

**Physical Therapist Licensing Board
Board Meeting
August 15, 2014
MINUTES**

Friday August 15, 2014

Board Members Present Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Burke Selbst, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Wood, PTA Member; Troy Costales, Public Member; Carol Sutton, Public Member

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

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:59 AM, Chair Rutt 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 1:07 PM, Board Chair Rutt 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: Rich Jones, PT APTA Liaison to the PT Board.

Board Motions:

Case PT 515-4/14

Motion by Troy Costales to issue Stipulated Agreement and Final Order with terms as stated in the Notice of Proposed Disciplinary Action dated July 1, 2014.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 523-5/14

Motion by Troy Costales to issue a Confidential Advisory Letter for failure to the complete continuing competency requirement within the certification period.

Seconded by Ruggie Canizares.

Motion passed by a vote of 7-0, PT Member McAvoy abstained.

Case PT 527-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter requiring Licensee to submit monthly recovery status reports to the Board for a period of one year.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 528-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter for failure to report a prior conviction on initial application for licensure.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 529-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 530-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 531-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 532-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 533-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 534-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$450.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 535-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 536-7/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order to accept voluntary surrender of license in lieu of Board Action for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10).

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Cases PT 537-7/14 and PT 504-3/14

Motion by Troy Costales to issue a Stipulated Agreement and Final Order for failure to complete the continuing competency requirement within the certification period, a violation of ORS 688.140(2)(c), ORS 688.140(2)(a) and OAR 848-035-0020(10). Assess a civil penalty of \$350.00 and require Licensee to complete the CC within 60 days of the Agreement. Also issue a Notice of Proposed Disciplinary Action for failure to follow the terms and conditions of a Board Confidential Advisory Letter a violation of OAR 848-045-0020(2)(u)(F) and assess a civil penalty of \$500.00.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 473-3/13

Motion by Troy Costales to close the case no action taken.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 539-7/14

Motion by Troy Costales to issue a Confidential Advisory Letter for concern of possible HIPAA violations.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Case PT 541-8/14

Motion by Troy Costales to close the case no action taken.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Patient Safety Commission New Mediation Program

New legislation enabled the Oregon Patient Safety Commission (PSC) to introduce a new Early Discussion and Resolution program. The program is designed to facilitate the settlement of claims of patient injury through a mediation process. The process is totally confidential and cases are not reported to the regulatory health boards or to the National Practitioner Data Bank. Further the PSC is not a mandatory reporter for child and elder abuse. Concerned by possible public safety issues and ramifications of the new program, the Board Director has asked its legal counsel to look further into the legislation and reporting requirements. The Board will further discuss this topic at its October meeting.

Board Policy Issues

The Director reviewed existing policies and provided the Board with three policies that were out of date and needed amendments:

- Foreign credentialing agencies
- Law enforcement data checks (LEDS)
- Returned checks

After review and discussion Troy Costales move to ratify the policies as amended.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

Board policies are a matter of public record. Anyone wishing to see copies of any of the Board policies can do so by contacting the Board Executive Director at 971.673.0200 or by emailing the Board office at physical.therapy@state.or.us .

Since the Board has a new Chair and Vice Chair and two new Board members the Director thought it would be a good time to reaffirm the Board's Delegation of Authority Letter. The only change to the Letter was the update of terminology from Continuing Education to Continuing Competency.

After review and discussion Troy Costales move to reaffirm the Delegation of Authority Letter as amended.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

The Delegation of Authority Letter is a matter of public record. Anyone wishing to see a copy of the Letter may do so by contacting the Board Executive Director at 971.673.0200 or by emailing the Board office at physical.therapy@state.or.us .

The Board did instruct the Director to amend the Delegation of Authority Letter for the October meeting. The Board wants to delegate the authority for Staff to issue a Notice of Satisfaction of Probation upon a Licensee's successful completion of a probationary period.

General Topics/Business

Fiscal year-end 2014 Financial Report – The Director provided the Board with copies of the 2012-2014 fiscal year-end financial report with the narrative for variances over \$1,000.

After review and discussion Troy Costales move to accept the 2014 fiscal year-end financial report as submitted.
Seconded by Ruggie Canizares.
Motion passed unanimously by a vote of 8-0.

A copy of the 2014 fiscal year-end financial report is posted on the Board's website at www.ptboard.state.or.us or can be obtained by contacting the Board office at 971.673.0200.

PT Board 2015-2017 Affirmative Action Plan – The Director presented a draft of the 2015-2017 Board Affirmative Action Plan (AAP). The plan is due by August 29, 2014.

After review and discussion Troy Costales move to accept the 2015-2017 Board AAP as submitted.
Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

A copy of the Board's 2015-2017 AAP will be posted on the Board's website at www.ptboard.state.or.us once it has been approved by the Governor's Office of Diversity and Inclusion.

Future Board Meeting Dates:

As established by the Board, the remaining 2014 Board Meeting dates are as follows; Friday October 24th. The tentative Board meeting dates for 2015 are all on Fridays; January 9th, March 20th, May 29th, August 7th, October 9th and December 11th. The May meeting is scheduled to be held in Bend, OR and the October meeting is scheduled to be held at Mt. Hood Community College in Gresham, OR. Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

Approval of Board Meeting Minutes

The drafted minutes, from the June 20, 2014 Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted, Chair Rutt asked for a motion to approve the meeting minutes as written.

Public Member Troy Costales moved to approve the Minutes from the June 20, 2014 Board Meeting as written.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Ratification of PT/PTA Licenses & Temporary Permits

Board Chair Rutt presented the Board with a list of new licensees and temporary permit holders for the period of June 20, 2014 through August 14, 2014. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Public Member Troy Costales moved to ratify the list of new licensees and temporary permit holders.

Seconded by Ruggie Canizares.

Motion passed unanimously by a vote of 8-0.

Possible New Complaint

Sherri Paru, PT Board Investigator asked the Board to review a possible complaint of practice of physical therapy without a license. The case was referred to the Board based on an individual referring to themselves as a "Posture Alignment Therapist". PT Board member Selbst said that he was familiar with the practice and stated it really was not related to the practice of physical therapy. The Board advised staff not to move forward with an investigation.

Board Member Reports/Other New Business:

Chair Rutt asked for any other new business.

Director Heider submitted the following information:

Director Heider announced the dates for the 2015 Federation of State Boards of Physical Therapy new board member training. To be held in Alexandria, Virginia June 12-14, 2015. New board members are encouraged to attend, however the Federation is opening the orientation up to all board members whether new or experienced. Feedback from the program has been extremely positive. The program, all travel, hotel and meals are funded by the Federation. The Director asked all Board members to check their calendars and to get back to him if anyone is interested in attending.

Based on a recent article in Oregonlive.com regarding the Dentistry Boards change in policy related to the publishing of disciplinary actions taken by the Dentistry Board on its website, Director Heider reviewed the PT Board current policy on posting of public records on its website. After discussion and consideration the Board determined that it would continue with its current policy of posting all public records relating to a disciplinary action on its website, Licensee Look Up Screen.

The Director discussed the upcoming summer edition of the Newsletter and mentioned that he was going to publish another article regarding the Federation of State Boards of Physical Therapy's application called aPTitude. A free web based application that will allow a therapist to track continuing competency requirements, due dates, renewal dates, etc. for any license they may hold in any and all states.

Chair Rutt again asked for other new business. With none noted Chair Rutt adjourned the meeting at 2:32 PM.