

Physical Therapist Licensing Board NEWSLETTER Spring 2006

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Clinical Advisor/Investigator

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Licensing Coordinator

Mindy Tucker
Contract Investigator

ADDRESS/PHONE/FAX

800 NE Oregon Street
Suite 407
Portland, OR 97232-2187

Phone: 971-673-0200
Fax: 971-673-0226

E-MAIL

james.heid@state.or.us
sherri.paru@state.or.us
dorothy.danovich@state.or.us
physical.therapy@state.or.us

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

Renewal applications for the upcoming year (April 2006 - March 2007) must be received by March 31, 2006. In order to allow time for processing of your renewal application, applications must be mailed ASAP. If you do not renew your license by April 1, 2006, you are not permitted to practice physical therapy in Oregon.

If you have not received your license renewal application in the mail, contact the Board immediately. OAR 848-010-0035(1) states that "Failure to receive a renewal notice shall not excuse any licensee from the requirements of renewal" and OAR 848-045-0020(2)(r) states that if you do not renew your license and you continue to work, you are subject to disciplinary action from the Board.

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.

If you are an employer or supervisor of PTs or PTAs, the Board strongly encourages you to ensure that all therapists under your supervision have renewed their license prior to allowing them to work on April 1, 2006.

OAR 845-045-0020(2)(t) states that any therapist, who practices without a valid license, must report the unlicensed practice to their employer. The employer may notify third party payors which could affect credentialing and reimbursement. Avoid all of these problems and renew your license!!

**DON'T FORGET
TO RENEW YOUR
LICENSE**

Administrative Rules Hearing and Board Meeting

A public hearing will be held on Friday, March 17, 2006 regarding the Board's proposed new rules on mandatory continuing education. The hearing 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 rules. 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, Monday, March 13, 2006. The Board appreciates and encourages all comments and suggestions from licensees.

The Board's March 17, 2006 meeting will immediately follow this hearing. All licensees and interested parties are welcome to attend the public portion of this meeting.

****IMPORTANT INFORMATION REGARDING CONTINUING ED ON PAGE 2****

PROPOSED RULES REGARDING CONTINUING EDUCATION

At the Administrative Rules Hearing held on December, 2, 2005, many licensees and interested parties provided testimony and comments regarding the proposed rules on mandatory continuing education. Based on the testimony, the Board decided to postpone finalizing these new rules (Division 35). Upon further consideration and discussion at its January 27, 2006 meeting, the Board re-drafted the proposed Division 35 rules incorporating changes resulting from the input received.

It is important to note that all of the changes at this point are still PROPOSED. The Board is very interested in receiving additional feedback from its licensees and interested parties before adopting the rules. Please see the notice on page one for information regarding the rules hearing and deadline for submitting written comments.

Summary of the proposed rules regarding continuing education (OAR Division 35) are as follows:

- A PT must complete 24 hours of continuing education during any 24-month certification period.
- A PTA must complete 12 hours of continuing education during any 24-month certification period.
- The certification period will be a 24-month period measured from April 1 through March 31 of each even numbered calendar year.
- The first certification period will actually be January 1, 2006 through March 31, 2008. The subsequent certification period will be from April 1, 2008 through March 31, 2010.
- All current licensees will be required to complete the continuing education requirements, regardless of whether the licensee is, or is not, actively practicing physical therapy.
- New licensees or licensees reinstating a lapsed license within the first year of a certification period will still need to complete the full number of hours of continuing education for that certification period.
- New licensees, or licensees reinstating a lapsed license, any time during the second year of a certification period will be required to complete one-half of the continuing education requirement for that certification period.
- The Board will randomly audit therapists, upon renewal of their practice license, in even numbered years.
- If randomly selected for audit, a licensee must provide proof that they have met the continuing education requirements for the period audited.
- Failure to meet the CE requirements will be a violation of Board rules, and will be subject to discipline.

**The full text version of the entire proposed rules can be found on the Board website at:
<http://www.ptboard.state.or.us/PTBrd/docs/Proposed.Rule.Changes/DIVISION.35.Final.02.06.06.pdf>**

It will not be necessary to submit proof of completed continuing education to the Board, unless you are audited. Audits will begin following the first certification period (January 1, 2006 through March 31, 2008). At that time course certificates will need to be submitted to the Board. All courses must include a completion certificate which must be retained by the licensee for a minimum of three years. Certificates must contain the following:

- Name of licensee
- Date and title of course
- Name/signature of instructor of course
- Number of hours/continuing education credits for the course

PROPOSED ACCEPTABLE COURSES FOR CONTINUING ED

Since the new practice act went into effect on January 1, 2006, the Board has received numerous questions regarding the types of courses that will be acceptable for continuing education credits.

The proposed course requirements have not changed from the requirements set for courses taken by therapists who were previously certified for direct access. Unlike many other states, there will be no formal pre-approval process for courses. In general, courses relating to the delivery or provision of physical therapy services will qualify for continuing education credit.

The Board is currently proposing the following:

Courses that may satisfy the continuing education requirement include but are not limited to:

- (a) Courses, seminars, and workshops sponsored or approved by an established and recognized medical or dental health-related organization or professional association recognized by the Board;
- (b) Courses approved for continuing education by other states which require continuing education for physical therapists or physical therapist assistants;
- (c) Courses certified for continuing education units (CEU) by a recognized physical therapy professional association;
- (d) Courses provided by an accredited institution of higher education other than courses taken prior to graduation from a school of physical therapy;
- (e) Individual study courses requiring an examination and recognized by an accredited institution or recognized health-related organization or professional association recognized by the Board;
- (f) Courses in cardiopulmonary resuscitation (CPR); however, continuing education credit will be limited to one hour, regardless of the length of the course;
- (g) Courses approved by the Board by special request.

The Board is currently proposing the following:

Activities which will not satisfy the continuing education requirement include:

- (a) Orientation and in service programs;
- (b) Professional association meetings for purposes of business or policy decisions making;
- (c) Entertainment or recreational meetings;
- (d) Attending meetings, holding office, or representing a professional association as a lobbyist or delegate;
- (e) Publishing or presenting lectures.

If you are unsure if a course that you wish to take will qualify for continuing education credit, prior to taking the course contact the Board's Clinical Advisor, Sherri Paru, PT via email at sherri.paru@state.or.us or via telephone at 971-673-0204.

Helpful Information For Quicker Processing Of Calls And Requests

If you leave a phone message at the Board office, please spell your name and leave your license number.
If you wish to change your name or address(es) with the Board, please use the form located on the website at www.ptboard.state.or.us/PTBrd/Forms.shtml

STATEMENT OF NEED AND FISCAL IMPACT
REGARDING PROPOSED CONTINUING EDUCATION RULES
(State Law requires the Board to make this Statement available to all licensees)

Oregon Physical Therapist Licensing Board
Agency and Division

848 Division 35
Administrative Rules Chapter Number

In the Matter of: OAR 848-035

Rule Caption: Adoption of new mandatory continuing education requirements for renewal of a physical therapy license.

Statutory Authority: ORS 688.160 **Statutes Implemented:** ORS 688.160(6)(g)

Need for the Rule(s):

The passage, of HB 3260 Chapter 627, authorizes the Board to develop and implement a continuing education requirement. The intent of the Statute, sponsored by the OPTA, was to require professionals, in the field of physical therapy, to demonstrate continued competency and growth in the practice of physical therapy. Division 35, of Administrative Rules, Chapter 848 was developed for adoption, by the Board, to meet the intent of the Statute. Requiring mandatory continuing education credits, upon license renewal, is one way to strive toward the goal of continuing competency.

Documents Relied Upon, and where they are available: Enrolled House Bill 3260, Chapter 627; existing Oregon Administrative Rules; Oregon Revised Statutes; summary of proposed rule changes from Administrative Rules Advisory Committee; and consensus of summary of proposed rule changes from the Board. All documents are available by contacting the Board office 971.673.0200.

Fiscal & Economic Impact, including Statement of Cost of Compliance: The Board has analyzed the proposed adoption of Division 35 Rules and finds the following:

- In development, implementation and maintenance of a newly required continuing education requirement, the PT Board may experience a staffing need for seasonal temporary help. The total impact of the program is yet to be determined. No other governmental unit or agency should be impacted by adoption of this Rule.
- Licensees will experience the greatest impact. With an average cost of a CE credit at \$30, over a 24-month certification period, a PT will pay approximately \$720 for their CE credits; a PTA will pay approximately \$360 for their CE credits.
- The Business Sector and Professional Associations, relative to the sponsorship and development of PT Continuing Education Programs, stand to benefit from the adoption of this Rule. Based on current renewal numbers, and the average CE credit estimated at \$30, the total cash expenditure over any 24-month certification period would be approximately \$2,352,000.
- Small businesses will not be impacted by the adoption of this rule unless they choose to pay the cost of CE for their therapists. If a small business chooses to pay any portion of the CE costs it will lower the costs to the individual licensees noted above. As this is a new requirement, it is uncertain as to how many businesses will elect to absorb the CE costs. There should be no additional administrative requirements or hard costs associated with the adoption of this rule on small businesses.
- The Board finds no fiscal or economic impact to the public.

How were small businesses involved in the development of this rule? 2 PT members of the original Advisory Rules Committee are small business owners. The Legal Counsel representing Oregon Physical Therapists in Independent Practice (OPTIP) sat on both the Advisory Committee and the Drafting Committee. OPTIP represents 125 small PT Clinics.

Administrative Rule Advisory Committee consulted? NO

If not, why? The original proposed Division 35 Rules were developed and drafted by an Administrative Rule Advisory Committee consisting of 19 members. After Notice, and Public Hearing, and in consideration of public testimony, the Board redrafted parts of the Rule.

DISCIPLINARY ACTIONS

NAME & LICENSE NO.	DATE ACTION	ACTION TAKEN	REASON FOR DISCIPLINARY ACTION
Martin Andrade, PT License No. 5121	12/13/05	STIPULATION AND FINAL ORDER: Two years probation with conditions	Failure to disclose information on application for licensure.
Stacy Thetford, PT License No. 3171	01/04/06	STIPULATION AND FINAL ORDER: \$500 Civil Penalty.	Evaluating and treating a patient without a valid referral.
Neil Bastian, PT License No. 2021	02/07/06	STIPULATION AND FINAL ORDER: \$1000 Civil Penalty	Practicing 8 months with a lapsed license.

BOARD MEMBER CHANGES

**Good Luck to outgoing physician member, Pat Moore, MD
and welcome to incoming member, Jason Fiske, PT**

The Physical Therapist Licensing Board, and Board staff, would like to publicly acknowledge and thank outgoing Board member, Dr. Charles (Pat) Moore for his personal contributions to the Board, the public, and the profession of physical therapy.

Dr. Moore. was appointed to the Board in April 2002, and served as the physician member of the Board until December 31, 2005. Dr. Moore's exit from the Board was a result of the newly adopted Practice Act (Statute), which replaced the physician member of the Board with an additional physical therapist. The Board now consists of five physical therapists, one physical therapist assistant and one public member.

During his years on the Board, Dr. Moore continually contributed his vast experience, expertise and insight. His respect for and promotion of the profession of physical therapy is greatly appreciated. The Board will truly miss Dr. Moore and we wish him a future full of much success and happiness.

The Board is pleased to announce that in January 2006, Jason Fiske, PT was appointed as the newest PT member of the Board. Jason lives in Southern Oregon and is the Rehab Program Manager at Pinnacle Healthcare/Highland House Nursing and Rehab Center in Grants Pass, OR. In addition to his role as Rehab Manager, Jason continues to treat patients 50% of his time. and has extensive clinical experience in the field of Geriatrics.

It is wonderful to finally have a representative from Southern Oregon on the Board. With the addition of Jason, the Board now has members from the following geographic areas: Baker City, Portland, Oregon City, Medford, and Dallas. The clinicians on the Board work in various settings including: acute care, long-term care, outpatient orthopedics, medical sales and academia. The Board is glad that Jason chose to take on this challenging and voluntary position and looks forward working with him. Welcome Jason!!!!



NEWSLETTER
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800 NE Oregon Street, Suite 407
Portland, OR 97232-2187

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*