

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD

CONDENSED MINUTES OF THE MEETING HELD **NOVEMBER 16-17, 2023**

Date:	Thursday, November 16, 2023
Time:	Thursday - 9:00 am – 4:30 pm AKST
Location:	Thursday - Robert B. Atwood Building, 550 W. 7 th Avenue, Anchorage, AK – Suite 1620 and virtual via Zoom
Attending:	Board Members: Attending in-person - Rebecca Dean, Lindsey Hill, Enlow Walker, Board Secretary, Bryan Murphy, and Tina McLean, Board Chair. Attending virtually: Valerie Phelps and Lisa Radley Staff Members: Attending in-person - Sheri Ryan, Licensing Examiner; Shane Bannarbie, Program Coordinator 1. Attending virtually: Sara Chambers, Boards and Regulations Advisor; Reid Bowman, Program Coordinator 2 Guests: Attending in-person - Cary C. Moore, PhD, OTR/L – AKOTA President; Jeffrey S. Gordon, DPT, OCS, Chair, APTA-AK Work Study Group. Attending virtually: Madison Woodworth, Sarah Smith, April Kretschmar
Absent:	All board members present

1. Call to Order / Roll Call - By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was called to order at 9:06 am and Roll Call was done by Board chair, Tina McLean. Present: Lisa Radley, Valerie Phelps, Rebecca Dean, Lindsey Hill, Enlow Walker Board Secretary, Bryan Murphy, and Tina McLean, Board Chair. 7 of 7 appointed board members in attendance; Quorum in effect.	
2. Review/Approve Agenda	
Brief Discussion:	No discussion.
Motion to accept 11/16/2023 agenda:	<i>All in favor of accepting the agenda as written. None opposed. Motion passes unanimously.</i> Agenda for the Board of Physical Therapy and Occupational Therapy for the November 16, 2023 meeting – Day 1 is approved as written.
Recorded Votes:	<i>McLean - Y Walker - Y</i>
	<i>Hill - Y Dean - Y</i>
	<i>Murphy - Y Phelps - Y</i>
	<i>Radley - Y</i>
3. Ethics Reporting	
Brief Discussion:	Board chair, Tina McLean asked all board members if they had any ethics/conflicts of interest to report. None reported.
4. Public Comment	
Brief Discussion:	No members of the public present in-person or connected via Zoom. No Public Comment given.
5. Administrative Business	
A. Department of Law Opinion/Memo dated 05/26/2023 re: Recusal of Reviewing Board Members	

Brief Discussion:	Discussion regarding recusal of reviewing board members on investigation cases from Deliberative and/or Executive Sessions and votes on disciplinary actions. Recused board members count for quorum for the meeting. They would also be counted in majority determination for a vote and listed as “abstained” for vote if approved by the chair to be recused.	
	No determination made to include or exclude by the board. Memo taken under advisement at this time.	
B. FSBPT 2023 Leadership Forum and Annual Meeting Update		
Brief Discussion:	Board member Rebecca Dean submitted a detailed written report on her attendance at the Federation of State Boards of Physical Therapy (FSBPT) 2023 Leadership Forum in July, 2023 in Arlington, VA and the FSBPT Annual Education Conference in October, 2023 in Jacksonville, FL. Brief highlights given to board members. Presentations are posted from LIF and annual meetings in FSBPT member portal.	
C. Tabled Applications and Audits for Discussion		
Madison Woodworth - #130902 – PT – Random Audit		
Brief Discussion:	Madison Woodworth connected virtually at 9:28 am to the meeting. Board discussed the three audit questions – (1) do BLS credits count towards minimum 24 not approved so doesn't meet 12 AAC 54.410(a) minimum 24 contact hours and (2) only 5 contact hours submitted approved by entity in 12 AAC 54.420(a) so doesn't meet 12 AAC 54.410(b) – one half of credits (12 contact hours) must be approved by entity in 12 AAC 54.420(a) and (3) – do leadership courses meet 12 AAC 54.405(c). BLS course taken 12/2021 not approved per 12 AAC 54.410(e)(3). New job role. Confusion as to continuing education taken through employer Alaska Regional Hospital Healthstream account. Ms. Woodworth stated she thought it was approved by appropriate entity, but leadership courses approved by Nursing Board not a Physical Therapy Board.	
	Add FAQ to website to highlight BLS not an accepted course. Discussion about adding another question to the PT Jurisprudence Questionnaire that BLS is not an accepted course as well as other course items excluded in 12 AAC 54.410(e)(3).	
Motion to accept leadership courses as continuing education:	<i>Rebecca Dean motioned to accept the leadership courses taken by Madison Woodworth - #130902 as continuing education under 12 AAC 54.420(c). Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously accepts the leadership courses taken by Madison Woodworth - #130902 as continuing education under 12 AAC 54.420(c).	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker - Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps - Y</i>
	<i>Radley - Y</i>	
Motion to table Madison Woodworth - #130902 audit:	<i>Bryan Murphy motion to table the audit for Madison Woodworth - #130902 – allowing her 90 days from the receipt of a letter from the Division to apply for approval for the credits with an entity in 12 AAC 54.420(a). Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to table the continuing competency audit for Madison Woodworth - #130902 allowing her 90 days from the date of receipt of a letter from the Division to apply for approval for the credits taken from her employer from an entity listed in 12 AAC 54.420(a).	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker - Y</i>

	Hill - Y	Dean - Y
	Murphy - Y	Phelps - Y
	Radley - Y	
Action Items:	<i>Staff to forward letter to Madison Woodworth - #130902 – notifying her that BLS does not meet requirements of CE per 12 AAC 54.410(e)(3); Board approval of leadership courses under 12 AAC 54.420(c); and 90-day timeframe to correct 12 AAC 54.410(b) audit deficiency by applying for approval for credits taken through employer with an entity listed in 12 AAC 54.420(a).</i>	
Sarah Smith – PHYO1079 – OT – Random Audit		
Brief Discussion:	Sarah Smith connected virtually to the meeting. Board discussed audit question regarding professional practice requirements per 12 AAC 54.705.	
Motion to approve audit for Sarah Smith – PHYO1079	<i>Valerie Phelps motioned to accept professional hours performed by Sarah Smith – PHYO1079 as meeting requirements of 12 AAC 54.705(1). Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously accepts the professional practice hours performed by Sarah Smith – PHYO1079 as meeting requirements of 12 AAC 54.705(1).	
Recorded Votes:	McLean - Y	Walker - Y
	Hill - Y	Dean - Y
	Murphy - Y	Phelps - Y
	Radley - Y	
Action Items:	<i>Staff to forward approval notification for continuing competency audit to Sarah Smith – PHYO1079.</i>	
April Kretschmar – PHYP2695 – PT – Reinstatement Application		
Brief Discussion:	April Kretschmar connected virtually at 10:23 am to the meeting. Board discussed continuing education question whether Foundation Health Partner courses are acceptable under 12 AAC 54.405(c) on reinstatement application for Ms. Kretschmar.	
Motion to approve continuing education from Foundation Health Partners for April Kretschmar – PHYP2695:	<i>Enlow Walker motioned to approve courses taken by April Kretschmar – PHYP2695 from Foundation Health Partners as continuing education under 12 AAC 54.405(c). Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves the courses completed by April Kretschmar – PHYP2695 from Foundation Health Partners as continuing education under 12 AAC 54.405(c).	
Recorded Votes:	McLean - Y	Walker - Y
	Hill - Y	Dean - Y
	Murphy - Y	Phelps - Y
	Radley - Y	
Action Items:	<i>See November 17, 2023 for reinstatement application approval.</i>	
Break – recording paused 10:45 am. Recording started 10:54 am.		
Roll Call – Present – virtually = Valerie Phelps and Lisa Radley. In-person = Rebecca Dean, Lindsey Hill, Enlow Walker, Brian Murphy, Tina McLean. Quorum in effect.		
D. Board Correspondence		

1a. Scope of Practice Work – Department of Law Review of Scope of Practice Work Group August 4 Response Recommendations		
Brief Discussion:	Discussed Department of Law’s review of August 4, 2023 Scope of Practice Work Group response recommendations for 4 referred board correspondence items. Discussion on reconsideration of board’s response to FMCSA that performing DOT physicals is not within physical therapy scope of practice.	
Motion #2 – FMCSA response:	<i>Rebecca Dean motioned to send the FMCSA response back to the Scope of Practice Committee for reconsideration. Motion seconded by Lisa Radley. 3 in favor; 4 opposed. Motion does not pass.</i>	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -N</i>
	<i>Hill – N</i>	<i>Dean - Y</i>
	<i>Murphy – N</i>	<i>Phelps – N</i>
	<i>Radley- Y</i>	
Motion #1 – DME response:	<i>Enlow Walker motion to approve the Scope of Practice Work Group response for Durable Medical Equipment as written. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves the board correspondence response as written by the Scope of Practice Work Group for Durable Medical Equipment.	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Motion #3 – Diagnostic Ultrasound response:	<i>Enlow Walker motion to approve the Scope of Practice Work Group response for Diagnostic Ultrasound as written. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves the board correspondence response as written by the Scope of Practice Work Group for Diagnostic Ultrasound.	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Motion #4 – Therapeutic Diagnostic Codes response:	<i>Enlow Walker motion to approve the Scope of Practice Work Group response for Therapeutic Diagnostic Codes as written. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves the board correspondence response as written by the Scope of Practice Work Group for Therapeutic Diagnostic Codes.	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>

	Radley- Y	
Action Items:	<ul style="list-style-type: none"> • Staff to forward FSBPT webinar YouTube link for FMCSA – DOT Physicals to all Board members to review. • Staff to forward the board correspondence responses as written by the Scope of Practice Work Group on Durable Medical Equipment, Diagnostic Ultrasound, and Therapeutic Diagnostic Codes to the appropriate individuals. • Staff to create Board Correspondence Resources folder in OnBoard. 	
1b. PT/OT Lung Auscultation – 07-20-2023		
Brief Discussion:	Discussed if performing lung sound auscultation is within PT/PTA or OT/OTA scope of practice per AS 08.84.190(3) +(4) and AS 08.84.190 (5)(6) + (8). Lung sound auscultation is part of an OT/PT examination. PTA/OTAs can only carry out treatment plans put in place by physical therapists and occupational therapists do not perform examinations or re-exams - per 12 AAC 54.510(d) and 54.810.	
Motion to approve response for board correspondence PT/OT Lung Auscultation – 07-20-2023:	<i>Bryan Murphy motioned to draft a statement in support of lung sound auscultation being in scope of practice for occupational therapists per AS 08.84.190 (3) and physical therapists per AS 08.84.190 (6) and disseminate as necessary. Motion amended to include that Lung sound auscultation is not within scope of practice for PTAs and OTAs as PTAs/OTAs are not able to perform evaluations/examinations per 12 AAC 54.510 (d) = physical therapy and 12 AAC 54.810 = occupational therapy. Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves to draft a statement in support of lung sound auscultation being in scope of practice for physical therapists per AS 08.84.190 (6) and occupational therapists per AS 08.84.190 (3). Lung sound auscultation is not within scope of practice for PTAs and OTAs as PTAs/OTAs are not able to perform examinations per 12 AAC 54.510 (d) = physical therapy and 12 AAC 54.810 = occupational therapy.	
Recorded Votes:	McLean – Y	Walker -Y
	Hill – Y	Dean – Y
	Murphy – Y	Phelps – Y
	Radley- Y	
Action Items:	<i>Staff to forward response on lung sound auscultation as approved to appropriate individual highlighting definition of physical therapy and occupational therapy and regulation as necessary.</i>	
1c. DPT Students and Dry Needling – 10-17-2023		
Brief Discussion:	Discussed question of DPT students and their ability to perform dry needling under the supervision of a licensed physical therapist in the State of Alaska. Current regulations do not address dry needling. Position statement out that supports dry needling for licensed physical therapists that have been adequately trained. Definition non-licensed personnel – 12 AAC 54.590 (3) - Non-licensed personnel can only be used for patient-related duties that are routine tasks that do not require the education, skill, and training of a physical therapist or physical therapist assistant, and for which the outcome anticipated for the task is predictable; and situation of the patient and the environment is table and will not require the judgement, interpretations, or adaptations be made by non-licensed personnel; and task routine and process have been clearly established. Appropriate training required – 54.520(c) – assure training of non-licensed personnel under the supervision of a PT and document that training. Is the PT adequately trained to train/supervise? Is the student a first year or senior year? Needs further research to respond.	
Motion to refer board correspondence DPT Students	<i>Rebecca Dean motioned to refer the question on DPT students performing dry needling under supervision of a licensed physical therapist to the Scope of Practice Committee. Motion seconded by Lindsey Hill. All in favor; none opposed. Motion passes unanimously.</i>	

performing dry needling 10-17-2023 to Scope of Practice Committee:		
	The Board of Physical Therapy and Occupational Therapy unanimously moves to refer the question on DPT students performing dry needling under supervision of a licensed physical therapist from 10-17-2023 to the Scope of Practice Committee.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean - Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to forward DPT Students and Dry Needling Board correspondence question to Scope of Practice Committee to address.</i>	
2a. Occupational Therapy Billing Question – 08-27-2023		
Brief Discussion:	Discussed fieldwork/student billing question – can an occupational therapist bill for services provided when a student is seeing one client and in direct supervision while the OT sees another client – so billing for both? Asker was under the impression that she could not bill for both treatment sessions simultaneously but was recently told otherwise. Seeking clarification from the board. 12 AAC 54.815(b) A licensed occupational therapist or occupational therapy assistant may use non-licensed personnel in the delivery of patient-related and non-patient related duties. Patient-related duties performed by non-licensed personnel are not considered the practice of occupational therapy. Services performed by unlicensed personnel (students) are not considered “occupational therapy” therefore not billable/ Technically billing under supervisor’s license – cannot bill for both times. The board does not regulate billing/coding. Consult federal, state, and private payor billing/coding guidelines for appropriate information.	
Motion to approve response on board correspondence Occupational Therapy Billing question 08-27-2023:	<i>Bryan Murphy makes a motion to respond to the question regarding billing of occupational therapy students and their clinical supervisor at the same time to refer them to 12 AAC 54.815(b) that this does not support students billing at the same time as their counterpart. The board does not regulate billing practices. Refer to federal guidelines and private payor policies. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to respond to the question regarding billing of occupational therapy students and their clinical supervisor at the same time to refer them to 12 AAC 54.815(b) that this does not support students billing at the same time as their counterpart. The board does not regulate billing practices. Refer to federal guidelines and private payor policies.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean - Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to send response letter on billing of occupational therapy students and their clinical supervisor at the same time as approved by the board.</i>	
2b. Occupational Therapy Evaluations Clarification Request – 09-07-2023		
Brief Discussion:	Discussion of COTAs role in evaluations, implementing treatment plans, and supervision of COTAs - 12 AAC 54.810 via telehealth. Physical Therapists do not supervise COTAs, nor do they perform occupational therapy evaluations – AS 08.84.190(2) + (3). Multiple facets/scenarios to this question. Bryan Murphy to draft response for board review on Friday, November 17, 2023.	

Action Items:	<i>Staff to distribute drafted response by Bryan Murphy for board correspondence on occupational therapy evaluations clarification request – 09-07-2023 for board to review on Friday, November 17, 2023.</i>	
2c. Occupational Therapist Request to Perform Dry Needling – 08-02-2023		
Brief Discussion:	Request by an occupational therapist to be exempted from board position statement that dry needling is not within scope of practice for occupational therapy and be allowed to continue to dry needle. Items on agenda that may assist with resolution of this correspondence.	
Motion to table board correspondence OT Request to Perform Dry Needling to November 17, 2023:	<i>Enlow Walker motioned to table the dry needling board correspondence to Friday, November 17, 2023. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to table both the board correspondence questions associated with Occupational Therapist Request to Perform Dry Needling – 08-02-2023 to Friday, November 17, 2023.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean - Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Board correspondence – Occupational therapist Request to Perform Dry Needling – 08-02-2023 tabled to Friday, November 17, 2023. Staff to add additional question to board correspondence included in 08-02-2023 correspondence – see last page.</i>	
2d. Occupational Therapy – Consent for an Evaluation – 09-20-2023		
Brief Discussion:	Discussed correspondence regarding student OT services, consent, and IEP. You cannot provide occupational therapy services without an occupational therapy evaluation. Provider must have a consent to have an Individualized Education Program (IEP) evaluation and a signed consent for OT services. More information needed - what is the intent to seek out-patient occupational therapy services for an injury, what is the intent to get them in the IEP?	
Motion to approve response on board correspondence Consent for an Evaluation 09-20-2023:	<i>Enlow Walker motioned to send a reply stating before care can be initiated or a plan of care developed for OT services, an occupational therapy evaluation has to be performed with informed consent and parent consent, if necessary, per the accepted standards of care. See Principles of Practice. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to send a reply stating before care can be initiated or a plan of care developed for OT services, an occupational therapy evaluation has to be performed with informed consent and parent consent, if necessary, per the accepted standards of care. See Principles of Practice.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean - Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to move remaining board correspondence (items 2e – 3d) to Friday, November 17, 2023 agenda to address.</i>	
E. 2024 Board/Committee Meeting Schedule + Member Assignments		

Committee:	Members:	Duration:	Dates: Time:
Legislative	Tina McLean + Enlow Walker	January – May	2x/month; 2 nd + 4 th Thursdays; 9:00 am
Regulations	Valerie Phelps + Lindsey Hill alternate = Rebecca Dean	January – December	Monthly; 3 rd Monday; 10am
Scope of Practice	Enlow Walker, Tina McLean, Lindsey Hill alternate = Valerie Phelps	January – December	Monthly; 2 nd Monday; 10 am
Continuing Competence/Education	Valerie Phelps + Rebecca Dean Alternates = Tina McLean + Lindsey Hill	May + October	2x/year; 1 st Thursday; 10 am
Full Board Biannual Meeting	All board members	February + September	2x/year; TBD
Action Items:	<i>Staff to prepare Board meeting + committee schedule for 2024, distribute to board members, and public notice.</i>		
6. Lunch – 12:15 pm – 1:00 pm – recording paused 12:15 pm. Recording started 1:00 pm			
Roll Call – Present – virtually = Valerie Phelps and Lisa Radley. In-person = Rebecca Dean, Lindsey Hill, Enlow Walker, Brian Murphy, Tina McLean. Quorum in effect. Guests: Cary Moore, PhD, OTR/L – President – AKOTA and Jeffrey S. Gordon, DPT – Chair, APTA-AK Work Study Group joined in-person.			
Motion to table remaining board correspondence to 11/17/2023:	<i>Rebecca Dean motioned to table remaining board correspondence until tomorrow's meeting. Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously.</i>		
	The Board of Physical Therapy and Occupational Therapy unanimously approves to table the remaining board correspondence (items 2e – 3d on agenda) to be addressed on Friday, November 17, 2023 afternoon's meeting.		
Recorded Votes:	<i>McLean - Y</i>	<i>Walker - Y</i>	
	<i>Hill - Y</i>	<i>Dean - Y</i>	
	<i>Murphy - Y</i>	<i>Phelps - Y</i>	
	<i>Radley - Y</i>		
Action Items:	<i>Staff to move remaining board correspondence (items 2e – 3d) to Friday, November 17, 2023 agenda to address.</i>		
7. Association Updates			
AKOTA – Cary C. Moore, PhD, OTR/L - President			
Brief Discussion:	Dr. Moore forwarded four documents to the OLE for the board to review 11/15/2023. Via their lobbyist, Dave Parrish a sponsor was secured for updating language in the scope of practice - statutory change = Rep. Laddie Shaw from South Anchorage. AKOTA drafted two letters - one to be sent out to state associations – physical therapy, medical, nursing, chiropractic, and acupuncture. The other letter to be sent to Rep. Shaw. Copies of these were shared with the OLE for the board. AKOTA reached out to Alec Kay with APTA-AK and acupuncturists via email but have not secured a meeting with them to talk about language and any possibly concerns. Meanwhile the language with Rep. Shaw's legal team for review. Leg legal feels like dry needling is covered. Letter received from Leg legal review also forwarded for board review. 30 letters of support compiled by occupational therapy stakeholders for dry needling statutory language change. Association decision made in Oct. to shift focus to dry needling only to fast-track from full scope update which would be multi-year effort.		

	Discussion hiring outside 3 rd party to evaluate physical therapy and occupational therapy scope of practice acts + regulations as a whole for modernization that could prioritize legislative revisions/phasing of attainable stages.
Action Items:	<i>Staff to disseminate documents shared by AKOTA to Board for review and add to board packet.</i>
APTA-AK – Jeffrey S. Gordon, DPT, OCS, Chair, APTA-AK Work Study Group	
Brief Discussion:	Dr. Jeff Gordon, DPT from Fairbanks - addressed the board as chair of a work study group on diagnostic imaging referrals by physical therapists with the support and guidance of APTA-AK leadership, its members, and other members of the study group. On behalf of APTA-AK, Dr. Gordon is requesting legal clarification affirming that physical therapists have the right and responsibility to refer for diagnostic imaging. Given that the AK PT/OT statutes and regulations do not address this issue directly and certain clauses in the AK administrative rules preclude such referrals, physical therapists are not currently recognized by payors or imaging centers as referring providers. PTs have not only the necessary knowledge and training but also the duty to refer patients for diagnostic imaging. The board's determination would clear the way for necessary changes to be made that will allow for PTs to provide this much needed service for patients. See letter and research documents submitted in board packet for more information.
	Brief discussion on current PT state scope language AS 08.84.190(6), Title 7 language for imaging referrals as well as private payor guidelines.
Motion to refer APTA-AK clarification request on diagnostic imaging by PTs to Scope of Practice Committee:	<i>Bryan Murphy motioned to move the APTA-AK request to the Scope of Practice Committee. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i> The Board of Physical Therapy and Occupational Therapy unanimously approves to move the APTA-AK request for clarification on diagnostic imaging referrals by physical therapists to the Scope of Practice Committee.
Recorded Votes:	<i>McLean - Y</i>
	<i>Walker - Y</i>
	<i>Hill - Y</i>
	<i>Dean - Y</i>
	<i>Murphy - Y</i>
	<i>Phelps - Y</i>
	<i>Radley - Y</i>
Action Items:	<i>Staff to forward APTA-AK request for clarification on diagnostic imaging by physical therapist to the Scope of Practice Committee.</i>
8. PT/OT Licensure Compact	
Brief Discussion:	SB74/HB137 - Current bills in 33 rd Legislature for physical therapy compact – moving forward in Senate Finance Committee. No plan for AKOTA to introduce OT Compact legislation to join the current PT bills this upcoming 2024 legislative session. The Physical Therapy and Occupational Therapy Board sent a letter of support 09/07/2023 to the House Finance Committee. Letter to be sent for any related upcoming hearings when the Alaska legislature returns to session January 16, 2024.
9. Alaska Medicaid Changes eff. 11/2023	
Brief Discussion:	Alaska Medicaid Provider Remittance Advice (RA) message 10/25/2023 distributed to board members. Implementation of Utilization Limits for Adult Therapy Services – On Hold . All RA messages from Alaska Medicaid can be found here → https://extranet-sp.dhss.alaska.gov/hcs/medicaidalaska/Provider/Sites/RAMessages.htm

10. Occupational Therapy Dry Needling Regulations Project

Brief Discussion: Alison Osborne, Regulations Specialist 2, Sara Chambers, Boards and Regulations Advisor, assisted the board with this agenda item. Cary Moore, AKOTA President also provided input. Ms. Chambers helped the board to understand the three different entities of law within the state, who they advise – Legislative Branch (Leg Legal) and Executive Branch (Dept. of Law and Regulation Attorneys) and each of their functions. The board discussed at length the challenges that were faced by the Scope of Practice Work Group surrounding the original legal opinion interpretations from the Department of Law on dry needling for occupational therapy and the suggested pathways to correct/strengthen via statutory vs. regulatory. The board reviewed additional information provided by AKOTA from the 11/9/2023 Memorandum to Rep. Laddie Shaw from Division of Legal and Research Services (Leg Legal) which like the original Department of Law opinions, opens the question for statutory authority for dry needling under existing language in AS 08.84.190(3) for occupational therapists to perform dry needling but does not provide a clear determination for OT dry needling under statute AS 08.84.190 (3) at this time. The process of a regulations project will allow the 3rd legal team (Regulations attorneys) to research and conclude definitively if statutory authority exists within current scope of practice AS 08.84.190 (3).

The OT regulations project can be moved forward quickly as draft regulation language for occupational therapy dry needling was written concurrently with the physical therapy dry needling regulations in June, 2023 as part of the Scope of Practice Work Group. PT and OT regulation language mirror one another. The Board Opening Questionnaire needs to be completed by an authorized board member and submitted to the Regulations Specialist to move the project forward to next step. Board discussed the regulations process and how review by Regulations team attorneys would work to determine statutory authority to proceed forward or alert board that statutory authority to pursue dry needling for occupational therapy through regulations does not exist.

The Board intends to pursue an occupational regulations project at the same time as the Alaska Occupational Therapy Association (AKOTA) pursues their one-line statutory change to include dry needling with Rep. Laddie Shaw. AKOTA’s endeavor for expansive statutory overhaul of occupational therapy scope of practice to come at a later date.

Motion to start OT Dry Needling Regulations Project: *Enlow Walker motioned for the Physical Therapy and Occupational Therapy Board to begin a regulations project for occupational therapy dry needling. Motion seconded by Lindsey Hill. All in favor; none opposed. Motion passes unanimously.*

The Board of Physical Therapy and Occupational Therapy unanimously moves to begin a regulations project for occupational therapy dry needling.

Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean – Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	

Motion to appoint Valerie Phelps to complete Regulations Opening Questionnaire: *Rebecca Dean motioned to assign Valerie Phelps to complete the Opening Questionnaire for the occupational therapy dry needling regulations project. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.*

The Board of Physical Therapy and Occupational Therapy unanimously moves to appoint Valerie Phelps to complete the Board Regulations Project Opening Questionnaire for the occupational therapy dry needling regulations project.

Recorded Votes:	<i>McLean - Y</i>	<i>Walker - Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps - Y</i>
	<i>Radley - Y</i>	
Action Items:	<i>Staff to forward Board Regulation Project Opening Questionnaire to Valerie Phelps for completion regarding OT Regulations dry needling project and submission to Regulations Specialist 2 -Alison Osborne.</i>	
11. Division Update 4th Quarter – FY2023		
Brief Discussion	AOM Melissa Dumas updated the board on the 4th Quarter report from FY2023 . Total revenue from license fees \$151,228 + \$2,253 received from general fund for total of \$153,481 for FY2023 and \$573,947 for the biennium. General fund dollars were received in FY21-FY23 to offset increases in personal services and help programs from going into deficit or increase fees. Investigation Expenditures \$28,302; total expenditures \$257,156 for FY23 and \$465,226 for the biennium. Surplus carried forward from 2022 \$478,278 = ending cumulative surplus \$374,603. Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license, and fee types under one program and board input. Most recent fee change: Fee reduction FY2020. Increased board expenditures anticipated with PT Compact regulations project + implementation of compact changes (IT requirements), if passed. PHY program up for renewal June, 2024. Any fee change will be noticed. There has been a 25% growth in number of licenses issued from FY2019 to FY2023. 2,598 licenses FY2023 vs. 2,179 licenses FY2022 vs. 2,090 license FY2019. PHY board accounts for 2.38% of the total Division.	
12. Strategic Planning		
Brief Discussion:	Due to time run overs of agenda items, strategic planning was tabled to the next scheduled board meeting.	
Action Items:	<i>Staff to add strategic planning as agenda item to next scheduled board meeting.</i>	
13. Meeting Summary – Action Items		
	<ol style="list-style-type: none"> <i>1. Staff to forward letter to Madison Woodworth - #130902 – notifying her that BLS does not meet requirements of CE per 12 AAC 54.410(e)(3); Board approval of leadership courses under 12 AAC 54.420(c); and 90-day timeframe to correct 12 AAC 54.410(b) audit deficiency by applying for approval for credits taken through employer with an entity listed in 12 AAC 54.420(a).</i> <i>2. Staff to forward approval notification for continuing competency audit to Sarah Smith – PHYO1079.</i> <i>3. Staff to forward FSBPT webinar YouTube link for FMCSA – DOT Physicals to all Board members to review.</i> <i>4. Staff to forward the board correspondence responses as written by the Scope of Practice Work Group on Durable Medical Equipment, Diagnostic Ultrasound, and Therapeutic Diagnostic Codes to the appropriate individuals.</i> <i>5. Staff to create Board Correspondence Resources folder in OnBoard.</i> <i>6. Staff to forward response on lung sound auscultation as approved to appropriate individual highlighting definition of physical therapy and occupational therapy and regulation as necessary.</i> 	

	<ol style="list-style-type: none"> 7. <i>Staff to forward DPT Students and Dry Needling Board correspondence question to Scope of Practice Committee to address.</i> 8. <i>Staff to send response letter on billing of occupational therapy students and their clinical supervisor at the same time as approved by the board.</i> 9. <i>Staff to distribute drafted response by Bryan Murphy for board correspondence on occupational therapy evaluations clarification request – 09-07-2023 for board to review on Friday, November 17, 2023.</i> 10. <i>Board correspondence – Occupational therapist Request to Perform Dry Needling – 08-02-2023 tabled to Friday, November 17, 2023. Staff to add additional question to board correspondence included in 08-02-2023 correspondence – see last page.</i> 11. <i>Staff to prepare Board meeting + committee schedule for 2024, distribute to board members, and public notice.</i> 12. <i>Staff to move remaining board correspondence (items 2e – 3d) to Friday, November 17, 2023 agenda to address.</i> 13. <i>Staff to disseminate documents shared by AKOTA to Board for review and add to board packet.</i> 14. <i>Staff to forward APTA-AK request for clarification on diagnostic imaging by physical therapist to the Scope of Practice Committee.</i> 15. <i>Staff to forward Board Regulation Project Opening Questionnaire to Valerie Phelps for completion regarding OT Regulations dry needling project and submission to Regulations Specialist 2 -Alison Osborne.</i> 16. <i>Staff to add strategic planning as agenda item to next scheduled board meeting.</i>
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Next Meeting:	Day 2 – Friday, November 17, 2023 – Atwood Building, 550 W. 7 th Avenue, Anchorage, Alaska – Room 106
Adjournment:	Motion made by Enlow Walker to adjourn. Seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously. The State Physical Therapy and Occupational Therapy Board meeting was adjourned at 3:39 pm AKST on Thursday, November 16, 2023.

Day 2 – Friday, November 17, 2023

Date:	Friday, November 17, 2023
Time:	Friday – 12:00 pm – 4:30 pm AKST
Location:	Friday – Robert B. Atwood Building, 550 W. 7 th Avenue, Anchorage, AK – Room 106 and virtual via Zoom
Attending:	Board Members: Attending in-person – Rebecca Dean, Lindsey Hill, Enlow Walker, Board Secretary, Bryan Murphy, and Tina McLean, Board Chair. Attending virtually: Valerie Phelps and Lisa Radley Staff Members: Attending in-person – Sheri Ryan, Licensing Examiner; Shane Bannarbie, Program Coordinator 1. Attending virtually: Sara Chambers, Boards and Regulations Advisor; Reid Bowman, Program Coordinator 2 Guests: Attending in-person – Cary C. Moore, PhD, OTR/L – AKOTA President; Jeffrey S. Gordon, DPT, OCS, Chair, APTA-AK Work Study Group. Attending virtually: Madison Woodworth, Sarah Smith, April Kretschmar
Absent:	All board members present

1. Call to Order / Roll Call – By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was called to order at 12:01 pm and Roll Call was done by Board chair, Tina McLean. Present: Lisa Radley, Bryan Murphy, Valerie Phelps, Rebecca Dean, Enlow Walker, Board Secretary, Lindsey Hill, and Tina McLean, Board Chair. 7 of 7 appointed board members in attendance; Quorum in effect.

2. Review/Approve Agenda

Brief Discussion:	Reviewed agenda for Friday and need to add reinstatement application for approval for April Kretschmar and Dry Needling Position Statement Amendment.	
Motion to accept 11/17/2023 agenda:	<i>April Kretschmar reinstatement application – PHYP2695 added to agenda as first order of business. All in favor; not opposed. Motion to amend Day 2 agenda as proposed passes unanimously. Rebecca Dean motioned to amend the agenda to include a second item of the Dry Needling Position Statement amendment. Motion seconded by Lisa Radley. All in favor; none opposed.</i>	
	Agenda for the Board of Physical Therapy and Occupational Therapy for the November 17, 2023 meeting – Day 2 is amended to include consideration of April Kretschmar’s reinstatement application – PHYP2695 and Dry Needling Position Statement amendment.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker – Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley – Y</i>	

3. Tabled Applications – April Kretschmar – PHYP2695 – PT – Reinstatement Application

Brief Discussion:	Reviewed reinstatement application presented Thursday, November 16, 2023. Board approved courses completed by April Kretschmar from Foundation Health Partners as continuing education under 12 AAC 54.4051 but did not approve application for reinstatement.
Motion to approve application for reinstatement of April Kretschmar – PHYP2695:	<i>Rebecca Dean moved to approve the reinstatement application for April Kretschmar – PHYP2695. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>
	The Board of Physical Therapy and Occupational Therapy unanimously moves to approve the reinstatement application for April Kretschmar – PHYP2695.

Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
<i>Staff to forward approval notification for reinstatement application to April Kretschmar – PHYP2695 effective November 17, 2023.</i>		
4. Occupational Therapy Dry Needling Position Statement Amendment		
Brief Discussion:	Draft occupational therapy position statement on dry needling reviewed and revised.	
Motion:	<i>Enlow Walker moved to accept the update to the prior Occupational Therapy Dry Needling position statement as crafted. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion to accept the update the prior Occupational Therapy Dry Needling position statement passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to update the prior Occupational Therapy Dry Needling position statement as crafted.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to update and distribute Occupational Therapy Dry Needling Position Statement.</i>	
4. HB99 Regulations Project – Public Comment Period ended Nov. 15, 2023		
Brief Discussion:	Alison Osborne, Regulations Specialist 2 assisted the board on this agenda item. The public notice was sent 10/12/2023 with 30 days for public comment. Period closed Wednesday, 11/15/2023. Only one public comment item was received on this regulations project. The board reviewed the one item requesting elimination of the 6-month internship requirement of foreign-educated applicants. Discussion surrounding internship requirement for foreign educated applicants and elimination as part of this regulation project or need to open separate regulations project. 12 AAC 54.040 was repealed and readopted to update board approved accreditation agencies, replace the term “foreign-trained” with “foreign-educated” to be in compliance with HB99 and simplify the English language requirements. Requirements for Foreign-educated internship were not changed or noticed as part of this regulations project. Board took public input under advisement and determined more research requires as well as opportunity for additional public input before any changes to internship requirements can be made.	
Motion:	<i>Bryan Murphy motioned to start a regulations project to remove the onerous burden of the six-month internship requirement on foreign educated physical therapy applicants for licensure. Motion seconded by Lindsey Hill. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to start a to start a regulations project to remove the onerous burden of the six-month internship requirement on foreign educated physical therapy applicants for licensure.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>

	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to forward the Regulations Project for removal of the six-month PT internship requirement on foreign educated physical therapy applicants to the Regulations Committee and Regulations Specialist for further work.</i>	
Motion:	<i>Rebecca Dean motioned to accept HB 99 Regulations as put forth for public comment. Rebecca amended her motion to replace the word accept with the word adopt in her previous motion. Original and amended motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to adopt the 21 pages of regulations, dealing with application requirements for foreign-educated physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants, and implementing statutory changes to AS 08.84 under 1 Chapter 66, SLA 2022 (HB99) as put forth for public comment.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to send copy of motion adopting HB99 Regulations Project as put forth to Alison Osborne, Regulations Specialist 2 and Certification Order for the chairperson to sign and date and Certification of Board Action.</i>	
4. Physical Therapy Dry Needling Regulations Project		
Brief Discussion:	<p>Draft language previously accepted/approved by the board for the physical therapy regulations project discussed. Recommendations for placement of regulatory language for physical therapy and occupational therapy discussed. Stand alone regulations dedicated to dry needling only vs. “scope” related regulation section including dry needling and other items. Consensus to have new stand-alone larger scope of practice section under Article 4 – Standards of Practice – 54.505 for physical therapy and Article 7 – Standards of Practice – 54.805 for occupational therapy. Titles for each – 54.505 = Scope of Practice for Physical Therapists; 54.805 = Scope of Practice for Occupational Therapists. Each section would include dry needling regulations and any future scope related items. Each section would have to include an introductory/opening paragraph as the section would include more than one scope related item. Regulations Committee to be take on opening paragraph language draft with assistance of Alison Osborne, Regulations Specialist. Items referenced as “standards” have to be adopted in regulation and re-adopted if changes to the original documents are made. Items being considered to be adopted by reference are CDC/OSHA blood borne pathogen 29 CFR 1910.1030; American Physical Therapy Association (APTA) GUIDELINES: STANDARDS OF QUALITY FOR CONTINUING EDUCATION OFFERINGS BOD G11-03-22-69 and/or the Federation of State Boards of Physical Therapists (FSBPT) STANDARDS FOR CONTINUING COMPETENCE ACTIVITIES.</p>	
	<p>Discussion of whether there should be ongoing continuing education requirements for dry needling for renewal of licensure. It is the intent of the board not to require ongoing continuing education specific to dry needling as part of licensure renewal requirements. Alison Osborne, Regulations Specialist to assist Regulations Committee with dry needling regulations projects so it can go straight to Department of Law. Intent of the board that</p>	

	both the physical therapy and occupational therapy dry needling regulations projects will be worked on concurrently.	
Motion:	<i>Bryan Murphy motioned to send the Physical Therapy Dry Needling Regulations Project draft language – 12 AAC 54.505 to the Regulations Committee for re-tooling. Motioned seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to send the Physical Therapy Dry Needling Regulations Project draft language – 12 AAC 54.505 to the Regulations Committee for re-tooling.	
Recorded Votes:	<i>McLean – Y</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to forward Dry Needling Regulations Project to Regulations Committee to work on opening paragraph for 12 AAC 54.505 at next meeting.</i>	
Break – Recording stopped 2:00 pm – Recording stopped 2:11 pm. Roll call conducted by Tina McLean, board chair. Board members present: Lisa Radley, Valerie Phelps, Bryan Murphy, Lindsey Hill, Rebecca Dean, Enlow Walker, and Tina McLean. Quorum in effect.		
5. Alaska Workforce Data Project for the PT/OT Profession		
Brief Discussion:	Do not have adequate time to implement project prior to June, 2024 renewal. Project tabled for discussion at next board meeting for consideration for 2026 licensing renewal.	
Action Items:	<i>Staff to add tabled Alaska Workforce Data Project for the PT/OT Profession to 2024 agenda for consideration/implementation at June, 2026 renewal.</i>	
6. Professional Fitness Application Questions Revision Project		
Brief Discussion:	Purpose of project to remove language that creates appearance of stigma of healthcare professionals seeking mental health care. Board reviewed language used by Nursing Board for professional fitness question #4 of the 08-4016. Board considering language to replace all questions related to mental health on the following applications: <ul style="list-style-type: none"> • Question #8 on initial PT application 08-4065; 08-4091; OT application 08-4123 • Question #4 on renewal applications 08-4114 and 08-4116 • Question #8 on reinstatement applications 08-4388 + 08-4570 • Question #8 on Limited permit application 08-4578. 	
Motion:	<i>Enlow Walker motioned to change the Professional Fitness questions related to mental health on physical therapy and occupational therapy applications as applicable to read: “Within the past five years, have you been or are you currently being treated or on medication for any mental or emotional illness which is likely to impair or interfere with your ability to practice safely and in a competent and professional manner?” Renewal application to include language “Since last renewal” instead of “Within the past five years”. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously moves to change the professional fitness questions related to mental health on physical therapy and occupational therapy applications as applicable to read: “Within the past five years, have you been or are you currently being treated or on medication for any mental or emotional illness which is likely to impair or interfere with your ability to practice safely and in a competent and professional manner?” Renewal application to include language “Since last renewal” instead of “Within the past five years”.	
Action Items:	<i>Staff to replace language on all PFQ questions on initial and renewal applications related to mental health as agreed by the board.</i> <ul style="list-style-type: none"> • <i>Question #8 on initial PT application 08-4065; 08-4091; OT application 08-4123</i> • <i>Question #4 on renewal applications 08-4114 and 08-4116</i> 	

	<ul style="list-style-type: none"> • <i>Question #8 on reinstatement applications 08-4388 + 08-4570</i> • <i>Question #8 on Limited permit application 08-4578.</i> 	
7. Investigative Report		
Brief Discussion:	Jasmin Bautista, Investigator 3; Erika Priekstat, Chief Investigator; and Jenni Summers, Investigator 3 Supervisor in attendance for this agenda item. Investigative Report – June 15 through November 2, 2023 presented. 8 cases closed during this report period.	
	Case #2022-0000497 to be presented in Executive Session. Board member Valerie Phelps requested recusal as she was a reviewing board member for the case. Board chair Tina McLean granted recusal for Valerie Phelps. Board chair, Tina McLean requested recusal as she was also a reviewing board member for the case to be considered in Executive Session.	
Motion to accept Chair’s recusal request:	<i>Bryan Murphy motioned to accept Tina McLean, the board chair’s recusal request from case #2022-000497 that will be considered in Executive Session. Motion seconded by Lindsey Hill. Roll call vote passes by majority.</i>	
	The Board of Physical Therapy and Occupational Therapy motion passes by majority to accept the recusal of board chair, Tina McLean from case #2022-000497 that will be considered in Executive Session.	
Recorded Votes:	<i>McLean – abstain</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – abstain</i>
	<i>Radley- Y</i>	
	Tina McLean left the board room and Valerie Phelps put into the waiting room on Zoom.	
Motion to enter Executive Session:	<i>In accordance with the provisions of Alaska Statute 44.62.310I, I, Lindsey Hill, move that the Alaska State Physical Therapy and Occupational Therapy Board go into executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff members Jasmin Bautista, Sheri Ryan, Shane Bannarbie, Reid Bowman, Erika Priekstat and Jenni Summers to remain during session. Motion seconded by Bryan Murphy. All in favor; none opposed. Motion passes by majority.</i>	
	The Board of Physical Therapy and Occupational Therapy motion to enter executive session passes by majority to consider case #2022-000497.	
Recorded Votes:	<i>McLean – abstain</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>
	<i>Murphy – Y</i>	<i>Phelps – abstain</i>
	<i>Radley- Y</i>	
Off record at 2:25 pm – recording stopped – entered into Executive Session.		
Executive Session ended. Back on record at 2:46 pm – recording started. Board Secretary Enlow Walker conducted the Roll Call. Board members present: Valerie Phelps, Lisa Radley, Tina McLean, Rebecca Dean, Lindsey Hill, Bryan Murphy, and Enlow Walker. Quorum in effect.		
Motion to accept consent agreement for case #2022-000497:	<i>Lisa Radley motion to adopt the consent agreement for case #2022-000497 for Gussie P. Merrit, license #PHYP2369. Motion seconded by Lindsey Hill. Roll call vote. Motion passes by majority.</i>	
	The Board of Physical Therapy and Occupational Therapy adopts the consent agreement for case #2022-000497 for Gussie P. Merrit, license #PHYP2369 by majority.	
Recorded Votes:	<i>McLean – Abstain</i>	<i>Walker -Y</i>
	<i>Hill – Y</i>	<i>Dean – Y</i>

	<i>Murphy – N</i>	<i>Phelps – Abstain</i>
	<i>Radley- Y</i>	
Brief Discussion:	Request from Jenni Summers, Investigative Supervisor to add Investigative Board Training to agenda for next board meeting. New board members will be appointed in March, 2024. Special meeting to be scheduled for training.	
	<ul style="list-style-type: none"> • <i>Staff to forward consent agreement paperwork on case #2022-000497 to board chair for signature.</i> • <i>Staff to work with Chair to schedule Investigative board training after new board members are appointed in 2024.</i> 	
8. Disciplinary Matrix Development Project		
Brief Discussion:	Item tabled to next board meeting.	
Motion:	Rebecca Dean motion to table the Disciplinary Matrix Project to the next meeting. Motion seconded by Lindsey Hill. All in favor; none opposed.	
	The Board of Physical Therapy and Occupational Therapy unanimously approves tabling the Disciplinary Matrix Project to the next board meeting.	
Action Items:	<i>Staff to add Disciplinary Matrix Development project to next board meeting agenda.</i>	
9. Board Correspondence – continued		
2b. Occupational Therapy – Evaluations Clarification Request – 09-07-2023		
Brief Discussion:	Board reviewed draft response crafted by Bryan Murphy from November 16, 2023 and revised.	
Motion:	<i>Enlow Walker motioned to approve the response for board correspondence Occupational Therapy – Evaluations Clarification Request -09-07-2023 as discussed. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i>	
	The Board of Physical Therapy and Occupational Therapy unanimously approves to send the board correspondence response for Occupational Therapy – Evaluations Clarification Request -09-07-2023 as discussed.	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean – Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to forward approved response for OT Evaluations Clarification Request – 09-07-2023 as written. See approved draft saved during meeting 11/17/2023.</i>	
2e. OTA Supervision – 10-13-2023		
Brief Discussion:	12 AAC 54.810 and 54.890(6)(A)+(B) discussed. Present for each client or present for one client. It's certainly not for one. She has to be present per each plan of care whether video, teleconference, etc. Cannot interpret to be for a "group" of patients. For "a" patient, meaning for "each" patient. Quote 12 AAC 54.810(1) and highlight for "a patient" meaning for "each patient".	
Motion:	<i>Enlow Walker motioned to craft a response for the board correspondence OTA Supervision - 10-13-2023 as discussed - Quote 12 AAC 54.810(1) and highlight for "a patient" meaning for "each patient". Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i>	

	The Board of Physical Therapy and Occupational Therapy unanimously approves to send the board correspondence response for OTA Supervision – 10-13-2023 as discussed - Quote 12 AAC 54.810(1) and highlight for “a patient” meaning for “each patient”.	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean – Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to send response for the board correspondence OTA Supervision -10-13-2023 as discussed - Quote 12 AAC 54.810(1) and highlight for “a patient” meaning for “each patient”.</i>	
3a. PT/PTA Supervision Clarification Request – 08-10-2023		
Brief Discussion:	Refer to 12 AAC 54.500(e) – may not supervise, in any combination “at the same time”. The regulations regarding supervision do not refer to the total number of employees as you want to be employed/hired. The regulation specifically refers to the maximum total number of three (3) aides, assistants, students, foreign-trained candidates, or permittees under the supervision of a licensed physical therapist at any given time. For example, if you four PTs and 7 PTAs. Which PTs are supervising which PTAs? As long as one PT is not supervising more than 3 PTAs at any given time on the clock on any given day of the week, that is what our regulation is intended to say. Based on a clinic working day staff presence and not on the total members on staff.	
Motion:	<p><i>Enlow Walker motioned to craft a response for the board correspondence PT/PTA Supervision -08-10-2023 as discussed - Quote 12 AAC 54.500(e) with the following added, “The regulation specifically refers to the maximum total number of three (3) aides, assistants, students, foreign-trained candidates, or permittees under the supervision of a licensed physical therapist at any given time. The regulation is based on a clinic working day staff presence and not on the total members on staff.” Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.</i></p> <p>The Board of Physical Therapy and Occupational Therapy unanimously approves to send the board correspondence response for PT/PTA Supervision – 08-10-2023 as discussed - - Quote 12 AAC 54.500(e) with the following added, “The regulation specifically refers to the maximum total number of three (3) aides, assistants, students, foreign-trained candidates, or permittees under the supervision of a licensed physical therapist at any given time. The regulation is based on a clinic working day staff presence and not on the total members on staff.”</p>	
Recorded Votes:	<i>McLean - Y</i>	<i>Walker -Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Action Items:	<i>Staff to send response for the board correspondence PT/PTA Supervision – 08-10-2023 as discussed - Quote 12 AAC 54.500(e) with the following added, “The regulation specifically refers to the maximum total number of three (3) aides, assistants, students, foreign-trained candidates, or permittees under the supervision of a licensed physical therapist at any given time. The regulation is based on a clinic working day staff presence and not on the total members on staff.”</i>	
3b. PT – Treatment Plans and Referral to LMT – 09-18-2023		

Brief Discussion:	Chair Tina McLean requested recusal as she contracts services with the company involved in this request for clarification.	
Motion:	<i>Motion made by Rebecca Dean to grant recusal for Tina McLean on discussion from the board correspondence – Treatment Plans and Referral to LMT – 09-18-2023 directed to the Board of Physical Therapy and Occupational Therapy. Seconded by Enlow Walker. Roll call vote done. Majority in favor; none opposed.</i>	
	The Board of Physical Therapy and Occupational Therapy moves by majority to recuse Tina McLean on discussion from the board correspondence – Treatment Plans and Referral to LMT – 09-18-2023 directed to the Board of Physical Therapy and Occupational Therapy.	
Recorded Votes:	<i>McLean - Abstain</i>	<i>Walker - Y</i>
	<i>Hill - Y</i>	<i>Dean - Y</i>
	<i>Murphy - Y</i>	<i>Phelps – Y</i>
	<i>Radley- Y</i>	
Brief Discussion:	Lisa Radley expressed concern regarding a possible conflict of interest because of her employment.	
Motion:	Enlow Walker, Secretary, granted recusal for Lisa Radley on discussion from the board correspondence – Treatment Plans and Referral to LMT – 09-18-2023.	
Brief Discussion:	<p>Clarification request regarding common practices at the Arctic rehab facilities. 1st part – is it legal for a PT to refer patients for massage therapy? Yes, within scope. 08.84.120(6) The board may refuse to license an applicant, may refuse to renew the license of a person, may discipline a person, and may suspend or revoke the license of a person who (6) has failed to refer a patient to another qualified professional when the patient’s condition is beyond the training or ability of the person;</p> <p>2nd part - include massage therapy referral and treatment in a plan of care? Is it appropriate to include other licensed personnel (massage therapists, athletic trainers) in a plan of care? Is it appropriate for a physical therapist to supervise those licensed personnel by setting duration and frequency of care? Massage therapists cannot write their own treatment plans. A physician (MD, DO, DC) must refer the patient for physical therapy and massage. Current practice is for evaluation by a physical therapist first to determine the diagnosis codes required by insurance companies to cover the service. Plan of care may include massage therapy as well as physical therapy is sent back to their referring physician to sign off on monthly to confirm medical necessity. Prescribing authority is the referring provider – the physician. Federally funded programs do not cover massage therapy but do cover physical therapy services. Physical therapists cannot supervise licensed personnel – LMTs can work without supervision. Physical therapist can only supervise and delegate care (services) to aides, physical therapist assistants, students, foreign-trained candidates, or permittees. 12 AAC 54.500 Physical Therapy Standards.</p> <p>Previous PT/OT Board 2008 accepted physical therapist’s supervision of Athletic Trainers, Exercise Physiologists, Massage Therapists but they were not billing for their components.</p> <p>Jurisdiction on ruling on plans of care? Principles of Practice – does the board want to regulate plans of care? Is it within the Board’s purview? Board does not have clear regulatory jurisdiction on plans of care. Principles of Practice gives guidance on expectations and to educate the consumer on what to expect.</p> <p>3rd part of the question is a billing question – can manual therapy (97140) and/or massage therapy (97124) be billed under PT CPT codes? CPT codes do not belong to any profession/provider. CPT codes can be used by any provider as long as service is within</p>	

	<p>their scope of practice. Is this 3rd question on billing within the jurisdiction of the PT/OT board and relevant to weigh in on? No, board does not regulate billing/coding practices.</p> <ol style="list-style-type: none"> 1. Yes, it is within the scope of practice for a physical therapist to refer for treatment to a massage therapist. 08.84.120(6) The board may refused to license an applicant, may refuse to renew the license of a person, may discipline a person, an may suspend or revoke the license of a person who (6) has failed to refer a patient to another qualified professional when the patient’s condition is beyond the training or ability of the person; We have answered your question with regards to legality of scope of practice, not with regards to insurance/reimbursement standards as this board does not regulate insurance standards. 2. The Board of Physical Therapy and Occupational Therapy does not have clear regulatory jurisdiction regarding “plans of care”. Please consult your own legal advisor regarding your question of “Can massage therapy treatment be included in a physical therapy plan of care?”. The Board of Physical Therapy and Occupational Therapy has adopted the Principles of Practice – March 2015. 3. Billing and coding practices are not within the Board of Physical Therapy and Occupational Therapy’s purview to regulate. Please consult your state association or legal advisor for billing/coding best practices.
Motion:	<i>Motion by Bryan Murphy for the response to Treatment Plans and Referral to LMT – 09-18-2023 as discussed. Motion seconded by Valerie Phelps. No further discussion. Roll call vote. Motion passes by majority.</i>
	The Board of Physical Therapy and Occupational Therapy approves by majority to send the board correspondence response for Treatment Plans and Referral to LMT – 09-18-2023 as discussed.
Recorded Votes:	<i>McLean - Abstain</i>
	<i>Walker - Y</i>
	<i>Hill - Y</i>
	<i>Dean - Y</i>
	<i>Murphy - Y</i>
	<i>Phelps – Y</i>
	<i>Radley- Abstain</i>
Action Items:	<i>Staff to send the board correspondence response for Treatment Plans and Referral to LMT – 09-18-2023 as discussed.</i>
3c. PT Preceptorship CEU – 04-27-2023	
Brief Discussion:	Some states do this but there is no current avenue for physical therapists to earn CE at this time. Under Alaska regulations physical therapist could use hours overseeing interns or volunteer hours towards their professional practice requirements (60 hours of physical therapy services) but there is no avenue under regulation to earn continuing education for overseeing an intern at this time.
Motion:	<i>Motion by Enlow Walker to draft response as discussed. Motion seconded by Rebecca Dean. All in favor; none opposed.</i>
	The Board of Physical Therapy and Occupational Therapy unanimously moves to send a response for PT Preceptorship CEU – 04-27-2023 as discussed.
Recorded Votes:	<i>McLean - Y</i>
	<i>Walker - Y</i>
	<i>Hill - Y</i>
	<i>Dean - Y</i>
	<i>Murphy - Y</i>
	<i>Phelps – Y</i>
	<i>Radley- Y</i>
Action Items:	<i>Staff to send board correspondence response for PT Preceptorship CEU 04-27-2023 as discussed.</i>
3d. PT Course on Mentorship CEU - 05-15-2023	

Brief Discussion:	<p>Mentor Communication Skills – The board does not approve courses for continuing education. We recommend you reach out to APTA-AK for approval so that the course counts for both your 24 contact hours under 12 AAC 54.410 and 12 AAC 54.410(b).</p> <p>The board will accept this course as part of your required 24. under 12 AAC 54.420 (c), however in addition to having 24 contact hours, a minimum of your 12 contact hours muse meet 12 AAC 54.410(b) and be approved by an entity in 12 AAC 54.420.</p>	
Motion:	<p><i>Motion made by Enlow Walker to send response as discussed. Motion seconded by Rebecca Dean. All in favor; none opposed.</i></p> <p>The Board of Physical Therapy and Occupational Therapy unanimously moves to send a response to board correspondence PT Course on Mentorship CEU – 05-15-2023 as discussed.</p>	
Recorded Votes:	McLean - Y	Walker -Y
	Hill - Y	Dean - Y
	Murphy - Y	Phelps – Y
	Radley- Y	
Action Items:	<p><i>Staff to send response to board correspondence PT Course on Mentorship CEU – 05-15-2023 as discussed.</i></p>	
14. Meeting Summary – Action Items		
	<ol style="list-style-type: none"> 1. <i>Staff to forward approval notification for reinstatement application to April Kretschmar – PHYP2695 effective November 17, 2023.</i> 2. <i>Staff to update and distribute Occupational Therapy Dry Needling Position Statement.</i> 3. <i>Staff to forward the Regulations Project for removal of the six-month PT internship requirement on foreign educated physical therapy applicants to the Regulations Committee and Regulations Specialist for further work.</i> 4. <i>Staff to send copy of motion adopting HB99 Regulations Project as put forth to Alison Osborne, Regulations Specialist 2 and Certification Order for the chairperson to sign and date and Certification of Board Action.</i> 5. <i>Staff to forward Physical Therapy Dry Needling Regulations Project to Regulations Committee to work on opening paragraph for 12 AAC 54.505 at next meeting.</i> 6. <i>Staff to add tabled Alaska Workforce Data Project for the PT/OT Profession to 2024 agenda for consideration/ implementation at June, 2026 renewal.</i> 7. <i>Staff to replace language on all PFQ questions on initial and renewal applications related to mental health as agreed by the board.</i> <ul style="list-style-type: none"> • <i>Question #8 on initial PT application 08-4065; 08-4091; OT application 08-4123</i> • <i>Question #4 on renewal applications 08-4114 and 08-4116</i> • <i>Question #8 on reinstatement applications 08-4388 + 08-4570</i> • <i>Question #8 on Limited permit application 08-4578.</i> 8. <i>Staff to forward consent agreement paperwork on case #2022-000497 to board chair for signature.</i> 9. <i>Staff to work with Chair to schedule Investigative board training after new board members are appointed in 2024.</i> 10. <i>Staff to add Disciplinary Matrix Development project to next board meeting agenda.</i> 11. <i>Staff to forward approved response for OT Evaluations Clarification Request – 09-07-2023 as written. See approved draft saved during meeting 11/17/2023.</i> 	

	<p>12. <i>Staff to send response for the board correspondence OTA Supervision -10-13-2023 as discussed - Quote 12 AAC 54.810(1) and highlight for “a patient” meaning for “each patient.”</i></p> <p>13. <i>Staff to send response for the board correspondence PT/PTA Supervision – 08-10-2023 as discussed - Quote 12 AAC 54.500(e) with the following added, “The regulation specifically refers to the maximum total number of three (3) aides, assistants, students, foreign-trained candidates, or permittees under the supervision of a licensed physical therapist at any given time. The regulation is based on a clinic working day staff presence and not on the total members on staff.”</i></p> <p>14. <i>Staff to send the board correspondence response for Treatment Plans and Referral to LMT – 09-18-2023 as discussed.</i></p> <p>15. <i>Staff to send response board correspondence for PT Preceptorship CEU 04-27-2023 as discussed.</i></p> <p>16. <i>Staff to send response to board correspondence PT Course on Mentorship CEU – 05-15-2023 as discussed.</i></p>

Next Meeting:	February 15-16, 2024 – Atwood Building, 550 W. 7 th Avenue, Suite 1550, Anchorage, Alaska
Adjournment:	Motion made by Bryan Murphy to adjourn. Seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously. The State Physical Therapy and Occupational Therapy Board meeting was adjourned at 4:43 pm AKST on Friday, November 17, 2023.

Approved by unanimous vote at 02/15/2024 Board Meeting.