

**Oregon Board of Physical Therapy
Board Meeting Minutes
April 22 and 23, 2021**

Thursday, April 22, 2021: Executive Session

Board Members Present: Phil Haworth, PT, Chair; Alan McAvoy, PT, Vice Chair; Aubree Benson, PT; Erica Goldsmith, PTA; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT, PhD.

Board Members Absent: None.

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

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Haworth convened the Board into Public Session at 4:03 PM for the purpose of roll call. No members of the public were present at this time.

EXECUTIVE (CLOSED) SESSION

After roll call, the meeting was convened into Executive Session at 4:05 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 7:06 PM, Chair Haworth adjourned Executive Session.

Friday, April 23, 2021

Board Members Present: Phil Haworth, PT, Chair; Alan McAvoy, PT, Vice Chair; Aubree Benson, PT; Erica Goldsmith, PTA; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT, PhD.

Board Members Absent: None.

Staff: Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

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

Members of the Public Present: Grant Engrav, Engrav Law Office; Ruggie Canizares, PT; Chad Lairamore, PT, PhD, FNAP, GS, NCS, Western U; Christina Gomez, PT, DPT, OCS, SCS, FAAOMPT, Western U; Kristin Kjensrud, PT, MHCC; Diana Godwin (OPTIP); Tristen Proett, PT, Southwest Physical Therapy; Derik Hite, PTA, Southwest Physical Therapy; Robert Long, PT, DPT, Med; Daniel Kang, PT, DPT; Dan Jenkins, DPT; Jeff Houck, PT, PhD, George Fox University.

Board Motions:

Case PT 697-11/19

Motion by Member McAvoy to close case, no action.

Motion seconded by Member Benson.

Motion passed unanimously by a vote of 8-0.

Case PT 698-06/20

Motion by Member McAvoy to close case, no action.
Motion seconded by Member Benson.
Motion passed unanimously by a vote of 8-0.

Case PT 712-01/21

Motion by Member McAvoy to close case, no action.
Motion seconded by Member Benson.
Motion passed unanimously by a vote of 8-0.

Case PT 713-01/21

Motion by Member McAvoy to issue confidential advisory letter and close case.
Motion seconded by Member Benson.
Motion passed by a vote of 7-1, with Member Hahn voting No.

Case PT 715-03/21

Motion by Member McAvoy to issue confidential advisory letter and close case.
Motion seconded by Member Benson.
Motion passed by a vote of 7-1, with Member Hahn voting No.

Approval of Board Meeting Minutes:

Chair Haworth asked for a motion to approve the minutes from the February 4th and February 5th 2021 Board Meetings as written. Member McAvoy so moved. Member Benson seconded the motion. The motion passed unanimously by a vote of 8-0.

Ratification of PT/PTA Licenses & Temporary Permits:

Staff presented the list of new licenses and temporary permits issued January 29, 2021 through April 16, 2021. Chair Haworth opened the floor for questions and discussion. With none noted, Chair Haworth 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 8-0.

Board Member/Committee/Delegate Reports

PT Compact Commission Report: Member Benson, as the PT Compact Commission Delegate, presented a verbal report. It was noted that Georgia had joined the PT Compact since the last Board meeting. No other new business to report.

FSBPT Report: Member Goldsmith provided a verbal report, noting that the FSBPT has continued deferral of the implementation of the published required standards of sitting for the NPTE for Non-CAPTE accredited applicants. It was suggested that the Board revisit the Board OAR on same topic. Member Goldsmith also noted the schedule of upcoming FSBPT events for 2021 will be virtual this year and noting the dates of Leadership Issues Forum (July 17-18) and the Delegate Assembly (October 22-23).

Presentation and Approval of the Executive Director's Report

Chair Haworth recognized Director Sigmund-Gaines who presented the Executive Director's Report for April 2021. Chair Haworth asked for a motion to accept and approve the report. Member McAvoy so moved and Member Benson seconded the motion. The motion passed unanimously by a vote of 8-0.

Board General Discussion and Action Items

Memo to Board Regarding Corporate Practice of Medicine---Grant Engrav with Engrav Law Office addressed the Board summarizing his written memo on the Corporate Practice of Medicine, requesting the Board implement regulation of professional corporations pursuant to ORS 58, specifically to require total or majority ownership of such entities by a licensed physical therapist.

Related Public Comment

Ruggie Canizares, PT. Mr. Canizares noted that he believed the corporate practice of medicine as defined in ORS 58 did not apply to physical therapy, based on the definition in that statute, and that the PT scope of practice did not in of itself apply to facilities.

Board General Discussion and Action Items (cont.)

Western University DPT Program---Chad Lairamore, PT, PhD, FNAP, GS, NCS and Christina Gomez, PT, DPT, OCS, SCS, FAAOMPT presented Western University's student recruitment and holistic admissions approach to reach a more diverse population and answered questions from the Board.

Educational Pipeline Workgroup Report---Director Sigmund-Gaines presented the educational pipeline workgroup report. It was explained that the educational pipeline group is a product of the Board's strategic planning goals in an effort to increase diversity of the workforce. The group's progress and proposed next steps were discussed. Staff member Sherri Paru noted that Kevin Troy will be the APTA-OR representative for the group. The Board expressed their support of moving forward with proposed plans.

Administrative Rulemaking---Director Sigmund-Gaines presented the public comment received related to the open administrative rulemaking process for changes to three OARS. They noted there was one written comment from OPTIP supporting two of the items and neutral on the third proposed rule. Member McAvoy moved to adopt the proposed rules 848-045-0020, 848-040-0175, and 848-005-0015 as written and Member Benson seconded the motion. The motion passed unanimously by a vote of 8-0.

Election of Officers and Delegates---The slate of officers and delegates was presented, and no additional candidates expressed interest. Member McAvoy moved to elect the slate of officers and delegates as listed. Member Benson seconded the motion. The motion passed unanimously by a vote of 8-0. For the term of July 2021-June 2022 the officers and delegates are as follows: Member Haworth, PT, Chair; Member McAvoy, PT, Vice Chair, Member Goldsmith, PTA, FSBPT Delegate, Member Benson, PT, Alternate Delegate and PT Compact Commission Delegate.

Request Regarding Athletic Events and OAR 848-040-0125---Diana Godwin, OPTIP, Tristan Proett, PT, and Derek Hite, PTA of Southwest Physical Therapy addressed the Board to discuss OAR 848-040-0125. Ms. Godwin discussed the need for a trained individual to help on the sidelines of school athletic events, particularly in rural areas. She presented proposed rule language for the Board to consider as a starting point to address the issue. Mr. Proett asked the Board to consider modifications to OAR 848-040-0125 to allow PTAs to function in this role.

Proposed 21-23 Budget--- Director Sigmund-Gaines presented the proposed 2021-2023 biennium budget, the underlying trends in revenue and expenses, and discussed the anticipated need to increase fees. The Board will schedule a special Board meeting to discuss options for possible fee increases. Member McAvoy moved to initiate the administrative rulemaking process to adopt the 21-23 budget, and to schedule a special Board meeting to discuss possible fee increases. Member Benson seconded the motion. The motion passed unanimously 8-0.

COVID Related Rules Review---Director Sigmund-Gaines reviewed the temporary rules put in place to address COVID related issues and explained that most have since expired. Director Sigmund-Gaines recommended that the Board initiate a new temporary rule to address continuing impacts to the availability of continuing educational coursework, and to also initiate permanent rulemaking to amend rule 848-035-0030. Member McAvoy moved to amend OAR 848-035-0030 as temporary rule effective immediately and to also initiate the permanent administrative rule making process for the same. Member Benson seconded the motion. The motion passed unanimously by a vote of 8-0.

2021 Legislative Session Update--- Director Sigmund-Gaines presented an update on bills introduced during the current legislative session that may have an impact on the agency. Any additional updates will be presented at the July meeting.

Temp Permits OAR Advisory Team Report---Staff gave an overview of the Advisory Team April 19, 2021 meeting. Team members agreed that the temporary permit for examination applicants is of value. It was also agreed that there is not a need to keep the temporary permit option for endorsement applicants. Staff was directed to continue with the potential rule change draft to OAR-848-010-0026 and to consult with IT personnel to explore ways to streamline the administrative process.

Embedded PT---- Robert Long, PT, DPT, Med; Daniel Kang, PT, DPT; Dan Jenkins, DPT; Jeff Houck, PT, PhD, George Fox University presented their primary care pilot project in collaboration with George Fox University. The Board requested a future update on the progress of the pilot, and for notice should the pilot identify areas where current requirements may present a barrier to achieving improved patient outcomes under the model.

Other Business

None.

Meeting Adjourned 12:29 PM.