaines noted that the FSBPT will be considering changes to the By-Laws at the Annual Meeting. Sigmund-Gaines also noted that she was asked to attend the Board Assessment Task Force meeting in July, and anticipates a good work product resulting from the work of that Task Force. Member Costales noted that there was also discussion at the LIF meeting of the increasing national focus on professional regulation.

**Board Appointments and Training:** Director Sigmund-Gaines provided an update on the schedule for Board Appointments. The next Senate confirmation hearing is scheduled in September, so the Board may have new members by the October meeting. Sigmund-Gaines also informed the Board that there will be new training requirements for all members, not just new members, which will be required in the next few months.

**Legislative Concept:** Director Sigmund-Gaines provided an update on the status of the Board's request for a legislative concept in the 2019 session to change the name of the Board. The preliminary request was approved and is in process.

### **Presentation and Approval of the Executive Director's Report**

Chair Canizares recognized Director Sigmund-Gaines and asked her to present the Executive Director Report. Director Sigmund-Gaines reviewed the information in the report for the Board as written. Member Costales noted a calculation error, which was corrected. Chair Canizares asked for a motion to accept and approve the report as amended. Member McAvoy so moved. Member Benson seconded the motion. The motion passed unanimously by a vote of 5-0.

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### **Administrative Rulemaking Related to the adoption of Administrative Rule Review Changes**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines, as Hearings Officer, reported on the input on the administrative rule-making related to the overall administrative rule review, as required by Statute, to make housekeeping updates or corrections. No public comment was received. Staff had made minor corrections to the proposed rules to correct typos or numbering, and to clarify background checks. Chair Canizares asked for a motion to adopt the Rules as amended, effective September 1st, and Member McAvoy so moved. Member Benson seconded the motion. The motion passed by a vote of 5-0.

### **Strategic Planning Session Format and Timing**

Chair Canizares asked the Board to consider the proposed format for a community strategic planning session, as well as possible dates for a first session. After discussion, Chair Canizares noted that the strategic planning session in the format proposed will be held on October 11<sup>th</sup>, from 2-5pm.

### **Criminal Background Screening on Renewal Policy (LEDS)**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented a proposed change to the current LEDS Policy to redraft the Policy to reflect current practice and expand to describe criminal background screening overall. Member Julkowski noted a spelling error. Member Costales asked for clarification in language as applied to new applicants. After discussion, Chair Canizares asked for a Motion to adopt the policy as amended. Member McAvoy so moved. Member Benson seconded the motion. The motion passed by a vote of 5-0.

### **Summer 2018 Newsletter**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented the OPTLB Summer 2018 newsletter and provided an update on the Common Credentialing Program featured in the issue, which has subsequently been placed on hold by the Oregon Health Authority. Director Sigmund-Gaines noted that the next issue is planned for Fall 2018.

### **Discussion of Continuing Competence Division 35 Upcoming Rulemaking**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines provided a brief overview of the planned process to establish a rules advisory group to inform possible future rulemaking. Chair Canizares opened the floor for discussion to inform the charter of the advisory group. In general, the discussion included suggestions for the group to research and consider categories for credits with some mandatory requirements such as law (eg. new rules and regulations, ethics), consider credit for participation on committees and/or attendance at board meetings, to maintain clinical requirements while also exploring courses supporting personal/professional development, and consider use of APTitude or similar CC course tracking tool. An advisory group will be formed later this year and another email requesting participation will be sent to licensees and stakeholders. Chair Canizares nominated Member Haworth, should he be available. Member Julkowski noted that she would be willing to serve on the advisory group as a general member, if needed.

### **Presentation on the FSBPT Model Action Guidelines**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines presented a brief overview of the FSBPT Model Action Guidelines and noted that additional materials will be sent to Members for review to support discussion at a future meeting.

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### **Ratification of PT/PTA Licenses & Temporary Permits**

Staff presented the list of new licenses and temporary permits issued May 11 2018 through July 26, 2018. Chair Canizares opened the floor for questions and discussion. With none noted, Chair Canizares asked for a motion to ratify the new licensees and permit holders. Member McAvoy so moved. Member Benson seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Approval of Board Meeting Minutes**

The drafted minutes from the May 18, 2018 Regular Board Meeting, and the June 19, 2018 Special Telephone Board Meeting were all presented to the Board for approval. Member McAvoy moved to approve the minutes as written. Member Benson seconded the motion. The motion passed unanimously by a vote of 5-0.

### **Other Business**

None.

Chair Canizares adjourned the meeting at 2:16 PM.

Oregon Physical Therapist Licensing Board  
2018 Strategic Planning Kickoff Session – NOTES/MINUTES

**Thursday, October 11<sup>th</sup>, 2018**

**Board Members Present:** Ruggie Canizares, PT, Chair; Aubree Benson, PT, Vice Chair; Troy Costales; Erica Goldsmith, PTA; Becca Reisch, PT, PhD.

**Board Members Absent:** Phil Haworth, PT; Alan McAvoy, PT; Public Member Position-Vacant.

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

**Guests:** Susan Bamberger, PT, Diana Godwin, Paul Shew, PT, Jim Heider.

**PUBLIC (OPEN) SESSION**

Chair Canizares called the strategic planning session to order at 2:04 PM and turned the floor over to Director Sigmund-Gaines to facilitate the discussion.

The afternoon was divided into three discussion topics, each including review of presentation materials, small group discussion, and then report out and discussion as a full group and notes taken, as described below.

**Topic 1: Review of Statutory Purpose of the Oregon Physical Therapist Licensing Board (OPTLB)**

Director Sigmund-Gaines provided the group copies of statutory language relating to the purpose of the OPTLB as identified by the Legislature in ORS 676 and ORS 688 as well as a copy of the current language used to describe the OPTLB Purpose and Mission, as found on the Board's website and in other official reports and publications. Participants were asked to compare the two and identify what was covered in the current language and what was missing.

After small group discussion, participants reported out in the full group to create a master list for this topic area:

**CURRENTLY COVERED IN PURPOSE/MISSION STATEMENT**

- Ensuring competence at point of entry is clearly articulated. As is promoting quality of care; although there is less stated emphasis thereafter.
- The Board's role in Pain Management (PM) is present, but only as it relates to the Pain Management Module – a more passive role than described in Statute.

\*Note: The Board should seek verification on the current philosophy on PM as to what is intended and what coursework or requirements were intended by the legislature. This must be considered in the context of multi-disciplinary practice.

\*Note: The board should be clear on overall definition of Impairment, as noted in various ORS and apply appropriately.

**MISSING FROM CURRENT PURPOSE/MISSION STATEMENT**

- The current purpose/mission statement is more operational – it does not convey the big picture/purpose
- Missing is a clear component speaking to the Board's role in Diversity, particularly with regard to licensees.



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- Comment: Unsure how much Direct control the Board has with regard to appointments to the Board as well as with applicants.
- Missing is the Board’s role in the development of Pain Management services.
- Question for further consideration: Is the current mission language too focused on professional development rather than on public protection? (Relating to Continuing Competence).
- Comment: Not sure if the Board is adequately assuring continuing competence through the lens of public protection at renewal.

### **Topic 2: Oregon Demographic Forecast and Health Care Workforce**

Director Sigmund-Gaines next provided information from the US Bureau of Census, the Oregon Office of Economic Analysis, the Portland State University’s Population Research Center, and the Oregon Office of Health Analytics. Given the information provided and the statutory purpose identified in the first topic, participants were asked to discuss what the Board should be doing, and what potential barriers and partnership opportunities existed.

After small group discussion, participants reported out in the full group to create a master list for this topic area:

#### **WORKFORCE – What should we be doing?**

- Continuing to facilitate telehealth practice.
- Consider continuing competence credit on renewal for serving underserved geographic areas or waive fees

\*NOTE: It was noted that, while addressing access to care in underserved geographic areas addresses the access to quality care portion of the Board’s statutory purpose, it does not address the diversity portion, and should be a focus for discussion.

- The PT Compact was noted as something we are already doing, but a suggestion to look at this more closely to see how it can proactively support diversity and access.
- The licensure of foreign educated practitioners was also noted as an area for additional opportunity.
- It was suggested that encouraging current licensees from under-represented groups to volunteer in K-8 classrooms to speak about a career in PT, or otherwise serve as role models as PTs or PTAs would be impactful; that the Board should explore avenues to encourage and support these activities via continuing competence credit or other means.

\*NOTE: It was noted that efforts to change the composition of the workforce, given that point of entry is arguably at entry to academic programs, will take time and therefore measurement of the success of such efforts will need to be appropriately longitudinal. This should be factored into the development of program metrics.

- The Board should consider programs like AVID (Advancement Via Individual Determination) (see <http://www.avid.org>).
- The Board should consider the development of curriculum.

#### **WORKFORCE -- Potential Barriers and Partnerships?**

- Key question: How can the Board influence where someone works geographically?

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- The Board should engage with the PT schools—arguably the points of entry into the profession—to find out what they are already doing to support the diversification of the PT workforce. Confirm what they are doing, and also seek partnership with them. If partnership isn't possible, then return to the Legislature for further direction.
- Potential Barrier: Schools themselves are not always able to control enrollment of admitted students by students, who often choose other programs. One counter comment here was that the faculty and current student body representation of a given institution can be a factor in the student's decision.
- Waiting to recruit into the practice when individuals are applying to PT school may be too late – targeting outreach to encourage interest in the profession in K-8 needs to happen to effect change, and so seeking partnerships at the K-8 level should be explored.
- The Board should explore existing Federal Educational Loan forgiveness programs and consider state programs.
- The Board should seek to partner with:
  - The Oregon Health Authority
  - The PT Associations (OPTIP and OPTA)
  - The Oregon PT Schools
  - The League of Oregon Cities
  - The Association of Counties
  - And work with partners to seek the appropriate funding from the Legislature.

### **Topic 3: High Level Discussion of Trends in Practice**

Director Sigmund-Gaines next asked participants to focus on the statutory purpose relating to standards of competence and the scope of practice of physical therapy in relation to the current statutory definition of practice as defined in ORS 688.010(5). Participants were asked to discuss trends in practice they are seeing, and to consider if the current statute would adequately address those trends.

After small group discussion, participants reported out in the full group to create a master list for this topic area. With less time for this topic area, participants focused on trend identification and did not explore to what extent the current statute did or did not address those trends.

### **GENERAL TRENDS**

- PTs as entry level PCP = a current movement being sponsored by the APTA to allow PT's to act as an entry level primary care practitioners. This is being sought to help reduce overall healthcare costs. This also links to coordinated care models and patient centered care/ wellness of patient.
- Technology equipment companies appear to be driving practice by marketing and influencing use of specific technologies or products in treatment.
- There is a shortage of PTs in some regions, either due to availability of practitioners or due to design, that leads to PTs being asked to supervise greater numbers = should there be supervision limits – could this otherwise lead to overload of the practitioner? What is necessary to properly protect the public?

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\*NOTE: Board historically has been focused on broad definitions in OAR because of change (resilience). It was noted that the Board should carefully consider any OAR or ORS change that could unintentionally limit future resiliency to changes in practice or technology.

\*NOTE: Some of the participants observed that they believe there seems to be a trend in more recent legislation to drive to the highest standard of practice – to push practice forward in a continuous improvement model—rather than have regulation as a minimum standard of entry into the practice only. There also appears to be more interest in fostering partnership between practitioners (eg. coordination of care, etc.).

- The Board should consider the FSBPT Model Practice Act; it was developed with best practice in mind and was designed to be forward facing/resilient to change.
- The Board should partner with OPTIP and OPTA, as well as FSBPT to further this discussion.
- In Home Health, practitioners are increasingly being asked to do additional care tasks as part of their visits (eg. Removing staples, verifying meds, taking urine samples, etc).

### **SCHOOL TRENDS – as represented by participants from George Fox (GF) and Pacific (P)**

The following topics are increasingly being incorporated into coursework:

- X-ray
- Nutrition
- Needle EMG
- CBD use
- Diagnostic Ultrasound
- Wound Care

\*NOTE: Knowing what is changing and being added to the curriculum at the schools is important, but cannot be the sole basis for scope of practice. The language for scope of practice has to allow for continuing competence development and training in the use of new interventions and technologies, not tying only to what is part of the initial education requirements.

### **Feedback and Next Steps**

Guests were then asked to provide any additional feedback they wished to share with the Board at this stage to inform the strategic planning process as it moves forward.

Mr. Heider stated that he hoped to see a traditional SWOT (Strengths Weaknesses Opportunities Threats) exercise in the near future, and as part of that, noted that the flexibility and responsiveness afforded by the Board's semi-independent status was a strength, and that focus should be maintained. Ms. Godwin concurred and expressed her concern for any change in the Board's standalone, semi-independent status, citing examples of the existing consolidated model in Washington State, and direct harm to public protection that could result if Oregon became less efficient and responsive than it is.

Ms. Godwin also asked the Board to consider if the Board had a role in addressing the increasing cost of healthcare, and encouraged the Board to consider if there were opportunities to modify scope of practice and/or partner with other entities to address the cost of healthcare, within the Board's mission of protecting the public health, safety and welfare.

Ms. Bamberger encouraged the Board to continue to work with the OPTA, OPTIP and the FSBPT, to keep up the historically strong levels of communication and transparency, and hoped that all stakeholders

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would continue to have a role in the strategic planning discussions, and to explore opportunities for collaboration.

The group as a whole then discussed next steps, and identified the following:

- The information from today’s session would be sent to all attendees for review and comment. Any additional feedback would be brought to the Board.
- The Board will begin to identify and articulate strategic priorities, based on the work to date.
- Once preliminary strategic priorities are identified, additional stakeholder outreach would be planned to inform and further develop those priorities. This would likely take the form of a survey in addition to future meetings in order to seek as much input as possible.
- A follow up work session would be planned and scheduled.

Chair Canizares adjourned the strategic planning session at approximately 4:45 PM.

**Physical Therapist Licensing Board  
Board Meeting  
October 12, 2018  
MINUTES**

**Friday, October 12, 2018**

**Board Members Present:** Ruggie Canizares, PT, Chair; Aubree Benson, PT, Vice Chair; Troy Costales; Erica Goldsmith, PTA; Phil Haworth, PT; Alan McAvoy, PT; Becca Reisch, PT, PhD.

**Board Members Absent:** Public Member Position-Vacant.

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

**Legal Counsel:** Joanna Tucker Davis, AAG.

**EXECUTIVE (CLOSED) SESSION**

Chair Canizares convened the Board into Executive Session at 8:38 AM. Citing ORS 192.660(2)(f) and ORS 192.660(2)(L), this portion of the Meeting is closed to the public.

**PUBLIC (OPEN) SESSION**

Chair Canizares convened the Board into Public Session at 9:55 AM. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, the meeting was reconvened into Executive Session at 9:57 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 12:44 PM, Chair Canizares adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 12:44 PM Chair Canizares convened Public Session. All members noted previously were present. 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:** Susan Bamberger, PT, OPTA.

**Board Motions:**

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### **Case PT 658-10/18**

Motion by Troy Costales to close case, with no action.

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 626-07/17**

Motion by Troy Costales to close case; conditions of the prior Order are completed.

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 555-01/15**

Motion by Troy Costales to close case, with no action.

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 578-12/15**

Motion by Troy Costales to close case, with no action.

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 644-04/18**

Motion by Troy Costales to close case, with no action.

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 654-07/18**

Motion by Troy Costales to offer stipulated agreement for violation of ORS 688.140(2)(a) and (2)(c), and OAR 848-035-0020(7) [pre 9-1-2018 version] with civil penalty of \$250 for violation of ORS 688.140(2)(c) and \$100 for violation of OAR 848-035-0020(7).

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 655-07/18**

Motion by Troy Costales to offer stipulated agreement for violation of ORS 688.140(2)(a) and OAR 848-035-0020(7) [pre 9-1-2018 version] with civil penalty of \$100 for violation of OAR 848-035-0020(7).

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

### **Case PT 656-07/18**

Motion by Troy Costales to offer stipulated agreement for violation of ORS 688.140(2)(a) and OAR 848-035-0020(7) [pre 9-1-2018 version] with civil penalty of \$200 for violation of OAR 848-035-0020(7).

Motion seconded by Phil Haworth.

Motion passed unanimously by a vote of 7-0.

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### **Case PT 573-10/15**

Member Troy Costales noted that Chair Canizares was absent from the room during deliberation on this case. Member Costales then made a Motion to offer stipulated agreement for violation of ORS 688.140(2)(a) and OAR 848-020-0040 requiring completion of the JAM within 180 days, update of all Aide records within 30 days, submit to random Board inspection of records during next two years, stop using Aides with patients until training is completed per OAR requirements, completion of a Board identified course pertaining to practice compliance within 90 days and payment of a civil penalty of \$1,000.

Motion seconded by Phil Haworth.

Chair Canizares indicated he would recuse himself from the vote.

Motion passed by a vote of 6-0, with 1 recusal.

### **Case PT 559-03/15**

Motion by Troy Costales not to impose discipline and issue Confidential Advisory Letter.

Motion seconded by Phil Haworth.

Motion passed by a vote of 6-1, with Member Costales voting Nay.

### **Public Comment**

None.

### **Introduction of New Members**

Chair Canizares welcomed new members Erica Goldsmith, PTA and Becca Reisch, PT and asked all members and staff to introduce themselves.

### **Board Member Reports**

**PT Compact:** Member Troy Costales, who serves as the Oregon Delegate to the Compact Commission, and who is currently serving as the Chair of the Compact Commission, gave an update on the current national status of the Compact. The Commission is currently reviewing the internal policies and Rules for possible changes and possible public rulemaking, and has been building outreach and training materials. Six states, including Oregon, are now currently issuing Privileges out of 20+ States that have passed the Compact statute. More states are expected to come online beginning in January 2019. The Compact Commission next meets October 28<sup>th</sup>, 2018 to consider the proposed Rule and Policy changes.

**FSBPT:** Director Sigmund-Gaines noted that the annual FSBPT meeting was coming up October 25-27<sup>th</sup> and that several persons from the Board would be attending in various roles. Members Haworth and McAvoy are attending as Delegate and Alternate Delegate, Chair Canizares is attending as a candidate for the FSBPT Board Treasurer position, Clinical Advisor Paru is attending as a member of the Education committee and as a candidate for the Nominating committee, Director Sigmund-Gaines is attending as the Board Administrator, and Member Costales is attending as an award recipient. Director Sigmund-Gaines also noted that she had been appointed as a member of the board assessment task force.

**Board Appointments and Training:** Director Sigmund-Gaines provided an update on the Board's open public member position. The next Senate confirmation hearing is scheduled for mid-December, so it's possible a new member could be appointed before the December 17, 2018 meeting. Director Sigmund-Gaines noted that, given the time of year and weather, that she would contact all members should there be a weather-related closure effecting the meeting. Sigmund-Gaines further noted that there are new training

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requirements for all members, and information was provided in the board packets. All members should complete the training, review the included policies, and then all members will sign an annual attestation of completion and review. Director Sigmund-Gaines will confirm the process for signing up for iLearn to complete the training, for members who do not yet have an account.

**Legislative Concept:** Director Sigmund-Gaines provided an update on the status of the Board's request for a legislative concept in the 2019 session to change the name of the Board. The preliminary request was approved and is expected to move forward.

### **Presentation and Approval of the Executive Director's Report**

Chair Canizares recognized Director Sigmund-Gaines and asked her to present the Executive Director Report. Director Sigmund-Gaines reviewed the information in the report for the Board as written. Chair Canizares asked for a motion to accept and approve the report as amended. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Review of Proposed Calendar of Board Meetings for 2019**

Chair Canizares then asked members to confirm their availability for the 2019 proposed board meeting dates. After review and discussion, Chair Canizares asked for a motion to approve the proposed dates as written. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0. Chair Canizares directed staff to make a recommendation at the December meeting for the date and location of the 2019 strategic planning session, as well as a proposal for locating one of the regular board meetings outside of Portland.

### **Debrief of 10/11/2018 Strategic Planning Session**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines thanked the attendees from the board and the general public, and asked for any input from attendees. Generally, attendees noted being pleased with the session, and looking forward to continuing the work. The draft minutes from the meeting will be brought to the December meeting for review, as well as listing of next steps.

### **Affirmative Action/Diversity & Inclusion Policies Review and Draft 2019-2021 Plan**

Chair Canizares asked Director Sigmund-Gaines to introduce the item. Ms. Gaines reviewed the draft documents, highlighting new or modified sections. After review and discussion, Chair Canizares asked for a motion to approve the proposed Affirmative Action Policy as written. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0. Chair Canizares next asked for a motion to approve and add the proposed Diversity & Inclusion Policy as written to the Plan. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0. Chair Canizares directed staff to move forward with the 2019-2021 plan as drafted.

### **Ratification of PT/PTA Licenses & Temporary Permits:**

Staff presented the list of new licenses and temporary permits issued July 27 2018 through October 5 2018. Chair Canizares opened the floor for questions and discussion. With none noted, Chair Canizares asked for a motion to ratify the new licensees and permit holders. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.



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### **Approval of Board Meeting Minutes:**

The drafted minutes from the August 3 2018 Regular Board Meeting were presented to the Board for approval. Member Costales so moved. Member Haworth seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Other Business**

Chair Canizares recognized Director Sigmund-Gaines. Ms. Sigmund-Gaines noted that the review of the FSBPT Model Action Guidelines initially scheduled for the October meeting is being deferred to a future meeting to allow for Member Costales to attend a workshop at the upcoming annual meeting which would inform the process. Ms. Sigmund-Gaines also noted for the new members that she would provide them an overview, as well as send out the webinar that was previously distributed to members.

Chair Canizares adjourned the meeting at 2:02 PM.

**Physical Therapist Licensing Board  
Board Meeting  
December 17, 2018  
MINUTES**

**Monday, December 17, 2018**

**Board Members Present:** Ruggie Canizares, PT, Chair; Aubree Benson, PT, Vice Chair; Troy Costales; Erica Goldsmith, PTA; Sandra Hahn; Phil Haworth, PT; Becca Reisch, PT, PhD.

**Board Members Absent:** Alan McAvoy, PT, Excused.

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

**Legal Counsel:** Joanna Tucker Davis, AAG.

**PUBLIC (OPEN) SESSION**

Chair Canizares convened the Board into Public Session at 8:33 AM for the purpose of roll call. No guests were present at this time.

**EXECUTIVE (CLOSED) SESSION**

After roll call, the meeting was convened into Executive Session at 8:34 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 12:03 PM, Chair Canizares adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 12:38 PM Chair Canizares convened Public Session. All members noted previously were present. 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:** Susan Bamberger, PT, OPTA; Christina Howard, PT, OPTA; James Heider; Stephanie Gallegos, Engrav Law.

**Board Motions:**

**Case PT 583-02/16**

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Motion by Troy Costales to close case and issue confidential advisory letter.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 615-02/17**

Motion by Troy Costales to close case, no action.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 619-04/17**

Motion by Troy Costales to close case, no action.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 624-07/17**

Motion by Troy Costales to close case without prejudice, no action.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 652-06/18**

Motion by Troy Costales to close case, no action.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 659-10/18**

Motion by Troy Costales to offer stipulated agreement for violations of ORS 688.140(2)(a) and OAR 848-045-0020(2)(s) and civil penalty of \$1,000 per OAR 848-045-0010(1)(b) and delegate authority to Executive Director to issue Notice if not accepted.  
Motion seconded by Becca Reisch.  
Motion passed by a vote of 6-1 with Member Costales voting Nay.

### **Case PT 661-11/18**

Motion by Troy Costales to close case and issue confidential advisory letter.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Case PT 618-04/17**

Motion by Troy Costales to close case, no action.  
Motion seconded by Becca Reisch.  
Motion passed unanimously by a vote of 7-0.

### **Public Comment**

None.

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### **Introduction of New Members**

Chair Canizares welcomed new member Sandra Hahn, public member, and asked her and all members and staff to introduce themselves.

### **Board Member Reports**

**PT Compact:** Member Troy Costales, who serves as the Oregon Delegate to the Compact Commission, and who is currently serving as the Chair of the Compact Commission, provided a brief overview of the published minutes from the recent October 27, 2018 PT Compact Commission annual meeting. Member Costales noted that nine more additional states are anticipated to begin issuing privileges under the PT compact in the first part of 2019, including Washington State, and they are also expecting additional states will introduce Compact legislation in 2019.

**FSBPT:** Member Phil Haworth, who is serving as the Board's delegate to the FSBPT, provided a verbal overview of some of the presentations attended at the FSBPT annual meeting, including sessions on practitioner burn out, the critical importance of workforce data, addressing access to care, especially in currently underserved areas, looking at trends in continuing competence program requirements, telehealth, and data on malpractice cases in PT and other health professions nationally. Member Haworth also highlighted the presentation by Christina Howard, which he felt was highly valuable. He noted that Chair Canizares was elected as FSBPT Treasurer, and staff member Sherri Paru was elected to the Nominating Committee. Troy Costales was also recognized as one of the annual award recipients for his work as Chair as the PT Compact Commission.

**Board Appointments and Training:** Director Sigmund-Gaines provided an overview of the annual mandatory state-wide Professional Workplace and Anti-Harassment policies and trainings, asking members to identify any questions they may have about the policies, and to complete the annual trainings via iLearn by the end of the year. A policy review signature form was circulated during the meeting.

**2019 Legislative Session:** Director Sigmund-Gaines briefly noted that the Board's requested bill was still moving forward, and highlighted the overall published schedule for the Session. She noted that it was likely that the bill would be scheduled and heard in at least one chamber before the March meeting.

### **OPTA Strategic Plan, Presented by Christina Howard, PT, OPTA President**

Chair Canizares recognized guest presenter Christina Howard, PT. Ms. Howard presented slide materials which provided an overview of the OPTA strategic planning process, current status and key focus areas for 2019. Chair Canizares thanked her for the presentation.

### **Presentation and Approval of the Executive Director's Report**

Chair Canizares recognized Director Sigmund-Gaines and asked her to present the Executive Director Report. Director Sigmund-Gaines reviewed the information in the report for the Board as written. Chair Canizares asked for a motion to accept and approve the report as amended. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **FSBPT Board Model Action Guidelines(BMAG)**

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Chair Canizares appointed a sub-committee of the Board tasked with performing a cross-walk of the BMAG to current OPTLB OARs and report recommendations to the Board at the March or May meeting for further discussion and consideration of next steps. Chair Canizares proposed Members Hahn, Canizares, Costales and McAvoy, with Member Goldsmith as alternate should Member McAvoy, who was absent, not be able to serve. Chair Canizares asked for a motion to establish the sub-committee as described. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0. The Chair then directed the sub-committee to hold a meeting the afternoon of 2/28.

### **Review of Proposed Calendar of Board Meetings for 2019**

Chair Canizares then asked members to confirm their availability for the 2019 proposed board meeting and strategic planning meeting dates and locations, which had been updated since the October meeting. After review and discussion, Chair Canizares asked for a motion to approve the proposed dates as modified. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **FSBPT NPTE Alternative Approval Pathway (AAP)**

Chair Canizares recognized Director Sigmund-Gaines. Director Sigmund-Gaines presented materials regarding the FSBPT Alternative Approval Pathway, a possible addendum to the existing NPTE Examination contract with FSBPT in which the FSBPT would approve applicants to sit for the exam. Currently, Board staff approve applicants for the exam only after all requisite materials for application have been received by the Board from all parties, which in some cases such as school transcripts, can take weeks to receive. To utilize the AAP, the Board would need to make a modification to OAR 848-010-0015(2). After discussion, Chair Canizares asked for a motion to initiate administrative rulemaking to modify OAR 848-010-0015(2) as proposed. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Delegation of Authority- Consideration of Change**

Chair Canizares recognized Director Sigmund-Gaines. Director Sigmund-Gaines presented a document that included proposed changes to the existing delegation of authority letter to allow the director to initiate the administrative rule making process for adoption of rules relating to changes in the PT Compact Commission Rules, or for minor corrections to Rules. After discussion, Chair Canizares asked for a motion to adopt the delegation of authority letter as amended. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Preliminary 2019-2021 Biennium Budget Forecast**

Chair Canizares asked Director Sigmund-Gaines to introduce the item. Ms. Gaines informed the Board that the draft 2019-2021 Biennium Budget would be brought to the March meeting for their review and discussion. In preparation for the budget, Director Sigmund-Gaines noted that she is expecting increases in Personal Services expenses as well as expenses relating to updating the information technology infrastructure, which is badly outdated and in need of replacement. As part of the budget, Director Sigmund-Gaines will be proposing a budget that includes a position for IT support, which would provide support for the PT Board as well as via an interagency agreement (IAA) with six other boards. While the PT board portion of the expense appears in the current 2017-2019 biennium budget, the full cost of the position was not budgeted as a personal services expense and offset by revenue brought in via the IAA. Director

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Sigmund-Gaines wanted to vet this approach with the Board before building out the draft budget. Chair Canizares asked for input, and directed Sigmund-Gaines to proceed with this approach.

### **Ratification of PT/PTA Licenses & Temporary Permits:**

Staff presented the list of new licenses and temporary permits issued October 6<sup>th</sup>, 2018 through December 7<sup>th</sup>, 2018. Chair Canizares opened the floor for questions and discussion. With none noted, Chair Canizares asked for a motion to ratify the new licensees and permit holders. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Approval of Board Meeting Minutes:**

The drafted minutes from the October 12<sup>th</sup>, 2018 Regular Board Meeting and the October 11<sup>th</sup>, 2018 Strategic Planning Session were presented to the Board for approval. Member Costales so moved. Member Reisch seconded the motion. The motion passed unanimously by a vote of 7-0.

### **Other Business**

Chair Canizares asked if there was any other business; hearing none, the Chair proceeded to adjournment.

Chair Canizares adjourned the meeting at 3:08 PM.