

**Physical Therapist Licensing Board  
Board Meeting  
January 20, 2012**

**MINUTES**

**Friday, January 20, 2012**

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

**Board Members Absent:** Troy Costales, Public Member.

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

**Legal Counsel:** Carol Parks, AAG

At 9:00 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 1:00 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**

### **Administrative Rules**

Motion by Burke Selbst, to adopt the amended administrative rules as presented by the Administrative Rules Advisory Committee and held for public hearing on January 20th, 2012. With an effective date for the amended rules of March 1, 2012.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 387-4/11**

Motion by Burke Selbst, to issue a Final Order adopting the proposed order issued by Administrative Law Judge Monica Whitacker.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 410-9/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 419-11/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 388-4/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 404-7/11**

Motion by Burke Selbst, to close case with a Confidential Advisory Letter citing Board concerns and administrative rule requirements for complete documentation.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 405-7/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 412-10/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

### **Case PT 414-11/11**

Motion by Burke Selbst, to close case with a Confidential Advisory Letter citing Board concerns and administrative rule requirements for complete documentation.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

#### **Case PT 416a-12/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

#### **Case PT 416b-12/11**

Motion by Burke Selbst, to close case with no action taken.

Seconded by Richard Rutt

Motion passed by vote 7-0, Board member Costales was not present for the vote.

#### **General Topics/Business**

- Board Member report from CLEAR conference - Report moved to the March 16, 2012 Board Meeting.
- Board Counsel report from FARB Attorney Conference - Report moved to the March 16, 2012 Board Meeting.
- Update on License Renewals – The Director informed the Board that renewal notifications went out the first week in January as scheduled, that to date almost 800 licensees had renewed online and about 40 licensees had requested paper renewal forms. The Director also indicated that of the 4,500 renewal notifications mailed, over 250 notifications had been returned to be Board with bad addresses or unable to forward addresses.

#### **CE Question Relative to Dry Needling Course Work**

Even though the Oregon Board has not approved dry needling for use by Oregon therapists, the Board will accept CE credits for course work, seminars and workshops in dry needling if the program is approved for CE by an established and recognized medical or dental health-related organization or professional association; physical therapy professional association or another State PT Board.

#### **CE Question Relative to Examination Preparation Tests and Study Tools**

After consideration and discussion, the Board determined that the completion of national examination study guides, study tools and practice examinations did not qualify for continuing education credit. The Board felt that these methods of exam preparation were review of the basic curriculum and knowledge base necessary for entry level practice and not continuing education.

#### **Board Discussion on Fee Splitting & Online Companies such as Groupon & Living Social**

After consideration and discussion of the Board Investigator's report, the Board determined it would hold on any decision relative to this topic. To date, this has not been an issue which has come up for physical therapists. The Board instructed staff to follow the topic and issues relative to the topic, watch what other professional Boards are doing and report back to the Board.

#### **Questions From Licensees Regarding use of Class 4 Lasers**

The Board had limited information relative to the use of Class 4 lasers as provided by a licensee. After a brief discussion, the Board determined that based on the information, the use of Class 4 Lasers appeared to not be within the scope of practice of a physical therapist. If additional evidence based information is provided, the issue will be revisited.

### **Licensure Exemption for the Use of Out of State Volunteer PTs for US Olympic Trials**

The issue brought before the Board was whether ORS 688.030(4) allowed an exemption from Oregon licensure for a volunteer PT licensed in another State to come into Oregon and treat athletes at the 2012 Olympic Track and Field tryouts in Eugene. After consideration and discussion, the Board determined that individual athletes did not constitute a team as designated in the statute exemption. Therefore, the Statutes and Administrative Rules state that they cannot provide treatment in Oregon without an Oregon physical therapist license.

### **Board Financial Review**

By statute, as part of its financial oversight, the Board must have an independent third party financial audit or review completed each biennium. The Director distributed a copy of the Board's 2009-2011 biennial Financial Review dated November 28, 2011. In general the report findings were good. There were audit exceptions. The Board's narrative in response to operational findings is part of the report. Copies of the audit report can be found on the Secretary of State's website or made available by contacting the Board office.

### **2011-2012 Year to Date Financials**

The Director presented the Board with a 7.1.11 -12.31.11 year to date financial report. The report compared actual income and expense to budget. Variances were described in the accompanying narrative report. Copies of the financial report, with the variance narrative, are available by contacting the Board office. Annual fiscal year-end reports, with variance narratives, are posted on the Board's website, [www.ptboard.state.or.us](http://www.ptboard.state.or.us).

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

The drafted Minutes, from the November 4, 2011 regular Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. Without any noted amendments, Burke Selbst moved to accept the minutes as written.

Seconded by Richard Rutt

Motion passed by unanimous vote 7-0 Board member Costales was not present for the vote.

### **2012 Board Meeting Dates**

As established by the Board, the future Board Meeting dates are as follows: March 16, 2012, June 1, 2012, August 10, 2012, and October 26, 2012. Meeting Dates, Meeting Notices, 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**

The Director presented the Board with a list of new licensees and temporary permit holders for the period of November 4, 2011 through January 19, 2012. The Board Chair opened the floor for discussion. Without noted discussion, Burke Selbst moved to ratify the issuance of the new licenses and permits as submitted.

Seconded by Richard Rutt

Motion passed by unanimous vote 7-0 Board member Costales was not present for the vote.

### **Board Member Topics/ Other New Business**

Chair Alstot asked if there was any other new business.

Board PT, Clinical Advisory Sherri Paru brought to the Boards attention a possible problem or situation relative to continuing education credits and the upcoming OPTA Spring Conference. The

Conference, scheduled the weekend of March 31<sup>st</sup> and April 1<sup>st</sup> actually falls into two separate CE certification periods. Saturday the 31<sup>st</sup> falls into the current certification period 4.1.10 through 3.31.12 and Sunday falls into the next certification period 4.1.12 through 3.31.14. Paru indicated she had had discussions relative to this issue with the OPTA and it is assumed that the OPTA will issue two separate CE certificates to participants, one for Saturday which Licensees can count towards the current period and a separate certificate for Sunday which licensees can count towards the next certification period.

Chair Alstot call for any other new business with none noted, Chair Alstot adjourned the Board Meeting at 3:15 PM.