

**Physical Therapist Licensing Board
Board Meeting
May 17, 2013
MINUTES**

Friday May 17, 2013

Board Members Present: Steve Alstot, PT, Chair; Jason Fiske, PT Vice Chair; Ruggie Canizares, PT Member; Richard Rutt, PT Member; Burke Selbst, PT Member; Jennifer Wood, PTA Member; Carol Sutton, Public Member, Troy Costales, Public Member

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:51 AM, Chair Steve Alstot convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k)(f), this portion of the Meeting is closed to the public.

In Executive Session, the Board reviewed investigatory information regarding current cases and new complaints. The Board also considered legal advisement, from Board Counsel, regarding investigative cases, pending contested case hearings, Administrative Rule making, current legislation and Board policy and administration.

The closed door Executive Session is digitally recorded and stored electronically on the Board's file server.

PUBLIC (OPEN) SESSION

At 11:22 AM, Board Chair Alstot convened the Board into Public Session. During this portion of the meeting the Board considered inquiries from licensees and the public, approved the prior Board Meeting minutes, ratified new licenses, reviewed general correspondence, entertained motions, publicly voted on any actions so moved before the Board and conducted any other Board Public Session business.

The public and interested parties are invited to attend this portion of the meeting. The Public Session was digitally recorded and stored electronically on the Board's file server. Audio copies are available, to the public or interested parties for the administrative cost to reproduce the audio file.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice (OPTIP); Rich Jones, PT, Consonus Rehab, OPTA Liaison.

Board Motions:

Board 2013-2015 Budget

Motion by Troy Costales to adopt the 2013-2015 operating budget effective July 1, 2013.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Approval of Board Meeting Minutes

The drafted minutes, from the March 8, 2013 Regular Board Meeting, the April 2, 2013 Special Board Meeting and May 2, 2013 Emergency Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Board member Costales noted a correction to the April 2, 2013 Special Meeting. Chair Alstot asked for a motion to approve the minutes for the March 8th, April 2nd and May 2nd Board meetings as amended.

Motion by Troy Costales to approved the March 8, 2013 Regular Board Meeting Minutes, the April 2, 2013 Special Board Meeting Minutes as amended and the May 2, 2013 Emergency Board Meeting Minutes.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Ratification of PT/PTA Licenses & Temporary Permits

The Director presented the Board with a list of new licensees and temporary permit holders for the period of March 8, 2013 through May 16, 2013. The Board Chair opened the floor for discussion. Without noted discussion; Chair Alstot asked for a motion to ratify the new licenses.

Motion by Troy Costales to ratify the list of PT and PTA licenses and temporary permits issued by the Board between March 8, 2013 and May 16, 2013.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 474-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter to the Licensee requiring copies of monitoring reports from current program provider and requiring a monthly self report from the licensee through the end of 2013.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 452-9/12

Motion by Troy Costales to issue a Notice of Proposed Disciplinary Action for violations of ORS 688.140(2)(a), ORS 688.140(2)(n), OAR 848-045-0020(2)(n), OAR 848-020-0040(2), OAR 848-020-0030(2) and OAR 848-020-0060(12) with a civil penalty assessment of \$5,000, a requirement to complete a Board approved course on Medicare Regulations and be placed on two years probation.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 462-11/12

Motion by Troy Costales to close case with no action.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 470-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter for violation of OAR 848-045-0020(2)(d) failure to report a misdemeanor conviction within ten days.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 471-3/13

Motion by Troy Costales to close the case granting the applicant licensure upon the completion of the application process.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 472-3/13

Motion by Troy Costales to issue a Confidential Advisory Letter for violation of OAR 848-045-0020(2)(d) failure to report a misdemeanor conviction within ten days.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Case PT 475-5/13

Motion by Troy Costales to release the eligibility for applicant to sit for the PTA examination and upon licensure, issue a Confidential Advisory Letter that requires the Licensee to notify the Board upon completion of the deferred prosecution or within ten days if for any reason the deferred prosecution is not completed.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Board Policy Issues:

Board's Statutory Authority to Require Primary Source Verification of Prior Licensure.

Per Board Counsel, ORS 688.080 gives the Board the authority to validate that a reciprocity (endorsement) applicant for licensure holds a valid unrestricted license from any other state or territory of the United States. In order to do so, the Board has promulgated policy and process that requires that validation be done in writing and generated from a primary source.

Current policy requires staff to receive a minimum of one written primary source verification of a current valid license but then allows staff to accept other verifications online if the online source is designated as a primary online source by the jurisdiction in question.

After discussion the Board instructed the Director to research and bring back to the Board proposed processes and policies that encompass changes to current policy allowing for the unlimited use of online primary source verifications.

Legislative Session Update

The Director provided the Board an updated legislative tracking report. The Director highlighted the PT Association bills that passed both houses and was signed by the Governor. The bills, HB 2684 eliminated the requirement to refer a PT patient back to an approved medical provider after 60 days, allowing for unlimited direct access; and HB 2678 which broadened the exemptions from Oregon PT licensure allowing a PT licensed in another state, traveling with an athletic organization, to treat an athlete of that organization, in Oregon for up to 60 days without obtaining an Oregon PT license. Both bills become effective January 1, 2014. Diana Godwin, AAL, attorney for OPTIP, spoke to the merits of her bill SB 544, which would further define the requirements for disclosure of financial interest in physical therapy services, requiring providers to write an open referral for physical therapy and inform patients they have freedom of choice relative to who delivers those services. Per Ms. Godwin SB 544 is no longer a viable bill but the provisions noted above in SB 544 were rolled up into SB 683 which did pass through the Senate and is now being considered by the House.

General Topics/Business

Citizen's Advocacy Center (CAC) Meeting – The Director reported that the cost to contract the CAC to complete the independent compliance review and audit was nearly \$30,000. After consulting with the FSBPT the Federation and the OR Director determined the probable outcome was not worth the costs.

Upcoming Audits - The Director reported that in the month of June or July the Board would have an Information Systems Security Risk Assessment as recommended by the Legislative Fiscal Office in its Semi-Independent Consolidated Report to the Governor

and the Legislature and performed by the DAS Enterprise Security Office. The Board is also scheduled to have its legislatively mandated outside financial review completed through the Secretary of State office the week of July 8th. Additionally, all health boards are subject to a separate Secretary of State Office compliance audit as requested by the 2013 Legislature, and lastly, the Board is still pending a legislatively mandated Peer Review and Compliance Audit prior to the end of the 2013-2014 fiscal yearend.

Selection of Delegates to the 2013 FSBPT Annual Meeting – The Board selected Board Chair Alstot as the delegate, Board PT Member Rutt as the primary alternate and Board PTA Member Wood as the secondary alternate. The Director reported that all the delegates and the Administrator for the Council of Board Administrator have been successfully credentialed with the FSBPT.

FSBPT Jurisdictional Board Member Training – Board PT member Canizares is registered to attend the program June 6-9.

2013 Board Meeting Dates

As established by the Board, the remaining 2013 Board Meeting dates are as follows: July 19th; September 20th and November 15th. Member Costales suggested that the Board consider holding one of its 2013 remaining meetings remotely in another part of the State, preferably in either central or eastern Oregon. The Board asked staff to review options and bring a report back to the July meeting. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Report from the Rules Advisory Committee Meeting

The Director provided the Board with a copy of the Advisory Committee's May 14, 2013 agenda and the summary of the Advisory Committee's findings and rationale for proposed additions, deletions and amendments to the existing Division 35 Continuing Education Rules. The Board accepted the Committee's report and took the proposed changes under advisement. The Director informed the Board that the Committee was scheduled to finish its discussion topics at its May 29, 2013 meeting and the Director would provide the Committee's report of findings and rationale at the Board's July 19, 2013 meeting.

Board Member Reports/Other New Business

Chair Alstot asked for any other business, hearing none, Board member Costales moved to adjourn the meeting.

Seconded by Jennifer Wood.

Motion passed unanimously by a vote of 8-0.

Board Chair Alstot adjourned the meeting at 1:32 PM.