

**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

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:

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.

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.