

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY
3 AND ECONOMIC DEVELOPMENT
4

5 Board of Physical Therapy and Occupational Therapy
6 550 West 7th
7 Anchorage, AK
8

9 By authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6,
10 a scheduled meeting of the Board of Physical and Occupational Therapy was
11 held on September 11-12, 2014 at 550 West 7th, Suite 1270, Anchorage, AK
12

13 **Thursday – September 11, 2014**
14

15 **Agenda Item 1 - Call to Order/Roll Call**
16

17 Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to
18 order at 8:35 a.m. This meeting was public noticed on 08/15/14 in the Alaska Dispatch News, formerly
19 known as the Anchorage Daily News.
20

21 Those present, constituting a quorum of the Board, were:
22

23 Kathleen Lind, Chair, OT
24 Valerie Phelps, PT
25 James Parietti, PT
26 Ruth Kostik, Public Member
27 Mary Melissa Robinson, OT
28 Joseph Kennedy, PT
29 Ilona Farr, MD arrived at 8:55 a.m.
30

31 Staff Present:
32

33 Michelle Wall Rood, Investigator
34 William Harlan, Investigator – probation monitor
35 Martha Hewlett, Administrative Officer (via telephone)
36 Connie Petz, Licensing Examiner
37

38 **Agenda Item 2 - Review/Approve Consent Agenda**

- 39 a. Minutes March 27-28, 2014
40 b. Minutes June 19, 2014 Teleconference
41 c. AKOTA – Liaison Report
42 d. Correspondence to Lucy Hope – Matanuska-Susitna Borough School District
43 e. Correspondence to Mr. Hofstetter – Norton Sound Health Corporation
44

45 **ON A MOTION MADE BY PHELPS, SECONDED BY KOSTIK, IT WAS RESOLVED TO APPROVE THE**
46 **CONSENT AGENDA. ALL IN FAVOR, CARRIED UNANIMOUSLY.**
47

48 Dr. Farr was not present for this vote.
49

50 Agenda Item 3 - Review/Approve Agenda
51

52 **ON A MOTION MADE BY PHELPS, SECONDED BY ROBINSON, IT WAS RESOLVED TO APPROVE THE**
53 **AGENDA. ALL IN FAVOR, CARRIED UNANIMOUSLY.**

54
55 Dr. Farr was not present for this vote.

56
57 Agenda Item 4 - Ethics Reporting

58
59 There were no ethics violations to report by the board or staff. Ms. Lind was contacted by three
60 licensees, Pam Lloyd, Leslie LaCour and Laura Barnhill with questions regarding the audit letter they
61 received. She advised each that they should provide the documentation as requested in the audit
62 letter. Ms. Lind recused herself from review of their continuing audit documentation.

63
64 Agenda Item 5 - Investigative Report

65
66 Michelle Wall Rood introduced investigator William Harlan as the new probation officer. He will monitor
67 any probationary cases for this board. Ms. Wall Rood gave the investigative report up to and including
68 August 6, 2014.

69
70 Mr. Harlan explained his role. Once a licensee enters into a consent agreement he will monitor that the
71 licensee is meeting the requirements they have agreed to. When a person violates their agreement
72 meaning they do not comply with requirements of their agreement then an entire new case is opened.
73 They cannot change their agreement without bringing their concerns or request before the board. If
74 they do violate the agreement, this results in a new case being opened.

75
76 Status of Open matters: 11 Complaints, 2 investigations

77 Status of Closed matters: 8 Complaints, 1 investigation

78
79 Ms. Lind asked to enter executive session to discuss cases and application files per AS 44.62.310
80 (c)(2)(3) and the Alaska Constitutional Right to Privacy Provisions, for the purpose of review of current
81 cases with investigations and pending disciplinary action.

82
83 **ON A MOTION MADE BY ROBINSON, SECONDED BY DR. FARR, TO ENTER EXECUTIVE SESSION**
84 **REGARDING PENDING DISCIPLINARY ACTIONS. ALL BOARD MEMBERS VOTED YES, CARRIED**
85 **UNANIMOUSLY.**

86
87 Ms. Lind stated Board members and staff, Wall Rood and Petz to stay in the room.

88
89 Enter Executive Session 9:05 a.m.

90 Out of Executive Session 10:37 a.m.

91
92 **ON A MOTION BY ROBINSON, SECONDED BY PARIETTI THE BOARD REFERS CASE # 2014-001200 TO**
93 **THE INVESTIGATIVE UNIT TO DRAFT A CONSENT AGREEMENT FOR A LICENSE APPLICATION FOR**
94 **MATERIAL MISREPRESENTATION IN THE APPLICATION. PHELPS, ROBINSON, PARIETTI, KENNEDY,**
95 **KOSTIK AND LIND ALL VOTED YES, FARR VOTED NO.**

96
97 **IN A MOTION BY ROBINSON, SECONDED BY PARIETTI, THE PHYSICAL THERAPY AND OCCUPATIONAL**
98 **THERAPY BOARD FOR THE STATE OF ALASKA, HAVING EXAMINED THE CONSENT AGREEMENT AND**
99 **PROPOSED DECISION AND ORDER FOR CASE # 2011-000965 ADOPT THE CONSENT AGREEMENT**
100 **AND DECISION AND ORDER IN THIS MATTER. PHELPS, ROBINSON, PARIETTI, KENNEDY, KOSTIK AND**
101 **LIND ALL VOTED YES, FARR VOTED NO.**

103 **ON A MOTION BY ROBINSON, SECONDED BY PARIETTI, THE PHYSICAL THERAPY AND**
104 **OCCUPATIONAL THERAPY BOARD FOR THE STATE OF ALASKA, HAVING EXAMINED THE CONSENT**
105 **AGREEMENT AND PROPOSED DECISION AND ORDER FOR CASE # 2014-001681 ADOPT THE**
106 **CONSENT AGREEMENT AND DECISION AND ORDER IN THIS MATTER. PHELPS, ROBINSON, PARIETTI,**
107 **KENNEDY, KOSTIK, FARR AND LIND ALL VOTED YES.**
108

109 All three motions passed.

110
111 Investigations will draft consent agreement for case # 2014-001200.

112
113 Ms. Lind stated she will sign the order for consent agreement # 2011-000965 and Maggie Milne is
114 approved for an occupational therapy assistant license.

115
116 Ms. Lind stated she will sign the order for consent agreement # 2014-001681 for Gail French.

117
118 BREAK 10:40 A.M. BACK ON RECORD 10:57 A.M.

119
120 Agenda Item 6 - Annual Report/Budget Report

121
122 Administrative Officer Martha Hewlett via teleconference advised the board on the current budget and
123 financial report. She explained the new travel policy and the benefits for the board to utilize the new
124 travel desk. She also stated signing up for electronic reimbursement expedites their refund and is cost
125 effective for the state. The board was also informed there is now a waiver for the traveler to be
126 allowed to let a third party payer purchase the airfare 'upfront' if that agency would like to. Then the
127 state does not need to request that portion of the reimbursement. All travel costs and supporting
128 documentation should be fully disclosed during the preapproval process (regardless of who is
129 purchasing or paying). All receipts should be submitted within 5 days after travel ends and the average
130 time for a reimbursement would be 10 to 15 days later.

131
132 There is a link on the department website where any traveler with a PVN (personal vendor number) can
133 track their reimbursement online. Staff will forward this information to board members.

134
135 Ms. Hewlett told the board they can always contact her when they have budget or travel questions.

136
137 Ms. Lind stepped out of meeting 11:54 to 11:57.

138
139 The annual report was completed on time and it is posted on the website. It was noted that Ms.
140 Robinson's reappointment date was not updated on this report which was a clerical error. She will be
141 on the board until March 1, 2018. During discussion it was noted that perhaps the Federation of State
142 Boards of Physical Therapy requires a TOEFL. Mr. Parietti will find more about this at the annual meeting.

143
144 LUNCH RECESS – off the record 12:00 p.m.; back on record at 12:46 p.m.

145
146 Ms. Lind called the meeting to order, all board members (except for Dr. Farr who did not return to the
147 meeting the rest of the day) and staff were present.

148
149 Agenda Item 7 - Statutes and Regulations Training

150
151 Staff explained to the board that the statute is what gives the board authority to enforce their laws. As
152 outlined under Alaska Statute 08.84.010 (7) adopt regulations under AS 44.62 necessary to carry out the
153 purposes of this chapter including regulations establishing qualifications for licensure and renewal of
154 licensure under this chapter.

155 In order to prepare the Board for the continuing competency and audit review staff worked through
156 ARTICLE 3. Physical Therapy License Renewal and Continuing Competency Requirements and also
157 referenced Article 6. Occupational Therapy License Renewal and Continuing Competency
158 Requirements.
159

160 Staff explained that looking up each law as it is identified is critical to understanding the law. The
161 renewal application includes the applicable renewal law. It is up to the licensee to read and
162 understand their law. They should not sign they have met the license renewal requirements prior to
163 actually completing those requirements.
164

165 The board held discussion on how to identify courses and criteria which are directly related to patient
166 care.
167

168 Agenda Item 9 - Public Comment – No public attended the meeting
169

170 Agenda Item 8 and 10 - Audit - Continuing Competency
171

172 The board reviewed continuing competency audit documentation submitted by 89 licensees. This was
173 a very successful audit period. Of those submitted in time for this meeting 82 were complete with fully
174 qualified documentation. Audit documentation for seven licensees was not complete. Staff will
175 contact all audited licensees including those who did not meet the requirements to request additional
176 documentation as well as those who had not yet responded to the audit.
177

178 **ON A MOTION MADE BY PHELPS, SECONDED BY KOSTIK, IT WAS RESOLVED TO ACCEPT THE ALASKA**
179 **PHYSICAL THERAPIST AND OCCUPATIONAL THERAPY LICENSEES CONTINUING COMPETENCY AUDITS**
180 **FOR THE SERVICE DATES OF JULY 1, 2012 TO JUNE 30, 2014.**
181 **ALL IN FAVOR, CARRIED UNANIMOUSLY.**
182

183 Staff will inform all audited licensees who met their renewal requirements, request additional
184 documentation from the 7 whose audits were incomplete and contact any licensee who had not yet
185 submitted their audit documentation.
186

187 Agenda Item 11 - Continuing Education and Competency Chair/Phelps
188

189 Ms. Phelps shared how the FSBPT aPTitude program is functioning. She was very confident this program
190 will be a good option for the future of tracking continuing education. It is noted that 10 jurisdictions
191 exclusively use aPTitude for continued competency for their licensees.
192

193 Ms. Lind will speak with NBCOT on their program for consolidated CE's at the annual meeting.
194

195 The board recognizes that some states are moving towards requiring licensees provide all CE's via FSBPT
196 or national agencies. This could be a very effective and useful way to help licensees meet the law in
197 their jurisdiction. It is recognized more and more people are holding licenses in multiple jurisdictions.
198

199 Deviated back to agenda item 2 – Consent agenda. Staff asked the board to make a motion to clarify
200 on the record the minutes from the consent agenda were approved as final.
201

202 **ON A MOTION MADE BY KOSTIK, SECONDED BY KENNEDY TO APPROVE THE MINUTES AS FINAL FOR**
203 **MARCH 27-28, 2014 AND JUNE 19, 2014 TELECONFERENCE.**
204

205 **ALL IN FAVOR, CARRIED UNANIMOUSLY.**
206

Dr. Farr was not present for this vote.

207 Ms. Lind recessed the meeting at 4:22 p.m. Board to reconvene 8:30 a.m. on Friday

208

209 **Friday – September 12, 2014**

210

211 Agenda Item 12 - Call Meeting to Order/Roll Call

212

213 Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to
214 order at 8:32 a.m. Those present, constituting a quorum of the Board, were:

215

216 Kathleen Lind, Chair, OT

217 Valerie Phelps, PT

218 James Parietti, PT

219 Ilona Farr, MD

220 Ruth Kostik, Public Member

221 Mary Melissa Robinson, OT

222 Joseph Kennedy, PT

223

224 Agenda Item 13 - Legislative Process/Planning for Statute Change

225

226 Ms. Robinson reminded the Board of the need for a mission statement within the statute. The board
227 reviewed the list of recommendations for proposed legislation and renumbered their 12 goals in order of
228 priority. The Board reviewed the terminology used in the statutes and regulations. It was determined
229 that the correct nomenclatures (names) are occupational therapy assistant and physical therapist
230 assistant. Board members may begin handling their list out to legislators this fall. Attachment A.

231

232 Assignments for this project are: Ms. Kostik will provide directions for the board on how to go online for
233 BASIS to track legislative activity; Mr. Kennedy will send APTA physiotherapy statement as well as legal
234 words for physical therapy assistant or physical therapist assistant to staff to include in the next board
235 meeting packet and staff will revise proposed legislation per their discussion, forward to board members
236 and they will hand out to friendly legislators.

237

238 Break at 9:33 a.m. to 9:57 a.m.

239

240 Agenda Item 14 - Applications - Renewals

241

242 New Applications – The board reviewed three new applications and determined two qualified for a
243 license and requested one licensee provide additional information for review. The board also reviewed
244 renewal applications and determined they did not require any additional follow up.

245

246 **ON A MOTION BY ROBINSON, SECONDED BY PARIETTI TO APPROVE A LICENSE**
247 **TO CARRIE REAVIS AND JAMES DEBORD. ALL IN FAVOR, NO NAYS.**

248

249 Task: Staff will follow up with the application that needs clarity.

250

251 Agenda Item 15 - NBCOT Annual Meeting – Telehealth

252

253 Ms. Lind has been asked to present at the NBCOT National Conference. She crafted a survey about
254 telehealth and the board approved her to send it out via the AKOTA prior to her attending the NBCOT
255 annual meeting.

256

257 Discussion was held that "Federal Employers" are having people from other jurisdictions who are
258 performing telehealth and this is a distinct disadvantage to in-state employers. Staff stated she thought

259 they still need to follow AK law which means the licensed professional must be "physically present in the
260 state" in order to provide services via telehealth. There will be more discussion at future meetings.

261
262 Off record for Lunch 12:09 and back on record at 12:47

263
264 Agenda Item 18 - Call Meeting to Order – Roll Call

265
266 Ms. Lind called the meeting to order, all board members were present except Dr. Farr who arrived at
267 1:33 p.m.

268
269 Agenda Item 16 - Chiropractic/Physical Therapy

270
271 The Board continues to monitor and noted there has been some improvements to the advertising by
272 chiropractors who have changed wording using the term Physical Therapy to physical rehabilitation.

273
274 Agenda Item 17 - Regulations Project

275
276 A teleconference will be scheduled once the regulations specialist has received approval to move
277 forward on this project.

278
279 Agenda Item 19 - Correspondence

280
281 Survey questions from the AOTA regarding the proposed new AOTA Ethics document were reviewed
282 and the board responded. Staff will submit the survey with their responses to the AOTA.

283
284 No action taken on any other correspondence.

285
286 Agenda Item 20 - Discussion time - 10 Minute topics

287
288 A: Who can provide a 'professional reference' Robinson
289 The board discussed that as a board they support the person who completes the professional reference
290 as stated in regulations would be accepted.

291
292 B: Handoff Notes to provide continuity of care – Facility or public protection issue Lind
293 As a board providing continuity of care is a facility policy issue.

294
295 C: Temporary permit ineligible once scores posted Kennedy
296 Staff explained the statute defines temporary permit eligibility. In the past it took months for scores to be
297 received. With electronic score reporting it now only takes days. Mr. Parietti will ask the FSBPT why they
298 do not approve the graduates to take the national exam. Why does it have to be completed by each
299 jurisdiction?

300
301 D: Number of service dates for billing Medicaid/Insurance for therapy treatment Farr
302 This topic is not related to the role of the board, thus they don't have an opinion on this topic.

303
304 E: Physical Therapy Assistant discussion Parietti
305 Mr. Parietti will ask the FSBPT what a PTA can or cannot do regarding discharge of patients and
306 documentation.

307
308 F: The board held additional discussion related to the increased number of DUI/DWI's being reported.
309 This increase could be that more emphasis or vigilance by law enforcement and/or perhaps the revised
310 professional fitness questions on the application.

311 The Board has recently become concerned with the tracking trends of increased incidences of DUI. A
312 DUI conviction is not just a traffic violation; it is a felony. If a licensee is convicted of a DUI/DWI; or any
313 'yes' answer to a professional fitness question, after the investigative unit completes their review, then
314 the board reviews the application file. In some cases, this may result in a disciplinary action to a
315 licensee.

316
317 Agenda Item 21 - Old Business

318
319 Military spouses can apply for an 'expedited' review of their file using the form created by the
320 Department under the military link.

321 <http://commerce.state.ak.us/dnn/cbpl/ProfessionalLicensing/MilitaryLicensing.aspx>

322
323 Agenda Item 22 - Schedule Meetings

324
325 Tentative noon teleconference dates: November 13, 2014 and December 4, 2014.

326
327 In person meetings will be March 26-27, 2015 in Juneau and September 24-25, 2015 in Anchorage.

328
329 Agenda Item 23 - Other Discussion/ Task Follow up

330
331 The Board discussed the license renewal process and recommended in the future it be paperless. They
332 also support verification of licensure documentation be sent as well as accepted digitally.

333
334 Task: Ms. Lind

- 335 • Write a letter to director regarding board support both online license renewal and on line
- 336 verifications of license.
- 337 • Forward survey to AKOTA for telerehabilitation

338
339 Task: Mr. Parietti (while at the annual meeting will ask the FSBPT)

- 340 • Why don't they approve physical therapists and physical therapy assistants to take the national
- 341 exams, what is the reason that a jurisdiction has to mark the applicant eligible?
- 342 • Does FSBPT require a TOEFL of the applicant prior to taking the national exam?

343
344 Task: Mr. Kennedy

- 345 • Send APTA statement to staff
- 346 • Research physical therapy board compositions in other jurisdictions (re: physicians on boards)

347
348 Task: Ms. Robinson

- 349 • Research what companies research continuing education providers
- 350 • Complete research for occupational therapy board compositions in other jurisdictions (re:
- 351 physicians on boards)

352
353 Task: Ms. Phelps

- 354 • Write to the course providers who do not have 'complete' certificates and inform them of the
- 355 missing components. She'll forward to staff to put on state letterhead to mail.
- 356 • Provide staff with the write up from DWI discussion

357
358 Task: Ms. Kostik

- 359 • Provide directions on how to go online to BASIS with AK State Legislature

360
361 Task: Dr. Farr

- 362 • Contact medical board to ask what they require for proof of English proficiency

- 363 • Contact medical board to ask how they handle DWI's

364

365 Task: Staff:

- 366 • Complete the legislative goals and forward to board members for review
- 367 • Contact all licensees regarding their renewal audit
- 368 • Ask other professional licensing boards how they are viewing yes answers related to DWI's
- 369 • Find out how other boards are functioning in a paperless environment
- 370 • Forward Boards response to survey to the AOTA

371

372 Agenda Item 24 - Adjourn Meeting

373

374 The Board having no further business to discuss adjourned the meeting at 3:00 p.m.

375

Respectfully Submitted:

376

Connie Petz

377

Connie Petz, Licensing Examiner

378

Approved: Kathleen Lind

379

Kathleen Lind, Chair

380

381

March 26, 2015

382

Date

383

384 Attached: Legislative Goals, September 2014

ALASKA STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD
RECOMMENDATIONS FOR PROPOSED LEGISLATION

1. Define Legislative Intent declaring as a role of the board "public protection" adding to 08.84.010 item (c).
2. The Alaska Board of Physical Therapy and Occupational Therapy recommends that the phrase in Alaska Statute 08.84.030 "Council on Medical Education and Hospitals of the American Medical Association" be removed as this council no longer is an oversight body for the education of physical therapy.
3. The Alaska Board of Physical Therapy and Occupational Therapy recommends that AS 08.84.030(b)(1) be amended to read: "have successfully completed a curriculum of occupational therapy approved by the board or a national accrediting body".
4. The Alaska Board of Physical Therapy and Occupational Therapy recommends repealing AS 08.84.030(b)(2)(A) and (B) regarding documentation for occupational therapy fieldwork.
5. The Alaska Board of Physical Therapy and Occupational Therapy recommends that Alaska Statute 08.84.032(a)(3) and (b)(3) be amended to require an English examination only if the degree program was not taught in English.
6. The Alaska Board of Physical Therapy and Occupational Therapy recommends that Alaska Statute 08.84.032 "Foreign Trained", be changed to "Foreign Educated".
7. The Alaska Board of Physical Therapy and Occupational Therapy recommends changing the statute regarding foreign educated PTs and OTs, to require that they meet the qualifications for licensure established by the Alaska Statute 08.084.030 requiring the jurisprudence questionnaire.
8. The Alaska Board of Physical Therapy and Occupational Therapy recommends amending AS 08.84.075 to clarify that a limited permit is valid for 120 consecutive days and that only one limited permit may be issued in a 12 month period.
9. The Alaska Board of Physical Therapy and Occupational Therapy recommends that the phrase in Sec 08.84.032 (a) (1) "equivalent to that provided by a school approved by the Committee of Allied Health Education and Accreditation of the American Medical Association or the American Physical Therapy Association" be removed and replaced with "substantially equivalent to the first professional degree in physical therapy in the United States." The Board of Physical and Occupational Therapy recommends that the phrase in Sec 08.84.032 (b) (1) "the Committee of Allied Health Education and Accreditation of the American Medical Association or the American Occupational Therapy Association" be removed and replaced with "substantially equivalent to the first professional degree in occupational therapy in the United States."
10. The Alaska Board of Physical Therapy and Occupational Therapy recommend the addition of term protection for "physiotherapy" in the State Statutes. The following to be added to the definitions in Sec 08.84.190. The term "physiotherapy shall be synonymous with "physical therapy.
11. Creation and membership of the board 08.84.010; removal of physician and replace by an occupational therapist or an occupational therapy assistant.
12. 08.84.130(a) removal of wording LPT - Licensed Physical Therapist to be replaced with PT - physical therapist based on national trends. 08.84.130(c) removal of Licensed Occupational Therapist, replace with OT, occupational therapist, or other letters, words or insignia....