

**Physical Therapist Licensing Board  
Board Meeting  
October 9, 2015  
MINUTES**

**Friday, October 9, 2015**

**Board Members Present:** Ruggie Canizares, PT, Vice Chair; Phil Haworth, PT Member; Alan McAvoy, PT Member; Jennifer Julkowski, PTA Member; Carol Sutton, Public Member, Troy Costales, Public Member

**Board Members Absent:** Richard Rutt, PT, Chair (attended a portion of the meeting via teleconference); Aubree Benson, PT 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 9:35 AM Vice Chair Canizares 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.

At 12:28 PM Vice Chair Canizares adjourned Executive Session.

**PUBLIC (OPEN) SESSION**

At 1:02 PM, Board Vice Chair Canizares convened the Board into Public Session. During this portion of the meeting the Board considered inquiries from licensees and the public, approved 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 public session minutes are published and available on the Board website.

Vice Chair Canizares thanked Debbie VanDover, PT, PTA Program Director at Mt. Hood Community College, for inviting the Board to meet at the College.

**Guests:** Ricci Susick, PT, OPTA PT Board Liaison; Debbie VanDover, PT, PTA Program Director Mt. Hood Community College and the PTA students from Mt. Hood Community College.

### **DRE Presentation**

The Board invited Drug Recognition Expert, Sergeant Evan Sether of the Oregon State Police to present on the topic of drugs and the identification of different types of drug impairments. The presentation is intended to aid therapists in recognizing possible impairment in patients and co-workers.

### **Board Motions**

#### **Case PT 572-4/15**

Motion by Troy Costales to issue Confidential Advisory Letter citing Board concerns over possible HIPAA violations and patient confidentiality, and the Board orders Licensee, at their own cost, to complete a Board approved HIPAA course within 60 days of receipt of the Letter.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

#### **Case PT 558-2/15**

Motion by Troy Costales to issue Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(a), ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B) and OAR 848-045-0020(2)(p). The Board will impose a civil penalty of \$5,000, probation of one year and, at Licensee's own cost, require Licensee to complete Board approved ethics and Medicare courses within 60 days of the Notice.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

#### **Case PT 505-3/14**

Motion by Troy Costales to issue Confidential Advisory Letter citing Board concerns over possible HIPAA violations and patient confidentiality, and the Board orders Licensee, at their own cost, to complete a Board approved HIPAA course within 60 days of receipt of the Letter.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

#### **Case PT 571-8/15**

Motion by Troy Costales to issue Notice of Proposed Disciplinary Action citing violations of ORS 688.140(2)(n), OAR 848-045-0020(2)(o)(B), OAR 848-045-0020(2)(n), OAR 848-045-0020(2)(p), ORS 688.140(2)(t) and OAR 848-040-0105(6). The Board will impose a civil penalty of \$3,000, probation of one year and, at Licensee's own cost, require Licensee to complete Board approved ethics and Medicare courses within 60 days of the Notice and the Board's jurisprudence examination within 30 days of the Notice. The Board will also issue a Confidential Advisory Letter requiring the Licensee to complete a Board approved HIPAA course at Licensee's own cost.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

### **Case PT 560-3/15**

Motion by Troy Costales to ratify the Stipulated Agreement and Final Order dated September 30, 2015.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

### **FSBPT Jurisprudence Assessment Module (JAM) for 2016**

Director Heider presented several of the Federations' pricing models available to fund the development, delivery and implementation of an Oregon specific on-line jurisprudence assessment module. The pricing model recommended by the Director would provide Board subsidy for development of the JAM at \$45,000, thus lowering the fee to applicants when they access the module on-line. The \$45,000 is not part of the current biennium budget and would require the Board's approval to make payment and move forward with the project.

Motion by Troy Costales to approve a \$45,000 expenditure and amendment to the current 2015-2017 budget to subsidy the development of the JAM.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

### **Board Policy Issues/Review**

- Reaffirm Board Delegation of Authority Letter

Motion by Troy Costales to adopt the amended Delegation of Authority Letter dated October 9, 2015.

Seconded by Carol Sutton

Motion passed by a vote of 6-0. Members Rutt and Benson were not present for the vote.

### **General Topics/Business**

- Partnering with the Oregon Physical Therapy Association (OPTA) to Sponsor Licensure Compact Legislation - The Board discussed the proposed PT Compact Legislative Language. The Board determined it would support and move the Compact forward by partnering with the OPTA. The Director indicated that the first step would be for a representative from the Federation, the Board and the OPTA to appear before both the Senate and the House healthcare committees during Legislative Days in November 2015.
- Two Year renewal Cycle Update – The Board is on target with plans to move to a two year renewal cycle. The administrative rule amendments updating the language and the fee schedules have been filed for permanent rule making with the Secretary of State to take effect January 1, 2016. The database updates and online renewal processing changes have been identified and are on target for implementation.
- Telehealth Rules Update – On September 1, 2015 the Board filed its permanent rules setting the general standards and guidelines for the practice of telehealth by physical therapists and physical therapist assistants.

- The Director reported that the Federation of State Boards of Physical Therapy's (FSBPT) Annual Delegate's Assembly will be held October 15<sup>th</sup> through the 17<sup>th</sup> in Orlando Florida. Representing the Board as delegate and alternate delegate are Vice Chair Canizares and PTA member Julkowski. The Director will also attend the meeting and the FSBPT has invited the Board's Public Member Costales and the Board's Clinical Advisor/Investigator Paru to present an educational program. The travel, housing and meals for the Oregon Delegates, the Administrator and the Presenters will all be paid for by Federation.

### **Approval of Board Meeting Minutes**

The drafted minutes, from the August 21, 2015 Administrative Rules Hearing and the August 21, 2015 Regular Board Meeting were presented to the Board. Board Vice Chair Canizares opened the floor for additional discussion and comments. Hearing none Vice Chair Canizares asked if there was a motion to approve the minutes as written.

Member Troy Costales moved to approve the Minutes as written.

Seconded by Carol Sutton.

Motion passed by a vote of 6-0. Board members Rutt and Benson were absent from the vote.

### **Future Board Meeting Dates:**

The remaining Board meeting date for 2015 was changed from Friday, December 4<sup>th</sup> to Friday, December 18<sup>th</sup>. The Board dates for 2016 are as follows: Monday, February 29<sup>th</sup>; Friday, May 6<sup>th</sup>; Friday, July 22<sup>th</sup>; Friday, October 7<sup>th</sup> hosted by George Fox University and Friday, December 6<sup>th</sup>.

Meeting Notices, Dates, Locations and published Minutes may be found on the Board website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

### **Ratification of PT/PTA Licenses & Temporary Permits**

Vice Chair Canizares presented the Board with a list of new licensees and temporary permit holders for the period of August 21, 2015 through October 8, 2015. Vice Chair Canizares opened the floor for discussion. With none noted, Vice Chair Canizares asked for a motion to ratify the new licensees and permit holders.

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

Seconded by Carol Sutton.

Motion passed by a vote of 6-0. Board members Rutt and Benson were absent from the vote.

### **Board Member Reports/Other New Business:**

Vice Chair Canizares asked for other new business. With none noted, Vice Chair Canizares adjourned the meeting at 3:59 PM.