

**Oregon Board of Physical Therapy
Board Meeting Minutes
July 14 and 16, 2021**

Wednesday, July 14, 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.

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 at this time.

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 6:21 PM, Chair Haworth adjourned Executive Session.

Friday, July 16, 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: Michael Rennick, APTA-OR joined at 8:49.

Board Motions:

Case PT 716-03/21

Motion by Member Reisch for finding of sufficient evidence of a violation of ORS 688.140(2)(a)(t), OAR 848-045-0020(2)(i) and OAR 848-040-0105(5) and (6).

Motion seconded by Member Okumura.

Motion passed by a vote of 7-1. Member Goldsmith voted no.

Case PT 717-03/21

Motion by Member Reisch to close case, no action.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Case PT 719-05/21

Motion by Member Reisch to close case and issue license.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

Approval of Board Meeting Minutes:

Chair Haworth asked for a motion to approve the minutes from the April 22 and 23, May 21 and June 21, 2021 Board Meetings as written. Member Reisch so moved. Member Okumura 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 April 17, 2021 through July 8, 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 Reisch so moved.

Member Okumura 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 Montana and Maryland have joined, bringing the total states issuing and accepting compact privileges to twenty-three. Eleven other compact states continue to work on implementing the compact requirements to be ready to "Go Live" soon. It is anticipated Delaware, Ohio, and Wisconsin may be ready in the next few months. Indiana and Kansas recently enacted the Compact legislation and will begin the implementation process. The Rules and Bylaws Committee met in May and June and has made recommendations to the Executive Committee for possible clarifying changes, Director Michelle Sigmund-Gaines is on this committee. Executive Committee met in May and formed a new standing committee – Compliance Committee – that will focus on support and monitoring of jurisdictional compliance with Compact statute, bylaws, rules. Staff member Sherri Paru has been appointed to this committee.

FSBPT Report: Member Goldsmith provided a verbal report, noting that the Candidate Forum meeting took place on July 15, the Leadership Issues Forum is scheduled for July 17-18 and the Virtual Board Member Training is in August. She also noted that the FSBPT would like any ideas for ongoing webinar topics. Staff Sherri Paru shared that the OBPT received the Excellence in Regulation Award and will be recognized at the annual meeting in October 2021. She highlighted upcoming webinars and discussed the candidate forum and how to apply to participate on a committee.

Completion of Biannual Board of Best Practice Assessment: The Board considered the biannual board best practices assessment categories and discussed performance for the 19-21 biennium. The Board reviewed each item, and noted 100% compliance for the review period.

FSBPT May 2021 Virtual Board Member Training: Staff and Members who attended the most recent training session noted that the event was beneficial, and recommended attendance for those who have not yet had a chance to attend. The next meeting is scheduled for August 2021.

Upcoming Meetings, Schedule and Format: Director Sigmund-Gaines recommended that the Board continue with virtual meetings for the remainder of 2021 and plan to consider a hybrid format in 2022 as building facilities permit. They also recommended moving reports and other similar items to a consent agenda for review and ratification, thereby allowing more time for strategic discussion during Board meetings. The Board directed Sigmund-Gaines to implement these recommendations.

Open Roundtable: Staff member Sherri Paru noted that she is currently serving on a committee for the Council on Licensure, Enforcement & Regulation (CLEAR), which is developing a sexual misconduct course for practitioners. CLEAR is comprised of regulatory bodies from all professions.

Presentation and Approval of the Executive Director's Report

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

Board General Discussion and Action Items

2021 Legislative Session: Director Sigmund-Gaines presented an overview of enrolled bills that may have an impact on the agency, based on bill information as published on oregonlegislature.gov. Bills highlighted: HB 3057, HB 2359, HB 3159, HB 2078, SB 567, and HB 2992.

Temp Permits OAR Advisory Team Report: Staff gave an overview of the discussions with the temporary permit advisory committee. The committee further reviewed OAR 848-010-0026 and proposed rule amendments and changes to the temporary permit letter from the employer. After discussion, staff will make additional changes and consult with advisory committee. Feedback and final proposals will be discussed at the September Board Meeting.

Educational Pipeline Workgroup Report: Staff Member Sherri Paru provided an update on the ongoing work of the group. She stated they are starting to look at data collection. Christina Howard, PT with Lane Community College has set up a common area for everyone on the committee to share documents.

Div 35---Continuing Competence: Staff member Sherri Paru reported preliminary discussions with the advisory committee regarding recent temporary rulemaking and future permanent rulemaking. She was directed to schedule another meeting again with the committee for further discussion and will bring this item back to the September 2, 2021 Board meeting.

Annual Delegation of Authority Review: Director Sigmund-Gaines noted that no changes are currently being proposed. The Board reviewed the existing delegation and did not make any changes. The next review will be scheduled in mid-2022.

Non-CAPTE Accredited Graduates: Director Sigmund-Gaines recommended that the board update language used in Rule from "Foreign-Educated" to "Non-CAPTE Accredited Program" graduate consistent with best practices. They discussed the FSBPT recommendations adopted in 2018 that have since been deferred and the effect this has had on applicants' education equivalency. They further discussed other considerations to reduce unnecessary barriers for this group. Staff was directed to gather additional information to bring back to the Board for further discussion.

Re-Entry to Practice: Director Sigmund-Gaines discussed that the board is seeing an increase in inquiries from licensees who have not held a current license for more than 5 years and who wish to return to practice. Sigmund-Gaines reviewed current rules and policy, as well as examples of requirements other states have in place. They recommend establishing a clear benchmark of requirements for returning to practice to replace the oPTion tool previously used as minimum standard. The oPTion tool was discontinued in late 2019.

Administrative Rulemaking: Proposed Fee Increases: Director Sigmund-Gaines reviewed the proposed fee increases as published in the amended rule notice. Director Sigmund-Gaines noted there was only one public comment received in support of the increases. Member Reisch moved to adopt the proposed amendments to OAR 848-005-0020 as written effective August 9, 2021. Member Okumura seconded the

motion. The motion passed unanimously by a vote of 8-0.

September Strategic Planning Session: Director Sigmund-Gaines recommended a modular style meeting to include group discussions on specific topics and outside speakers for the Strategic Planning Session on September 24, 2021 with a 1-hour lunch break. The Board directed staff to proceed with this format.

Other Business:

Director Sigmund-Gaines recommended that a Special Board Meeting be scheduled for September 2, 2021 at 4:00 PM for the primary purpose to consider the initiation of rulemaking related to Division 35 and making permanent changes related to the current temporary rule.

Meeting Adjourned 12:17 PM.