

**Physical Therapist Licensing Board
Board Meeting
August 10, 2012**

MINUTES

Friday, August 10, 2012

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

Board Members Absent: Richard Rutt, PT Member; Troy Costales, Public Member.

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

Legal Counsel: Carol Parks, AAG

At 8:32 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 12:30 PM, 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.

Board Motions

Case PT 435-4/12

Motion by Burke Selbst to issue a Final Order Revocation of License, citing documentation in Licensee's file and the prior Notice of Proposed Disciplinary Action.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 430-4/12

Motion by Burke Selbst to close case citing no violation.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 443-7/12

Motion by Burke Selbst to issue a Stipulated Agreement and Final Order allowing Licensee to voluntarily surrender PT license due to a medical condition.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 439-6/12

Motion by Burke Selbst to issue a Confidential Advisory Letter citing failure to disclose arrest on application.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 440-6/12

Motion by Burke Selbst to close case citing no violation.

Seconded by Jennifer Wood.

Motion passed by vote 5-1; Board member Canizares voted nay; Board members Costales and Rutt were absent from the vote.

Case PT 442-7/12

Motion by Burke Selbst to issue a Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(a) and OAR 848-010-0026(3), assessing a civil penalty of \$500 with one year of probation and reserving the Boards rights to assess the costs of the investigation.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 353-6/10

Motion by Burke Selbst to accept Stipulated Agreement and Final Order as signed and submitted by the Licensee.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Case PT 444-8/12

Motion by Burke Selbst to issue a Confidential Advisory Letter citing failure to properly supervise student therapists.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board Policy Issues

- Licensee's disclosure of arrest/convictions within 10 days - New legislation requires a Licensee report the arrest for a felony or the conviction of a misdemeanor or a felony to the Board within 10 days of the event. The Board's Clinical Advisor Investigator asked the

Board two questions; does the Board want to review every one of the reported incidences or give the staff authority to determine whether to bring to the Board or not. Also, if reported within the ten days, should the Licensee still be required to report the incidence at the time of renewal? After consideration and discussion the Board determined, that for now, it does want all incidences brought to the Boards attention, and yes the Licensee will still have to disclose the incident at the time of renewal.

- Foreign Educated Therapists Supervised Clinical Practice – The Board does not currently have the statutory authority to require foreign educated therapists to complete a supervised clinical practice (SCP), the Board asked its Director to contact the OPTA to see if they would support a change in the Statute giving the Board the authority to require a SCP for foreign educated therapist and if so, would they allow the Board to partner with them when they open the statute for the 2013 session.
- Inactive Licensure Status – The Board does not currently have the statutory authority to issue an inactive license. An inactive license would allow licensees who want to retire or not work to maintain a license and continue to use the title PT but not allow them to treat patients. The Board asked its Director to contact the OPTA to see if they would support a change in the Statute giving the Board the authority to issue an inactive license, and if so, would they allow the Board to partner with them when they open the statute for the 2013 session.
- Board Policy Regarding Disclosure of Public Records on Board Website – Currently, Board policy requires the posting of all final orders and the public documents leading up to the final order be posted on the Board website. The current written policy stated otherwise and needs to be updated to reflect that policy change which occurred over a year ago. In addition to posting of the final orders, moving forward, the policy will also include the posting of Interim Stipulated Agreements and Board Emergency Suspension Orders.

General Topics/Business

- Letter from Office of Oregon Health Policy and Research – At its last meeting, the Board requested a follow-up letter from OHPR stating their position relative to the large number of licensees, for whatever reason, did not register as completing the required OHPR demographics survey prior to the renewal of their license. The letter explained the problems with the survey and the antidote moving forward to make certain similar problems will not happen with future surveys during further renewal cycles.
- Clinical Advisor presentation at FSBPT and CLEAR conferences – The Board’s Clinical Advisor/Investigator informed the Board that she’d been asked to co-present at both the FSBPT and the CLEAR annual conferences. The topic of her session will be social media and how it is used from the Board perspective in investigations; and, some of the best practices, cautions and pitfalls that face users of social media in a professional setting.
- Questions regarding sending of secure emails to the Board – Board member Costales raised concerns over the sending of confidential and sensitive communications over the email system asking staff if there wasn’t some way to secure the Board/Staff’s email communications. After discussion the Board instructed its Director to research different means to secure the Board/Staff emails and bring the information back to the Board.
- Written Verifications of Licensure – At its last meeting the Board instructed staff to devise a way to secure primary source verification documents, particularly written verification of licensure sent to other Boards. In response, Board staff developed a seal/label that is affixed to the back of envelope flap that states; “This envelope is not to be opened by anyone other than the licensing authority. If this envelope is opened by anyone other than the licensing authority, the contents should not be consider a consider primary source documents.”

2012 Fiscal Year End Financial Report

The Director presented the Board with the June 30, 2012 Fiscal Year End Financial Report with narrative. After review and discussion, the Board approved the financial report as written. Per Statute, the Financial Report and narrative are presented annually to the Department of Administrative Services for review and posted for public viewing on the Board's website at www.ptboard.state.or.us. Based on the financials, the Board asked staff to place an item on the public meeting agenda for October to discuss the Board's reserve account.

2012 Board Meeting Dates

As established by the Board, the future Board Meeting dates are as follows: October 26, 2012. The October 26, 2012 meeting is scheduled to be held at Lane Community College in Eugene, OR. The Board Clinical Advisor/Investigator will check with hotels in the Eugene area to see if she can get a block of rooms reserved at state rates. Also at the October meeting, the Board will set its meetings calendar for 2013. The first meeting date for 2013 has been tentatively set for January 11th. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

The Board reviewed the current Statute relative to Board meeting unexcused absences. The Statute states that absences need to be approved by the Governor's offices and if a member misses two consecutive meetings unexcused they will automatically be removed from the Board.

Approval of Board Meeting Minutes

The drafted minutes, from the June 1, 2012 regular Board Meeting were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Hearing none, Burke Selbst moved to accept the meeting minutes as submitted.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

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 June 1, 2012 through August 9, 2012. The Board Chair opened the floor for discussion. Without noted discussion Burke Selbst moved to ratify the list of licensees and temporary permit holders.

Seconded by Jennifer Wood.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board 2013-2015 Affirmation Action Plan (AAP)

The Director presented a draft of the 2013-2015 Board AAP. The plan is due by September 4, 2012. Clinical Advisor/Investigator Paru suggested that the use of the initials "AA" in the plan be spelled out "Affirmative Action" as not to confuse the term with the common use of the initials "AA" meaning alcoholics anonymous. After review and discussion, Chair Alstot move to adopt the AAP as amended.

Seconded by Burke Selbst.

Motion passed by vote 6-0; Board members Costales and Rutt were absent from the vote.

Board Member Reports/Other New Business

- Physical Therapist volunteering at athletic events - PT Member Canizares asked the Board for their insight relative to a physical therapist volunteering at athletic events. Canizares volunteers for a high school football team assisting the Athletic Trainer. Per Canizares'

conversation with the Board's Clinical Advisor Paru, if a therapist holds themselves out as a physical therapist they would be required to complete the appropriate protocols and documentation as required by Statute and Rule. If a therapist is acting purely as an assistant to the AT, following the AT's directives and instructions, providing prophylactic care, i.e. taping, then the therapist is working under the trainer's certification and AT's rules. Even in this situation however, once the therapist crosses the line and evaluates or treats, the athlete now becomes a patient and the therapist would be required to follow protocol. The Board did agree the rules are somewhat vague and/or unclear in this area and instructed staff to add this scenario to the discussion forum at the next administrative rules committee meeting.

- Board member update from the Olympic Trials – PT Member Selbst served as a physical therapist professional volunteer at the 2012 Tract and Field Olympic Trials in Eugene OR. Selbst reported that the environment was very challenging allowing for only high level PT work because the athletes were in and out in five minute intervals, also reported that most of the athletes were traveling with their own trainers and therapists.
- Questions relative to the 2012 Continuing Education Audit – Most frequently asked questions are; if I've already completed the Pain Management requirement, do I need to complete it again? The answer is no, it is a onetime requirement and that was indicated in the audit letter. And secondly, now that the Board allows for CE credit serving as a clinical instructor, what is it I have to provide to show that I am certified to be a CI? The current answer is that the Board is only aware of one CI certification program which is offered by the APTA, and determined they would review other programs on a case by case basis. The Board also determined that this issue would be discussed in greater detail at a future Board meeting.
- Lastly, Board Director reported that former PTA Board Member Nancy Wilson had sent him a note stating that she was retired from practice.

Chair Alstot asked if there was any other new business. Hearing none Chair Alstot adjourned the meeting at 2:22 PM.