

Physical Therapist Licensing Board NEWSLETTER Spring 2005

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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)

IMPORTANT REMINDER REGARDING LICENSE RENEWAL

All licenses for the current year (April 2005 - March 2006) must be renewed by March 31, 2005. In order to allow for processing of your renewal application, applications must be mailed ASAP. If you do not renew your license by April 1, 2005, you are not permitted to practice.

If you have not received your license renewal application in the mail, contact the Board immediately. OAR 848-010-0035 states "failure to receive a renewal notice shall not excuse any licensee from the requirements of renewal".

If you do not renew your license and you continue to work, you are subject to disciplinary action from the Board. In addition, if your employer is a physical therapist he/she may also be disciplined by the Board for permitting you to work without a valid license. ** See page 7 for the civil penalty schedule for practicing with a lapsed license.

Within the past year, several therapists and employers have been disciplined by the Board for practicing with a lapsed license or for allowing a therapist to work without a valid license.

In addition to a civil penalty and possible probation, a disciplinary action by the Board will be reported to the Healthcare Integrity and Protection Data Bank (HIPDB). The disciplinary action also becomes a public record and will be published in the Board newsletter.

**DON'T
FORGET
TO
RENEW**

Administrative Rules Hearing and Board Meeting

A public meeting will be held on Friday, April 1, 2005 regarding the Board's proposed 2005-2007 operating budget. The meeting will be held in Room 445 of the Portland State Office Building, 800 NE Oregon Street, Portland, Oregon, and will begin promptly at 8:30 AM. At the meeting, the Board will hear public testimony and comments on the proposed budget. If you would like to make comments, but are unable to attend the meeting, you may submit written testimony or comment to the Board. For consideration, all written comments must be received in the Board office by 4:30 PM, Thursday March 31, 2005. Copies of the Hearing Notice with the Statement of Need and Fiscal Impact can be found on the Board website. For a copy of the detailed proposed budget, contact the Board office.

The Board's April 1, 2005 meeting will immediately follow this hearing. All licensees and interested parties are welcome to attend the public portion of this meeting.

Copy of NEW PHYSICAL THERAPY RULES enclosed:
Important information regarding recent rule changes on pages 4 and 5.

APPROVED INITIAL MEDICAL SCREENING COURSES

There are now several courses available to licensees wishing to be certified for practice without referral (direct access). If you are enrolled in a transitional DPT program not listed below and wish to be certified for direct access, you may contact the Board to request approval of the course content. A few reminders regarding direct access (practice without referral) certification:

- Board Rules require an initial medical screening course to be 12 hours long and a refresher course to be 6 hours long. If you choose to take a course that is longer than the required hours, the additional hours may be applied toward the three-year continuing education requirement.
- Board Rules require that you take an examination following completion of a medical screening course. Not all courses automatically offer an exam. It is your responsibility to ensure that the course provider gives an exam and provides the results to the Board. The providers indicated below, with an *, will give an exam to Oregon licensees upon request.
- Board Rules require that the course provider must notify the Board when a licensee has completed the course and passed an associated exam with a score of 80% or higher. You can not begin to practice without referral until you are notified, in writing, that the Board has received all necessary documentation from the course provider and/or you.
- It is your responsibility to ensure that a refresher course is taken and the exam is graded within the appropriate timeframe. (Reminder: the refresher course can be taken 6 months before or anytime during the first year of a new certification period.)
- Board Rules require that you must hold a current Healthcare Provider (or equivalent) CPR card and provide a copy to the Board before you can become certified for direct access. Your card must be kept current in order to maintain your direct access certification.

Course Title	Sponsor	Hours	Location	Contact Info
Diagnosis by PT's: Screening for Medical Referral	APTA *exam must be requested	13 contact hours	Various locations around the US– approx 4 x year	www.apta.org
Medical Screening for the Physical Therapist - <i>Initial</i>	OPTA	12 contact hours	Home Study– DVD	www.opta.org
Medical Screening for the Physical Therapist - <i>Refresher</i>	OPTA	6 contact hours	Home Study– DVD	www.opta.org
Medical Screening for the Physical Therapist	Orthopedic Section APTA	30 contact hours	Home Study	www.orthopt.org
Medical Screening and Differential Diagnosis with special topics ...	North American Seminars, Inc * exam must be requested	15 contact hours	Various locations around the US– approx 4x year	www.healthclick.com
Medical Screening and Differential Diagnosis	Pacific University Transitional DPT Program	varies	Pacific University - licensee must be enrolled in program	www.pacificu.edu
Medical Screening and Differential Diagnosis	Creighton University Transitional DPT Program	varies	Creighton University - licensee must be enrolled in program	www.creighton.edu
Medical Screening and Differential Diagnosis	Rocky Mountain University Transitional DPT Program	varies	Rocky Mountain U - licensee must be enrolled in program	www.rmuohp.edu

COMPLAINT, INVESTIGATION & DISCIPLINARY PROCESS

The Physical Therapist Licensing Board licenses physical therapists and physical therapist assistants and is responsible for the oversight of physical therapy practice in Oregon. In fulfilling this responsibility, the Board investigates complaints filed against physical therapists and physical therapist assistants concerning inadequate or incompetent treatment, concerning licensee misconduct or concerning any other violation of the laws and rules governing physical therapy practice.

When the Board receives a complaint, a confidential investigation is initiated. This investigation includes a review of the physical therapy record and other appropriate patient records; interviews of the complainant, the therapist and other witnesses; and a review of any other records or documents related to the complaint. Depending on the nature of the complaint, such an investigation may take from several weeks to several months to complete. A report of the completed investigation is reviewed by the Board to determine whether the physical therapist or physical therapist assistant, who is the subject of the complaint, has violated the laws and rules applicable to physical therapy practice.

If the Board determines from the investigation that a violation has occurred, the Board may initiate a disciplinary proceeding that can result in the therapist being sanctioned. The Board has authority to impose the following sanctions: reprimand, probation, monetary penalty, license restrictions, license suspension and license revocation.

A disciplinary proceeding is begun when the Board issues a Notice of Proposed Disciplinary Action. The licensee is entitled to a hearing to contest the Board's allegations of misconduct. If a hearing is requested, an Administrative Law Judge hears the testimony of the witnesses, considers the other evidence and prepares a proposed order for the Board's consideration. The hearing is closed to the public. Upon receipt of the proposed order, the Board deliberates and issues a Final Order. The case may also be resolved without a hearing, through an agreement between the Board and the therapist, resulting in a Stipulation and Final Order.

If the Board determines from the investigation that no violation has occurred, the Board will close the case and notify the licensee. In all cases, the Board notifies the complainant of the outcome of the case.

The Board is prohibited, by law, from disclosing to the public whether it has received a complaint regarding a particular therapist, from disclosing the name of the person filing a complaint, and from disclosing any information developed in the course of an investigation. Upon request, the Board is required to disclose to the public the Notice of Proposed Disciplinary Action that initiates the disciplinary proceeding, an Emergency License Suspension Order, if one is issued in the case, and the Final Order that concludes the case.

The complaint form can be found on the Board website, www.ptboard.state.or.us or by contacting the Board office.

DID YOU KNOW ?

OAR 848-045-0020 (2) (y) requires all licensees to report conduct by another licensee which reasonably appears to be illegal, unethical or unprofessional as defined by Board Statute and Administrative Rules. Failure to report could result in disciplinary action against your license.

For the period of January 1, 2003 through December 31, 2004, the Board received 66 complaints. Of these 66 complaints, 14 cases were unfounded and closed, 29 cases involved disciplinary action, 2 cases are pending hearing and 21 cases remained open with ongoing investigations.

NEW RULES and RULE CHANGES

EFFECTIVE DECEMBER 29, 2004

On October 22, 2004, the Board held a public hearing in regards to proposed changes in the Board Administrative Rules. Many licensees, including representatives from the OPTA and several hospital systems, testified at the hearing. The Board thanks all licensees who provided valuable input. The final rules were drafted with consideration of all the input and suggestions provided. On December 29, 2004 the new Board rules went into effect. A copy of the rules are included with this newsletter and the rules are also posted on the Board website. The format of the rules has significantly changed. The following is a summary of the most substantial content changes. This summary does not include all of the rule changes.

Please make sure that you, your co-workers and your employer are familiar with all of the new rules .

New Division 5 Board Administration

- Subsection 848-005-0020 (1)(e), increase in renewal fee for practice without referral from \$15 to \$50.
- New Rule 848-005-0030 requires licensee to maintain a current name, mailing address, home address, place of employment, and telephone numbers of record on file with the Board. A licensee has 30 days to provide written notification of any changes. Changes may be submitted via regular mail, e-mail or fax.

Division 10 Licensing of Physical Therapists, Physical Therapist Assistants and Temporary Permit Holders

THE RULES REGARDING TEMPORARY PERMIT HOLDERS HAS BEEN REORGANIZED AND REWRITTEN.
PLEASE CAREFULLY READ AND FAMILIARIZE YOURSELF WITH THIS DIVISION.

- 848-010-0026 (3) states that a temporary permit holder, who is a new graduate or who is foreign educated, must practice with “on-site” supervision.
- 848-010-0026 (4) states that a temporary permit holder, who holds a valid license in another state, must practice under “general supervision”. Both general and on-site supervision are clearly defined in the rules.
- 848-010-0026 (7) requires a temporary permit holder to submit an Employer letter to the Board within 5 working days of beginning practice.

New Division 15 Physical Therapist Assistants

- New Section 848-015-0010 (2) adds definition to the term “supervising physical therapist”. The supervising physical therapist is either the last PT to see the patient or the PT who is designated to be in charge on the day that the patient is being treated.
- New Section 848-015-0020 (2) states that a PTA can only provide treatment when a supervising PT is readily accessible for consultation either in person or by means of telecommunication.
- New Section 848-015-0030 lists prohibited acts. A PTA can not perform the required reassessment, make modifications to the treatment plan or make the decision to discharge a patient; however, a PTA may collaborate with the PT and make suggestions based on the PTA’s treatment of the patient. Please read this entire section carefully.

Division 20 Physical Therapist Aides

- Subsection 848-020-0000 (5)(a) adds wording, to clarify supervision requirements and criteria, for Aides. A PT or PTA must be in eyesight or earshot of the aide when the aide is performing a treatment-related task.
- Section 848-020-0010 deleted requirement for an aide to maintain a Healthcare Provider CPR certification.
- New Section 848-020-0030 (3) added wording to allow a PT or PTA to supervise more than 2 aides when the aides are performing non-treatment related tasks.
- Sections 848-020-0060 (2), (3), (5), (7), and (10) have been changed or rewritten to add clarity, definition and explanation in regards to prohibited treatment-related tasks. Please read this entire section carefully.
- Sections 848-020-0060 (9) clarifies that an aide is prohibited from determining or modifying a plan of care, or initiating or administering a procedure or modality the first time that procedure or modality is administered to a patient.

NEW RULES and RULE CHANGES

EFFECTIVE DECEMBER 29, 2004

Division 40 Minimum Standards for Physical Therapy Practice and Records

THIS ENTIRE DIVISION HAS BEEN REORGANIZED AND REWRITTEN.
PLEASE CAREFULLY READ AND FAMILIARIZE YOURSELF WITH THIS DIVISION.

- New Section 848-040-0110 (3) clarifies requirement that a patient record shall be prepared on the date of service.
- New Section 848-040-0110 (5) describes the means for authentication of a patient record. The use of initials and rubber stamps are no longer permitted.
- New Section 848-040-0110 (6) adds rule defining criteria to use non-licensees and aides for preparation of treatment-related entries in a patient record.
- New Section 848-040-0110 (7) defines requirement for accessibility of treatment related records to licensees providing subsequent treatment.
- New Section 848-040-0110 (9) clarifies use of abbreviations. Abbreviations in a patient record may only be used if they are recognized standard abbreviations or if they are approved for use in the specific practice setting.
- New Sections 848-040-0110 (12) through (15) clarify record authentication requirements for temporary permit holders and students.
- New Section 848-040-0110 (16) states that patient records must be kept for a minimum of seven years measured from the date of the last entry.
- New Subsection 848-040-0115 (3)(b) states that if the referral specifies the duration, frequency, diagnosis or condition to be treated or physical therapy interventions, physical therapy shall not be provided beyond the specifications of the referral without further authorization.
- New Subsection 848-040-0115 (3)(c) states that if the referral specifies the number of authorized treatments, additional treatments shall not be provided without further authorization.
- New Section 848-040-0120 (3) requires an oral referral to be confirmed in writing by the referring provider.
- New Rule 848-040-0165 defines the standard for discharging a patient from therapy. Please read this entire section carefully.

New Division 45 Grounds and Sanctions for Discipline

THIS ENTIRE DIVISION HAS BEEN COMPLETELY REORGANIZED AND REWRITTEN.
PLEASE CAREFULLY READ AND FAMILIARIZE YOURSELF WITH THIS DIVISION.

- New Subsections 848-045-0020 (2)(L) adds authority to the Board to take action against a licensee who engages in conversation, with a patient, that is not necessary for the provision of treatment, and is personally intrusive or otherwise inappropriate.
- Subsections 848-045-0020 (2)(m) and (n), condensed from original rule, omits specific and explicit sexual wording. These subsections have been worded to encompass all previously listed offenses and defines the term “patient”.
- New Subsections 848-045-0020 (2)(p)(A) through (D) adds authority to the Board to take action against a licensee who, by definition, is exploiting a patient. Please read this entire section carefully.
- New Subsection 848-045-0020 (2)(r)(D) clarifies the use of the term “doctor” as associated with a PT. A PT who holds a doctoral degree in physical therapy may not use the title “doctor” without the addition of the words “doctor of physical therapy”. Such PTs may only be referred to as “[name of therapist], doctor of physical therapy”.
- New Subsections 848-045-0020 (2)(u) requires a licensee to report, in writing, to his/her employer if the licensee has provided PT services with a lapsed license. A copy of this report must also be provided to the Board.
- New Subsections 848-045-0020 (2)(v)(A) through (E) have been added to detail the definition of failure to cooperate with the Board.
- New Subsection 848-045-0020 (2)(z), allows the Board to discipline a licensee who fails to maintain current addresses and phone numbers on file with the Board.

CONGRATULATIONS!!!

Physical Therapists & Physical Therapist Assistants

Licensed from 8/10/04 through 02/25/05

<u>First Name</u>	<u>Last Name</u>	<u>First Name</u>	<u>Last Name</u>		
PT	MIGUEL	ALONSO-DIAZ	PT	JAIME	MAGUIRE
PT	THERESA	ALVILLAR	PT	DAVID	McDARBY
PT	AARON	ANDERS	PT	MICHELLE	McGAVRAN
PT	EDWARD	ANDERSON	PT	JUSTIN	McKINNEY
PT	EDWARD	ARELLANO	PT	LISA	McKINNEY
PT	JENNIFER	ARELLANO	PT	JENNIFER	MILLER
PT	MINDY	BACHELOR	PT	GREGG	PALZER
PT	SHAWN	BAGLEY	PT	TRACY	PETRI
PT	KAREN	BALTZ GIBBS	PT	KATHARINE	PHILLIPS
PT	HOLLY	BEINERT	PT	JENNIFER	RAINEY-YATES
PT	TOM	BENNETCH	PT	NIRIT	REDLICH
PT	SUSAN	BOYKEN	PT	TRAVIS	ROHNER
PT	ELIZABETH	BRADLEY	PT	ANDREW	ROOF
PT	DENISE	BRUSCHI	PT	LAUREL	ROOF
PT	ABIGAIL	BULAN	PT	LISA	SAVERUS
PT	LINDSEY	CAREY	PT	SHERRIL	SHELTON
PT	JUSTIN	CARSON	PT	DANIEL	SINNESS
PT	MICHAEL	CLOSE	PT	CHRISTINE	SLANINKA
PT	EDWARD	COOK, JR	PT	ROBIN	SOCITO
PT	ALLEN	CORNISH	PT	LIBBY	SPICER
PT	SONJA	CREEL	PT	JOYCE	STEELE
PT	CHRISTIAN	CUKA	PT	KELLY	STRYCHARZ
PT	EMILY	DEAN	PT	ANDREA	SWANSON
PT	TONI	DELZER	PT	JOANNA	THROCKMORTON
PT	ELIZABETH	DEMPSTER	PT	JOHN	THROCKMORTON III
PT	DAVID	DOWD	PT	ELIZABETH	TOLLESON
PT	CATHERINE	FETTERS	PT	KATHRYN	TONER
PT	ANN	FOLEY	PT	ELIZABETH	VENABLE
PT	DOROTHY	FREEBAIRN	PT	TODD	WARD
PT	REBECCA	GARDNER	PT	PAUL	WESTGARD
PT	MAGDALINA	GOFMAN	PT	STEVE	WHITAKER
PT	MARY	RAMLING	PT	ELSIE	WILSON
PT	PAMELA	GROVES	PT	JENNA	WOODFORD
PT	AMY	GUEBARD	PT	AMY	ZALINSKI
PT	KELLI	HALL			
PT	ERIN	HLADIUK			
PT	VALERIE	HUNTER	PTA	ANDREA	BOCHART
PT	DARREN	JOFFS	PTA	LINDA	COOK
PT	LISA	KENNEDY-LEARY	PTA	KATHLEEN	FOWLES-SZABLYA
PT	JON	KERN	PTA	TOM	GORDON
PT	GAVIN	KLEIMAN	PTA	BRENDA	HARVEY
PT	KATHERINE	KRANTZ	PTA	KAREN	HYNNING
PT	PAUL	LABRECHE	PTA	DIANE	LIGUORI
PT	REBECCA	LABRECHE	PTA	KELLY JO	LUEDKE
PT	ELLIE	LALLMAN	PTA	PAVLA	PUDILOVA
PT	BRET	LAUTT	PTA	SARA	QUAN
PT	LINDA	LAW-KENNEDY	PTA	PAULETTE	REX
PT	STEPHEN	LEARY	PTA	RACHEL	RUTH
PT	MICHELLE	LINDE	PTA	DARREN	TERRY
PT	ERICA	LODER	PTA	TINA	ZEGA

DISCIPLINARY ACTIONS

NAME & LICENSE NO.	DATE ACTION TAKEN	ACTION TAKEN	REASON FOR DISCIPLINARY ACTION
Thomas LeBlanc, PT License No. 0671	08/25/04	STIPULATION AND FINAL ORDER: \$1500 Civil Penalty; \$750 stayed	Failure to maintain patient records as required.
Brenda Harvey, PTA License No. 8338	12/17/04	STIPULATION AND FINAL ORDER: 2 years probation with conditions.	Failure to disclose information on application for licensure.
Gail Weisgerber, PT License No. 0617	09/07/04	STIPULATION AND FINAL ORDER: \$500 Civil Penalty	Allowing a PTA to practice 4 days with a lapsed license.
Nancy Cicerillo, PT License No. 0364	02/18/05	STIPULATION AND FINAL ORDER: \$1000 Civil Penalty	Identified herself as currently licensed and treated a patient while her license was lapsed.
Richard Badger, PT License No. 1064	08/25/04	STIPULATION AND FINAL ORDER: \$1000 Civil Penalty; one year probation with conditions	Unprofessional conduct.
George Eischen, PT License No. 1517	12/17/04	STIPULATION AND FINAL ORDER: \$2000 Civil Penalty	Allowing a PTA to practice with a lapsed license for > 6 months.
Karla Wooley, PTA License No. 7738	12/27/04	STIPULATION AND FINAL ORDER: \$562.50 Civil Penalty	Practicing with a lapsed license for > 6 months.
Tyrone Teal , PT License No. 1629	12/17/04	STIPULATION AND FINAL ORDER: License Revocation	Conviction of a misdemeanor, sexual misconduct.
Kendall Neu, PT License No. 2499	03/01/05	STIPULATION AND FINAL ORDER: \$5000 Civil Penalty	Documentation violations.

RENEW YOUR LICENSE!!

Current civil penalty schedule for practicing with a lapsed license

	1 day to 1 month	1-3 months	3-6 months	6-9 months	9-12 months	12 month +
Physical Therapist	\$100.00	\$250.00	\$500.00	\$750.00	\$1000.00	Case by case
Physical Therapist Assistant	\$75.00	\$187.50	\$375.00	\$562.50	\$750.00	Case by case
Employer and/or Supervisor	\$500.00	\$1000.00	\$1500.00	\$2000.00	\$2500.00	Case by case



NEWSLETTER
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AVAILABLE ON THE BOARD'S WEBSITE: www.ptboard.state.or.us

- *THIS NEWSLETTER AND PREVIOUS NEWSLETTERS*
- *COMPLAINT FORMS*
- *LICENSE VERIFICATION ((for employers and credentialing agencies)*
- *COPIES OF THE PHYSICAL THERAPY STATUTES AND RULES*
- *RECENTLY ADOPTED RULE CHANGES AND PENDING RULE CHANGES*