

**Physical Therapist Licensing Board
Board Meeting
August 21, 2015
MINUTES**

Friday, August 21, 2015

Board Members Present: Richard Rutt, PT, Chair; Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Aubree Benson, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member

Board Members Absent: Troy Costales, Public Member

Staff: James Heider, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Rick Sullivan, PTA, Licensing Coordinator

Legal Counsel: Carol Parks, AAG

EXECUTIVE (CLOSED) SESSION

At 8:39 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, and Board policy and administration.

At 11:01 PM Chair Rutt adjourned Executive Session.

Minutes from the closed door Executive Session are maintained in paper format and not subject to public disclosure as cited above.

PUBLIC (OPEN) SESSION

At 11:30 AM, 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 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. Upon the approval of the Board, written minutes are published and available on the Board website.

Guests: Diana Godwin, AAL, Attorney for Oregon Physical Therapists in Independent Practice, Nancy Schuberg, Licensing Specialist, Occupational Therapy Board.

Ipad Training

The first hour of Public Session was spent training on the new Board Ipads. Michelle Sigmund-Gains, Director of the Mortuary and Cemetery Board conducted the basic training.

Proposed Rules Hearings Discussion/Adoption

The Board considered the testimony regarding the adoption of the new telehealth rules. Following the discussion, Jennifer Julkowski moved to adopt the proposed rule as amended. The motion was seconded by Carol Sutton. The motion passed by a vote of 7-0. Board member Costales was absent from the vote. The Board instructed the Director to file the permanent rule with the Secretary of State's office looking at an effective date of September 1, 2015.

The Board considered the testimony regarding change in the renewal cycle from annual renewal to a two year renewal cycle. Following the discussion, Jennifer Julkowski moved to adopt the rule changes as submitted. The motion was seconded by Carol Sutton. The motion passed by a vote of 7-0. Board member Costales was absent from the vote. The Board instructed the Director to file the permanent rule with the Secretary of State's office looking at an effective date of January 1, 2016.

Board Motions

Case PT 567-7/15

Motion by Jennifer Julkowski to reinstate lapsed license.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 566-7/15

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order citing violations of ORS 688.142(2)(a)(c) and OAR 848-035-0020(7). Assess a civil penalty of \$450 and require Licensee to take and pass the Board's jurisprudence examination.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 568-7/15

Motion by Jennifer Julkowski to grant a sixty (60) day extension of the Temporary Permit.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 560-3/15

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order imposing a license suspension for a minimum of two (2) years.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 498-1/14

Motion by Jennifer Julkowski to close the case no action taken.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Case PT 516-4/14

Motion by Jennifer Julkowski to issue a Stipulated Agreement and Final Order placing Licensee on probation during the pendency of the California stipulation and requiring Licensee to meet all the terms and conditions of the California probation. Failure to do so would constitute a violation of Oregon law.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Board Policy Issues/Review

- The Board discussed two proposed policy issues; will Oregon allow for appeals to the FSBPT new NPTE lifetime limit and low score eligibility requirements? And, if the Board does not allow for appeal, will Oregon accept an endorsement application from an applicant who has received a license through their home state's appeal process? After discussion the Board determined that these issues should be considered as more than policy issues. That, if the Board were to consider setting requirements, it should be done through rule making. Uncertain as to what position the Board should take, the Board instructed staff that it would like the input of a rules advisory group concerning the issues prior to rule making.

General Topics/Business

- The Director reported that he met with the Chair of the Oregon Physical Therapy Association's Government Affairs Committee and their Lobbyist regarding the PT Compact Model recently published by the Federation of State Boards of Physical Therapy. The discussion focused on the partnering of the OPTA and the OPTLB in moving Compact legislation forward during the 2016 legislative session. The Board supported the action.
- The Director welcomed new Board member Phil Haworth, PT. Mr. Haworth is the Manager of Outpatient Rehabilitation for Salem Health. Mr. Haworth's appointment to the Board commenced on May 22, 2015 and his term will extend through April 30, 2019.

Approval of Board Meeting Minutes

The drafted minutes, from the May 29, 2015 Regular Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. Member Jennifer Julkowski noted two changes in the Regular Board Meeting minutes. Chair Rutt asked if there was a motion to approve the minutes as amended.

Member Jennifer Julkowski moved to approve the Minutes as amended.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

The drafted minutes, from the June 25, 2015 Special Board Meeting were presented to the Board. Board Chair Rutt opened the floor for additional discussion and comments. With none noted, Chair Rutt asked if there was a motion to approve the minutes as presented.

Member Jennifer Julkowski moved to approve the Minutes as presented.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales was absent from the vote.

Future Board Meeting Dates:

The remaining Board meeting dates for 2015 are all on Fridays; October 9th and December 4th. The October meeting is scheduled to be held at Mt. Hood Community College in Gresham, OR.

The Board set its tentative meeting dates for 2016. The dates are as follows: Monday, February 29th; Friday, May 6th; Friday, July 15th; Friday, October 7th and Friday, December 6th.

Meeting Dates, Meeting Notices, and published Minutes may be found on the Board website at www.ptboard.state.or.us.

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 May 28, 2015 through August 20, 2015. Chair Rutt opened the floor for discussion. With none noted, Chair Rutt asked for a motion to ratify the new licensees and permit holders.

Member Jennifer Julkowski moved to ratify the list of new licensees and temporary permit holders as presented.

Seconded by Carol Sutton.

Motion passed by a vote of 7-0. Board member Costales absent from the vote.

Board Member Reports/Other New Business:

Chair Rutt asked for other new business.

- Vice Chair Canizares reported on various topics covered at the Federation's Leadership Issues Forum held July 31st – Aug 2nd in Alexandria VA. Topics discussed included: the new PT Compact; the FSBPT Dry Needling resource paper identifying post graduate education that would be required by PT's to promote the safe and effective practice of dry needling; further information regarding the definition of "action supervision" as established by the Supreme Court in the case of the FTC versus the NC Dental Board; the importance of full participation of all jurisdictions in the Exam Licensure Data Base, noting Oregon is fully participating and jurisdictions setting standards for practice, policies and procedures for the National Exam appeals process.
- The Director reported the results of the second quarter 2015 Application Satisfaction Survey. First quarter reported a satisfaction rating of 92% second quarter reported a satisfaction rating of 96%. Given the increase in volume, the Director congratulated Rick Sullivan, PTA Licensing Coordinator for continued excellence in maintaining a high level of satisfaction.

- Member Julkowski reported that the APTA House of Delegates passed the option for Chapters to allow for PTAs to have a full vote at business meetings of the association and that Oregon is one of the Chapters that will be voting on allowing a PTA a full vote.

Chair Rutt asked for any other new business. With none noted, Chair Rutt adjourned the meeting at 2:37 PM.