

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.

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

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.

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.

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

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.