

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY
AND ECONOMIC DEVELOPMENT
BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY
550 West 7th
Anchorage, AK

By authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6,
a scheduled meeting of the Board of Physical and Occupational Therapy was
held on March 27-28, 2014 at 550 West 7th, Suite 1620, Anchorage, AK

March 27, 2014

Agenda Item 1 - Call to Order/Roll Call

Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to order at 9:02 a.m. Those present, constituting a quorum of the Board, were:

Kathleen Lind, Chair, OT
Valerie Phelps, PT
James Parietti, PT
Ilona Farr, MD
Ruth Kostik, Public Member
Mary Melissa Robinson, OT

Joseph Kennedy, PT – Arrived at 2:35 p.m.

Ms. Lind welcomed Mr. Kennedy, PT to the board. He was appointed on March 1, 2014. Mary Melissa Robinson, OT and Dr. Farr were reappointed on March 1, 2014

Present from the Division of Corporations, Business & Professional Licensing

Connie Petz, Licensing Examiner
Michele Wall-Rood, Investigator
Martha Hewlett, Administrative Officer (via telephone)

Public Present: No Public present

Agenda Item 2 - Review/Approve Consent Agenda

- A. Minutes September 19-20, 2013 (for approval)
- B. Minutes October 24, 2013 Teleconference (for approval)
- C. Minutes November 20, 2013 Teleconference (for approval)
- D. Sunset Audit
- E. Phelps - Liaison report AKPTA
- F. Robinson - Liaison report AKOTA
- G. Board correspondence to Duffield & Barron 9-23-13
- H. Board correspondence to Sara Chambers 9-26-13
- I. Board correspondence to Chiropractic Board 9-26-13
- J. Correspondence from Chiropractic Board 11-18-13
- K. Board correspondence to Chiropractic Board 11-25-13

The board members agreed all board meeting minutes were approved as written and the entire consent agenda items A through K did not deem further discussion.

ON A MOTION MADE BY ROBINSON, SECONDED BY KOSTIK, IT WAS RESOLVED TO APPROVE THE CONSENT AGENDA AND THE MINUTES AS FINAL FOR SEPTEMBER 19-20, 2013, OCTOBER 24, 2013 TELECONFERENCE AND THE NOVEMBER 20, 2013 TELECONFERENCE. ALL IN FAVOR, CARRIED UNANIMOUSLY.

Kathy Lind signed final board meeting minutes for September, October and November and staff will post to website.

Agenda Item 3 - Review/Approve Agenda

The board tabled Agenda Item 15 Consent Agreements for CE Audits. A teleconference will be called once they are ready for board review. Agenda item 26 (meeting dates) Next two in person board meetings are now scheduled for: September 11-12, 2014 Anchorage and March 26-27, 2014 Juneau.

ON A MOTION MADE BY DR. FARR, SECONDED BY ROBINSON APPROVED THE CURRENT AGENDA WITH THE 2 MODIFICATIONS AS DISCUSSED. ALL IN FAVOR, CARRIED UNANIMOUSLY.

Agenda Item 4 - Discuss board secretary/chair

Valerie Phelps nominated Melissa Robinson for secretary of the Board. Ms. Robinson accepted.

ON A MOTION MADE BY PHELPS, SECONDED BY PARIETTI, ROBINSON WAS NOMINATED AS THE SECRETARY OF THE BOARD. ALL OTHER BOARD MEMBERS VOTED YES. MS. ROBINSON ABSTAINED, CARRIED UNANIMOUSLY.

Agenda Item 5 - Ethics Reporting

There were no ethics violations to report by board members or staff.

Agenda Item 6 - Budget Report

The board called Martha Hewlett, Administrative Officer to review the budget. The board understood the current budget deficit and did not have further questions.

Break 9:43 a.m. - Back on record 10:00 a.m.

Agenda Item 7 - Investigative Report and Barrier Crimes Matrix

Investigator Michele Wall-Rood presented her investigative report up to and including March 4, 2014.

CASES: Status of open matters - (5) Intakes, (10) Complaints, (1) Probation

CLOSURES: Status of closed - (6) Intakes (4) Complaints, (3) Investigations

Ms. Lind called for a motion to enter executive session according to AS 44.62.310 (c) (2) and (3) for a deliberative process discussion on case # 2012000039 and probation case # 2013-000436.

ON A MOTION BY DR. FARR, SECONDED BY PHELPS TO ENTER EXECUTIVE SESSION. ROLL CALL VOTE; PHELPS, PARIETTI, FARR, KOSTIK, ROBINSON AND LIND VOTED YES.

All board members, staff (Wall Rood and Petz) to stay in the room. No public in attendance.

Enter Executive session - Off record 10:10 a.m.
Out of Executive Session - On record 10:42 a.m.

The board will wait to speak with another investigator at 2:30 p.m. regarding the deliberative process for this executive session. No decisions were made.

The board held brief discussion on the Barrier Crimes Matrix and how this tool would be valuable for the board in relation to yes answers on applications or disciplinary actions.

Agenda Item 8 - Trigger Point Dry Needling

The board discussed they have already stated their view on this topic and they will not respond to the mass mailing letter which was sent to all jurisdictions. The board is aware both the Federation of State Boards of Physical Therapy and the American Physical Therapy Association have responded to the letter.

The board stands, in regard to performance of dry needling, the board will not address specific treatment approaches by licensure; however, they expect the professionalism of the clinician to determine if they are qualified to provide the type of treatment in question or whether referral is more appropriate. The physical therapist will be held accountable for demonstrating this competence if there is ever a complaint.

The board was ahead of schedule - deviated to Agenda Item 10 – Regulations Project

The Board understands the fee regulation project public comment period ends at 4:30p.m. April 1, 2014. Once fees are approved by the Lt. Governor the fees would be enacted 30 days later. Renewal applications will be mailed once fees are enacted.

The board reviewed the draft regulations received from Jun Maiquis. They made one modification and approved everything else as drafted.

1. Replace the current references from National Associations for code of ethics for both professions (physical therapy and occupational therapy) with the Alaska Code of Ethics. The Board amended the numerical order of the principals within the draft Alaska code of ethics by moving principle 4 to the number 6 and moved then principles 5 and 6 up.
2. Repeal the requirement to provide 24 contact hours of continuing education for occupational therapists and occupational therapy assistants at the time of initial application for license.
3. It was noted one piece of the prior regulation request regarding the word "with" is not needed and there will be no regulation change in 12 AAC 54.110.

ON A MOTION BY PHELPS, SECONDED BY LIND, AMEND THE ORDER OF THE CODE OF ETHICS, ESSENTIALLY MOVING PRINCIPLE 4 "COMPLY WITH INSTITUTIONAL RULES, LOCAL, STATE, FEDERAL, AND INTERNATIONAL LAWS APPLICABLE TO THE PROFESSION" TO THE END OF THE CODE OF ETHICS. THAT WOULD MOVE UP PRINCIPLE 5 TO BECOME PRINCIPLE 4 – PROVIDE COMPREHENSIVE, ACCURATE, AND OBJECTIVE INFORMATION ABOUT SERVICES. PRINCIPLE 6 WILL BECOME PRINCIPAL 5 – TREAT COLLEAGUES AND OTHER PROFESSIONALS WITH RESPECT, FAIRNESS, DISCRETION AND INTEGRITY. I FURTHER MOVE TO APPROVE THE REGULATIONS CHANGES TO GO OUT FOR WRITTEN COMMENT TO BE READY TO BE REVIEWED AT THE SEPTEMBER 2014 PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD MEETING. ALL IN FAVOR, CARRIED UNANIMOUSLY.

Task: Staff to forward motion for the regulation project to Jun Maiquis requesting written public comment to be received prior to the September 11-12, 2014 board meeting.

12:00 p.m. Lunch Recess – Reconvened at 1:03 p.m.; Ms. Lind called the meeting to order, all board members (except Dr. Farr) were present.

Agenda Item 9 - Public Comment

No public present.

Agenda Item 11- Legislative process/planning for Statute Change

Goal 1: 08.84.190(6)(a) regarding term protection of 'physiotherapy'. Ms. Phelps will research what other jurisdictions have in their law in relation to physiotherapy.

Goal 2 and Goal 11 can be combined; 08.84.010 (a); clarify the role of the board is to protect the public and also replace the board seat held by the physician with one more professional from the occupational therapy field.

The board will investigate the makeup of boards in other jurisdictions to find out if they had a physician on their board. In the past the board has stated the current position held by a physician would better serve the public if the physician seat on the board could be replaced with a therapist from within the occupational therapy field. By replacing the physician with either an occupational therapist or occupational therapy assistant our board would have representation of another professional familiar with the practice of occupational therapy.

Seeking a change in board makeup would better serve the public by having more occupational therapists on the board with their knowledge of practice and skills required for their profession. The Board also believes it will better represent the licensees by equalizing the number of physical and occupational therapists in over site of these professionals in protection for the public".

Goal 12: Regarding 08.84.130 (a) the board discussed that the importance of including the initials PT (physical therapy) in this statute as it will ensure the protection of the public from infringement of alternative use of the initials PT. It would distinguish for personal trainers to understand they cannot advertise or use the initials PT. Only physical therapists have the right to use the initials PT. This will assure the public that when they see the initials PT they would know they are working with a physical therapist.

Task: Staff will revise the legislative recommendations of the board and include the changes in September 2014 board packet.

Break - Off record at 2:35 p.m. back on record at 2:50 p.m.

Ms. Lind welcomed new board member Joseph Kennedy who arrived to the board meeting at 2:45 p.m. His flight had been delayed out of Nome.

Deviated back to Agenda Item 7 - Investigator Wall Rood returned to the meeting.

Ms. Lind called for a motion to enter executive session to continue the discussion for case # 2012-000039 and probation case # 2013-000436.

ON A MOTION BY KOSTIK, SECONDED BY ROBINSON RESOLVED TO ENTER EXECUTIVE SESSION ACCORDING TO AS 44.62.310 (C) (2) AND (3) AND THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF DELIBERATIVE PROCESS DISCUSSION ON CASE # 2012-000039 AND PROBATION CASE # 2013-000436.

ROLL CALL VOTE; PHELPS, PARIETTI, KENNEDY, KOSTIK, ROBINSON AND LIND VOTED YES TO ENTER EXECUTIVE SESSION.

All board members and staff (Wall Rood and Petz) to stay in the room. No public in attendance.

Enter Executive session - Off record 2:52 p.m.

Out of Executive Session - On record 3:10 p.m.

ON A MOTION BY KOSTIK, SECONDED BY ROBINSON probationary action case # 2013-000436 action to pursue additional information on the license in another state of the person and will discuss further at the September Board Meeting.

ROLL CALL VOTE; PHELPS, PARIETTI, KENNEDY, KOSTIK, ROBINSON AND LIND VOTED YES.

No other actions were taken by the board.

Agenda Item 12 - Continuing Education and Competency

Valerie Phelps shared more information with the Board about continuing education and the direction of other jurisdictions on how they view competency. The board will continue to monitor the options other agencies are implementing.

The board discussed requests for continuing education prior to renewing their license in June 2014. Staff will notify each licensee with the boards' decision.

Kathy Lind will send a letter to Lucy Hope of the Matanuska-Susitna Borough School District to request their agency consider having courses approved by the state associations to offer courses for the therapists. This would then help these courses clearly identify they qualify for their continuing education with their named providers.

The board discussed and agreed to clarify on the continuing education information page on the website items which the board does not approve as continuing education.

Amend item number 4 "animal therapy" and revise it to "treatment of animals". The board added 2 more items, courses related to documentation, coding or billing and courses related to marketing or practice/business growth.

It will now read: The following activities will not be accepted for continuing education contact hours:

1. Routine staff meetings attended by the applicant;
2. Rounds conducted by the applicant;
3. Routine courses required for employment: CPR, first aid, training related to OSHA requirements, etc.
4. Courses related to treatment of animals, such as canine and equine rehabilitation.
5. Courses related to documentation, coding or billing
6. Courses related to marketing or practice/business growth.

Task: staff will update website with the above

RECESS 4:38 p.m. Reconvene 8:30 a.m. on Friday

Friday - March 28, 2014

Agenda item 13 - Call Meeting to Order/Roll Call

Kathy Lind, Chair called the meeting to order at 8:43 a.m. Those present, constituting a quorum of the Board, were:

Kathleen Lind
James Parietti
Joe Kennedy
Ruth Kostik
Mary Melissa Robinson
Valerie Phelps [approved for late arrival, arrived at 10:10 a.m.]

Ilona Farr, Approved Absence for full day of March 28, 2014

Staff: Connie Petz

Agenda Item 14 - Report from NBCOT conference

Ms. Robinson shared highlights of the November 8-9, 2013 NBCOT conference and she found it worthwhile to attend. She said there was discussion about professional-client boundaries in health care, social media, ethics. All have potential for ethical and disciplinary consequences. Interstate compacts some jurisdictions/professions are allowing a professional to practice in one state while holding a license in the bordering state. This will require in depth study and legal review for any jurisdictions considering it.

Agenda Item 15 - Consent agreements for CE Audit's

Consent agreements tabled to potential teleconference, May 1, 2014, 12:00 p.m.

Agenda Item 16 - Military 'Substantially Equivalent'

The board will continue to monitor the education and training for military in relation to HB 84 and what is 'substantially equivalent'. The Board would like to know if spouses are also included in this law.

Task: Staff will research about spouses of military personnel.

Break at 9:34 a.m., back on record at 9:55 a.m.

Agenda Item 17 - Jurisprudence question redraft

The Board revised jurisprudence questions for renewal application for both physical therapy and occupational therapy. Staff will incorporate the new questions with the renewal applications and insert with all new applications after the new fees are enacted.

Lunch Break - Off the record at 12:15 p.m. Back on record at 1:04 p.m.

Agenda Item 19 - Call the meeting to order

Kathy Lind called the meeting to order, all board members and staff were present.

Deviated back to Agenda Item 18 - Chiropractic/Physical Therapy

The Board read the Alaska Board of Chiropractic examiners March 21, 2014 telephonic minutes. The Board determined the Alaska Board of Physical Therapy and Occupational Therapy should make a statement with a guideline for the use of the term physical therapy. It was determined the Board should enter executive session for the discussion of the chiropractic boards' decision.

Ms. Lind called for a motion to enter executive session.

ON A MOTION BY ROBINSON, SECONDED BY PARIETTI, THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY IS RESOLVED TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310(C) (2) AND (3), AND THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF DISCUSSION OF INFORMATION FROM THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

VOICE ROLL CALL VOTE, ALL BOARD MEMBERS VOTED YES TO ENTER EXECUTIVE SESSION. PHELPS, PARIETTI, KENNEDY, KOSTIK, ROBINSON AND LIND

All board members, staff Wall Rood and Petz were to stay in the room. No public in attendance.

Enter Executive session - Off record 1:18 p.m.

Out of Executive Session: On record 1:55 p.m.

Ms. Lind stated that during the executive session the Board discussed they would develop a guideline on use of the term physical therapy in conjunction with the chiropractic population with Alaska.

ON A MOTION MADE PHELPS, SECONDED BY ROBINSON FOR THE FOLLOWING GUIDELINE. THE TERM PHYSICAL THERAPIST, PHYSICAL THERAPY AND P.T. IS A LICENSED PROTECTED TERM UNDER 08.84.130(A) AS IT INDICATES AN EDUCATIONAL BASED DEGREE THAT IS LICENSED IN EACH STATE REQUIRING A NATIONAL EXAMINATION. THE INTEGRITY OF THE PHYSICAL THERAPY PROFESSION IS BASED ON THIS LICENSING. WITHOUT THIS LICENSE A PERSON CANNOT PRACTICE PHYSICAL THERAPY ACCORDING TO 08.84.150. IT IS FURTHER RESOLVED THE TERM PHYSIO THERAPY IS RECOGNIZED BOTH NATIONALLY AND INTERNATIONALLY AS SYNONYMOUS WITH PHYSICAL THERAPY. ALL BOARD MEMBERS VOTED YES, PHELPS, PARIETTI, KENNEDY, KOSTIK, ROBINSON AND LIND

Motion carried.

Task: Staff, post guideline for term physical therapy to the website and forward to investigator Wall Rood.

Agenda Item 20 - Physical Therapy Assistant discussion

Mr. Parietti asked to hold discussion about PTA's discharging patients. Staff has had similar questions regarding what the Alaska statutes and regulations noted the regulations are specific to PTA's and OTA's what they can and cannot do.

Mr. Parietti shared information he had received from national organization. He thought that it was the board who can determine what a physical therapy assistant can and cannot do. In review of 08.84.190 (7) it was noted the definition "physical therapy assistant" means a person who assists in the practice of physical therapy or portions of it as initiated, supervised, and terminated by a licensed physical therapist; a physical therapy assistant's responsibilities do not include testing or evaluation.

Other board members said that discharge is the outcome of an assessment. The board agrees the PTA cannot do the assessment.

In effect, every time an OT or PT is seeing a patient, they are assessing and treating and reassessing. According to state statutes, however, since a PTA or OTA cannot officially 'evaluate' they must work directly under the supervision of the PT or OT, respectively. A PTA is supervised by a PT and an OTA by OT.

The board discussed that under 12 AAC 54.590 (6)(B), the PT would see the patient before being discharged. The physical therapy assistant could still see the patient to review the exercises before they could go home.

TASK: Mr. Parietti will contact APTA regarding PTA of D/C note and Ms. Lind will contact the AOTA regarding COTA writing of D/C note.

Agenda Item 21 - Applications

The board reviewed the application for foreign trained physical therapist to begin an internship program.

ON A MOTION BY PARIETTI, SECONDED BY KENNEDY TO APPROVE CAITLIN DENTON TO BEGIN INTERNSHIP FOR FOREIGN TRAINED PHYSICAL THERAPIST. ALL IN FAVOR, NO NAYS.

Task: Staff will notify Ms. Denton she has been approved to begin her physical therapy internship.

Agenda Item 22 – Correspondence

- A. Norton Sound Health Corporation regarding waiver to Telehealth – Ruth Kostik will draft a follow up letter and send a copy to Mosaic. The board stands with the regulation as written; the therapist must be physically present in the state while performing telerehabilitation according to the regulations.
12 AAC 54.530. Standards for practice of telerehabilitation by physical therapist.
2 AAC 54.825. Standards for practice of telerehabilitation by occupational therapist.
- B. Alaska Senator Anna Fairlough seeking Board input on training and education related to suicide prevention. The board did not see a need to respond.
- C. Maria Buscemi of the American Physical Therapist Association informed the board via email that they do not currently run an approval program for continuing education. Staff will refer providers seeking to have their courses approved to the FSBPT and Alaska Physical Therapy Association. Melissa Robinson will draft a response to Ms. Buscemi regarding APTA sections of continuing education and forward to staff.
- D. Dee Berline questioning the requirements for how CE's are reviewed and approved. Kathy Lind will draft a letter for Ms. Berline and forward to staff.
- E. Jeff Rosa of the Ohio PTOTAT board asked if Alaska allows people get credit for Level one and Level two fieldwork for continuing education. The board said no. Staff will respond to Mr. Rosa.

Agenda Item 23 - Forms for applications

The board held discussion on application forms and acceptance of documentation.

The professional practice history asks for all practice related activity and they applicant is to provide this information. IE: when a professional is coming is from other health care discipline or going from PTA to PT or an OTA to an OT it would be expected they will report this under occupational data practice history.

The application could include a section to ask for disclosure for reporting licenses held without practice history? Staff will work on that for a future application revision. Perhaps ask; "if you hold a license in any jurisdiction where you have never practiced, identify these jurisdictions for the board in this section.

The board discussed what they could accept via e-mail - if sent directly to the division by an agency that has a secure format for transmission of Certified Transcripts, TOEFL scores and verification of licensure.

ON A MOTION MADE BY ROBINSON, SECONDED BY KOSTIK, THE BOARD WOULD ACCEPT AS 'SENT DIRECTLY TO THE DEPARTMENT' VIA SECURE EMAIL (NOT FAXED), FROM A PROFESSIONAL AGENCY OR EDUCATIONAL INSTITUTION THAT HAS DEVELOPED OR USES A SECURE PORTAL FOR EMAIL TRANSMISSION AND WHO PROVIDES CERTIFIED TRANSCRIPTS/CREDENTIALS, EXAMINATION SCORES, TOEFL SCORES OR VERIFICATION OF LICENSURE. THE BOARD WILL NOT ACCEPT EMAILED OR FAXED DOCUMENTATION FROM AN INDIVIDUAL SOURCE REQUIRED TO SIGN A FORM PROVIDED BY THE DEPARTMENT AS IT REQUIRES AN 'ORIGINAL SIGNATURE' AND/OR A 'NOTARY SEAL'. ALL IN FAVOR, NO NAYS.

Dr. Farr has asked the board meeting to discuss professional reference, as she is not in attendance today, the board moved her question to the fall board meeting.

The verification of work experience has been viewed as required directly from the location of employment. Due to the high volume of traveling therapists the board agreed that an employer who writes the paycheck receives a signed out document from the location of employment so it is ok to accept verification of work experience from staffing agencies.

TASK: Staff will work on the application occupational data and verification of work experience forms for future revision per the above discussion.

Agenda Item 24 - FY17 Annual Report

The Board reviewed and revised their Goals and Objectives and the draft narrative (recap of board accomplishments) will be completed in time for the annual report.

Task: Staff will revise the legislative recommendations of the board and include the changes in September 2014 board packet.

Agenda Item 25 - Old Business – There was no old business discussion.

Agenda Item 26 - Schedule Meeting/Other discussion/Task Follow up

The Board held discussion regarding out of state travel to the national conferences and trainings. Ruth Kostik would like to attend the June 2014 new board member training with FSBPT. They would also like to request Joe Kennedy attend the FSBPT new board member training. Staff will research if FSBPT will allow 3rd party reimbursement for two members in the same year or he will plan to attend training June 2015.

Valerie Phelps is unable to attend the fall FSBPT conference and James Parietti will now attend. Staff Connie Petz declined to attend the September 18-19, 2014 FSBPT annual meeting.

2014 NBCOT Annual meeting – Kathy Lind would like to attend this meeting.

Fall Board meeting September 11-12, 2014 changed from Juneau to Anchorage.

Spring Board meeting March 26-27, 2015 the board will meet in Juneau.

Staff tasks:

- Notify Ms. Denton she has been approved to begin her internship
- Post all approved final minutes to web
- Draft minutes for the March board meeting
- Schedule board meeting rooms
- Revised jurisprudence questionnaire for renewal application and initial applications for licensure.
- Research about spouses of military personnel for new law, HB 84.
- Respond to all applicants with continuing education questions
- Respond to Ohio board correspondence

Board member tasks:

- Lind: contact the AOTA regarding COTA writing of D/C note and submit letters to Ms. Chambers, Board of Chiropractors for staff to forward and Ms. Kerris
- Parietti - contact APTA regarding PTA of D/C note
- Phelps – will follow-up on the term physiotherapy, AKPTA Liaison meeting recap report – send write up to Staff for Fall board packet
- Robinson: AKOTA Liaison meeting recap report – send write up to Staff for fall board packet and submit letter to MOSAIC for staff to forward
- Kostik to complete Norton Sound Letter to reiterate the Telehealth.

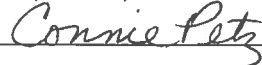
Agenda Item 27 - Adjourn Meeting

Kathy Lind called for a motion to adjourn the meeting.

**ON A MOTION BY PHELPS, SECONDED BY KOSTIK
TO ADJOURN THE MEETING. ALL IN FAVOR - NO NAYS.**

The Board having no further business to discuss adjourned the meeting at 4:05 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Kathleen Lind, Chair

9/11/14

Date