

**Physical Therapist Licensing Board  
Board Meeting  
April 8, 2011**

**MINUTES**

**Friday, April 8, 2011**

**Board Members Present:** Joana Freedman, PT, Chair; Steve Alstot, PT, Vice Chair; Jason Fiske, PT Member; Burke Selbst, PT Member; Richard Rutt, PT Member; Jennifer Wood, PTA Member; Troy Costales, Public Member (by telephone)

**Absent:** Carol Sutton, Public Member

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

**Legal Counsel:** Carol Parks, AAG

At 8:30 AM, Chair Joana Freedman convened the Board into Executive Session, citing ORS 192.660(2)(k). Pursuant to ORS 192.660(2)(k), 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 11:43 AM, Board Chair Freedman 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 384-2/11**

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order citing Licensee for practice of physical therapy for 11 months with a lapsed license and assessing a civil penalty of \$1,000.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 385-3/11**

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order in lieu of a Notice of Denial of Renewal Reinstatement. The Stipulated Agreement will require Applicant to pay an outstanding civil penalty of \$1,000 and reinstate the renewal license on a probationary status for three years.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 386-3/11**

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order citing Licensee for practice of physical therapy for 11 months with a lapsed license and assessing a civil penalty of \$1,000.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 360-7/10**

Motion, by Steve Alstot, to close case noting no violation of Statute or Administrative Rule.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 283-6/08**

Motion, by Steve Alstot, to close case by issuing a Cease and Desist Letter citing the possible practice of physical therapy without a license.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

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

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order citing Licensee for practice of physical therapy for 1 day to 1 month with a lapsed license and assessing a civil penalty of \$100.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 389-4/11**

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order citing Licensee for practice of physical therapy for 1 day to 1 month with a lapsed license and assessing a civil penalty of \$100.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

### **Case PT 390-4/11**

Motion, by Steve Alstot, to issue Stipulated Agreement and Final Order citing Licensee for practice of physical therapy for 1 day to 1 month with a lapsed license and assessing a civil penalty of \$100.

Seconded by Burke Selbst

Motion passed by unanimous vote 7-0

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

The drafted Minutes, from the February 4, 2011 Regular Board Meeting and the March 2, 2011 Special Board Meeting, were presented to the Board. The Board Chair opened the floor for additional discussion and comments. With one noted correction, Steve Alstot moved to accept the minutes. Burk Selbst seconded the motion. The February 4<sup>th</sup> and March 2<sup>nd</sup> minutes were unanimously accepted as corrected.

### **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 February 4, 2011 through April 7, 2011. The Board Chair opened the floor for discussion. Without noted discussion, Steve Alstot moved to ratify the issuance of the new licenses and permits as submitted. Burke Selbst seconded the motion. The new licenses and permits were unanimously ratified.

### **General Topics/Business**

- **2011-2012 Renewals** – The Director reported that the updated on-line renewal process was implemented and, with few exceptions and problems, has been received well by licensees. Based on volume, it appears that the usage of the on-line renewal system has almost doubled from the prior year's usage, growing from a 40-45% usage rate last year to nearly a 90% use of the on-line system for renew this year.
  
- **FSBPT 2011 Delegate Assembly** – The Director shared the Federation's requests for credentialing of the 2011 State Delegates, Alternate Delegates and Administrators. The 2011 assembly will be held at the end of September in Charlotte, North Carolina. The travel hotel and meals expense for the Delegate and Administrator are totally funded by the Federation. The Alternate Delegate is not a funded position; however, the conference registration fee is waived. After discussion, the Board determined that Steve Alstot would represent the Board as its Delegate and Jim Heider would attend as the Board Administrator. At this time, the Board did not designate an Alternate Delegate. Mr. Heider did indicate that there are dollars in the current budget to send an Alternate to the Assembly and any Board member interested in attending the as the Alternate Delegate should contact him.

### **2011-2013 Proposed PT Board Budget**

The Director presented the first draft of the proposed 2011-2013 budget. Presented was a line item report comparing the prior biennium budget to the proposed upcoming biennium budget. Accompanying the line item report was a descriptive narrative explaining the variances between the current budget and the proposed future budget. With a proposed overall expense increase of less than 3%, the Board gave the Director authority to move the proposed budget to Hearing. With the Board's approval, the Notice of Rule Making Hearing will be published in the May 1<sup>st</sup> Oregon Bulletin. At that time, notice of the Hearing will also be sent to the Secretary of State, Legislature, Interested Parties and all Licensees. The Notice will be printed in a Newsletter and available with copies of the proposed budget on the Board's website at [www.ptboard.state.or.us](http://www.ptboard.state.or.us). The Administrative Rules Hearing will be held on June 10, 2011. Following the Hearing, the Board will make any necessary adjustments to the proposed budget and vote to adopt the 2011-2013 Board Budget into Rule, effective for July 1, 2011.

### **FSBPT – NPTE Fixed-Date Testing**

The Director shared the most current update on the Federation's planned move to fixed-date testing. He explained that this was the Federation's immediate response to last fall's security breach where

hundreds of the test items were compromised in a planned harvesting of recalled test question. Continuous testing will continue through June 30, 2011. For the remainder of 2011, the fixed test dates are September 7th, October 26<sup>th</sup> and December 5<sup>th</sup>. The fixed test dates for 2012 are yet to be determined. The Director reported that the Federation is hosting a Members Summit in July of 2011 to further discuss the future of the NPTE.

As the Federation moves toward fixed-date testing, the Director asked the Board if it wanted to reconsider its recent amendment to the temporary permit Administrative Rules, changing the timeframe of a temporary permit from 60 days back to 90 days. The logic the Board considered when shortening the timeframe was that an exam candidate could take the test continuously and there really wasn't a delay in the licensure process. That is no longer the case. After discussion and deliberation the Board determined that they would not change the Administrative Rules relative to temporary permits at this time.

### **2011 Legislative Session Overview**

The Director updated the Board on a number of legislative Bills that the Board office was tracking through the 2011 Legislative Session. The Director indicated that the Board had not received a response from the Governor's Legislative Director relative to the Board request to oppose SB 780 and SB 821. Public Member, Troy Costales stated that was not unusual that the Governor's Legislative Director had not responded prior to the first cut day. Costales stated that for most legislation, if it had not already cleared the first house or at least scheduled for a hearing by April 21<sup>st</sup> in the first house, it would be dropped this Session. So, the Governor's office was probably waiting to see what Bills remained active through the cut date before considering a response.

### **2011 Board Meeting Dates**

As established by the Board, the future Board Meeting dates are as follows: June 10, 2011 Public Administrative Rules Hearing followed by the Regular Board Meeting; August 26, 2011 and November 4, 2011. 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).

### **Board Member Topics**

Board Vice Chair, Steve Alstot participated in the APTA workshop reviewing the update to the APTA Guide to Physical Therapy Practice. Vice Chair Alstot reported that the APTA had not made a determination of whether Intramuscular Manual Therapy (Dry Needling) will be added to the definition of "Physical Therapy Intervention" in the updated Guide to Physical Therapy.

### **Other New Business**

The Director told the Board that he had been contacted by the Governor's Office of Executive Appointments regarding the Board position, which will be open at the end of June. The Office of Executive Appointments, wanting to aim towards a further diversification of the Board, asked for the Board's help in identifying or targeting therapists who met a certain demographics. The Appointments office was specifically looking for female candidates, younger in age, whose ethnic background is other than Caucasian.

With no additional new business cited, Board Chair Freedman adjourned the Board Meeting at 2:19 PM.

**END OF PUBLIC SESSION AGENDA**