

2023 - Oregon Board of Physical Therapy Annual Meeting Minutes Compilation

Oregon Board of Physical Therapy Board Meeting Minutes Jan 18 and Jan 20, 2023

Wednesday, January 18, 2023:

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None.

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 4:01 PM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 4:03 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 8:23 PM, Chair Haworth adjourned Executive Session.

Friday, January 20, 2023:

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 8:33 AM.

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None.

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Ruggie Canizares, PT; Jeremy Hilliard, PT.

Board Motions:

Case PT 783-11/22

Motion by Member Reynolds to enter into interim agreement not to practice.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

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Case PT 784-11/22

Motion by Member Reynolds of finding of sufficient evidence of violation of ORS 688.140(2)(a) and OAR 848-045-0020(2)(i)(s).

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 794-01/23

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 789-01/23

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura..

Motion passed unanimously by a vote of 8-0.

Case PT 779-10/22

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 785-12/22

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 788-01/23

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 790-01/23

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 791-01/23

Motion by Member Reynolds to close case and issue license.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 793-01/23

Motion by Member Reynolds to close case without prejudice.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

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Case PT 735-06/21

In keeping with prior motion in this case, motion by Member Reynolds to initiate revocation of license for violation of ORS 688.140(2) and OAR 848-045-0020(2), and delegate authority to the Executive Director to settle the case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

1. Board Meeting Minutes, Draft for Oct 13 and 14, 2022.
2. Ratification of PT/PTA Licenses & Temporary Permits issued Sept 28, 2022 – December 31, 2022.
3. Executive Director's Report for January 2023.

Director Sigmund-Gaines provided an overview of the items on the consent agenda and noted that we will be shifting to ending the Ratification and Executive Director's report on a fixed period. With no questions or comments, Member Reynolds moved to approve the consent agenda items as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Public Comments:

None.

Board Member/Committee/Delegate Reports

FSBPT Delegate Report and PT Compact Commission Report:

Director Sigmund-Gaines reported that the upcoming Regulatory Workshop for Board Members and Administrators will be a virtual meeting March 10-12. The Leadership Issues Forum (LIF) meeting has been changed to July 15-16 in Arlington, VA.

It was noted that Chair Haworth has been appointed to the Resolutions Committee, Staff Sherri Paru will continue serving on the Sexual Boundaries Committee and Director Sigmund-Gaines is continuing to serve as the CBA Chair as well as serving on the Education and Regulatory Excellence Committees.

Wisconsin, and South Dakota, have joined the PT Compact. It was noted that South Carolina and New Jersey should be issuing compact privileges soon. Staff Paru has been appointed Vice Chair of the PT Compact Commission's Compliance Committee.

Board Appointments; Recognition of Service

Chair Haworth recognized Member Andrea Muzikant for her service and awarded her with a certificate of appreciation for her 3 years of service to the Board. There is now an opening for a Public Board Member. Information is available on the Board's website.

Strategic Plan Progress Review

Director Sigmund-Gaines presented a visual timeline of the Strategic Plan Progress and reviewed each category. Staff Casey provided an update on the status of the Non-CAPTE Rules Advisory Committee and the projected time for their first meeting. Director Sigmund-Gaines noted that Governor Kotek is making significant changes regarding how her cabinet works with the executive branches. One primary area of focus is improving customer services. We will need to add that to our strategic plan. Our templates used or cycle that we report on may need to change.

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Open Roundtable:

No other updates.

Board General Discussion and Action Items

Rulemaking relating to OAR 848-010-0015(5)

Director Sigmund-Gaines reviewed the rule related to taking the NPTE up to 90 days prior to graduation. The intention of the Board rule was to align with the NPTE requirements which defines graduation from when the school can certify that the student has met all requirements for graduation from the program, not the date of conferral of the degree. Board was asked to consider changing the rule to align with the NPTE. After discussion Member Reynolds moved to initiate the public rulemaking process relating to OAR 848-010-0015(5) as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Rulemaking relating to implementation of HB 2359 (2021)

Director Sigmund-Gaines reviewed the temporary rule currently in place. One public comment was received and addressed. With no further questions Member Reynolds moved to adopt the proposed permanent rules to implement HR 2359(2021) in the appropriate section as written, effective immediately. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Delegation of Authority Review

Director Sigmund-Gaines reviewed the Delegation of Authority Letter and presented the proposed changes. After discussion Member Reynolds moved to adopt the proposed changes to the Delegated Authority Letter as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed Compact Privilege Purchase Review Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed changes to the Licensure Application Review and Approval Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed changes to the LEDS Handling Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Preliminary 23-25 Budget Discussion

Director Sigmund-Gaines explained the process of developing our budget as a semi-independent agency and the timeframe for drafts and completion. More information to come once Governor Kotek's budget is published.

2023 Legislative Session

Director Sigmund-Gaines provided an explanation of the legislative session process and reviewed the bills that have been introduced that could have a potential impact on Healthcare Providers.

Data Presentation

Staff Casey provided a review of the most recent OHA workforce data at the county level related to reported settings and specialties.

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Oregon Compact Privilege Purchases

Staff Goodwin reviewed the Compact Privilege trends and the current requirement for completion of the Oregon Jurisprudence Exam (OR-JAM) at time of initial purchase and at renewal. Goodwin and Sigmund-Gaines discussed the reasons why the Board may want to consider removing the OR-JAM requirement for those renewing their compact privilege or extend the timeline beyond the 6 months. After discussion Member Reynolds moved to remove the requirement for completion of OR-JAM on renewal of compact privilege. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

New Business

Director Sigmund-Gaines noted that the Board has received a request to waive the requirement for a PTA to have graduated from a CAPTE accredited PTA program. Historically, some individuals were grandfathered in prior to CAPTE accredited PTA programs. Legal counsel has confirmed that we don't have the authority to do so without a legislative request to change the statutory language. Soonest would likely be the 2025 session to submit to legislature. Board would like to pursue this discussion at the March meeting.

Letter received regarding guidelines for supervision of PTAs asking us to consider a change to rules relating to standards for performing a reassessment. Board would like to review rulemaking history and discuss at an upcoming meeting.

The Board has been receiving an increasing number of questions regarding the use of diagnostic sonography/ultrasound. According to the Board of Medical Imaging, Physical Therapists are not able to perform diagnostic imaging without obtaining an OBMI license in diagnostic sonography. We would like to partner with OBMI to develop some type of communications for either Board to use. The Board would like to see additional information brought to a future meeting.

PBI Training for Board Members: Feedback from Board Members was positive.

Due to a change of date for the LIF meeting, the July Board meeting will need to be changed. Member Reynolds moved to change the July 20th Board meeting to Friday, July 21st, same 8:30 start time. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Meeting Adjourned at 11:42 AM.

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Oregon Board of Physical Therapy Board Meeting Minutes March 15 and March 17, 2023

Wednesday, March 15, 2023:

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None.

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 4:08 PM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 4:09 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 7:08 PM, Chair Haworth adjourned Executive Session.

Friday, March 17, 2023:

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 8:37 AM.

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None.

Staff: Michelle Sigmund-Gaines, Executive Director; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: Sherri Paru, Clinical Advisor/Investigator, excused.

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Jeremy Hilliard, PT; John Parr, PT; Beth Sitterley, PT; Leslie Spalding Murillo, PT; Erika Wilson.

Board Motions:

Case PT 727-09/21

Motion by Member Reisch to close case.

Motion seconded by Member Shanahan

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Motion passed unanimously by a vote of 7-0.

Case PT 732-10/21

Motion by Member Reisch of finding of sufficient evidence of violation of ORS 688.140(2)(a)(m)(n)(o) and OAR 848-045-0020(2)(i)(j)(o)(p)(B)(q).

Motion seconded by Member Shanahan.

Motion passed unanimously by a vote of 7-0.

Case PT 742-02/22

Motion by Member Reisch to close case.

Motion seconded by Member Shanahan

Motion passed unanimously by a vote of 7-0.

Case PT 758-05/22

Motion by Member Reisch to close case.

Motion seconded by Member Shanahan

Motion passed unanimously by a vote of 7-0.

Case PT 770-07/22

Motion by Member Reisch of finding of sufficient evidence of violation of ORS 688.140(2)(a), OAR 848-040-0105(5) and OAR 848-045-0020(2)(i).

Motion seconded by Member Shanahan

Motion passed unanimously by a vote of 7-0.

Case PT 796-10/22

Motion by Member Reisch of finding of sufficient evidence of violation of ORS 688.140(2)(a)(m)(s), OAR 848-040-0170(1) and OAR 848-045-0020(2)(i)(j)(p)(A).

Motion seconded by Member Shanahan

Motion passed unanimously by a vote of 7-0.

Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

1. Board Meeting Minutes, Draft for Jan 18 and 20, 2023.
2. Ratification of PT/PTA Licenses & Temporary Permits issued Jan 1, 2023 – Feb 28, 2023.
3. Executive Director's Report for March 2023.
4. Letter: Governor Expectations and Deadlines for Agencies
5. LFO Report: Semi-Independent Agencies for 19-21 Biennium

Director Sigmund-Gaines provided an overview of the items on the consent agenda and noted that because we are approaching the end of the biennium, the director's report includes a projected actuals to budgets for the 2021-2023 biennium. Also noted, as part of our education and outreach activities, we have added a link on our website, effective Sept 2022, simplifying the process for accessing a list of recent actions taken by the Board. After discussion, it was suggested that data regarding types of complaint cases and trends would be helpful to include in the Director's Report periodically. Member Reisch moved to approve the consent agenda items as written. Member Shanahan seconded the motion. Motion passed unanimously by a vote of 7-0.

Public Comments:

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None.

Board Member/Committee/Delegate Reports

FSBPT Delegate Report and PT Compact Commission Report:

Director Sigmund-Gaines reported that she and member Rennick attended the recent virtual regulatory workshop held March 10-12. Staff Sherri Paru is serving on the Sexual Boundaries Committee. They held their first meeting of the year and will be developing educational materials targeted to PT/PTA students, Boards, as well as documents for licensees, patients and complainants. Director Sigmund-Gaines serves as the Chair for The Council of Board Administrators (CBA) and they will be holding an inaugural symposium March 20. The Education Committee, which Director Sigmund-Gaines is also serving on, is currently requesting ideas, topics and/or speakers for educational sessions for the annual meeting in October. Chair Hayworth suggested return to practice and information on what other state's policies include. The FSBPT has scheduled a one-day workshop, July 17th to review the most recent version of the Model Practice Act and discuss the changes. Also, noted is that it is time to select a new Delegate and Alternate Delegate for the July 2023 – June 2024 term. Selections will be made at the May Board meeting.

South Carolina began issuing compact privileges 2/1/2023 bringing the total number of states issuing compact privileges to 28. Staff member Sherri Paru is serving on the PT Compact Commission compliance committee. They are scheduled to hold their first meeting in April.

Rule Advisory Committee for Non-CAPTE Accredited Graduates:

Staff Casey provided an update on the first meeting of the rules advisory committee. The committee plans to meet again the week of March 20th and hopes to have a report for the Board at the May or July meeting.

Strategic Plan Progress Review

Director Sigmund-Gaines presented a verbal update of the Strategic Plan Progress and reviewed each category. Director Sigmund-Gaines spoke with the Director of the Medical Imaging Board. They discussed working together to develop joint communications for licensees defining the requirements for the use of diagnostic ultrasound. They also would like to have members from each Board meet for a discussion. Member Rennick expressed interest in participating in this discussion.

Open Roundtable:

No other updates.

Board General Discussion and Action Items

Rulemaking relating to OAR 848-010-0015(5)

Director Sigmund-Gaines reviewed the rule related to taking the NPTE up to 90 days prior to graduation. No public comment was received. Member Reisch moved to adopt the proposed amendment relating to OAR 848-010-0015(5) as written to be effective on filing. Member Shanahan seconded the motion. Motion passed unanimously by a vote of 7-0.

Rulemaking relating to OAR 848-055-0001:

Director Sigmund-Gaines reviewed the rule related to the most recent version of the PT Compact Commission rules. No public comment was received. Member Reisch moved to adopt the proposed amendment relating to OAR 848-055-0001 as written to be effective on filing. Member Shanahan seconded the motion. Motion passed unanimously by a vote of 7-0.

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ORS 688.055 PTA Licensure Requirements:

Director Sigmund-Gaines reviewed the statute relating to requirements for physical therapist assistants. The statutory language is impacting licensees who had been licensed prior to the development of accredited physical therapist assistant programs and those who have graduated from a Non-CAPTE accredited program outside of the United States. It also does not allow for those who have graduated from a PT program who may want to pursue licensure as a PTA. Following discussion, Member Reisch moved to direct staff to bring back a possible legislative concept request related to ORS 688.055 graduation requirements for PTA applicants who are not graduates of CAPTE accredited PTA programs. Member Shanahan seconded the motion. Motion passed unanimously by a vote of 7-0.

Proposed 23-25 Budget Discussion

Director Sigmund-Gaines explained the process and presented the data used for developing the proposed 23-25 budget. The Board appreciated the detailed analysis. Member Reisch moved to accept the proposed budget for the 23-25 biennium as written and direct staff to initiate the public rulemaking process related to OAR 848-005-0010. Member Shanahan seconded the motion. Motion passed unanimously by a vote of 7-0.

Data Presentation

Staff Casey presented information regarding complaint investigations, trends, and a detailed analysis of boundary/ethical violation cases. Included was a breakdown of cases by case types. As identified in the strategic planning, in regards to trauma-informed care, staff has completed changing the type 6 boundary/ethical violations category to 3 subcategories, 6a, 6b, and 6c, increasing visibility to sexual misconduct cases.

2023 Legislative Session Update

Director Sigmund-Gaines provided an update on the bills that are currently being tracked. Highlighted were SB849, relating to the professional workforce, and SB818, relating to a suicide risk assessment, that were introduced after the last Board meeting.

Other Business

None

Meeting Adjourned at 11:09 AM.

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Oregon Board of Physical Therapy Board Meeting Minutes Friday, May 19, 2023

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: Gayla Goodwin, Licensing Coordinator (excused).

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 9:12 AM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 9:13 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 11:26 AM, Chair Haworth adjourned Executive Session.

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 12:32 PM.

Board Members Present: Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: Gayla Goodwin, Licensing Coordinator (excused).

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Ruggie Canizares, PT, Noel Tenoso, PT, Erin Crawford, PT, James Heider. Diana Godwin.

A- Board Motions:

Case PT 797-02/23

Motion by Member Shanahan to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

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Case PT 800-03/23

Motion by Member Shanahan of finding of sufficient evidence of violation of ORS 688.140(2)(a) and OAR 848-045-0020(2)(s).

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

Case PT 805-05/23

Motion by Member Shanahan to close case and issue license.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

Case PT 806-05/23

Motion by Member Shanahan to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

Case PT 808-05/23

Motion by Member Shanahan to close case and issue license.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

In Cases PT 803-03/23 and PT 804-04/23

Motion by Member Shanahan to ratify the administrative closure of these cases pursuant to delegated authority.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 7-0.

B- Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

- 1 Board Meeting Minutes, Draft—March 15/17, 2023.
- 2 Ratification of PT/PTA Licenses & Temp Permits issued March 1, 2023 – April 30, 2023.
- 3 Executive Director's Report for May 2023.
- 4 Final 23-25 Affirmative Action Plan.
- 5 EO 23-03 Agency Response.

Member Shanahan moved to approve the consent agenda items as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 7-0.

The Board proceeded to consider remaining agenda items in a different order than listed on the agenda, to accommodate different presenters.

General Discussion, Action Items & Reports

E3-Rulemaking relating to OAR 848-005-0010

Director Sigmund-Gaines shared that no public comment was received on the proposed amendment, which would adopt the 23-25 Biennium Budget. Member Shanahan moved to

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adopt the proposed amendment relating to OAR 848-005-0010 as written to be effective July 1, 2023. Member Okumura seconded the motion. Motion passed unanimously by a vote of 7-0.

D3-Board Officers & FSBPT Delegates Elections

Director Sigmund-Gaines presented the slate of candidates. For Chair, Member Shanahan. For Vice Chair, Member Okumura. For FSBPT Delegate, Member Shanahan. For FSBPT Alternate Delegate, Member Rennick. Since all candidates were unopposed, the Board could consider a motion to approve the slate of candidates as one motion. Member Shanahan so moved, to be effective June 1, 2023. Member Okumura seconded. Motion passed unanimously by a vote of 7-0.

D2-Introduction of New Members

Chair Haworth noted that the Governor has appointed, pending Senate confirmation, two new members to the Board. Erin Crawford, PT has been appointed to fill the position currently filled by Phil Haworth. If confirmed by the Senate, her term would begin July 1st. Dwight Terry has been appointed to the open public member position. He is slated to appear before the Senate in September, and would begin his term, if confirmed, after that.

D4-FSBPT Delegate Report and PT Compact Commission Report

Chair Haworth noted that the annual FSBPT Leadership Issues Forum (LIF) is coming up in July, and that he would be attending as a member of the resolutions committee. Director Sigmund-Gaines and Member Shanahan, as FSBPT Delegate, will also be attending. Both Shanahan and Sigmund-Gaines will also be attending an all-day workshop on the Model Practice Act held the Monday after the LIF meeting. A representative from APTA-OR will also be attending. Chair Haworth also noted that Director Sigmund-Gaines has been slated as a candidate for the FSBPT Board of Directors, for the board administrator position. Haworth also reminded folks to share any requests or ideas for webinar or educational session topics.

Director Sigmund-Gaines, as PTCC Delegate, noted that Indiana is now the 29th state issuing privileges. The PTCC is also actively involved in the rulemaking process. If adopted by the PTCC, the Board would then need to review and initiate Oregon administrative rulemaking to adopt the most recent version of the PTCC rules.

D6-Roundtable

Public Service Ambassador Recognition: Sherri Paru

Director Sigmund-Gaines announced that Sherri Paru was selected as one of Oregon's 2023 Public Service Ambassadors.

Recognition of Service: Member Haworth

The Board Members and Staff then recognized Member Haworth for his eight years of service as a Board Member, Chair, and FSBPT Delegate. Chair Haworth shared his appreciation of the Board, and the collective efforts and accomplishments made during his tenure.

D5-Strategic Planning Process Review

Director Sigmund-Gaines presented materials highlighting progress on the Board's strategic planning initiatives. The materials have been cross-referenced to [the State of Oregon's statewide Diversity, Equity and Inclusion Plan](#) to show how the Board's current initiatives map to the statewide plan.

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Note: Member Reisch left the meeting at 1:04 PM.

E1-Presentation: Pacific University Elementary Outreach Project 2023: Kim, Malin, PT

Kim Malin, PT, a member of the Educational Pathway Workgroup, provided a presentation on a pilot program on [elementary school outreach program](#) she conducted with her PT students.

Malin shared materials developed by the students used at the event and shared her observations and learnings about the event. Malin also noted that she plans to repeat the event and is working on ways to expand the program to other schools, as well as encourage others to initiate similar events. Malin commented that working with the Educational Pathway Workgroup has been valuable because it brings together individuals from across the state with different experiences and with interest in different pieces of the overall project. The Board thanked her and her students for their work, and encouraged the extension of, and outreach about, their work.

E4- Rule Clarification and Change Requests

Presentation: Rule Change Request for OAR 848-040-0155: Deidre Nixon, PT, Medford Children's Therapy

Deidre Nixon, PT presented background context relating to a request for the Board to consider a change to OAR 848-040-0155 relating to reassessment. Nixon described the difficulty of hiring sufficient PT personnel and the impact on her non-profit clinic pediatric outpatient clinic with 60-70% of patients utilizing Medicaid. They do make use of PTA staff, but the current 30-day reassessment requirement is challenging in part because of the elapsed time often seen in the scheduling of patients; patients often are scheduled every other week, meaning reassessments are being required nearly every other visit. The workload managing reassessments with potentially low benefit given the current elapsed time requirement irrespective of treatment visit frequency is impacting their ability to provide sufficient service in their area for these populations. Nixon requested consideration of adopting the 60 day limit similar to what is in rule for school-based practice, or other mechanism for determining timing for a reassessment.

The Board requested staff research practices in other states related to reassessment requirements. After a short break, the Board then heard information on a second request:

Rule Change Request for OAR 848-040-0170

Staff related a request to change the requirement for discharge record requirements in outpatient setting to allow last entry to serve as discharge record for inactive patient or patients who have not returned for further treatment within 30 days. Per the requester (a licensee), they felt discharge notes made in such cases do not contain any pertinent clinical information; therefore, it seems that the note from the last treatment visit would be sufficient as to the last known status of the patient. The requester believes eliminating this requirement will save therapists time on tasks with little to no clinical benefit. One option may be to utilize a standard treatment note containing a statement such as "If the patient does not return for further treatment beyond 30 days, this note will serve as the discharge note." *** or if patient self-discharges from treatment prior to goals being met.

After discussion about both requests, Member Shanahan made a motion to form a rule advisory committee to review past rulemaking, other jurisdictional practice and make recommendations on any changes to OAR 848-040-0170 and OAR 848-040-0155. Member Okumura seconded.

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Motion passed unanimously by a vote of 6-0.

E2-Report to Board: Rule Advisory Committee on Rules Related to Applicants Who Are Graduates of non-CAPTE Accredited Programs

Staff member Sarah Casey presented on the work of the rule advisory committee formed to evaluate and make recommendations relating to board rules pertaining to applicants who are graduates of non-CAPTE accredited programs. The presentation included detail about the committee members, meetings held, and flow charts showing both the current licensure pathways, as well as the recommended rule changes and resulting changes to the flow charts. After discussion, the Board expressed their appreciation for the work of the committee thus far, and also wanted some additional research to be completed. Member Shanahan then moved to request the committee do further research on clinical practice requirements and bring forward that research and recommendations for possible rule changes. Member Okumura seconded. The motion passed 6-0.

C--Public Comments:

Jim Heider, as former Executive Director, provided a comment related to the prior rule advisory committee recommendations related to clinical practice currently in rule for endorsement candidates. The requirement was created to address candidates that apply who have no experience working in the US Healthcare system. He also requested the Board, in considering any clinical practice requirement, consider both the equity and administrative workload aspects of any such requirement relative to the level of public protection achieved. Heider also commented on the value of the discussions and data presentations, and his appreciation for those being part of the public Board meetings.

Noel Tenoso, PT, shared his experience as a private practice small business owner, and his interest in the proposed rule amendments in part to support bringing additional candidates to Oregon to meet staffing needs, and shared an example of an individual currently working in Washington who is facing barriers in moving to and working in Oregon.

Ruggie Canizares, PT, commented on the importance of removing unnecessary barriers to licensure, especially with declines in healthcare workforce availability, but to do so through the lens of public protection. He also noted that creating parity between CAPTE and non-CAPTE graduate applicants, and so any consideration of clinical practice requirements should be viewed in context of return to practice or initial practice requirements for all. Finally, he noted that he entered the state via endorsement as a non-CAPTE accredited graduate long before the current rules existed and has had decades of successful practice.

Diana Godwin congratulated Phil on his eight years of service and noted that she found the meeting very instructive and interesting, particularly the rule change discussions related to discharge and reassessment, and volunteered to serve on any committees being formed.

E5-2023 Legislative Session Update

Director Sigmund-Gaines provided an updated document on bills being tracked. Some bills are currently in limbo pending establishing quorum in the Senate.

E6- Data Presentation: Complaint Categories Part II

Staff Casey presented follow up information regarding complaint investigations and trends, specifically analyzing ratio of action to no action taken by complaint category over time, which

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included some reference to similar data for other boards and jurisdictions. Casey noted that data collection and presentation methods vary in our sampling, and additional analysis would need to be performed for direct comparisons. After discussion, the Board requested staff determine what, if any, national information would be available from the FSBPT or other source on complaint resolution trends. The Board also requested additional information related to discipline trends related individuals from non-CAPTE accredited programs. Casey noted that additional data entry and clean up would be required prior to effective analysis. Casey noted the next planned data presentation would focus on Oregon Compact Privilege trends.

F-Other Business

None

Meeting Adjourned at 3:45 PM.

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Oregon Board of Physical Therapy Board Meeting Minutes July 19 and July 21, 2023

Wednesday, July 19

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 4:05 PM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 4:07 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 7:03 PM, Chair Shanahan adjourned Executive Session.

Friday, July 21

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 8:30 AM.

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

Board Members Absent: None (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Noel Tenoso, PT; Jessica Lumba, PT.

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Board Motions:

Case PT 761-05/22

Motion by Member Reynolds to close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 787-12/22

Motion by Member Reynolds to issue an interim order pursuant to ORS 688.140(3)(g).
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 799-03/23

Motion by Member Reynolds of finding of violation of ORS 688.140(2)(a)(j) and OAR 848-045-0020(2)(b)(c).
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 809-05/23

Motion by Member Reynolds to close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 810-05/23

Motion by Member Reynolds to close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 814-06/23

Motion by Member Reynolds to close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 817-07/23

Motion by Member Reynolds to issue license and close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Case PT 813-06/23

Motion by Member Reynolds to issue license and close case.
Motion seconded by Member Okumura.
Motion passed unanimously by a vote of 7-0.

Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

- 1 Board Meeting Minutes, Draft—May 19, 2023.
- 2 Ratification of PT/PTA Licenses & Temp Permits issued May 1, 2023 – June 30, 2023.

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3 Executive Director's Report for July 2023.

4 Summary Report: Developing Culturally Responsive Regulation.

Director Sigmund-Gaines highlighted a few items. The audited financials were only available through May in time for the meeting. The final numbers for June and the overall 21-23 biennium will be reported at the next Board Meeting. The other statistical data on the Director's report does go through June. Also, noted was that we are expecting a significant upgrade to our licensing system which is expected for September/October. In addition, the prior biennium external audit will be starting in October.

Member Reynolds moved to approve the consent agenda items as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 7-0.

Public Comments

None.

Board Member/Committee/Delegate Reports

Director Sigmund-Gaines noted that the PT Compact Commission recently changed their administrative rules now allowing any administrative staff member to serve as the PT Compact Delegate rather than only the Director.

Member Reynolds moved to elect Sherri Paru as the PT Compact Delegate for Oregon. Member Okumura seconded the motion. Motion passed unanimously by a vote of 7-0.

Strategic Plan Progress Review: Aside from the updates provided in the Director's report, it was noted that due to other work and the recent Leadership Issues Forum (LIF) meeting, two project items have been on hold. We have not been able to coordinate follow-up with the Board of Medical Imaging or further our work with the Educational Pathway Committee. We expect to pick up with these discussions in the late fall. The Rules Advisory Committee for the Non-CAPTE accredited rules review will be discussing the Model Practice Act that was presented at the LIF meeting as they continue their work.

Open Roundtable:

Member Rennick shared input regarding the use of ultrasound. He stressed that in future meetings with the OBMI, we should clarify that the application is not for diagnosis but rather to use as a guide for rehabilitation.

Board General Discussion & Action Items

Review of Delegated Authority

Director Sigmund-Gaines reviewed the proposed changes to the delegative authority letter regarding the issuance of a confidential advisory letter pertaining to the failure to disclose. Member Reynolds moved to adopt the proposed amendment to the delegated authority license application approval policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 7-0.

2023 Legislative Session Update

Director Sigmund-Gaines reviewed the 4 bills from our previous list that made it through the legislative session. These include: HB 2618, HB 2240, HB 2805 and SB 11. The Board was reminded that our next opportunity for an agency legislative concept request would not be until

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2025.

Board Annual Best Practices Review

Director Sigmund-Gaines led the members through two assessment tools. The 1st one is required by all semi-independent agencies. The second assessment is the Board Assessment Resource (BAR) Tool created by the FSBPT. This process led to productive discussion and identified opportunities of where we could explore other ways to make improvements. A favorable response was given for both assessments.

General Discussion

Chair Shanahan shared her experience at the LIF meeting and expressed the benefit of having discussions with the other jurisdictions. Topics presented at the meeting included the NPTE passing rates and upcoming changes to the exam, re-entry to practice, workforce data, telehealth and the use of artificial intelligence (AI) in the practice of physical therapy.

One day of the workshop was a review of the revised Model Practice Act published at the end of 2022. Director Sigmund-Gaines added the FSBPT will be providing a recap of the LIF presentations to share.

Noel Tenoso, PT attended the Model Practice Act session as the APTA Oregon representative. He is looking forward to seeing what changes may occur because of the updates. Director Sigmund-Gaines noted that together with Chair Shanahan and Noel, they will be continuing the Crosswalk exercise, which is comparing the Model Practice Act to our current statutes and rules and bringing the results to the next Board Meeting for their review. If either organization has interest in pursuing any legislative changes, then we will discuss the pathways to take those changes to a legislative concept for the 2025 session.

Also noted were 2 additional topics discussed at the meeting. The Sexual Misconduct and Boundary Violations Committee is developing additional materials pertaining to sexual misconduct and trauma as well as looking at the term protection and digital practice, or AI in particular. We anticipate having more discussions regarding this at future meetings.

Other Business

Director Sigmund-Gaines advised the Board that the Governor appointment for the second public Board Member is scheduled for the week after our September in-person Board meeting. It was asked if members would have any conflicts with changing the meeting to Oct 6. After discussion, it was determined that it would be best to keep the meeting as scheduled.

Meeting Adjourned at 10:21 AM.

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Oregon Board of Physical Therapy Board Meeting Minutes September 22, 2023

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Susan Reynolds, PT.

Board Members Absent: Michael Rennick, PT (excused) and (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 8:06 AM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 8:07 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 12:24 PM, Chair Shanahan adjourned Executive Session.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 12:49 PM.

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Susan Reynolds, PT.

Board Members Absent: Michael Rennick, PT (excused) and (one position vacant).

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Noel Tenoso, PT; Ruggie Canizares, PT; Taylor Sarman, APTA-OR Lobbyist

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Board Motions:

Case PT 786-12/22

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 792-01/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 798-02/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 795-01/23

Motion by Member Hahn of finding of violation of ORS 688.135(5), ORS 688.140(2)(m), OAR 848-040-0105(5), OAR 848-040-0170(1), OAR 848-045-0020(2)(i)(j).
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 5-0. Member Reisch recused.

Case PT 801-03/23

Motion by Member Hahn of finding of violation of ORS 688.135(5), ORS 688.140(2)(m), OAR 848-040-0105(5), OAR 848-045-0020(2)(j).
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 811-05/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 812-06/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 820-08/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 821-08/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

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Case PT 818-07/23 and PT 819-07/23

Motion by Member Hahn to ratify the administrative closure of these cases pursuant to delegated authority.

Motion seconded by Member Reynolds.

Motion passed unanimously by a vote of 6-0.

Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

- 1 Board Meeting Minutes, Draft—July 19/21, 2023.
- 2 Ratification of PT/PTA Licenses & Temp Permits issued July 1, 2023 – Aug 31, 2023.
- 3 Executive Director's Report for Sept 2023.

Director Sigmund-Gaines highlighted items in the administrative section of the Executive Director's report. Staff are currently working through the external audit for the 21-23 biennium and will be involved in the IT system migration to a new version starting soon. Staff have also started preparations for the upcoming 2024 renewals. Also noted was the financial report. All financial reports will be incorporated into the Governor's Report after the external audit is completed and will be part of the consent agenda at the next Board meeting.

Member Hahn moved to approve the consent agenda items as written. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Public Comments

None.

Board Member/Committee/Delegate Reports

New Board Appointment

Director Sigmund-Gaines shared that Governor Kotek has appointed Dwight Terry as our new Board Public Member, pending confirmation by the Senate during September legislative days later this month.

PT Compact Commission and FSBPT Delegate Updates

Director Sigmund-Gaines noted that the FSBPT annual education meeting will be held in Jacksonville, Florida October 19-21. The PT Compact annual meeting will be held December 5, 2023 and will be a virtual meeting. Also discussed were the upcoming FSBPT webinars and opportunities to serve on the various committees. Staff Paru will be presenting during the Oct 10 webinar regarding optimizing regulatory effectiveness in investigation and discipline. Public Attendee, Ruggie Canizares, after recognition from the Chair, provided a few FSBPT updates encouraging attendance at the annual education meeting.

Strategic Plan Progress Review

Director Sigmund-Gaines reviewed the main areas of focus of our 5-year strategic plan. Governor Kotek has implemented a statewide initiative to standardize the way all state agencies perform their strategic planning. We will need to transition our documentation over to a standard template. However, we will continue to use our more visual display of information as well. Additional information will be presented at the November meeting where we will map out the 2024 plan that will align with the statewide mandates.

Open Roundtable

No Comments.

Board General Discussion & Action Items

Rules Advisory Committee (RAC) Follow-Up Report

Staff Casey reviewed the RAC recommendations regarding Non-CAPTE accredited applicants presented at the May Board meeting. During the discussion at the May meeting, it was suggested that the committee consider a requirement of supervised practice, as in the FSBPT Model Practice Act. The Board asked that the committee research additional information regarding supervised practice requirements in other states. Staff Casey presented their findings and explained the implications of requiring supervised practice. Currently only 15 states require supervised practice. Since the majority do not, and some of those may be members of the PT Compact, there would be inconsistencies for those applying for licensure in OR versus those practicing in OR with a compact privilege. The committee recommends that given these circumstances, we should not require supervised practice. However, they agreed it should be considered in the future if the majority of jurisdictions move towards requiring supervised practice. Recommendations remained to remove the requirement that the TOEFL be taken within 2 years of the NPTE date and that all 4 passing scores need to be achieved on the same test date for exam applicants.

Additionally, for endorsement applicants, the recommendations stand to remove the requirement for practice hours and a letter from the employer.

Member Hahn moved to adopt the proposed amendments as temporary rules, effective immediately, and direct staff to initiate the permanent public administrative rulemaking process to amend OAR 848-010-0015 and OAR 848-010-0022. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Model Practice Act (MPA)

Director Sigmund-Gaines along with Chair Shanahan, as the delegate and Noel Tenoso, APTA-OR participated in the MPA workgroup. Director Sigmund-Gaines explained the purpose of the workgroup which included a line-by-line comparison of the MPA to our current statutes and rules. The intent of the crosswalk exercise was to identify and discuss any differences between the two and produce an informational item for both the Board and the APTA-OR chapter. The report would be used to consider if there is anything in the MPA that either the Board or APTA-OR would like to pursue as a statute/legislative change. Noel added that the association is just starting the discussions. Next opportunity for any statutory changes would be the 2025 legislative session. Director Sigmund-Gaines provided a brief overview of the prioritized items listed on the document. Discussions will continue at future meetings.

OMB-Medical Chaperones

The Director of the Oregon Medical Board was slated to present to the Board today, however was unable to attend. Director Sigmund-Gaines provided the background and overview of the Oregon Medical Board's rule OAR 847-0110-0140 relating to requirements for medical chaperones during sensitive examinations. The Board has been getting a number of inquiries from licensees asking if this rule applies to PTs and PTAs. This rule only applies to those licensed under the Oregon Medical Board, however, this does not prohibit PTs or PTAs from offering the use of a medical chaperone. Also discussed was the APTA Pelvic Health Use of Chaperones Position Statement.

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Staff Paru gave an update on her work with the Sexual Boundaries Committee. They have just developed an informative brochure for patients that will be available soon.

OBPT 2024 Board Meeting Schedule

Director Sigmund-Gaines presented the 2024 Board meeting schedule keeping with the standard 3rd week of odd months. This schedule may be adjusted as needed during the year.

The Board had the option of having the Sept meeting as an in-person or virtual meeting and chose an in-person meeting.

Member Hahn moved to adopt the 2024 Board meeting calendar as amended. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Other Business

Staff Paru provided an update on the next Rules Advisor Committee. This committee will be reviewing rules regarding reassessments and discharges. We are in the initial stage of communicating with interested committee members and scheduling meetings. We hope to have the committee's initial recommendations to discuss at the Jan 2024 meeting.

Meeting Adjourned at 2:55 PM.

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Oregon Board of Physical Therapy Board Meeting Minutes Nov 15 and Nov 17, 2023

Wednesday, November 15

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Michael Rennick, PT; Susan Reynolds, PT; Dwight Terry

Board Members Absent: Becca Reisch, PT, Excused.

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 4:18 PM for the purpose of roll call. No members of the public were present.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 4:20 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 6:38 PM, Chair Shanahan adjourned Executive Session.

Friday, November 17

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 8:35 AM.

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Michael Rennick, PT; Susan Reynolds, PT; Dwight Terry.

Board Members Absent: Becca Reisch, PT, Excused

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator, Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

Staff Absent: None

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Tim Goldforth, Kevin Sullivan

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Board Motions:

Case PT 787-12/22

Motion by Member Okumura of finding of sufficient evidence of violation of ORS 688.140(2)(a)(d)(n)(o) and OAR 848-045-0020(2)(i)(o)(p)(B), and (q).

Motion seconded by Member Rennick.

Motion passed unanimously by a vote of 7-0.

Case PT 822-08/23

Motion by Member Okumura to close case.

Motion seconded by Member Rennick.

Motion passed unanimously by a vote of 7-0.

Case PT 830-10/23

Motion by Member Okumura to close case and issue upon completed application.

Motion seconded by Member Rennick.

Motion passed unanimously by a vote of 7-0.

Case PT 829-10/23

Motion by Member Okumura to close case.

Motion seconded by Member Rennick.

Motion passed unanimously by a vote of 7-0.

Case PT 827-09/23

Motion by Member Okumura to ratify the administrative closure of this case pursuant to delegated authority.

Motion seconded by Member Rennick.

Motion passed unanimously by a vote of 7-0.

Consent Agenda Items

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

- 1 Board Meeting Minutes, Draft—Sept 22, 2023.
- 2 Ratification of PT/PTA Licenses & Temp Permits issued Sept 1, 2023 – Oct 31, 2023.
- 3 Executive Director's Report for November 2023.
- 4 Summary Report: Developing Culturally Responsive Regulation.

Director Sigmund-Gaines referred to the Executive Director's report section under administrative highlights and noted that the migration to the updated version of our licensing software originally expected to be completed by the end of the calendar year has been delayed. Due to renewals starting in January, the migration has been put on hold and scheduled to resume sometime after April 1, 2024. Staff are working with the provider to move forward with change requests in the current version for items needed to support renewals.

Member Okumura moved to approve the consent agenda items as written.

Member Rennick seconded the motion.

Motion passed unanimously by a vote of 7-0.

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Public Comments

None.

Board Member/Committee/Delegate Reports

New Board Member Introduction:

Director Sigmund-Gaines recognized our new public member Dwight Terry.

PT Compact Commission and FSBPT Delegate Update:

Director Sigmund-Gaines noted that Washington DC has now started issuing compact privileges. The Annual PT Compact Commission meeting is scheduled for Dec 5, 2023 and will be a virtual meeting. Staff Paru, as the PT Compact Delegate, added that she is serving on the Compact Compliance Committee and gave a brief overview of the Committee's work.

FSBPT Update:

Director Sigmund-Gaines talked about an upcoming webinar scheduled for Dec 13, titled "New Board Members & Staff: Preparation to Serve", presented by Dale Atkinson. Chair Shanahan, as the FSBPT delegate, reviewed the dates for the 2024 meetings. Congratulations to Director Sigmund-Gaines for being elected for the FSBPT Board of Directors and serving as liaison to multiple jurisdictions including Oregon.

Strategic Plan Progress Review: Director Sigmund-Gaines provided a review of the strategic plan. Based on Board discussions, the strategic initiatives will be carried forward into the next 5 years. The state of Oregon is standardizing the strategic planning forms and we will be adjusting our format accordingly. We hope to have the information that the Board has been working on over the past year put into the new format for review at the January Board meeting. Director Sigmund-Gaines hopes to be able to identify for the Board the priorities that are going to be introduced with regard to the Executive Branch in regards to the bills currently being considered by the Governor for the short legislative session.

Open Roundtable:

None

Board General Discussion & Action Items

Oregon Wellness Program Presentation-Tim Goldfarb, OWP

Tim Goldfarb presented an overview of the counseling services for healthcare professionals provided by the Oregon Wellness Program. Currently, the Oregon Medical Board, Oregon Board of Dentistry, and Oregon State Board of Nursing participate in the program. It is funded primarily by the participating Boards and ongoing grants. Participation in the program would afford our licensees confidential counseling services. One other key advantage is most appointments are available within 72 hours.

DOJ Medicaid Fraud Division-Rob Seimetz & Elizabeth Ballard-Colgrove

Rob Seimetz, Chief Investigator for the Oregon Dept of Justice Medicaid Fraud Unit, and Elizabeth Ballard-Colgrove, Assistant Director, presented an overview of the role of the Medicaid Fraud Unit. They provided examples of some of the types of fraud they investigate and explained how the OBPT would proceed with a referral if warranted.

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Rulemaking Forecast

Director Sigmund-Gaines and Board AAG Hunt, have been reviewing our rules to make sure we are in compliance with recent statutory changes in regards to public meetings law and other new requirements. Review will help to identify what we may need as far as rulemaking in response to the statutory changes. We will also be reviewing the PT Compact Commission rules. If any rule amendments are needed, Director Sigmund-Gaines will initiate the public rulemaking process and advise the Board. Lastly, we are currently conducting a 5-year rule review. Statute requires that recently adopted rules need to be reviewed at 5 years to validate that the purpose of the rule is being achieved.

Staff Paru is in the process of confirming the members of the Rules Advisory Committee to review the rules relating to documentation and supervision standards. They plan to have their first meeting in Dec or Jan.

General Discussion

FSBPT 2023 Annual Education Meeting

Director Sigmund-Gaines, Member Rennick and Chair Shanahan attended the in-person FSBPT Annual Education Meeting in October and shared some of the highlights.

These included: Survey results that reflected the public understanding of regulation and the complaint process, discussion of how we can increase the public's awareness of who we are and what we do, resources from the FSBPT Sexual Misconduct & Boundaries Committee now available on their website, and items to consider for future News Brief relating to appropriate behaviors. Other highlights included the use of AI in physical therapy. Staff Paru will be attending the Clear Winter Symposium in July which will include discussions about AI. One other item discussed was competency drift among practitioners and the topic of required continuing education and its relation to competency.

Other Business

None.

Meeting Adjourned at 11:21 AM.