



Physical Therapist Licensing Board

NEWSLETTER

"SPECIAL EDITION" SPRING 2003

BOARD MEMBERS

Cathy Zarosinski, PT, MS
Chair

Jerry Nickell, PT
Vice Chair

Linda Barbee, PT

Daiva A. Banaitis, PT, PhD

Nancy Wilson, PTA

Charles "Pat" Moore, MD
Physician Member

Cindy Cunningham, MPA
Public Member

BOARD STAFF

James Heider
Executive Director

Sherri Paru, PT
Clinical Advisor/Investigator

Dot Danovich
Licensing Coordinator

ADDRESS/PHONE/FAX

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BOARD WEBSITE

www.ptboard.state.or.us

OFFICE HOURS

Monday through Friday
8:00 AM to 4:30 PM
(Closed Holidays)

SPECIAL EDITION

This special edition of the newsletter includes the following:

- Notice of proposed Direct Access and record keeping rules
- Notice of proposed Budget rule
- Newly effective Direct Access rules
- Introduction to new Executive Director
- Recent Disciplinary Actions
- DMV mandatory reporting rules

NOTICE

PROPOSED DIRECT ACCESS

&

RECORD KEEPING RULES

The Physical Therapist Licensing Board is proposing rule changes in regards to direct access (practice without referral) and record keeping. The Board is required to notify its licensees of its proposed rule changes and of their opportunity to provide comment. Licensees may testify at the rules hearing or provide written comment which may be submitted at or before the hearing. The hearing will be held at 9am, Friday, July 18, 2003 in Room 445, 800 NE Oregon Street, Portland, Oregon 97232. Attached are the Notice of Proposed Rulemaking, the Notice of Proposed Rulemaking Hearing and the Statement of Need and Fiscal Impact.

NOTICE

PROPOSED BUDGET RULES

The Physical Therapist Licensing Board adopts its budget by rule on a biennial basis. The Board is required to notify its licensees of its proposed budget and of their opportunity to provide comment. Licensees may testify at the rules hearing or provide written comment which may be submitted at or before the hearing. The hearing will be held at 12 noon, Tuesday, June 24, 2003 in Room 445, 800 NE Oregon Street, Portland, Oregon 97232. Attached are the Notice of Proposed Rulemaking, the Notice of Proposed Rulemaking Hearing and the Statement of Need and Fiscal Impact.

NEW RULES IN EFFECT

On February 6, 2003 new rules regarding Direct Access became effective (OAR 848-030-0000 (12), (13) and (14)). A copy of these new rules can be found in this newsletter and on the Board's website.

NEW EXECUTIVE DIRECTOR

The Board is pleased to welcome James (Jim) Heider as the Board's Executive Director. Jim joined the Board's administrative team on March 31, 2003. Jim's credentials include an extensive applied background in finance and management. He most recently worked as a consultant specializing in Human Resource Management. Jim's professional nature and casual hands-on administrative style will certainly compliment the existing team.

Beginning in the previous newsletter, the Board implemented its policy to publish final Board disciplinary orders and emergency license suspension orders. By law these orders are subject to public disclosure and copies may be obtained by contacting the Board office.

| NAME, LICENSE NO, CASE NUMBER | DATE ACTION TAKEN | ACTION TAKEN | REASON FOR DISCIPLINARY ACTION |
|----------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Karl Kolbeck, PT License No: 2675 Case No: PT-82-3/02 | 03/04/03 | CONSENT ORDER: Reprimand and conditions. | Unauthorized access to patient records. |
| Stanley Gorman, PT License No: 2057 Case No: PT-83-2/02 | 02/10/03 | CONSENT ORDER: \$5000 civil penalty; \$2500 stayed, 6 months probation and conditions. | Did not adequately document evaluations, treatment plans, reassessments and subjective and objective data on daily notes. |
| Bonita Jo Favaro, PTA License No. 7686 Case No. PT 84-2/02 | 10/08/02 | CONSENT ORDER: \$2500 civil penalty, stayed on the condition that the licensee successfully completes the terms of probation, probation until 8/31/03. | Did not disclose relevant information regarding law violations on license renewal application. Upon receipt of license, licensee voluntarily reported the violation. |
| Max Shott, PT License No: 1993 Case No: PT 95-5/02 | 10/14/02 | CONSENT ORDER: Reprimand. | Exercised poor judgment: failure to adequately communicate therapy technique and failure to employ a physical barrier between himself and the patient. |
| Kent Bond, PT License No: 1750 Case No: PT-99-6/02 | 10/23/02 | CONSENT ORDER: \$250 civil penalty. | Practiced without a valid license from April 1, 2002 through June 12, 2002. |
| Sue Wright, PT License No: 3957 Case No: PT-100-7/02 | 10/07/02 | CONSENT ORDER: \$500 civil penalty. | Practiced without a valid license from April 1, 2002 through July 15, 2002. |
| Colin Hoobler, PT License No: 4294 Case No: PT-102-8/02 | 10/04/02 | CONSENT ORDER: \$100 civil penalty. | Practiced without a valid license from April 1, 2002 through April 24, 2002. |
| Pamela Kotila, PT License No: 2802 Case No: PT-121-1/03 | 02/19/03 | CONSENT ORDER: \$500 civil penalty. | Continued to treat patients without referral for 20 months after certification had expired. |
| G. Herb Kieklak, PT License No. 1850 Case #PT 123-2/03 | 03/03/03 | EMERGENCY SUSPENSION ORDER | Alleged sexual misconduct with adolescent patients |
| Noel Tenoso, PT License No. 1769 Case # PT 120-1/03 | 04/14/03 | CONSENT ORDER: \$500 civil penalty. | Continued to treat patients without referral for 18 months after certification had expired. |
| Bret Streeter, PTA License No. 7696 Case # PT 106-10/02 | 02/21/03 | EMERGENCY SUSPENSION ORDER | Alleged failure to practice with reasonable care and skill. Alleged failure to follow set treatment plan. Alleged dishonesty and failure to cooperate. |

NEW RULES IN EFFECT

On February 6, 2003 sections (12), (13) and (14) of OAR 848-030-0000 regarding Practice Without Referral (Direct Access) became effective. The complete rule may be found on the Board's website or obtained from the Board's office.

(12) Any licensee who fails to complete the 10-hour medical screening refresher course or the 32 hours or 40 hours of required continuing education within the timeframes specified in section (3) of this rule, shall be required to start the practice without referral process over. The licensee is required to notify the Board if any of the above requirements are not met.

(13) The licensee's privileges to practice without referral shall cease at the end of the day when either the medical screening refresher course requirement or the continuing education deadline is due, whichever comes first. The cessation of privileges shall last until the licensee attends a subsequent 18-hour medical screening course offered and the course provider has provided the Board with written documentation that the licensee passed the course examination with a score of 80 percent or higher. Subsequent continuing education deadlines and 10-hour medical screening refresher class requirements shall be calculated based on the date the licensee completes the subsequent 18-hour medical screening course.

(14) A licensee whose privileges to practice without referral have ceased under the provisions of sections (12) and (13) of this rule or pursuant to disciplinary action of the Board, or who elects voluntarily to terminate practice without referral privileges, shall return the current license to the Board along with a written request for a duplicate license and payment of a processing fee. Upon receipt, the Board shall issue licensee a license without the statement "Practice without Referral Certification."

MANDATORY DMV REPORTING

Over the past few months, we have received many questions about the new DMV (Department of Motor Vehicles) reporting rule. This rule deals with reporting to DMV drivers with a medical condition or impairment that may affect driving. These new reporting rules are set to go into effect on June 1, 2003 in the following counties: Coos, Douglas, Lane, Jackson and Josephine.

A new website explaining DMV's medical reporting system has been developed. The website is www.oregondmv.com/AtRisk. Parts of it are still under construction, but the information is very useful and understandable. To view the entire rule, on the menu choose "Proposed Administrative Rule". The section on Physicians and Health Care Providers Required to Report to DMV (OAR 735-074-0090) is especially helpful.

In summary, if a patient has a primary care provider, that provider is responsible for submitting the required report. If a physical therapist is treating a patient under a referral from the primary care provider, the physical therapist must provide information to the provider so that the report can be completed. If a patient does not have a primary care provider, a treating healthcare professional (ie: physical therapist) must complete the report.

If you have any questions, the contact person at DMV is Claudia Grimm. Her phone number is (503) 945-5282. She can also be reached via e-mail at Claudia.E.Grimm@odot.state.or.us

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

PHYSICAL THERAPIST LICENSING BOARD

CHAPTER 848

Agency and Division

Administrative Rules Chapter Number

JAMES D. HEIDER, EXECUTIVE DIRECTOR

(503) 731-4047 x 222

Rules Coordinator

Telephone

800 NE OREGON STREET, SUITE 407, PORTLAND, OREGON 97232-2162

Address

June 24, 2003

12 noon

800 NE OREGON STREET, SUITE 445
PORTLAND, OREGON 97232-2162

CATHY ZAROSINSKI, PT, MS
BOARD CHAIR

Hearing Date

Time

Location

Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request? Yes No

RULEMAKING ACTION

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

AMEND OAR 848-010-0105 TO ADOPT THE BOARD'S BUDGET FOR THE 2003-2005 BIENNIUM.

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 182.462

Stat. Auth.: ORS

Other Authority

ORS 182.462

Stats. Implemented: ORS

RULE SUMMARY

[The Board's budgeted operating expenditures for the 2001-2003 biennium are \$562,202.]

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2003-2005 Biennium Budget of \$740,765 covering the period from July 1, 2003 through June 30, 2005. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$740,765 for the effective operation of the Board. The Board will not exceed the approved 2003-2005 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office.

JUNE 24, 2003

Last Day for Public Comment

Signature and Date

JAMES D. HEIDER, EXECUTIVE DIRECTOR

Printed name

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

PHYSICAL THERAPIST LICENSING BOARD

CHAPTER 848

Agency and Division

Administrative Rules Chapter Number

In the Matter of: THE AMENDMENT OF OAR 848-010-0105

Statutory Authority: ORS 182.462

Other Authority:

Statutes Implemented: ORS 182.462

Need for the Rule(s): ORS 182.462 REQUIRES THE BOARD TO ADOPT ITS BUDGET BY RULE ON A BIENNIAL BASIS.

Documents Relied Upon: 2001-2003 BIENNIAL BUDGET; BUDGET VARIANCE REPORT; VENDOR FILES.

Fiscal and Economic Impact: IT IS NOT ANTICIPATED THAT THE ADOPTION OF THIS RULE WILL HAVE A FISCAL IMPACT ON ANY STATE AGENCY, UNIT OF LOCAL GOVERNMENT OR THE PUBLIC.

Administrative Rule Advisory Committee consulted?: NO.

If not, why?: THE TIME AVAILABLE TO RESEARCH AND PREPARE THE BIENNIAL BUDGET WAS VERY LIMITED DUE TO THE EXTENDED VACANCY IN THE POSITION OF EXECUTIVE DIRECTOR. THE SHORT SCHEDULE DID NOT ALLOW FOR THE SELECTION AND USE OF AN ADVISORY COMMITTEE. NEVERTHELESS, STAKEHOLDER INPUT WILL BE SOUGHT THROUGH PUBLICATION OF THE RULEMAKING NOTICE IN THE BOARD'S NEWSLETTER SENT TO ALL LICENSEES AND INPUT MAY BE PROVIDED TO THE BOARD EITHER IN WRITING OR AT THE SCHEDULED PUBLIC HEARING ON THE BUDGET.

Signer and Date

JAMES D. HEIDER, EXECUTIVE DIRECTOR

Printed name

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

PHYSICAL THERAPIST LICENSING BOARD
Agency and Division

CHAPTER 848
Administrative Rules Chapter Number

JAMES D. HEIDER, EXECUTIVE DIRECTOR
Rules Coordinator

(503) 731-4047 x 222
Telephone

800 NE OREGON STREET, SUITE 407, PORTLAND, OREGON 97232-2162
Address

July 18, 2003
Hearing Date

9 AM
Time

800 NE OREGON STREET, SUITE 407
PORTLAND, OREGON 97232-2162
Location

CATHY ZAROSINSKI, PT, MS
BOARD CHAIR
Hearings Officer

Are auxiliary aids for persons with disabilities available upon advance request? Yes **X** No

RULEMAKING ACTION

ADOPT: N/A

AMEND: AMEND OAR 848-010-0010; AMEND OAR 848-010-0015; AMEND OAR 848-030-0000; AMEND OAR 848-040-0040; AMEND OAR 848-040-0050

REPEAL: N/A

ORS 688.160(5); ORS 688.210
Stat. Auth.: ORS

Other Authority

OAR 848-010-0010 implements ORS 688.050; 688.055; 688.070; 688.080.

OAR 848-010-0015 implements ORS 688.020; 688.040; 688.050; 688.055; 688.070; 688.090.

OAR 848-030-0000 implements ORS 688.134.

OAR 848-040-0040 implements ORS 688.160 and ORS 688.210.

OAR 848-040-0050 implements ORS 688.160 and ORS 688.210.
Stats. Implemented: ORS

RULE SUMMARY

The amendment to OAR 848-010-0010 provides that requests for approval of unaccredited schools will be evaluated on a case-by-case basis and will be closely scrutinized.

The amendment to OAR 848-010-0015 provides for a minimum score for a newly introduced computer examination for TOEFL and provides that professional education of foreign trained applicants encompasses specific subject matter rather than specific courses.

The amendment to OAR 848-030-0000 provides for the change in the title of the American Heart Association CPR class: will shorten the hours of the medical screening course and medical screening refresher course; and exempts from the 12-hour medical screening course applicants that learned the material as part of their professional education.

The amendment to OAR 848-040-0040 provides for a change in the required frequency of reassessments depending on the treatment setting and requires that a reassessment be performed when there are significant changes in the patient's condition.

The amendment to OAR 848-040-0050 provides that a discharge summary needs to be completed by a physical therapist within 30 days of the patient's last visit, except in acute care hospitals. A physical therapist assistant can not perform a discharge assessment. A discharge assessment must include recommendations for follow-up care.

The proposed rule changes can be viewed on the Board's website at www.ptboard.state.or.us or obtained from the Board's office.

July 18, 2003
Last Day for Public Comment

Signature and Date

JAMES D. HEIDER, EXECUTIVE DIRECTOR
Printed name

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-1997

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

PHYSICAL THERAPIST LICENSING BOARD

CHAPTER 848

Agency and Division

Administrative Rules Chapter Number

In the Matter of: THE AMENDMENT OF OAR 848-010-0105

Statutory Authority: ORS 182.462

Other Authority:

Statutes Implemented: ORS 182.462

Need for the Rule(s):

The amendment to OAR 848-010-0010 is needed because some applicants have received equivalent training at unaccredited schools and it is necessary to be able to approve them on a case-by-case basis.

The amendment to OAR 848-010-0015 is needed because some professional education for foreign trained applicants encompasses specific subject matter rather than including specific equivalent courses. The TOEFL exam is now offered by computer and this rule is needed to establish a passing score.

The amendment to OAR 848-030-0000 is needed to accommodate for the change in name of the American Heart Association CPR class, to clarify language and shorten the hours of the medical screening classes as recommended by the physician instructors, to allow applicants that had the content of the medical screening course as part of their professional education to be exempt from the initial medical screening course.

The amendment to OAR 848-040-0040 is needed to change the requirements for reassessments depending on the therapy setting and based on patient's rate of change and length of stay. This will enhance the quality of physical therapy care that is provided to patients.

The amendment to OAR 848-040-0050 is needed to change the requirements for discharge summaries depending on the therapy setting, to ensure that only a physical therapist performs a discharge assessment and that all discharge summaries include follow-up care. This will enhance the quality of physical therapy care that is provided to patients.

Documents Relied Upon: Prior Board meeting minutes; previously filed statement of need; previously filed notice of proposed rule making and prior testimony.

Fiscal and Economic Impact:

OAR 848-010-0010 - This amendment may allow applicants to be licensed without incurring the expense of attending an accredited program after graduating from a non accredited program that is approved by the Board as equivalent.

OAR 848-010-0015- This amendment may allow foreign trained applicants to qualify for licensure after having completing required coursework without incurring the expense of completing additional specifically titled courses.

OAR 848-030-0000 – Applicants and licensees that graduated from an accredited program after January 1, 1998 will not need to take the initial medical screening course, thereby not incurring the expense. Licensees that desire to practice without referral may need to incur additional expense to take additional continuing education classes to make up for the shortened medical screening classes.

OAR 848-040-0040 - By requiring that physical therapists perform more frequent reassessments in certain settings there may be added cost to employers, insurance companies and patients. This possible increased cost may be offset by cost savings resulting from improved quality of physical therapy services and reduced length of treatment.

OAR 848-040-0050 - - By requiring that physical therapists perform mandatory discharge assessments in certain settings there may be added cost to employers, insurance companies and patients. This possible increased cost may be offset by cost savings resulting from improved continuity of care.

Administrative Rule Advisory Committee consulted?: NO.

If not, why?: 5 of the 7 Board members are licensees that understand the impact of the rule changes. Stakeholder input will be sought through publication. Input may be provided in writing or at the public hearing.

Signer and Date

JAMES D. HEIDER, EXECUTIVE DIRECTOR

Printed name