

Oregon Board of  
Physical Therapy  
Board Meeting

Call to Order



# Oregon Board of Physical Therapy Board Meeting

## Statutory Purpose

To protect the public health,  
safety, and welfare  
for all Oregonians  
by maintaining standards  
for quality care, professional  
skill and competence  
through the effective  
regulation of the practice of  
physical therapy.

# A - Board Motions as Result of Executive Session



# B – Consent Agenda

- Minutes
- Ratification Report
- Director's Report



**OREGON BOARD OF PHYSICAL THERAPY**  
**BOARD MEETING AGENDA**

January 19, 2024 8:30 AM - until end of business

Meeting by Web-conference

*Members of the public may attend the remotely via the link  
posted on our website at: <https://www.oregon.gov/pt/Pages/meetings.aspx>*

**I Call to Order -- Public Session**

**A Board Motions** - *Board actions as result of Executive Session.*

**B Consent Agenda Items** – *These items are being presented as a consent agenda; the Board members review the consent agenda items ahead of the meeting and will adopt the items as a single motion unless specific items are flagged for discussion and/or individual motion.*

- 1 Board Meeting Minutes, Draft—November 15 & 17, 2023.
- 2 Ratification of PT/PTA Licenses & Temp Permits issued Nov 1<sup>st</sup>, 2023 – Dec 31<sup>st</sup>, 2023.
- 3 Executive Director’s Report for Jan 2024.

**C Public Comments**

*The Board welcomes public comments. At this point in the meeting, the Board Chair will ask if anyone attending would like to make comment—speakers will be asked to identify themselves for the record when speaking.*

**D Board Member/Committee/Delegate Reports**

- 1 *PT Compact Commission and FSBPT Delegate Updates*
- 2 *Strategic Plan Progress Review*
- 3 *Update from Rule Advisory Committee on OAR 848 Division 40*
- 4 *Open Roundtable*

**E Board General Discussion & Action Items**

- 1 **2024 Legislative Session:** *Staff will present information about legislative concepts identified to date that may impact OBPT.*
- 2 **2024 Renewals:** *Staff will present information about the 2024 renewal process, including proposed changes to the Oregon Health Authority’s Workforce Data Survey.*
- 3 **Workforce Data Survey:** *Staff will present information about new survey question topics and upcoming changes being proposed by the Oregon Health Authority.*

**F Other Business**

**II Adjournment**

This proposed agenda subject to last minute changes without prior notice. A request for an interpreter or other accommodations for persons with disabilities should be made at least 48 hours before the meeting to 971-673-0200 or [physical.therapy@oregon.gov](mailto:physical.therapy@oregon.gov)

**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

## **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.

## **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.



### **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.**

# Oregon Board of Physical Therapy

## Ratification Report: New Licenses and Temporary Permits Issued 11/1/2023 - 12/31/2023

License Number	Legal First Name	Legal Last Name	License Effective Date	License Method	License Status	License Type	Initial Registration Date
65127	Kellie	Hughes	11/2/2023	Exam	Active	PT	11/2/2023
64990	Miranda	Starr	11/2/2023	Exam	Active	PT	6/1/2023
65126	Daniel	Varughese	11/2/2023	Exam	Active	PT	11/2/2023
65128	Jessica	Nastarin	11/2/2023	Exam	Active	PT	11/2/2023
65000	Lynne	Johnson	11/2/2023	Exam	Active	PT	6/7/2023
65020	Taylor	Hefty	11/2/2023	Exam	Active	PT	6/26/2023
65129	Linda	Rodriguez	11/3/2023	Exam	Active	PT	11/3/2023
65130	Michael	Marcin	11/6/2023	Endorsement	Active	PT	11/6/2023
65131	Bethanie	Bayha	11/6/2023	Endorsement	Active	PT	11/6/2023
65132	Victoria	Duncan	11/8/2023	Endorsement	Active	PT	11/8/2023
9264	Christina	Brent	11/8/2023	Endorsement	Active	PTA	10/29/2015
65133	Sandra	Chan	11/9/2023	Endorsement	Active	PT	11/9/2023
65136	Bryttnie	Lucas	11/13/2023	Exam	Active	PT	11/13/2023
10241	Danielle	Bishop	11/13/2023	Endorsement	Active	PTA	11/13/2023
65135	Stuart	Chin	11/13/2023	Exam	Active	PT	11/13/2023
65134	Kassandra	Omvik	11/13/2023	Exam	Active	PT	11/13/2023
9505	Christine	Morgan	11/13/2023	Endorsement	Active	PTA	6/23/2017
65137	Emily	Caffee	11/14/2023	Endorsement	Active	PT	11/14/2023
64949	Anthony	Lucas	11/14/2023	Exam	Active	PT	5/23/2023
65138	Caroline	McKeighan	11/16/2023	Endorsement	Active	PT	11/16/2023
10242	Amanda	Zoerhof	11/16/2023	Endorsement	Active	PTA	11/16/2023
65139	Shalini	Grover	11/17/2023	Exam	Active	PT	11/17/2023
65140	Noah	Levine	11/27/2023	Exam	Active	PT	11/27/2023
10243	Brittany	Huber	11/27/2023	Endorsement	Active	PTA	11/27/2023
65144	Magally	Felipe	11/28/2023	Endorsement	Active	PT	11/28/2023
65141	Alexis	Bestafka	11/28/2023	Endorsement	Active	PT	11/28/2023
65143	Keoni	Felipe	11/28/2023	Endorsement	Active	PT	11/28/2023
65142	Haylee	Layne	11/28/2023	Endorsement	Active	PT	11/28/2023
65145	Barbara	Smith-Fout	11/29/2023	Endorsement	Active	PT	11/29/2023
65147	Brandon	Lei	11/30/2023	Endorsement	Active	PT	11/30/2023
65146	Deborah	Guthmann	11/30/2023	Endorsement	Active	PT	11/30/2023
10244	Romel	Ramirez	12/1/2023	Endorsement	Active	PTA	12/1/2023
10245	Delaina	Erickson	12/5/2023	Endorsement	Active	PTA	12/5/2023
65148	Sara	Klusky	12/6/2023	Endorsement	Active	PT	12/6/2023
65150	Derek	Fink	12/7/2023	Endorsement	Active	PT	12/7/2023
65149	Lauren	Stockwell	12/7/2023	Endorsement	Active	PT	12/7/2023
65151	Kyle	Vanden Bosch	12/8/2023	Endorsement	Active	PT	12/8/2023
65153	Kaitlyn	Scott	12/11/2023	Endorsement	Active	PT	12/11/2023
65152	Jeremy	Roger	12/11/2023	Endorsement	Active	PT	12/11/2023
65156	Chun Yiu	Cheng	12/12/2023	Endorsement	Active	PT	12/12/2023
65154	Natalie	Schisler	12/12/2023	Endorsement	Active	PT	12/12/2023

65155	Kayla	McLaughlin	12/12/2023	Endorsement	Active	PT	12/12/2023
65157	Cheuk Chi	Yu	12/13/2023	Endorsement	Active	PT	12/13/2023
65159	Jeb	Wild	12/14/2023	Exam	Active	PT	12/14/2023
65158	Jonathan	Michaels	12/14/2023	Endorsement	Active	PT	12/14/2023
65160	Daniel	Willey	12/19/2023	Exam	Temporary Permit	PT	12/19/2023
10246	Michael	Traylor	12/19/2023	Exam	Active	PTA	12/19/2023
65161	Chloe	Melton	12/21/2023	Endorsement	Active	PT	12/21/2023
10247	Keilyn	Wilkerson	12/23/2023	Endorsement	Active	PTA	12/23/2023
65162	Anthony	Wilkerson	12/23/2023	Endorsement	Active	PT	12/23/2023
10249	Hannah	Foley	12/27/2023	Endorsement	Active	PTA	12/27/2023
65163	Jordan	Brewster	12/27/2023	Endorsement	Active	PT	12/27/2023
10248	Dallas	Petersen	12/27/2023	Endorsement	Active	PTA	12/27/2023
65165	Liam	Kavin	12/28/2023	Endorsement	Active	PT	12/28/2023
65164	Sophie	Chamaa	12/28/2023	Exam	Active	PT	12/28/2023

License type	Endorsement	Exam	Total
<b>PT</b>	<b>28</b>	<b>16</b>	<b>44</b>
Active	28	15	43
Temp-Exp		1	1
<b>PTA</b>	<b>10</b>	<b>1</b>	<b>11</b>
Active	10	1	11
<b>Grand Total</b>	<b>38</b>	<b>17</b>	<b>55</b>

Note: Where Initial Registration Date is prior to License Effective date, licensing transaction is either a change from prior status, such as Temp to Active, or renewal of a lapsed license, or re-application of an expired license. Temp-Exp status means a temporary permit was issued but expired during the reporting period without an Active license being issued.

# EXECUTIVE DIRECTOR'S REPORT

JANUARY 2024 | FOR THE PERIOD 11/1/2023 – 12/31/2023

## 23-25 BIENNIUM BUDGET VS. ACTUAL PERFORMANCE

Actuals to Budget through **most current closed** period (July 2023-Dec 2023).

	Actuals (to date)	Budget (to date)	\$ Variance	% of Budget (to date)
Income	\$76,108.91	\$85,187.36	\$ -9,078.45	89.34%
Expense	\$283,203.13	\$386,393.07	\$ -103,189.94	73.29%

**NOTES** –The numbers above reflect the actuals and budget for the biennium to date, not total budget for the entire biennium. Expenses typically exceed Income during this period of the biennium because board income derives predominantly from renewals, which occur Jan-Mar 2024. Because the fiscal year budget is portioned equally each month for many expenses, and because expenses are higher during renewals, expenses appear lower than anticipated by end of the fiscal year. Please see the attached financial report for line-item trends to date. Of note, PT exam applications are noticeably lower than anticipated while PTA exam applications are higher.

## ATTACHED FINANCIAL REPORTS

- July-Dec 2023 Budget Vs. Actual Report
- Moss Adams External Review Final Report

## EDUCATION & OUTREACH ACTIVITIES

10/31/2023 – Materials provided for RSOI 2023 Feeding Seminar; Paru.

11/20/2023 – Presentation to George Fox University Students; Paru and Goodwin.

12/1/2023 – Presentation to Pacific University Students; Paru and Goodwin

12/5/2023 – Initial Rule Advisory Committee Meeting Addressing OAR 848 Division 40; staff.

## ADMINISTRATION HIGHLIGHTS

- Information Technology & Security: Core licensing software update migration was delayed by vendor so as not to impact renewals. The migration will be rescheduled for a start in 2<sup>nd</sup> quarter 2024.
- 2024 Renewals: Renewals are scheduled for launch on Monday, January 22<sup>nd</sup>, 2024. Staff have been testing renewals during a soft launch since 12/28 to address any bugs in the system prior to announcing the opening of renewals.
- External Audit: Moss Adams, LLC has completed the external audit of the 21-23 biennium. This external review is required by statute, results reviewed by Secretary of State Audits Division, and reported to the Legislative Fiscal Office and Governor's Office as part of the final biennium report. Moss Adams has completed their review with no findings.

## LICENSE COUNTS BY STATUS AS OF DEC 31, 2023

License Status	PT	PTA	TOTAL
Active	5,472	1,321	6,793
Change since last	+45	+11	+56
Restricted	1	1	2
Probation	2	1	3
Suspended	6	0	6
<b>Total Licensed</b>	<b>5,481</b>	<b>1,323</b>	<b>6,804</b>
Net change since last	+45	+11	+56

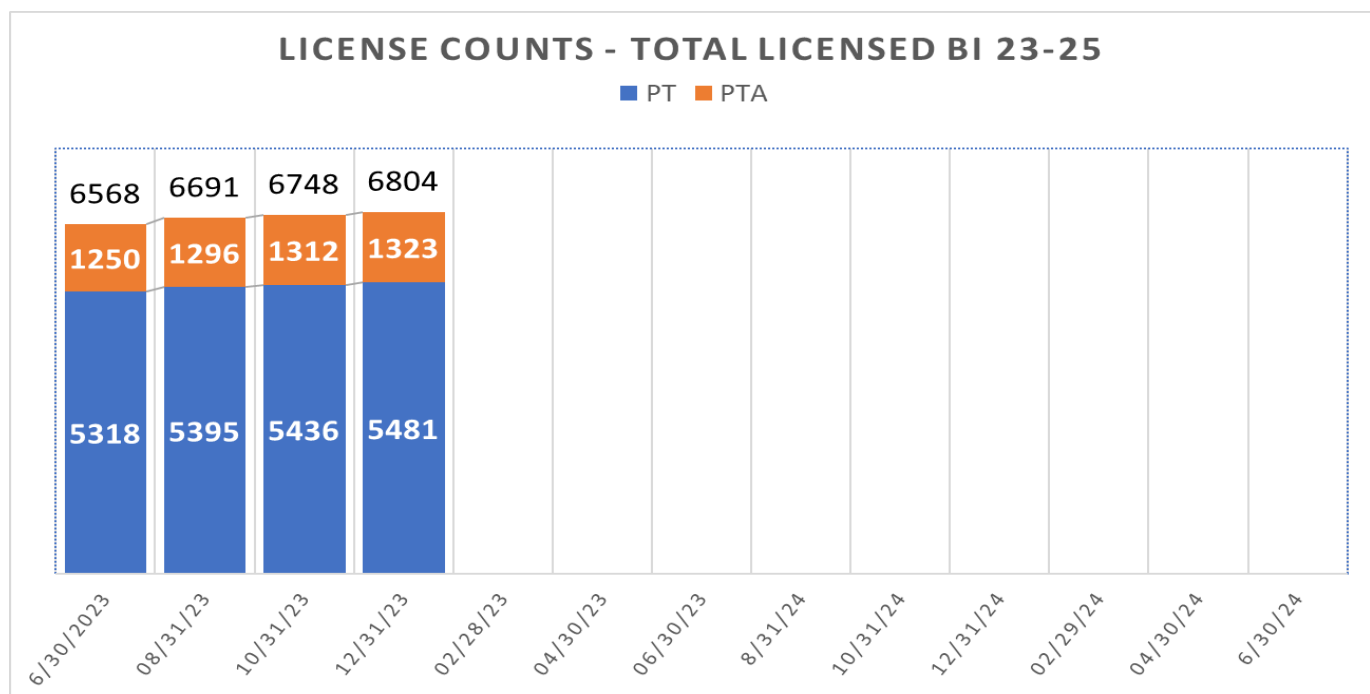
Temp Permit	1	0	1
Temp-Military Spouse	2	0	2

License Status	PT	PTA	TOTAL
Lapsed (five or fewer years)	1,529	522	2,051
Change since last	(0)	(0)	(0)
Expired (more than five years)	4,817	1,457	6,276
	(-2)	(0)	(-2)
<b>Total Previously Licensed</b>	<b>6,346</b>	<b>1,979</b>	<b>8,325</b>

Applications Submitted by Type	EXA	END	TOTAL
PT	13	29	42
PTA	2	8	10
<b>TOTAL</b>	<b>15</b>	<b>37</b>	<b>52</b>

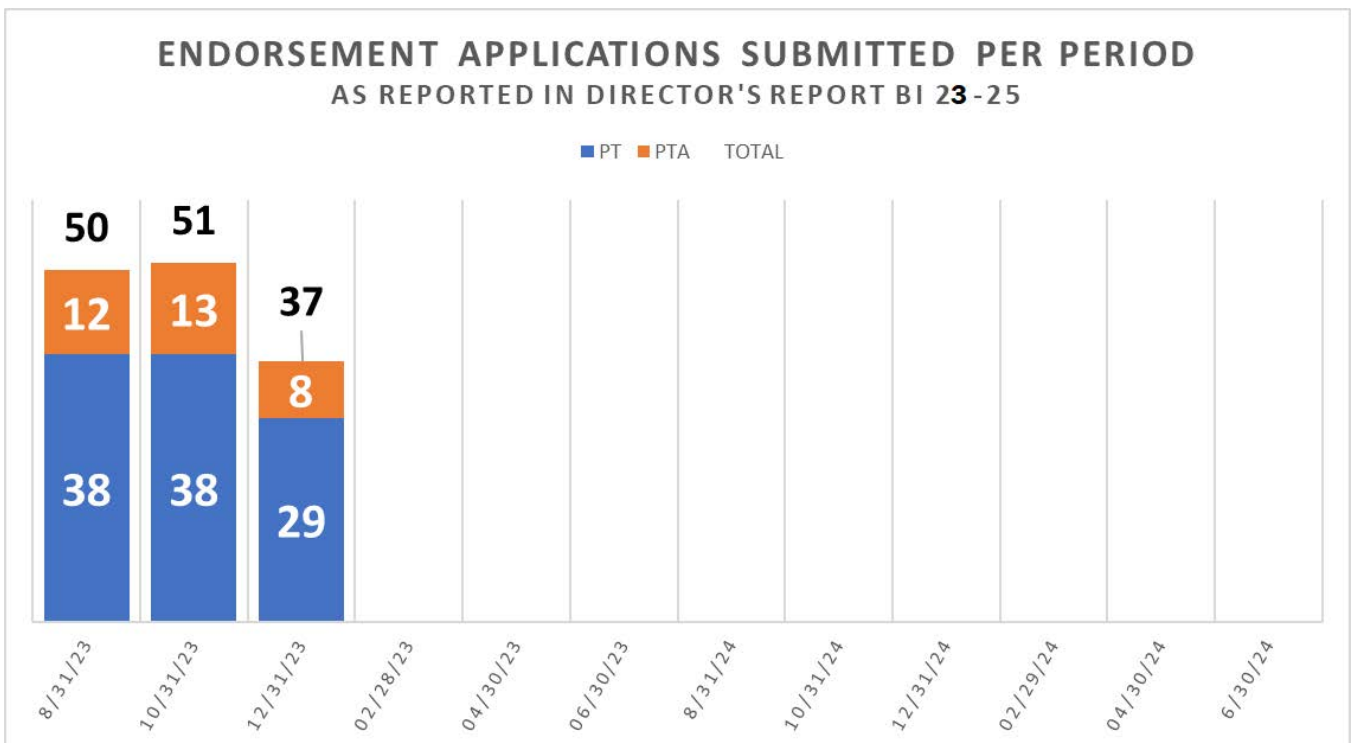
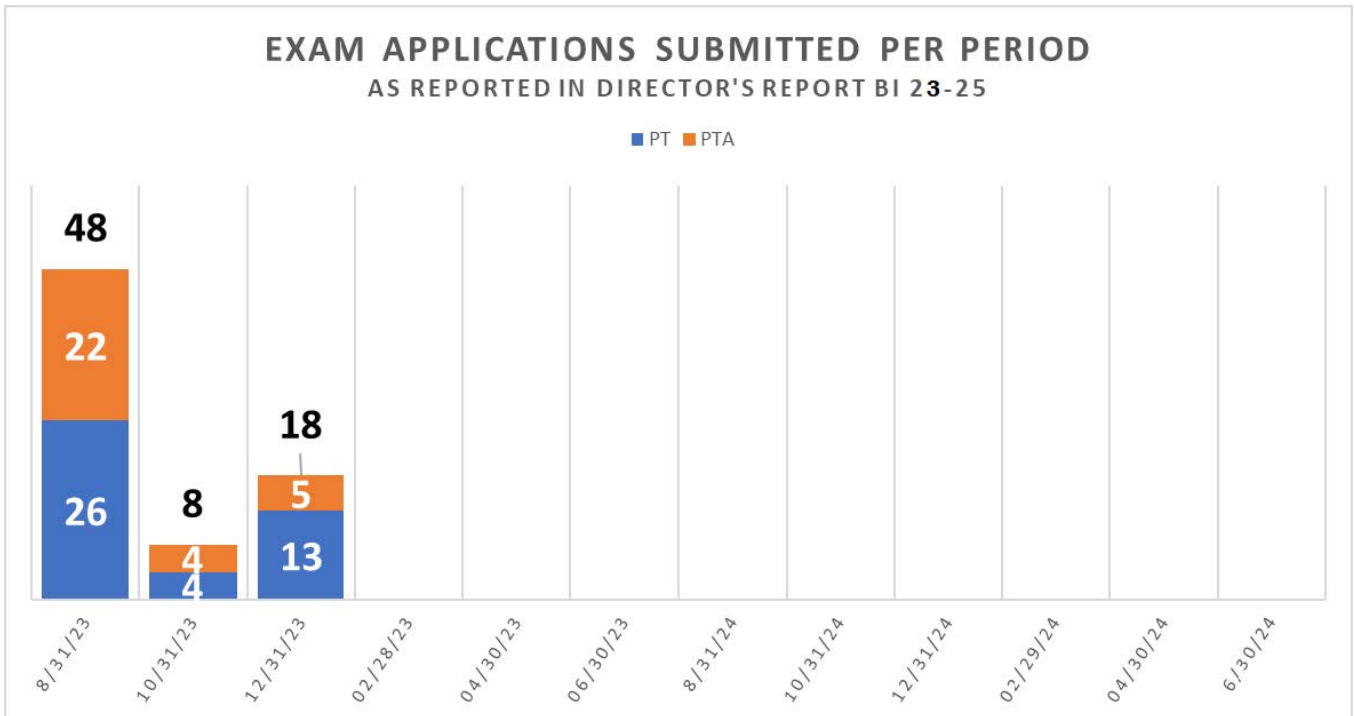
## BIENNIUM TOTAL ACTIVE LICENSE COUNTS AS OF DEC 31, 2023

**NOTE:** Numbers are reported at the end of each month prior to Board meetings, which will allow for alignment with the Biennium reporting. License counts by status for the prior section and this section are sourced from the licensing system licensee status statistical report and reflect the counts as of a given day. "Active" license counts includes non-lapsed or expired licenses currently on suspension, probation or restriction, but does not count temporary permits. Not all current license holders are currently practicing in the state of Oregon; therefore, total counts may not reflect current actual workforce capacity, only licensed capacity.



## BIENNIUM TOTAL NEW APPLICATIONS SUBMITTED AS OF DEC 31, 2023

**NOTE:** Application data taken from licensing system based on date of submittal; applications may not be complete when first submitted and final approval, if granted, may appear in a different reporting period. The charts reflect the total submitted within each reporting period as well as total count for biennium to date for each license application type. The data includes applications also requesting a temporary permit.

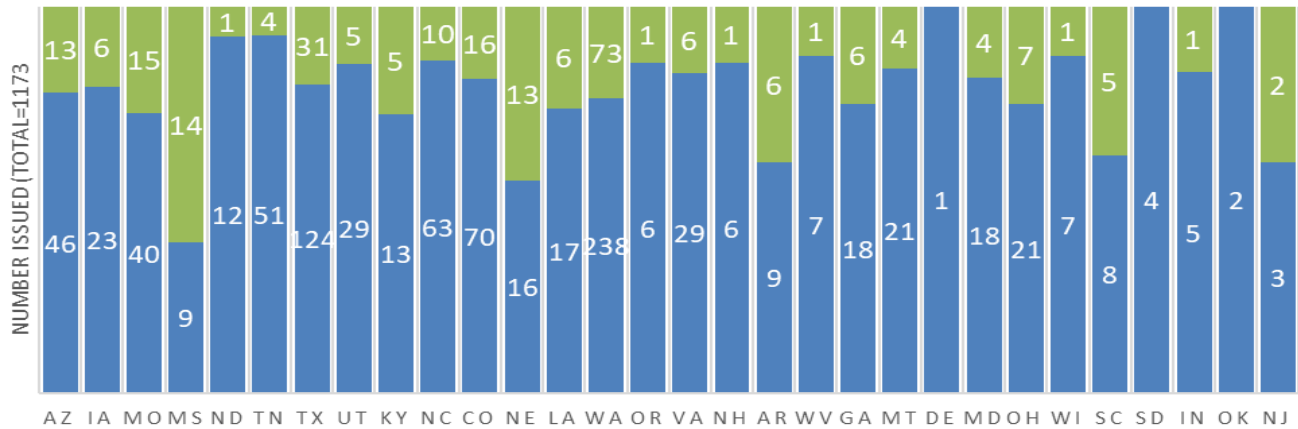


**PT COMPACT OREGON PRIVILEGE HOLDERS – AS OF DEC 31, 2023**

**TOTAL OR COMPACT PRIVILEGES ISSUED**

by Home State as of 12/31/2023

■ PTA ■ PT



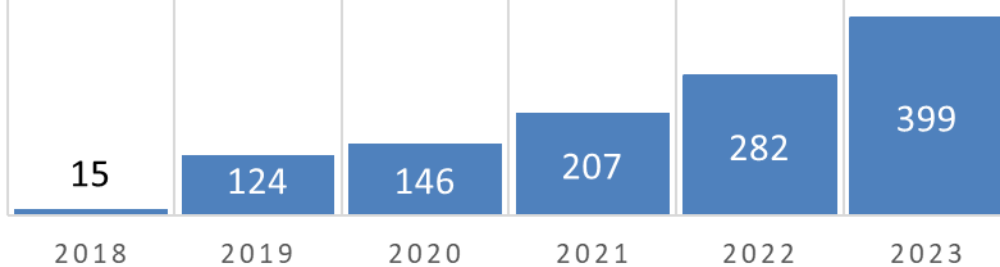
**CPs Issued**

	AZ	IA	MO	MS	ND	TN	TX	UT	KY	NC	CO	NE	LA	WA	OR	VA	NH	AR	WV	GA	MT	DE	MD	OH	WI	SC	SD	IN	OK	NJ	Total
Initial	47	25	48	16	12	49	135	27	16	54	73	20	17	201	6	34	7	15	5	19	20	1	20	23	7	13	3	6	2	5	926
Renewal	12	4	7	7	1	6	20	7	2	19	13	9	6	110	1	1			3	5	5		2	5	1		1			247	
<b>Total</b>	<b>59</b>	<b>29</b>	<b>55</b>	<b>23</b>	<b>13</b>	<b>55</b>	<b>155</b>	<b>34</b>	<b>18</b>	<b>73</b>	<b>86</b>	<b>29</b>	<b>23</b>	<b>311</b>	<b>7</b>	<b>35</b>	<b>7</b>	<b>15</b>	<b>8</b>	<b>24</b>	<b>25</b>	<b>1</b>	<b>22</b>	<b>28</b>	<b>8</b>	<b>13</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>5</b>	<b>1173</b>

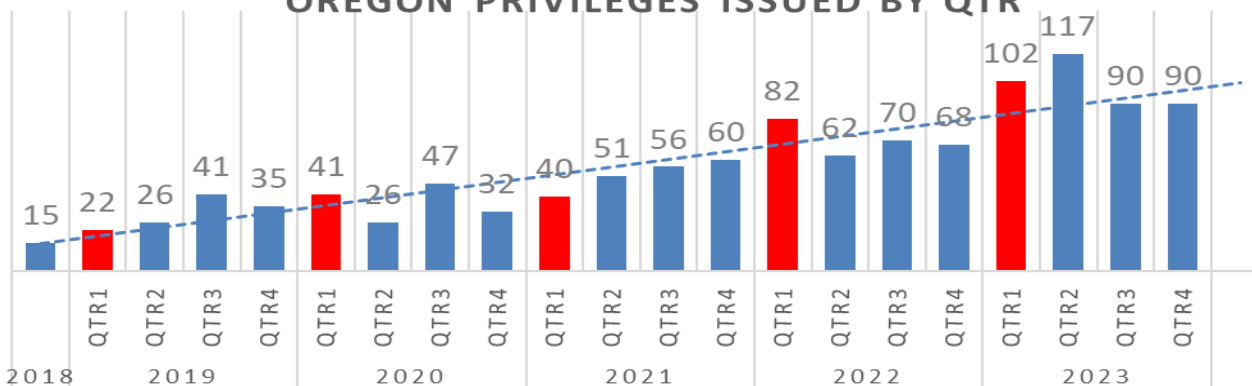
**NOTES:** Cumulative total privileges purchased since Oregon began issuing privileges—not total number of current active privileges.

**OREGON PRIVILEGES ISSUED BY YEAR**

(AS OF 12/31/2023)



**OREGON PRIVILEGES ISSUED BY QTR**



**NOTES:** Data for all tables and graphs sourced from PTCC compact privilege purchase reports; data through 12/31/2023.

## INVESTIGATIONS: OPEN CASES & AGING REPORT

### Jan-24 OBPT Open Cases

- 24 Total Open Cases
- 8 Presenting to Board This Meeting
- 1 Post Board Meeting (Notice/Hearing Process)

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### 15 Remaining Open Cases

#### Remaining Open Case Aging (date of complaint thru Present to Board)

- 9 Case(s) currently over four months (120 days)
- 2 Additional case(s) will be over four months (120 days) by next scheduled meeting
- 4 Case(s) that will be under four months (120 days) by next scheduled meeting

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15 Total

Based on case tracking status on 01/12/2024.

NOTE: Approval of the Executive Director's Report will also authorize extension(s) of investigation period for case reporting to the Board under ORS 676.165 where case(s) will exceed 120 days based on the date of the next available scheduled meeting.

## CASES OPENED AND CLOSED PER BIENNIUM THROUGH BI 2023-2025 (AS OF 01/12/2024)

BIENNIUM	2013	2015	2017	2019	2021	2023
	2015	2017	2019	2021	2023	2025
Cases Opened	88	58	56	49	98	28
Cases Closed	82	54	71	48	83	28
Compact			1	3	26	0
			2%	6%	27%	0%

NOTE: Total cases opened, and total cases closed in each biennium. Cases opened in one period may be closed in the subsequent period dependent on when received. Does not reflect type of action taken, only raw counts. Data sourced from case tracking report; All BI begin on 7/1 of the first year and end on 6/30 of the 2<sup>nd</sup> year.



# Oregon Board of Physical Therapy

## Budget vs. Actuals: To Date

July - December, 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
<b>Income</b>				
4000 Income				
4100 Physical Therapists				
4110 PT Exam Applications	8,602.00	17,671.50	-9,069.50	48.68 %
4112 PT App Ver & Proc Fees	9,261.00	13,844.22	-4,583.22	66.89 %
4120 PT Endorsement Applications	18,887.00	23,421.72	-4,534.72	80.64 %
4125 PT Temporary Permits	100.00	750.00	-650.00	13.33 %
4130 PT Renewals	3,600.00	0.00	3,600.00	
4132 PT Renewal Ver & Proc Fees	400.00	0.00	400.00	
4140 PT Delinquent Renewals	350.00	0.00	350.00	
4170 PT Civil Penalties	1,000.00		1,000.00	
<b>Total 4100 Physical Therapists</b>	<b>42,200.00</b>	<b>55,687.44</b>	<b>-13,487.44</b>	<b>75.78 %</b>
4200 Physical Therapist Assistants				
4210 PTA Exam Applications	5,610.00	4,768.50	841.50	117.65 %
4212 PTA App Ver & Proc Fees	3,717.00	3,260.22	456.78	114.01 %
4220 PTA Endorse Applications	5,423.00	4,908.72	514.28	110.48 %
4225 PTA Temporary Permits		99.98	-99.98	
4230 PTA Renewals	780.00	0.00	780.00	
4232 PTA Renewal Ver & Proc Fees	115.00	0.00	115.00	
4240 PTA Delinquent Renewals	250.00	0.00	250.00	
<b>Total 4200 Physical Therapist Assistants</b>	<b>15,895.00</b>	<b>13,037.42</b>	<b>2,857.58</b>	<b>121.92 %</b>
4300 PT & PTA Combined				
4330 PTand/or PTA Mailing Diskette	3,300.00	3,000.00	300.00	110.00 %
4350 PT Compact Fees	8,688.00	7,200.00	1,488.00	120.67 %
4360 OHA Workforce Data Survey Fee	84.00	0.00	84.00	
<b>Total 4300 PT &amp; PTA Combined</b>	<b>12,072.00</b>	<b>10,200.00</b>	<b>1,872.00</b>	<b>118.35 %</b>
4400 PT/PTA License Verification Fee	4,650.00	6,262.50	-1,612.50	74.25 %
4500 Miscellaneous Income	1,291.91		1,291.91	
<b>Total 4000 Income</b>	<b>76,108.91</b>	<b>85,187.36</b>	<b>-9,078.45</b>	<b>89.34 %</b>
<b>Total Income</b>	<b>\$76,108.91</b>	<b>\$85,187.36</b>	<b>\$ -9,078.45</b>	<b>89.34 %</b>
<b>GROSS PROFIT</b>	<b>\$76,108.91</b>	<b>\$85,187.36</b>	<b>\$ -9,078.45</b>	<b>89.34 %</b>
<b>Expenses</b>				
5100 Payroll Costs				
5110 Gross Salaries	192,873.15	190,239.66	2,633.49	101.38 %
5132 FICA (SS + Medicare)	15,114.89	14,553.33	561.56	103.86 %
5133 FICA Administrative Fee		15.00	-15.00	
5136 Mass Transit Tax	1,591.21	1,528.95	62.26	104.07 %
5140 Employee Benefits		2,500.04	-2,500.04	
5141 PERS ER Paid EE Cont	-121.70	0.00	-121.70	
5142 PERS ER Admin Contribution	38,930.43	40,187.61	-1,257.18	96.87 %
5143 Obligation Bond Debt Repayment	8,867.72	11,794.86	-2,927.14	75.18 %
5144 Workers Compensation	35.00	90.00	-55.00	38.89 %

# Oregon Board of Physical Therapy

## Budget vs. Actuals: To Date

July - December, 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
5146 PEBB Medical/Dental Insurance		40,912.50	-40,912.50	
5146-1 PEBB Insurance	27,706.76		27,706.76	
5146-2 PEBB Insurance Refund	-2,220.53	0.00	-2,220.53	
<b>Total 5146 PEBB Medical/Dental Insurance</b>	<b>25,486.23</b>	<b>40,912.50</b>	<b>-15,426.27</b>	<b>62.29 %</b>
<b>Total 5140 Employee Benefits</b>	<b>73,197.68</b>	<b>95,485.01</b>	<b>-22,287.33</b>	<b>76.66 %</b>
5150 Employee Training	325.83	2,500.04	-2,174.21	13.03 %
5190 Board Stipends	6,225.00	9,375.00	-3,150.00	66.40 %
5199 Other Payroll Expenses		1,200.00	-1,200.00	
<b>Total 5100 Payroll Costs</b>	<b>289,327.76</b>	<b>314,896.99</b>	<b>-25,569.23</b>	<b>91.88 %</b>
5600 Travel Costs				
5610 Instate Travel				
5612 Lodging	880.99	1,500.00	-619.01	58.73 %
5614 Airfare/Mileage	1,080.82	2,000.02	-919.20	54.04 %
5616 Meals	277.49	999.98	-722.49	27.75 %
5618 OtherTravel Costs	56.15	249.98	-193.83	22.46 %
<b>Total 5610 Instate Travel</b>	<b>2,295.45</b>	<b>4,749.98</b>	<b>-2,454.53</b>	<b>48.33 %</b>
5620 Out of State Travel				
5622 Lodging		2,499.98	-2,499.98	
5624 Airfare/Mileage		2,400.00	-2,400.00	
5626 Meals		999.98	-999.98	
<b>Total 5620 Out of State Travel</b>		<b>5,899.96</b>	<b>-5,899.96</b>	
<b>Total 5600 Travel Costs</b>	<b>2,295.45</b>	<b>10,649.94</b>	<b>-8,354.49</b>	<b>21.55 %</b>
6100 General Office Expenses				
6110 Copier	224.66	480.00	-255.34	46.80 %
6120 Printing/Copying	78.22	1,800.00	-1,721.78	4.35 %
6140 Office Supplies	820.18	1,050.00	-229.82	78.11 %
6145 Other	180.00	2,499.98	-2,319.98	7.20 %
6150 Board Meeting Expenses	348.55	600.00	-251.45	58.09 %
6180 Telecommunications	2,649.67	3,699.98	-1,050.31	71.61 %
6185 Bank Charges/Fees		999.98	-999.98	
6186 Liability Insurance (Risk Mgmt)	4,204.00	8,956.00	-4,752.00	46.94 %
<b>Total 6100 General Office Expenses</b>	<b>8,505.28</b>	<b>20,085.94</b>	<b>-11,580.66</b>	<b>42.34 %</b>
6190 Dues and Subscriptions	2,500.00	5,000.02	-2,500.02	50.00 %
6200 Postage				
6210 Mail/Mail Room Charges	-40.00	999.98	-1,039.98	-4.00 %
6220 Newsletters		600.00	-600.00	
<b>Total 6200 Postage</b>	<b>-40.00</b>	<b>1,599.98</b>	<b>-1,639.98</b>	<b>-2.50 %</b>
6300 Publications		159.98	-159.98	
6400 Contracted Services				
6405 Merchant Account Fees	2,231.78	21,000.00	-18,768.22	10.63 %
6410 Investigators		750.00	-750.00	
6420 Computer Support	706.71	6,000.00	-5,293.29	11.78 %

# Oregon Board of Physical Therapy

## Budget vs. Actuals: To Date

July - December, 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
6430 Attorney General-Legal Counsel	18,949.70	25,020.00	-6,070.30	75.74 %
6440 Audit Charges		6,000.00	-6,000.00	
6450 Accountant / CPA		249.98	-249.98	
6460 Payroll Service Charges	1,032.12	1,599.98	-567.86	64.51 %
6490 DAS Charges (Miscellaneous)	63.00	867.52	-804.52	7.26 %
6495 EmplDept/HearingOfficerPanel		1,250.02	-1,250.02	
6499 Other Services	318.76		318.76	
<b>Total 6400 Contracted Services</b>	<b>23,302.07</b>	<b>62,737.50</b>	<b>-39,435.43</b>	<b>37.14 %</b>
6500 Rent and Occupancy		0.00	0.00	
6510 Rent	12,454.05	15,000.00	-2,545.95	83.03 %
<b>Total 6500 Rent and Occupancy</b>	<b>12,454.05</b>	<b>15,000.00</b>	<b>-2,545.95</b>	<b>83.03 %</b>
6600 Background Checks	8,278.75	15,000.00	-6,721.25	55.19 %
6630 Vantage Data		7,700.02	-7,700.02	
<b>Total 6600 Background Checks</b>	<b>8,278.75</b>	<b>22,700.02</b>	<b>-14,421.27</b>	<b>36.47 %</b>
6650 Investigation Expenses		50.02	-50.02	
6800 Computers & Accessories				
6810 Software	12,208.68	17,000.02	-4,791.34	71.82 %
6820 Hardware	0.00	1,200.00	-1,200.00	0.00 %
6840 Other - Data Lines, etc.	480.00	500.02	-20.02	96.00 %
<b>Total 6800 Computers &amp; Accessories</b>	<b>12,688.68</b>	<b>18,700.04</b>	<b>-6,011.36</b>	<b>67.85 %</b>
<b>Total Expenses</b>	<b>\$359,312.04</b>	<b>\$471,580.43</b>	<b>\$ -112,268.39</b>	<b>76.19 %</b>
NET OPERATING INCOME	\$ -283,203.13	\$ -386,393.07	\$103,189.94	73.29 %
NET INCOME	\$ -283,203.13	\$ -386,393.07	\$103,189.94	73.29 %

## Report of Independent Accountants

Oregon Board of Physical Therapy  
Oregon Secretary of State Audits Division

We have performed the procedures enumerated below, on the accounting records noted below for the Biennium ended June 30, 2023. The Oregon Board of Physical Therapy (the Board) is responsible for the accounting records noted below.

The Oregon Board of Physical Therapy has agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of assisting the Oregon Board of Physical Therapy in complying with Oregon Revised Statute (ORS) 182.464. Additionally, the Oregon Secretary of State Audit Division has agreed to and acknowledged that the procedures performed are appropriate to meet their purposes. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures we performed and our findings are as follows:

### Receiving, Recording, and Reporting Transactions

1. We obtained the following list of internal controls for receiving, recording, and reporting transactions. We agreed the list of internal controls to the Board's policies and procedures without exception.
  - a. Deposit: Deposit is created in Quickbooks after the Deposit Revenue Code Summary is matched to the US Bank report.
  - b. Deposit: Evidence of preparer initials at top of Deposit Summary to indicate posted to Quickbooks.
  - c. Checks: Executive Director verifies check amount to invoice and billing/remittance information and signs checks. Stamps original invoices as paid, dates and initials, and staples check stub to bottom of the original invoice.
  - d. Expense: The Executive Director reviews that invoices are tied to a contract or agreement, a purchase, or other documentation of other staff/board member expense, then signs invoices as evidence for approval of payment and account coding. The Board Chair signs as evidence of approval for any expenses incurred by the Executive Director.
  - e. Expense: The Executive Director or other authorized staff agrees check amount to invoice and billing/remittance information, then signs checks; marks voucher packet as paid; dates, initials and files voucher packet.

2. We obtained a schedule from management of all accounting transactions from Quickbooks that occurred during the Biennium ended June 30, 2023 and haphazardly selected 10 transactions. We performed procedures over the items selected to obtain evidence that the control took place. The results of our procedures are included in the table below:

Transactions Selected	Control A	Control B	Control C	Control D	Control E
1	✓	✓	N/A	N/A	N/A
2	✓	✓	N/A	N/A	N/A
3	N/A	N/A	✓	✓	✓
4	N/A	N/A	✓	✓	✓
5	N/A	N/A	N/A	✓	✓
6	✓	✓	N/A	N/A	N/A
7	✓	✓	N/A	N/A	N/A
8	✓	✓	N/A	N/A	N/A
9	N/A	N/A	N/A	✓	✓
10	N/A	N/A	✓	✓	✓
✓	= Procedure performed without exception				
N/A	= Control not applicable for this selection				
Control A: Deposit: Inspected the Deposit Summary Report and agreed the deposit date and total to the US Bank support.					
Control B: Deposit: Inspected the Deposit Summary Report for preparer initials.					
Control C: Receipt: Inspected original invoice for paid stamp, Executive Director's initials and date, and check stub attachment.					
Control D: Expense: Inspected voucher packet for invoice; contract, agreement, purchase, or staff/board expense documentation; account coding; signature of ED approving payment.					
Control E: Expense: Inspected voucher packet for check stub, invoice agreeing to check stub, PAID mark with ED or CA initial and date.					

### Cash Handling

The Oregon Board of Physical Therapy did not receive cash or disburse cash during the Biennium, thus we did not perform procedures over Cash Handling.

### Licensing Individuals

3. We obtained the following list of internal controls for licensing individuals. We agreed the list of internal controls to the Board's policies and procedure without exception.
  - a. Individual applications are submitted online. In order to make the application fee payment, the applicant inputs their name and basic information. Credit card information is not entered into the Board's system, but is handled by a payment processor and proof of payment is transferred to the Board's system along with a transaction number. Applications are reviewed for completeness by the Licensing Coordinator.
  - b. When the required documents are all received and the Licensing Coordinator reviews to make sure all documents are valid, uploads copies to the application file and marks documents as having been received. Once all required documents are received and approved, the Licensing Coordinator changes the status of the application to reviewed and adds the review date. The application is then reviewed and approved by the Executive Director or other staff member.
  - c. Once all the information required for licensing is submitted and the application is reviewed and approved, the system generates a license number and the licensing information is included with an indication of review and approval.
  - d. The Licensing Coordinator updates applications to status denied, withdrawn, or expired based on direction from the Board or Rule and forwards to Executive Director for review with supporting information, if required.
  
4. We obtained a schedule from management of all licenses issued, denied, or withdrawn during the Biennium ended June 30, 2023 and haphazardly selected 8 licenses issued and 2 licenses denied or withdrawn. We performed procedures over the items selected to obtain evidence that the control took place. The results of our procedures are included in the table below:

Licenses Selected	Control A	Control B	Control C	Control D	Control E
1	✓	✓	N/A	N/A	N/A
2	✓	✓	N/A	N/A	N/A
3	✓	✓	N/A	N/A	N/A
4	✓	✓	N/A	N/A	N/A
5	✓	✓	✓	N/A	N/A
6	✓	✓	✓	N/A	N/A
7	✓	✓	✓	N/A	N/A
8	✓	✓	✓	N/A	N/A
9	N/A	N/A	N/A	N/A	✓
10	N/A	N/A	N/A	N/A	✓
✓ = Procedure performed without exception					
N/A = Control not applicable for this selection					
Control A: Inspected application with indication of date received, completeness, and review of application by Licensing Coordinator.					
Control B: Inspected accounting screen of application entered into licensing system and noted indication of approval.					
Control C: Inspected approval letter and license with indication of review and approval.					
Control D: Denied/withdrawn applications. Inspected the Final Order, Final Order Processing Checklist, and the list of licenses. Inspected Board withdrawal authorization and application status.					
Control E: Voided applications. Inspected support for voided applications and that void was for legitimate purpose.					

**Bank Reconciliations**

5. We confirmed bank balances with financial institutions that the Board uses as of June 30, 2023. We agreed the confirmations to the June 30, 2023 bank reconciliations without exception.
6. We obtained the following list of internal controls over bank reconciliations. We agreed the list of internal controls to the Board’s policies and procedures without exception.
  - a. Each month, the bank statement arrives or is downloaded. The Licensing Coordinator will do a preliminary review and match the bank statement to the transaction report from the Board licensing system and provide all documentation to the Executive Director.
  - b. The Executive Director prepares the bank reconciliation and signs the completed reconciliation report, along with other financial reports for the month.
  - c. The Board Chair reviews the Monthly Financial Oversight Report, which includes the bank reconciliation and review of other prepared reports as applicable.
7. We obtained a list from management of all bank reconciliations for the Biennium ended June 30, 2023 and haphazardly selected 3 reconciliations. We performed procedures over the items selected to obtain evidence that the control took place. The results of our procedures are included in the table below:

Reconciliations Selected	Control A	Control B	Control C
1	✓	✓	✓
2	✓	✓	✓
3	✓	✓	✓
✓	= Procedure performed without exception		
N/A	= Control not applicable for this selection		
Control A: Inspected bank statement and support for reconciliation, including bank statements received.			
Control B: We noted the bank reconciliation was prepared by the Executive Director			
Control C: Inspected Monthly Financial Oversight Report for Board Chair review and signature			

8. We haphazardly selected 3 reconciling items from each of the bank reconciliations selected in Procedure 7 and agreed those reconciling items to supporting documentation with no exceptions.

**Revenues Other Than Licensing**

9. We obtained the following list of internal controls over revenues other than licensing (see items 5 & 6 above for internal controls over licensing). We agreed the list of internal controls to the Board’s policies and procedures without exception.
  - a. Support to record non-licensure revenue includes Daily Breakdown of Cash Sheet, Remittance Advice, and Batch List.
  - b. The Licensing Coordinator enters the non-licensure revenue item in Quickbooks.
  - c. Deposit summary reports are reviewed in detail at month-end by the Executive Director and the Board Chair.
  - d. The summary financial reports are provided to the full Board for all closed periods since the prior Board meeting.

10. We obtained a schedule from management of non-licensure revenues during the Biennium ended June 30, 2023 and haphazardly selected 10 non-licensure revenue items. We performed procedures over the items selected to obtain evidence that the control took place. The results of our procedures are included in the table below:

Revenues Selected	Control A	Control B	Control C	Control D
1	✓	✓	✓	✓
2	✓	✓	✓	✓
3	✓	✓	✓	✓
4	✓	✓	✓	✓
5	✓	✓	✓	✓
6	✓	✓	✓	✓
7	✓	✓	✓	✓
8	✓	✓	✓	✓
9	✓	✓	✓	✓
10	✓	✓	✓	✓
✓	= Procedure performed without exception			
N/A	= Control not applicable for this selection			
Control A: Inspected the packet included the Daily Breakdown of Cash Sheet, Remittance Advice, and Batch List to support Quickbooks entry.				
Control B: Inspected Quickbooks reports evidencing the non-licensure revenue item was reviewed and approved.				
Control C: Inspected the deposit summary report for review by the Executive Director and Board Chair.				
Control D: Inspected the monthly financial reports provided to the board for the applicable month the deposit took place.				

## Expenses

11. We obtained the following list of internal controls over expenses. We agree the list of internal controls to the Board's policies and procedures without exception.

- a. The Executive Director reviews that invoices are tied to a contract or agreement, a purchase, or other documentation of other staff/board member expense, then signs invoices as evidence for approval of payment and account coding. The Board Chair signs as evidence of approval for any expenses incurred by the Executive Director.
- b. The Executive Director or other authorized staff agrees check amount to invoice and billing/remittance information, then signs checks; marks voucher packet as paid; dates, initials and files voucher packet.



12. We obtained a schedule from management of expenses during the Biennium ended June 30, 2023 and haphazardly selected 10 expense items. We performed procedures over the items selected to determine if the internal controls identified above were followed. The results of our procedures are included in the table below

Expenses Selected	Control A	Control B
1	✓	✓
2	✓	✓
3	✓	✓
4	✓	✓
5	✓	✓
6	✓	✓
7	✓	✓
8	✓	✓
9	✓	✓
10	✓	✓
✓	= Procedure performed without exception	
N/A	= Control not applicable for this selection	
Control A: Inspected voucher packet for invoice; contract, agreement, purchase, or staff/board expense documentation; account coding; signature of ED approving payment.		
Control B: Inspected voucher packet for check stub, invoice agreeing to check stub, PAID mark with ED or CA initial and date.		

13. We obtained a schedule from management of all Board procurements or contracts during the Biennium ended June 30, 2023 and reviewed contracts over \$10,000 for compliance with the Board's policies, procedure and/or desk manuals (PPDM.) We obtained the following PPDM relevant to this Biennium's procurements or contracts over \$10,000:

- a. OBPT Delegation of Authority Letter – All contracting is delegated to the Executive Director.
- b. OBPT Delegation of Authority Letter – The Board approves the underlying budget of all contracts.
- c. Oregon Procurement Manual *Intermediate Procurement* – Procurements greater than \$10,000 and expected to be less than \$150,000 must be executed using the process outlined in the Oregon Procurement Manual for intermediate procurements.
- d. Oregon Procurement Manual *Amendments* – Amendments to contracts administered by DAS must be processed by a DAS procurement representative.
- e. DAS Policy 107-004-130 – “All IT Investments must align with enterprise information technology strategies and be justified by sound business cases/plans, and that agencies must obtain State CIO approval in advance of purchase/execution.” This policy incorporates Procedure 107-004-130 PR by reference.

Contracts Selected	PPDM A	PPDM B	PPDM C	PPDM D	PPDM E
1	✓	✓	✓	✓	N/A
2	✓	✓	✓	N/A	✓
✓	= Procedure performed without exception				
N/A	= Control not applicable for this selection				
PPDM A: Inspected contract for signature by Executive Director.					
PPDM B: Inspected budget for authorization for spending.					
PPDM C: Inspected communications with DAS evidencing adherence process defined in OPM <i>Intermediate Procurements</i> .					
PPDM D: Inspected amendment for signature of DAS procurement representative.					
PPDM E: Inspected memorandum from DAS evidencing approval of IT Investment by State CIO.					

### Budget and Board Financial Reporting

14. We reviewed the final budget to actual report for the Biennium ended June 30, 2023 and noted that actual expenditures for the Biennium did not exceed budgeted expenditures.
15. We reviewed the budget to actual report for the Biennium ended June 30, 2023 and identified the following budget line items that exceeded 10% of total revenues or expenses. We note that these budget line items did not have a budget variance exceeding 10% for the Biennium so did not perform any additional procedures. As follows:
  - a. Total Physical Therapists revenue; actual was 1.3% less than budget.
  - b. Total Physical Therapist Assistants revenue; actual was 1.2% less than budget
  - c. Gross Salaries; actual was 0.6% more than budget
  - d. Total Payroll Costs; actual was 5.7% lesser than budget

We identified the following budget line items that exceeded 10% of total revenues or expenses and had a variance greater than 10% from the actual ending balance of the line item. We obtained documented support for these explanations:

- a. PT Renewal Ver & Proc Fees revenue; actual was 54.7% (\$141,549) lower than budget.
- b. PT Renewals revenue; actual was 12.9% (\$107,328) more than budget.
- c. Total Employee Benefits expense; actual was 14.2% (\$50,245) less than budget.
- d. Total Contracted Services expense; actual was 18.1% (\$62,123) less than budget.

16. We obtained the following list of internal controls over Budgetary and Board Financial Reporting. We agree the list of internal controls to the Board's policies and procedures without exception.
  - a. Every other month the Executive Director will prepare a Board packet that contains a budget to actual report as well as an Executive Director's report.

Board Reports Bi-Monthly	2021 04	2021 05	2021 06	2022 01	2022 02	2022 03	2022 04	2022 05	2022 06	2023 01	2023 02	2023 03
Control A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓	= Procedure performed without exception											
Control A: We noted the Board packet contained a budget to actual report as well as an Executive Director's report.												

## Financial Statements

17. We obtained the list of internal controls over Financial Statements. We agreed the list of internal controls to the Board's policies and procedures without exception. We obtained the internal financial statements prepared by management for the Biennium ending June 30, 2023 and compared the internal financial statements to the general ledger, noting no disagreements.
18. We have compared the schedules obtained for procedures 2, 4, 12 and 14 to the internal financial statements and / or the underlying general ledger accounts used by the management to prepare the internal financial statements. The schedule obtained for Procedure 6 is a non-monetary schedule of licenses issued and cannot be directly compared to the internal financial statements or underlying general ledger. The other schedules agreed without exception.

We were engaged by the Oregon Board of Physical Therapy to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on accounting records of the Oregon Board of Physical Therapy for the Biennium ended June 30, 2023. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Oregon Board of Physical Therapy and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.



Portland, Oregon  
January 11, 2024



# Oregon

Tina Kotek, Governor

January 12, 2024

Mr. Marc Overbeck  
Policy Lead  
Oregon Health Authority

## **Re: Expansion of Oregon Workforce Survey Data Collection**

Dear Mr. Overbeck:

Oregon has more than 16 state agencies (licensing boards) charged with regulating health care professionals, including physicians, physician assistants, nurses, pharmacists, dentists, physical therapists, chiropractic physicians, naturopathic physicians, mental health providers, optometrists, massage therapists, social workers, veterinarians, acupuncturists, residents, interns, and many other health care providers.

We recently learned that OHA planned to expand the workforce survey data collection to ask licensees about symptoms of burnout and mental health, as well as REALD and SOGI, with the burnout questions to be effective **this month**. As the directors of these health regulatory licensing boards, we are concerned about these proposed changes for several reasons.

First, while we appreciate OHA's commitment to diversity and addressing burnout of healthcare workers, the questions regarding burnout and mental health status should be separated from licensing applications and renewals. The majority of our boards have actively worked to remove mental, emotional, and physical health-related questions from our applications and renewal processes pursuant to recent changes in Title II of the Americans with Disabilities Act (ADA), 28 CFR Part 35<sup>1</sup>, in the federal Dr. Lorna Breen Health Care Provider Protection Act<sup>2</sup>, and in implementing Measure 110. We believe this expansion negates these achievements.

Additionally, by requiring licensees to take the expanded workforce survey as a condition of their license renewal without any support staff to address their responses (in crisis, suicide ideation, burnout, etc.), the survey requires them to not only divulge protected medical information to non-medical staff, it also doesn't reach the understood purpose of the survey – to assist those with

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<sup>1</sup> [eCFR :: 28 CFR Part 35 -- Nondiscrimination on the Basis of Disability in State and Local Government Services](#)

<sup>2</sup> 117th Congress Public Law 105, signed by President Biden March 18, 2022, available at <https://www.congress.gov/117/plaws/publ105/PLAW-117publ105.pdf>.

burnout or with signs of needing mental health assistance. The responses are received by individuals who are not qualified to ascertain or address urgent mental health concerns.

Further, OHA's proposed expansion of the workforce data survey does not align with the governing statutes and rules. These questions are beyond the scope of the mandatory workforce data questions authorized by the Oregon Legislature in ORS 676.410. We are also concerned about the lack of timely reach out, collaboration, and notice from OHA, as required in OAR 409-026-0110(3).

The Oregon health professional licensing boards are collectively opposed to OHA's plan to implement the expanded workforce data collection on mental health/burnout status as a requirement for license renewal. If these questions are asked of our licensee base at all, they should be asked separately and within a HIPAA-protected environment with support staff to assist when need arises to ensure mental, emotional, and physical safety and support for Oregon's valued health care providers.

Sincerely,

Oregon's Health Professional Regulatory Boards

cc: Andy Davis, Research Analyst, OHA Health Policy & Analytics Division,  
[andy.davis@dhsoha.state.or.us](mailto:andy.davis@dhsoha.state.or.us)  
Piper Block, Program Manager, OHA Health Policy & Analytics Division,  
[piper.block@oha.oregon.gov](mailto:piper.block@oha.oregon.gov)  
Meredith Halling, Research Analyst, OHA Health Policy & Analytics Division,  
[mferedith.halling@oha.oregon.gov](mailto:mferedith.halling@oha.oregon.gov)  
Kristina Narayan, Health Policy Advisor to Governor Kotek,  
[kristina.narayan@oregon.gov](mailto:kristina.narayan@oregon.gov)

Enclosures: Oregon Health Professional Regulatory Boards Information Sheet

23-02-23 U.S.Senate Letter to U.S. DOJ re State Medical Boards Violating ADA  
with Intrusive Mental Health Questions

## Oregon Health Professional Regulatory Boards

Oregon Board	Licensees	Address	Contact Information
Chiropractic Examiners	chiropractic physician, chiropractic assistant	530 Center St NE, Suite 620, Salem, OR 97301	(503) 378-5816 info@obce.oregon.gov
Dentistry	dentist, dental hygienist, dental assistant, dental therapists	1500 SW 1st Ave, Suite 770 Portland, OR 97201	(971) 673-3200 information@obd.oregon.gov
EMS & Trauma Systems	EMS providers, ambulance services & vehicles	800 NE Oregon Street, Suite 465, Portland, OR 97232	(971) 673-0520 ems.trauma@odhsoha.oregon.gov
Massage Therapists	massage therapist	610 Hawthorne Ave SE, Suite 220 Salem, Oregon 97301	(503) 365-8657 obmt.info@obmt.oregon.gov
Medical	MD/DO physician, podiatric physician, physician assistant, acupuncturist	1500 SW 1st Ave, Suite 620 Portland, OR 97201	(971) 673-2700 info@omb.oregon.gov
Medical Imaging	medical imaging technologist	800 NE Oregon St., Suite 1160A Portland, OR 97232	(971) 673-0215 OBMI.Info@obmi.oregon.gov
Mortuary and Cemetery	funeral service practitioner, preneed salesperson, death care consultant, embalmer	800 NE Oregon St., Suite 430 Portland, OR 97232	(971) 673-1500 mortuary.board@omcb.oregon.gov
Naturopathic Medicine	naturopathic physician	800 NE Oregon St., Suite 407 Portland, OR 97232	(971) 673-0193 Naturopathic.Medicine@obnm.oregon.gov
Nursing	nurse, nurse anesthetist, nurse practitioner, nursing assistant, medication aide	17938 SW Upper Boones Ferry Rd Portland, OR 97224	(971) 673-0685 oregon.bn.info@osbn.oregon.gov
Occupational Therapy Licensing	occupational therapist, occupational therapy assistant	800 NE Oregon St., Suite 407 Portland, OR 97232	(971) 673-0198 Otlb.info@oregon.gov
Optometry	optometrist	1500 Liberty St. SE Suite 210 Salem, OR 97302	(971) 701-1194 Optometry.board@obo.oregon.gov
Pharmacy	pharmacist, pharmacy technician	800 NE Oregon St., Suite 150 Portland, OR 97232	(971) 673-0001 pharmacy.board@bop.oregon.gov
Physical Therapy	physical therapist, physical therapy assistant	800 NE Oregon St., Ste 407 Portland, OR 97232	(971) 673-0200 physical.therapy@oregon.gov
Psychology	psychologists	3218 Pringle Rd. SE, Suite 130 Salem, OR 97302-6309	(503) 378-4154 psychology.board@mhra.oregon.gov
Licensed Professional Counselors & Therapists	mental health counselor, marriage and family therapist	3218 Pringle Rd. SE, Suite 120 Salem, OR 97302	(503) 378-5499 lpct.board@mhra.oregon.gov

Licensed Social Workers	social worker	3218 Pringle Rd SE, Suite 240 Salem, OR 97302	(503) 378-5735 oregon.blsw@blsw.oregon.gov
Examiners for Speech-Language Pathology & Audiology	speech-language pathologist, speech-language pathology assistant, audiologist	800 NE Oregon St, Suite 407 Portland, OR 97232	(971) 673-0220 speechaud.board@bspa.oregon.gov
Veterinary Medicine Examining	veterinarian, veterinary technician	800 NE Oregon St, Suite 407 Portland, OR 97232	(971) 673-0224 ovmeh.info@oregon.gov
Health Licensing Office	athletic trainer, esthetician, midwife, respiratory therapist	1430 Tandem Ave NE, Suite 180 Salem, OR 97301	(503) 378-8667 hlo.info@dhsosha.state.or.us

# United States Senate

WASHINGTON, DC 20510

February 23, 2023

Dear Attorney General Merrick Garland, Assistant Attorney General Kristen Clark, and Disability Rights Section Chief Rebecca Bond:

I write to encourage the Department of Justice (DOJ) to extend its investigations of offenses under the American Disabilities Act (ADA) to include the practices of state medical license boards. Many of these boards ask physicians about their mental health and substance use or addiction history, beyond what is necessary to fulfill the purpose of screening physicians for current, debilitating cases of mental illness and substance use or abuse. These questions both discourage many applicants and licensed physicians from receiving care that they need, and they violate Title II of the ADA, which forbids public entities from discriminating against qualified individuals on the basis of disabilities, including mental health conditions. I know that you share my goals of protecting health privacy, encouraging a robust medical workforce, promoting mental health care, and enforcing the ADA, and so I write to ask you to prioritize this concern by issuing DOJ guidance and holding state medical boards accountable.

States oversee the qualifications of their physicians as part of the power to protect the health, safety, and welfare of its citizenry, but some of the questions that many state medical boards ask of physicians on their initial licensure exams and renewals are, according to the American Psychiatric Association, the American Medical Association, and the Federation of State Medical Boards, irrelevant to assessing current ability to practice. In fact, several peer-reviewed journal articles estimate that two-thirds of state medical boards violate Title II of the ADA with personal, taxing, and unnecessarily broad questions about doctors' psychiatric history.<sup>1,2,3</sup> The repercussions are not just a matter of law, but they also inform the practices of hospitals, health plans, and malpractice insurance companies, and impact the medical well-being of physicians.

A 2019 study<sup>4</sup> looked at initial medical licensing processes in all states to determine if qualified applicants who report mental illness experience discrimination and to identify the most physician-friendly states for mental health.

The authors ranked Alaska as the worst of all states when it came to invasiveness of mental health questions on initial licensing applications with 25 yes-or-no questions including:

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1 Schroeder, et al., Do State Medical Board Applications Violate the Americans With Disabilities Act?. *Academic Medicine* 84(6):p 776-781, June 2009. | DOI: 10.1097/ACM.0b013e3181a43bb2.

2 Dyrbye et al., Medical Licensure Questions and Physician Reluctance to Seek Care for Mental Health Conditions. *Mayo Clinic Proceedings* 92(10):p 1486-1493, October 1, 2017. | DOI: 10.1016/j.mayocp.2017.06.020.

3 Jones et al., Medical Licensure Questions About Mental Illness and Compliance with the Americans With Disabilities Act. *Journal of the American Academy of Psychiatry and the Law Online* 46(4):p 458-471, December 2018. | DOI: 10.29158/JAAPL.003789-18.

4 Wible, Pamela, and Arianna Palermini, Physician-Friendly States for Mental Health: A Comparison of Medical Licensing Boards. *Qualitative Research in Medicine and Healthcare* 3(3):p 107-119, December 22, 2019. | DOI: 10.4081/qrmh.2019.8649.



“Have you ever been diagnosed with, treated for, or do you currently have: followed by a list of 14 mental health conditions including depression, seasonal affective disorder, and “any condition requiring chronic medical or behavioral treatment.”

The District of Columbia asks two questions, both unrestricted in time and the second “broad and subjective given that one anonymous and unsubstantiated complaint can lead to a physician [Physician Health Program] referral and undermine a doctor’s career”:

“Have you ever entered into a monitoring program for purposes of monitoring your abuse of alcohol, drugs, or other controlled substances?”

“Have you ever entered into a monitoring program for purposes of monitoring your professional behavior including recordkeeping, billing, boundaries, quality of care or any other matter related to the practice of your profession?”

Georgia’s application does not directly ask impairment or mental health questions, but requires three separate peer references to answer whether the physician has or had in the past any mental or physical illnesses or personal problems that interfere with their medical practice. “Personal” problems are open to interpretation and there’s no indication that any assertions contained in these references must be substantiated by evidence.

These kinds of questions go far beyond conditions that could impair qualified individuals and may require comprehensive disclosure of one’s medical and professional history.

Even though physicians face an inordinate amount of stress—their burnout rate is 50%, twice the general working population’s level<sup>5</sup>—many avoid seeking mental health support due in part to these questions. In one survey of women physicians experiencing mental health difficulties, 44% of respondents who did not seek treatment cited licensure questions as a reason why.<sup>6</sup> In another survey of surgeons who experienced suicidal thoughts over the previous year, 60% said the questions would make them more reluctant to seek help.<sup>7</sup> Physicians have had one of the highest suicide rates of any profession, and the pandemic has exacerbated suicide risk factors.<sup>8</sup> Troublingly, there have also been reports of unwanted mental health support or assessments as physicians have reported retaliatory inquiries into physical, mental, or emotional health and referrals to impaired practitioner programs.

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5 Yates et al., Physician Stress and Burnout. *The American Journal of Medicine* 133(2):p 160-164, September 11, 2019. | DOI: 10.1016/j.amjmed.2019.08.034.

6 Gold et al., “I would never want to have a mental health diagnosis on my record”: A survey of female physicians on mental health diagnosis, treatment, and reporting. *General Hospital Psychiatry* 43: p 51-57, November-December 2016. | DOI: 10.1016/j.genhosppsych.2016.09.004.

7 Shanafelt et al., Special Report: Suicidal Ideation Among American Surgeons. *Archives of Surgery* 146(1)p. 54–62, January 17, 2021. | DOI: 10.1001/archsurg.2010.292.

8 Kakarala, Sophie E. and Prigerson, Holly G., Covid-19 and Increased Risk of Physician Suicide: A Call to Detoxify the U.S. Medical System. *Front Psychiatry* 13: February 9, 2022. | DOI: 10.3389/fpsy.2022.791752. PMID: 35222114; PMCID: PMC8864162.

The DOJ oversees professional licensing bodies and has previously intervened when those bodies violated Title II of the ADA. For example, in 2014, the DOJ advised the Vermont Human Rights Commission about the unlawful nature of questions by state law boards about mental health history. Later that year, the DOJ investigated the Louisiana state law board for questions that violated Title II of the ADA. The DOJ also staked out a similar position in the case of state medical boards, writing in a 1993 *amicus curiae* brief before the U.S. District Court for the District of New Jersey that the New Jersey Boards of Medical Examiners' "focus on past diagnoses and treatment of disabilities rather than conduct cannot be deemed justified." Nevertheless, to our knowledge, the DOJ has yet to open an investigation into a state medical board for violating Title II.

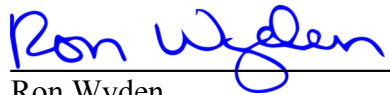
I urge the DOJ to investigate state medical boards' compliance with the ADA. The DOJ should also issue guidance on 28 C.F.R. § 35.130 to clearly state that state medical boards cannot ask inappropriate medical licensing and application questions, especially questions related to mental health history. In the interim, I ask that you provide me with complete answers to the following questions by March 16<sup>th</sup>, 2023:

- Does the DOJ have additional information, beyond the scholarship mentioned above, about the extent and different ways state medical boards may be violating Title II of the ADA? If so, please explain what it has learned.
- Has the DOJ's Civil Rights Division been engaged on this issue during the last several years? If so, please explain what work they are doing.
- Does the DOJ stand behind its 1993 *amicus curiae* brief in *Medical Society of New Jersey v. Jacobs*? If so, can it commit to publishing a version of it in the form of subregulatory guidance?
- How will the DOJ ensure that all state medical boards comply with the law and affected applicants or physicians have recourse?
- Has the DOJ examined similar issues when it comes to residency programs and hospital privileges?

I also ask that you brief my personal office staff members Jenni Katzman and Kevin Wu on these questions.

Thank you for your attention to this important matter.

Sincerely,



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Ron Wyden  
United States Senator



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Jeffrey A. Merkley  
United States Senator

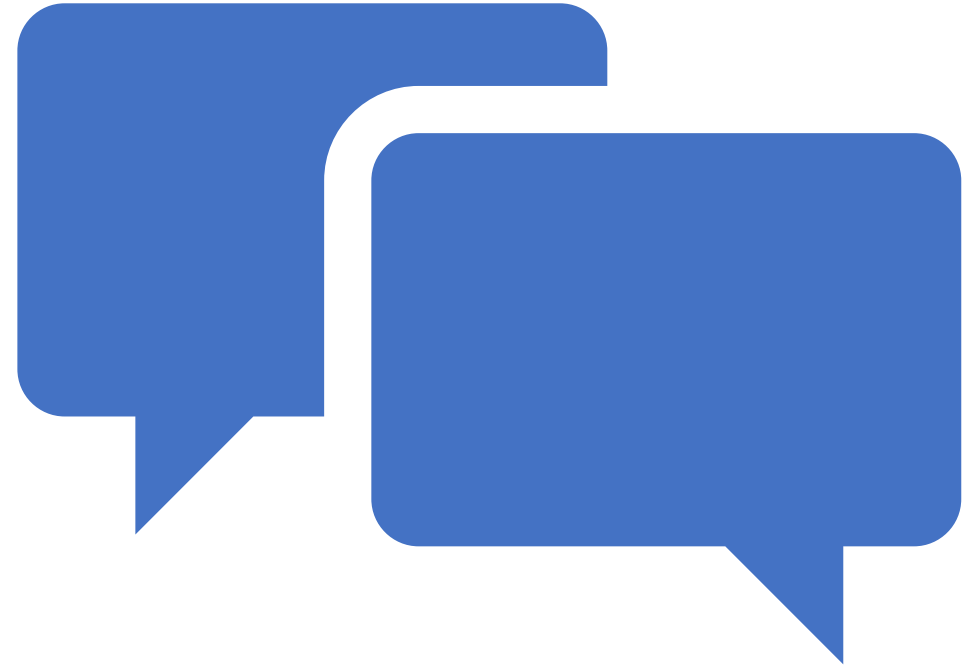


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Cory A. Booker  
United States Senator

# C— Public Comment

Comments pertaining  
to today's agenda  
topics.



# D1 – Delegate Reports



## Highlights:

### PTCC:

- Annual Meeting held Dec 5<sup>th</sup>.
- 37 members; 31 jurisdictions currently issuing. AL anticipated to start mid-2024.
- 2024 Legislative forecast: AK, MN, MI, IL, RI, MA, HI
- Sarah Casey appointed to Education & Outreach Committee.

### FSBPT:

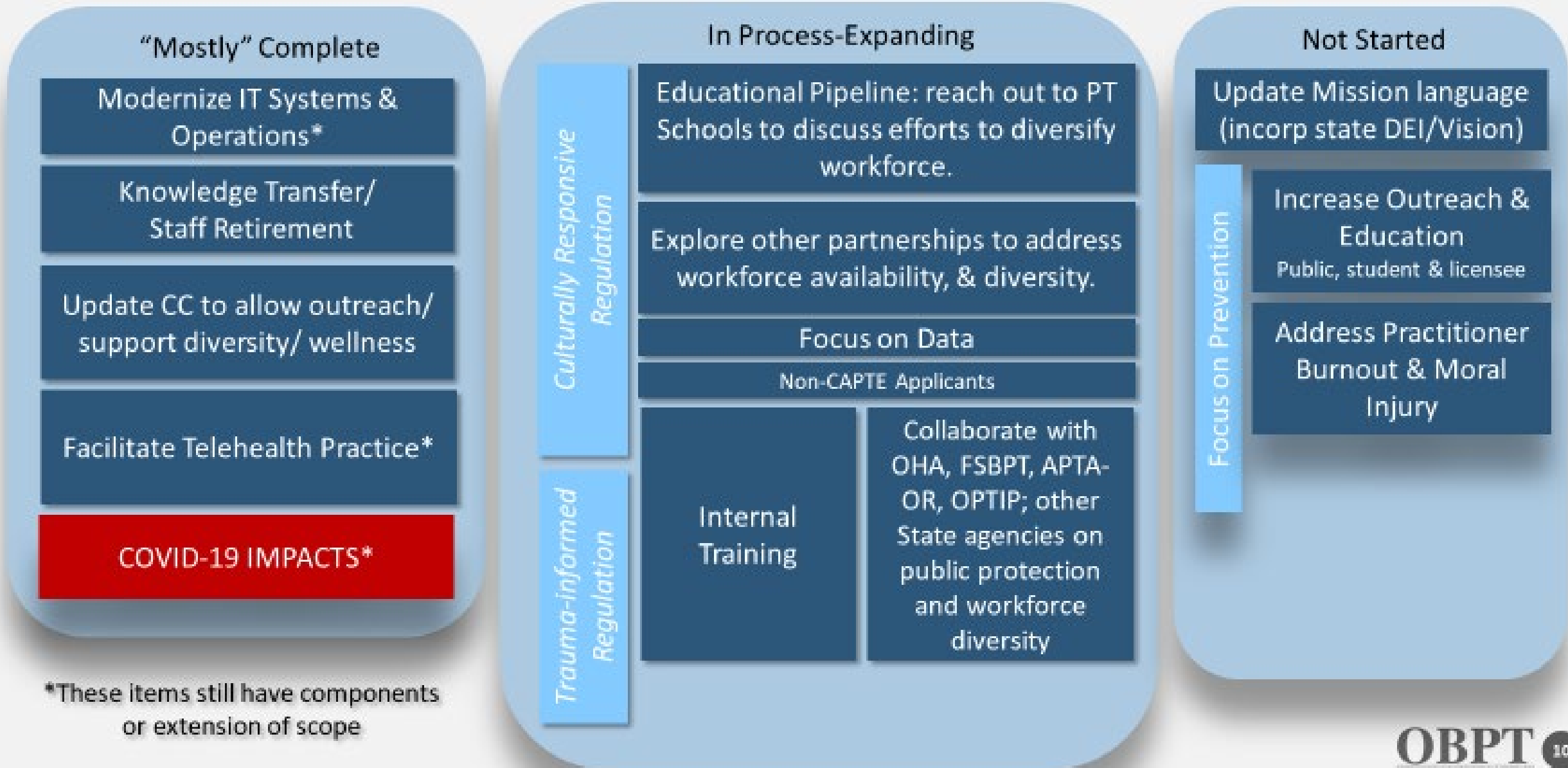
- Sherri Paru appointed Chair of Sexual Misconduct & Boundaries Committee.
- May 16-18: Regulatory Workshop In-Person/Virtual
- Must select Delegate/Alternate Delegate at March meeting

# D2 – Strategic Plan Progress Review

2024 – 2031 Planning



# Identified Strategic Priorities—2018-2023 (Five Years)



\*These items still have components or extension of scope

# D3 – Update from Rule Advisory Committee





# D4 – Roundtable



CLEAR updates



# E1– Discussion 2024 Legislative “Short” Session

February 2024

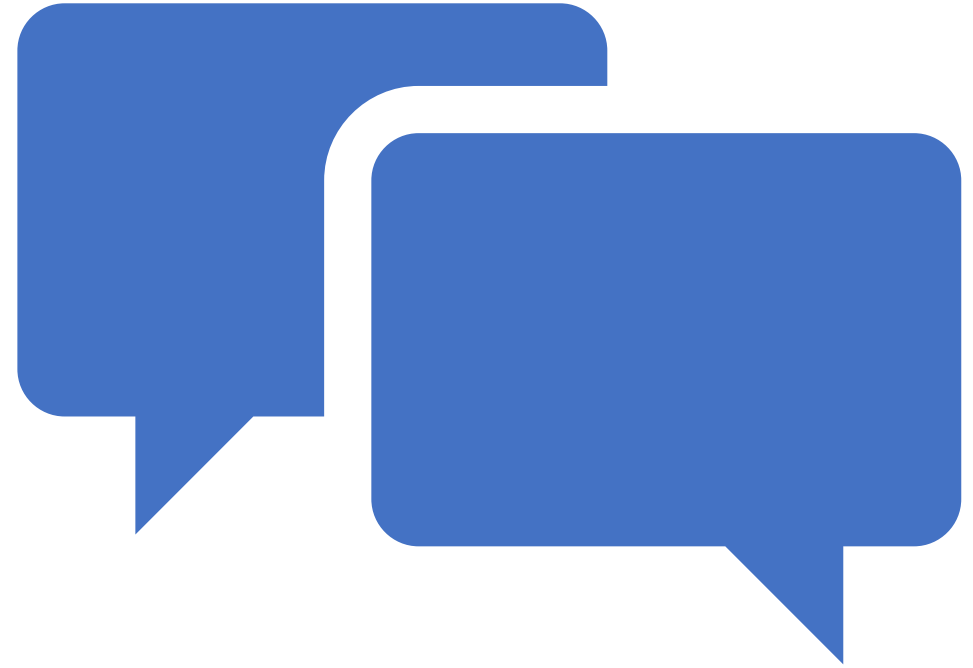
## Current Known Legislative Concepts

- **LC 98** - (Temporary Permits)
- **LC 146** - (OD Reporting to PCP - info cannot be used by licensing board)
- **LC 219** Section 40 - (license pre-qual - review of crim. history)
- **LC 256** – (FBI Rapback)

# E2– Discussion

## 2024 Renewals

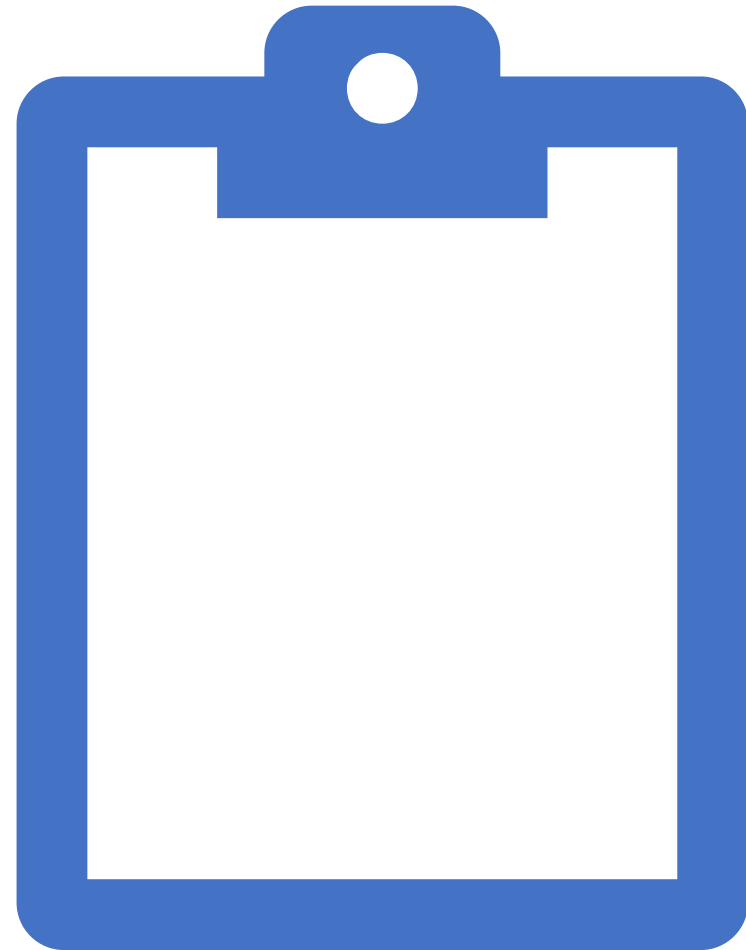
- Soft launch 12/28
- “Go live” next week
- Notification channels
- Two-part screening



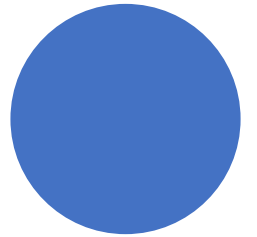
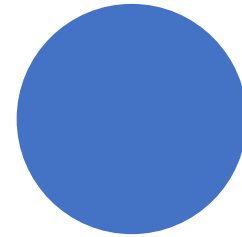
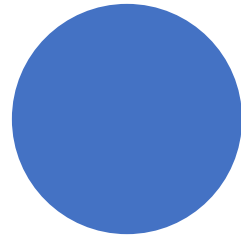
# E3– Discussion

## Oregon Health Authority Workforce Data Survey

- Burnout/Mental Health
- SOGI Demographics (2025)
- Partnership to improve timing of data collection and analysis



# F – Other Business



# II - Adjourn

## Next Board Meetings:

### March 2024

- Executive Session – 3/13 4:00 PM
- Public Meeting – 3/15 8:30 AM

<https://www.oregon.gov/pt/Pages/meetings.aspx>