

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY
AND ECONOMIC DEVELOPMENT

Board of Physical Therapy and Occupational Therapy
333 Willoughby St 9th Floor - Conference Room C – Juneau, AK

March 26-27, 2015

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 26-27, 2015 at 333 Willoughby St 9th Floor - Conference Room C – Juneau, AK

Thursday – March 26, 2015

Call to Order/Roll Call

Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to order at 8:35
a.m. Those present, constituting a quorum of the Board, were:

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

Joseph Kennedy, PT - approved absence

Staff Present:

Janey Hovenden, Director
Sara Chambers, Operations Manger
Martha Hewlett, Administrative Officer
Michelle Wall Rood, Investigator – Telephonically
Ed Riefle, Senior Investigator– Telephonically
Sher Zinn, Records and Licensing Supervisor
Jun Maiquis, Regulations Specialist
Connie Petz, Licensing Examiner

Agenda Item 1 - Review/Approve Consent Agenda

- a. Letter to Director Chamber 9-16-14
- b. Letter to Ms. Lind from Director Chamber 9-18-14
- c. Letter to Graston Techniques 9-24-14
- d. Letter to NDTA 9-24-14
- e. Letter to Aquatic Therapy & Rehab Institute, Inc. 9-24-14
- f. Phelps Liaison September 2014 Report
- g. Robinson Liaison September 2014 Report
- h. September 2014 Final Minutes approved as written

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

59 Agenda Item 2 - Review/Approve Agenda

60
61 Add to the agenda under agenda item 12 review of the new Athletic Trainers bill.

62
63 **ON A MOTION MADE BY KOSTIK, SECONDED BY PHELPS, IT WAS RESOLVED TO APPROVE**
64 **THE AGENDA WITH THE ADDITION OF THE DISCUSSION FOR ATHLETIC TRAINERS UNDER**
65 **AGENDA ITEM 12. ALL IN FAVOR, CARRIED UNANIMOUSLY.**

66
67 Agenda Item 3 – Ethics Reporting

68
69 No ethics to report for Robinson, Farr, Kostik or staff.

70
71 Third party reimbursement travel was changed to allow outside organizations to pay upfront for some travel
72 expenses. The board member who receives a 'gift' towards the cost of attending their national meetings is then
73 required to report any items paid on their behalf according to the Ethics Act which requires disclosure of receipt of
74 certain gifts.

75
76 Ethic disclosure forms had been filed and board members now disclosed on the record for the minutes.

77
78 Parietti reported receipt of a gift for airfare \$625.00 and lodging \$550.00 to attend the FSBPT annual meeting for a
79 combined total of \$1175.00 paid for by the FSBPT.

80
81 Lind reported receipt of a gift for lodging \$172.00 and registration fee \$100.00 to attend the NBCOT annual
82 conference for a combined total of \$275.00 paid for by the NBCOT.

83
84 Phelps reported she had been contacted by a prior board member regarding continuing education.
85 She explained ex-parte communication and referred him to staff. No ethical violation.

86
87 Agenda Item 4 – Old Business/Tasks

88
89 The board reviewed tasks and old business. Items not yet completed were; Dr. Farr had not yet contacted the
90 medical board to find out what is required for proof of English proficiency and was planning to ask the medical
91 board how they handle licensees who report they have had a DWI. She will attempt to get her answers before the
92 end of the board meeting.

93
94 Mr. Kennedy was not present to discuss his old business, related to documentation he provided for the APTA
95 statement and his research for physical therapy board compositions in other jurisdictions (re: physicians on boards).
96 This was tabled to the September 2015 board meeting.

97
98 Staff explained more states are going paperless for verification of licenses and Alaska is hoping to have that service
99 in place this year. Other news, this September, the board member meeting packet will be posted to the secure
100 website as well as hard copies being mailed.

101
102 Board members who have I-Pads said the consent agreements which were posted to the secure website prior to
103 this meeting could not be opened so they could not read them. Staff will notify the department about this
104 technical problem.

105
106 Break: Off record at 9:08 a.m. and back On record at 9:17 a.m.

107
108 Dr. Farr did not return to the meeting until at 9:18 a.m.

109
110 Agenda Item 5 - Investigative Report

111
112 The investigative report was discussed telephonically with Investigator Michelle Wall Rood. This report was for the
113 period of August 7, 2014 through February 28, 2015.

114
115 Opened 9 matters and closed 20 matters, 2 matters are to be addressed at this board meeting.
116

117 Ms. Wall Rood introduced her new supervisor Investigator Ed Riefle. She explained the investigative unit is working
118 towards more standardized review and disciplinary actions to be consistent across all boards. Mr. Riefle explained
119 boards are not required to have a disciplinary matrix but some Boards choose to develop them.
120

121 Ms. Lind called for a motion to enter executive session to discuss cases and application files per AS 44.62.310
122 (c)(2)(3) and the Alaska Constitutional Right to Privacy Provisions, for the purpose of review of consent agreements.
123

**ON A MOTION BY ROBINSON, SECONDED BY PARIETTI TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH
AS 44.62.310 (C)(2)(3) AND THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE
OF CONSENT AGREEMENTS # 2014-001358 AND # 2014-001200. ROLE CALL VOTE ROBINSON, PARIETTI, FARR,
KOSTIK, PHELPS AND LIND ALL VOTED YES. CARRIED UNANIMOUSLY.**

128 Ms. Lind stated all Board members and staff, Wall Rood, Riefle and Petz to stay in the room.
129

130 Enter Executive Session 9:25 a.m.

131 Out of Executive Session 9:44 a.m.
132
133

**ON A MOTION BY ROBINSON, SECONDED BY PARIETTI, THE BOARD OF PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY FOR THE STATE OF ALASKA HAVING EXAMINED THE CONSENT AGREEMENT AND
PROPOSED DECISION AND ORDER, CASE NO. 2014-001358 BE ADOPTED. THE CONSENT AGREEMENT TAKES
EFFECT IMMEDIATELY UPON SIGNATURE OF THIS ORDER IN THE ACCORDANCE WITH THE APPROVAL OF THE
BOARD. ROLE CALL VOTE LIND, ROBINSON, PARIETTI, FARR, KOSTIK AND PHELPS ALL VOTED YES. CARRIED
UNANIMOUSLY.**

140 Ms. Lind stated the motion passed and the board is in agreement on the matter for Seanna Bryson case number
141 2014-001358 who has now been reprimanded and her physical therapy assistant license can now be renewed. Ms.
142 Lind signed the board order.
143
144

145 Staff will send Ms. Bryson a letter and renew her physical therapy assistant license.
146

**ON A MOTION BY ROBINSON, SECONDED BY PARIETTI, THE BOARD OF PHYSICAL THERAPY AND
OCCUPATIONAL THERAPY FOR THE STATE OF ALASKA HAVING EXAMINED THE CONSENT AGREEMENT AND
PROPOSED DECISION AND ORDER, CASE NO. 2014-001200 ADOPTED THE CONSENT AGREEMENT AND
DECISION AND ORDER IN THIS MATTER. THE CONSENT AGREEMENT TAKES EFFECT IMMEDIATELY UPON
SIGNATURE OF THIS ORDER IN THE ACCORDANCE WITH THE APPROVAL OF THE BOARD. ROLE CALL VOTE
ROBINSON, PARIETTI, FARR, KOSTIK, PHELPS AND LIND ALL VOTED YES. CARRIED UNANIMOUSLY.**

154 Motion passed and the board is in agreement to issue an occupational therapy assistant license to Michele
155 Gushwa on the matter for case number 2014-001200 pending receipt of the license fee increase of \$45.00. Ms. Lind
156 stated she signed the order for consent agreements #2014-001358
157

158 Staff will issue an occupational therapy assistant license to Ms. Gushwa when all is in order.
159

160 Dr. Farr asked questions about the investigative process. Ms. Robinson asked investigators if future consent
161 agreements could include a recap of the case. Investigator Riefle said they could provide a memorandum with a
162 brief history to assist the board in their review. This will be helpful for current board members as well as incoming
163 board members who may not be familiar with the case.
164

165 Staff reminded the board that their board packet includes the investigative process and reminded them that it is
166 always good to review the information prior to the board meeting.
167

168 The board was ahead of schedule and deviated to Agenda Item # 10 Application Review.
169

170 Board members reviewed 12 applications. They discussed applicants who report a professional license under
171 Section III: Professional Credentials but do not report any practice history in that jurisdiction under Section VII:
172 Occupational Data require additional follow up questions.
173

174 TASK: Staff will revise the application to include wording to direct the applicant to identify any license where they
175 have either not yet practiced or may have practiced 10 years prior to applying for a license in Alaska. It will include
176 the words, "States in which I hold or held a license but have never practiced".
177

178 The board reviewed the below applications. Staff read the names for the record and motion.
179

180 Physical Therapists by Credential:

- 181 • Amanda Sejna
- 182 • Justin Bonazinca
- 183 • Angela Carlson
- 184 • Kolten Tea
- 185 • Thomas Bellama
- 186 • Elana Karkowski-Schelar
- 187 • Matthew Winney – pending clarification if he has ever worked in WI
- 188 • Sarah Durr – pending clarification of holding license in OR and WA but no reported practice in either
189 jurisdiction
- 190 • Reuben Durr – pending additional work history and clarification of states holding a license where he has not
191 practiced.

192 Physical Therapy Assistant by Credential:

- 193 • Niki Smith

194 Occupational Therapist by Credential:

- 195 • Breanna Canclini

196 Occupational Therapy Assistant by Exam:

- 197 • Lauren A. Learned – approved for temporary permit as she has not yet passed the NBCOT exam and a
198 permanent license once she passes exam.

199
200 **ON A MOTION BY DR. FARR, SECONDED BY KOSTICK, APPROVE THE FILES WE JUST REVIEWED WITH**
201 **CLARIFICATION OF FILES, WITH CLARIFICATION OF LICENSURE AND WORK HISTORY, APPROVED FOR**
202 **LICENSURE OF THOSE INDIVIDUALS OR IN THE ONE CASE THE TEMPORARY PERMIT IF THEY HAVE NOT GOTTEN**
203 **THEIR BOARD EXAM. ALL IN FAVOR, NO NAYS.**
204

205 Motion passed.

206
207 TASK: Staff will follow up for all pending questions and issue licenses.

208
209 BREAK 10:40 a.m. and back on record 10:57 a.m.
210 Agenda Item 6 - Budget Report

211
212 Martha Hewlett, Administrative Officer went over the FY14 year end budget and the FY15 second quarter with the
213 board. She said if board meetings were scheduled a few weeks after the end of each quarter it will allow time to
214 have the most accurate budget information.

215
216 The Board thanked Ms. Hewlett for taking time to explain how costs are allocated and appreciated gaining a
217 better understanding of the entire fiscal process.

218
219 Operations Manager Sara Chambers introduced the new Director, Janey Hovenden to the board.

220
221 The department hopes to go online with a new "Data Base" in May 2015, the fiscal costs for this new system does
222 not affect the budget of professional licensees as funds were appropriated via the legislature. Other areas where
223 future changes will occur is in the ability to complete online verification of license to other agencies. New and
224 renewal applications are being moved to online processing and the department is moving toward an online filing
225 system (paperless). This will reduce printing paper and less long term storage costs.

226
227 The Board asked about the legislative process and how the board can proceed towards statute change. Ms.
228 Chambers reinforced the open meetings act and that the Board is to act in transparency. They can appoint a
229 committee of 2 to work on projects but the entire board is to be part of decisions for a committee on the record
230 during an open meeting.
231

232 A board member should not discuss anything before legislators that the board has not authorized and
233 documented on the record. They should be very careful if they, as a private citizen testify before the legislature
234 that they do not speak on behalf of the board unless it is authorized and documented with the board. Staff of the
235 board is not to be engaged in any way with the board for a legislative process.
236

237 Ms. Chambers reinforced the Board could not accept oral public comment for their current regulation project
238 unless that is how it was motioned with the project initially.
239

240 LUNCH RECESS – off the record 12:10 p.m.; back on record at 1:00 p.m.
241

242 Ms. Lind called the meeting to order, all board members except Dr. Farr were present. Dr. Farr arrived at 1:01 p.m.
243

244 Regulations specialist Jun Maiquis addressed the board and explained the regulation process. The purpose and
245 process for either written or oral public comment is to allow interested parties the opportunity to express their
246 opinions towards potential regulatory changes. The board determines how they want this information and public
247 notices if it's written or oral comment.
248

249 Mr. Maiquis expressed this regulation project had received a lot of written comments and he suggested the Board
250 re-notice this regulation to allow for oral comment and re-public notice the regulations out to all licensees. This was
251 because this regulation project was originally only sent to those on interested party list. The Board could separate
252 this project into two parts if they wanted.
253

254 Ms. Lind asked Mr. Maiquis if he was saying that the Board could not accept oral comment right now during this
255 meeting. He explained if the Board heard any oral comments for this current regulation project at this meeting
256 then the Board would be required by law to re-public notice the regulation project to offer the opportunity for oral
257 public comment for these regulations. Every person who is interested should have the opportunity to share orally if
258 they would like.
259

260 Ms. Lind was surprised to learn the board could not accept oral comment regarding the regulations at this meeting.
261 Ms. Robinson said they could withdraw the regulations in their entirety or just a portion. There are only two
262 regulation changes in this project besides the code of ethics. The board would need to decide if they would want
263 to proceed in part or in whole and should consider the financial costs.
264

265 Ms. Phelps expressed the regulations were clearly stated it was for written public comment which was obvious
266 because written comment had been received. She questioned if the board needed to go through an entire
267 process to hear verbally what has already been submitted in writing.
268

269 The Board agreed they had received plenty of written comments. They acknowledged this ethics project has been
270 ongoing for several years. It was noted changes in board members as well as leadership in the state associations
271 may have left some gaps in the history of the project.
272

273 Agenda Item 7 – Public Comment 274

275 Ms. Lind asked the public who were present if they were at the meeting to speak on the regulations project. None
276 said they were, only to speak on the 'process' which was implied they would not speak on the regulations.
277

278 Staff explained it was the division who administers the professional licensing programs and who decides the
279 administrative process based on the Alaska Administrative Code. Licensing supervisor Sher Zinn addressed their
280 questions regarding the regulations process.
281

282 Ms. Zinn clarified when a Board makes a motion to public notice regulations the Board should state how they will
283 accept public comment in the motion either written or oral, as well as who they want to receive the proposed
284 regulations, the interested party list or to all licensees. When a Board crafts regulations which are then drafted by
285 the regulations specialist it is sent back to the board for review and to make a motion to public notice the
286 regulations. Then the regulations specialist advertises in the newspaper (Alaska Dispatch News), the Alaska state
287 online public notice, posts to that professions website and mails via the USPS to those named on the interested
288 parties list (unless the Board motions otherwise).
289

290 Kathleen Hansen spoke representing the AKOTA. She thanked the board for their work and expressed her concerns
291 on regulations and the process of how this is disclosed to the public. They are concerned regarding dissemination
292 of information via public notices and transparency in the process to licensees of what the board is working is not
293 keeping the public informed. The association has been actively reaching out to the AKPTA and would like to have
294 the same interaction with the Board.
295

296 LeeAnn Carrothers, President of the Alaska Physical Therapy Association expressed the association wants a good
297 working relationship with the board and feels that due to the length of time between meetings they have not
298 received responses from the board in a timely manner.
299

300 Staff explained that when anyone writes a letter to the board then the response must come from all board
301 members. They need to allow time for it to be addressed at the next board meeting as no one board member can
302 make a decision for the entire board alone. It was asked that they send their correspondence closer to the board
303 meeting, at a minimum 30 days before so it can be included in the board packet.
304

305 Ms. Carrothers asked the board to provide more information to the AKPTA for their newsletter. The Board said they
306 send out a liaison report and the meeting minutes are posted to the website. They asked what else they would like
307 from the board. She informed the board the AKPTA has hired the American Physical Therapy Association to
308 manage all of their work now so they have more resources available to them.
309

310 The board and staff reviewed six years of board packets and identified where in the minutes the ethics project has
311 been discussed at all the prior meetings. Minutes are posted to the website.
312

313 Break 2:20 p.m. Back on record at 2:25 p.m.

314 Agenda Item 8 – Regulations Project

315
316 The Board recapped the original intent for development of a code of ethics dated back to 2008. Many board
317 members (past and present) have heard presentations from Dale Atkinson of the Federation of Associations of
318 Regulatory Boards (FARB). Mr. Atkinson explained how professions can be sued for many legal reasons. FARB's
319 recommendation to state boards is why the Alaska board developed a state code of ethics for the protection of
320 the public.
321

322
323 The AK code of ethics is not meant to supplant the physical therapy or occupational therapy national association
324 professional codes of ethics. However, those ethics will no longer be referenced within the statutes and regulations.
325 It is understood when it comes to a disciplinary action, the investigators may still consider the professionals national
326 code of ethics.
327

328 During the development of these ethics the board researched codes of ethics from many jurisdictions and over the
329 course of time streamlined the Alaska ethics to what they believe is complete, concise and understandable to the
330 general public.
331

332 The Board clarified they do not function in tandem with the state associations and are in fact to be completely
333 separate from them. The role of the board is defined in AS 08.84.010. There has been discussion on this ethics
334 regulation project at every board meeting since its inception. As stated in the Board's April 2013 minutes the ethics
335 serve two purposes; identify what is expected from a professional therapist and educate the consumer in what they
336 can expect from their therapist.
337

338 Based on the content of the written comment it was obvious there is a misunderstanding of the reason the board
339 has crafted the Alaska code of ethics. It was noted that none of the written comments for these regulations
340 addressed the actual wording in the proposed code of ethics. Most addressed their concerns in a form letter that
341 identified they objected to what they thought would 'replace' their national professions code of ethics. This was
342 never the intent or purpose for them being crafted.
343

344 In consideration of the written public comment a few amendments were made for clarity to the proposed
345 regulations. The title was changed by changing the words "Code of Ethics" to "Principles of Practice". An
346 introduction paragraph was added: "This document serves two purposes. It will identify what is expected from a
347 professional therapist and it will also educate the consumer in what they can expect from their therapist".

348 Also revised to now read:

349
350 Principle 1: Patient/Client Safety and Well Being # 1. Adhere to the respective national professional core values and
351 ethical standards".

352
353 Principle 3: Provide services in a fair and equitable manner #1. Advocate for just and fair treatment for all patients,
354 clients, employees and colleagues by encouraging employers and colleagues to abide by the ethical standards
355 set forth by their national professions.

356
357 Principle 6: Comply with institutional rules, local, state, federal, and international laws applicable to the profession
358 #2. Report to the Board any unprofessional, incompetent, or illegal behavior of a physical therapist or
359 occupational therapist or physical therapist assistant or occupational therapy assistant in practice, education or
360 research".

361
362 The Board hopes these changes will be clearer for the reader and more importantly, fulfill the goal of the regulation
363 to protect the public.

364
365 **ON A MOTION BY ROBINSON, SECONDED BY PARIETTI, I MOVE THAT THE AMENDED REGULATIONS**
366 **REQUIREMENTS FOR TEMPORARY PERMITS, FOREIGN-TRAINED APPLICANTS AND PRINCIPLES OF PRACTICE BE**
367 **SENT TO THE REGULATIONS SPECIALIST FOR REVIEW. IT WILL BE SENT TO INTERESTED PARTIES FOR PUBLIC**
368 **COMMENT; NO COST TO THE PUBLIC IS ANTICIPATED. ROBINSON, PARIETTI, KOSTIK, PHELPS AND LIND, ALL**
369 **VOTED YES. DR FARR WAS NOT PRESENT FOR THE VOTE. CARRIED UNANIMOUSLY.**

370
371 For the record, this public notice is for written public comment not oral comment. Dr. Farr was not present for this
372 vote.

373
374 In the event the board is required to review the revised regulations after the regulations specialist complete them
375 and before being re-public noticed two tentative noon teleconference dates were discussed May 20 or June 10.

376
377 Meeting recessed at 3:50 p.m. Reconvene at 8:30 a.m. on March 27, 2015

378
379 Friday – March 27, 2015

380
381 Ms. Lind called the meeting to order at 8:30 a.m. Roll call, Robinson, Parietti, Farr, Kostik, Phelps, Lind and staff were
382 present.

383
384 Agenda Item 11 – CE Audits – Continuing Education

385
386 The board reviewed documentation for 21 continuing education audits.

387
388 Break off record 9:35 a.m. and back on record 9:43 a.m.

389
390 Ms. Lind introduced paralegal Charles Ward. He explained his role is primarily to work with professional licensees in
391 the audit process. He informed the board the importance of being consistent in the disciplinary decisions for
392 compliance. He works within what the board has established to date; fines, mandatory audits and in some cases
393 license surrender. If there is any disciplinary deviation the board should have a very specific reason. The ultimate
394 responsibility is on the licensee to take courses according to state law. Boards may choose to send a letter of
395 advisement with a warning or reduce the sanctions.

396
397 Ms. Lind asked Mr. Ward what the turnaround time is for him with the audits. His goal is 3 months, unless it goes to a
398 hearing. Depending on when he gets the audits he will try to have all consent agreements ready for the board to
399 review at the September 2015 meeting.

400
401 **ON A MOTION BY KOSTIK, SECONDED BY FARR, THE BOARD REVIEWED CONTINUING EDUCATION**
402 **AUDITS FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2014. WE APPROVED SIXTEEN AUDITS AND SENT**
403 **FIVE TO THE PARALEGAL. ALL IN FAVOR, NO NAYS.**

404
405 Motion carried.

406 Staff will inform all audited licensees who met their renewal requirements or request additional documentation if
407 necessary. Staff will send non-compliant audits to paralegal, per instructions on forms from the Board. Staff will
408 send letters to Mulligan Concept and Jane Boston @ Motivations regarding providing complete certificates based
409 on the letter sent last fall to other CE providers.

410
411 The Board deviated back to Agenda Item 8 - Regulations Project. It was decided that a letter was necessary to
412 explain the board's position to APTA, AKPTA, NBCOT and AOTA. Ms. Robinson drafted a letter which the board
413 reviewed, revised and approved to send.

414
415 TASK: Staff to forward letter to APTA, AKPTA, NBCOT and AOTA.

416
417 The board deviated back to Agenda Item 9 – Legislative Process/Planning for Statute Change

418
419 They reviewed the recommended proposed legislation. The board revised the entire list to have the statute cited
420 at the beginning of each item on the list. They added to the list that physical therapy assistant should be changed
421 to physical therapist assistant based on national trends. It was noted this change does not apply nor is it relevant to
422 occupational therapy assistants.

423
424 The list of legislative goals has been on hold for years and they determined now was the time to proceed. They will
425 seek a legislator to sponsor a bill for these statute changes with the goal to have a bill introduced at the 2016
426 legislative session.

427
428 Lunch 12:02 p.m. back on record at 1:02 p.m. Robinson, Parietti, Phelps, Lind and staff were present. Kostik arrived
429 at 1:03 p.m. and Dr. Farr arrived at 1:43 p.m.

430
431 Break: off record at 2:03 p.m. and back on record at 2:07 p.m.

432
433 **ON A MOTION BY PHELPS THAT THE ALASKA STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD**
434 **RECOMMENDATIONS FOR PROPOSED LEGISLATION BE SUBMITTED TO FRIENDLY LEGISLATORS. BOARD CHAIR KATHY**
435 **LIND WILL BE THE CONTACT PERSON FOR ANY QUESTIONS REGARDING THESE PROPOSED LEGISLATIVE CHANGES AS**
436 **FOLLOWS.**

- 437
438 1. **AS 08.84.010 ADD (C) THIS [ACT] IS ENACTED FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH SAFETY AND**
439 **WELFARE, AND PROVIDES FOR JURISDICTION ADMINISTRATIVE CONTROL, SUPERVISION, LICENSURE, AND REGULATION OF**
440 **THE PRACTICE OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY. IT IS THE LEGISLATURE'S INTENT THAT ONLY**
441 **INDIVIDUALS WHO MEET AND MAINTAIN PRESCRIBED STANDARDS OF COMPETENCE AND CONDUCT MAY ENGAGE IN THE**
442 **PRACTICE OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY AS AUTHORIZED BY THIS [ACT]. THIS [ACT] SHALL BE**
443 **LIBERALLY CONSTRUED TO PROMOTE THE PUBLIC INTEREST AND TO ACCOMPLISH THE PURPOSE STATED HEREIN.**
- 444 2. **AS 08.84.030(A)(1) AMENDED TO READ: "HAVE GRADUATED FROM A PROFESSIONAL PHYSICAL THERAPY**
445 **EDUCATION PROGRAM ACCREDITED BY A NATIONAL ACCREDITATION AGENCY APPROVED BY THE BOARD".**
- 446 3. **AS 08.84.030(B)(1) BE AMENDED TO READ: "HAVE GRADUATED FROM A PROFESSIONAL OCCUPATIONAL**
447 **THERAPY EDUCATION PROGRAM ACCREDITED BY A NATIONAL ACCREDITATION AGENCY APPROVED BY THE**
448 **BOARD".**
- 449 4. **REPEALING AS 08.84.030(B)(2)(A) AND (B) REGARDING DOCUMENTATION FOR OCCUPATIONAL THERAPY**
450 **FIELDWORK.**
- 451 5. **AS 08.84.032(A)(3) AND (B)(3) BE AMENDED TO REQUIRE AN ENGLISH EXAMINATION ONLY IF THE DEGREE**
452 **PROGRAM WAS NOT TAUGHT IN ENGLISH.**
- 453 6. **AS 08.84.032 "FOREIGN TRAINED" BE CHANGED TO "FOREIGN EDUCATED".**
- 454 7. **AS 08.84.032(A)(7) AND (B)(7) CHANGING THE STATUTE REGARDING FOREIGN EDUCATED PTS AND OTS, TO BE**
455 **REQUIRED TO "MEET QUALIFICATIONS FOR LICENSURE ESTABLISHED IN REGULATIONS ADOPTED BY THE BOARD**
456 **UNDER AS 08.84.010(B)".**
- 457 8. **AS 08.84.075 BE AMENDED TO CLARIFY THAT A LIMITED PERMIT IS VALID FOR 120 CONSECUTIVE DAYS AND THAT**
458 **ONLY ONE LIMITED PERMIT MAY BE ISSUED IN A 12 MONTH PERIOD.**

- 459 9. AS 08.84.032 (A) (1) BE AMENDED TO READ "HAVE COMPLETED, TO THE SATISFACTION OF THE BOARD, A
 460 RESIDENT COURSE OF STUDY AND PROFESSIONAL INSTRUCTION SUBSTANTIALLY EQUIVALENT TO THE FIRST
 461 PROFESSIONAL DEGREE IN PHYSICAL THERAPY IN THE UNITED STATES."
- 462 10. AS 08.84.032 (B) (1) BE AMENDED TO READ "HAVE COMPLETED, TO THE SATISFACTION OF THE BOARD, A
 463 RESIDENT COURSE OF STUDY AND PROFESSIONAL INSTRUCTION SUBSTANTIALLY EQUIVALENT TO THE FIRST
 464 PROFESSIONAL DEGREE IN OCCUPATIONAL THERAPY IN THE UNITED STATES."
- 465 11. AS 08.84.190 (6) ADD TO THE DEFINITIONS IN SEC 08.84.190 THE TERM "PHYSIOTHERAPY" SHALL BE
 466 SYNONYMOUS WITH "PHYSICAL THERAPY".
- 467 12. AS 08.84.010(A) REMOVAL OF PHYSICIAN AND REPLACE BY AN OCCUPATIONAL THERAPIST OR AN
 468 OCCUPATIONAL THERAPY ASSISTANT.
- 469 13. AS 08.84.130(A) REMOVAL OF WORDING LPT - LICENSED PHYSICAL THERAPIST TO BE REPLACED WITH PT -
 470 PHYSICAL THERAPIST BASED ON NATIONAL TRENDS.
- 471 14. 08.84 CHANGE ALL REFERENCES OF "PHYSICAL THERAPY ASSISTANT" TO "PHYSICAL THERAPIST ASSISTANT"
 472 BASED ON NATIONAL TRENDS.
- 473 **SECONDED BY LIND, ALL IN FAVOR, CARRIED UNANIMOUSLY.**

474 The Board was pleased to have made the steps toward these legislative changes. Ms. Lind will be the point of
 475 contact for questions and she crafted a letter thanking them for considering the board's legislative goals.

476 Staff will forward the recommendation list of proposed legislation to board members.

477 Dr. Farr left the meeting at 2:52 p.m. and returned at 2:54 p.m.

478 **The board deviated back to agenda item 11 CE audits – Continuing Education**

479 Discussion was held on the Federation of State Boards of Physical Therapy (FSBPT) aPTitude program and National
 480 Board of Certification of Occupational Therapy (NBCOT) Navigator program. It was noted the NBCOT Navigator
 481 professional development unit (PDU) calculator uses a clock hour of 60 minutes which is not consistent with a 50
 482 minute contact hours as defined in Alaska regulations.

484 The board spends hours reviewing certificates for continuing education. Staff asked the Board to consider pointing
 485 licensees toward the FSBPT and NBCOT continuing competency tools which assist in management of continuing
 486 education.

487 The board decided they would invite FSBPT and NBCOT to present their competency programs at the fall board
 488 meeting on the September 24th. Then board members can see their programs and ask questions to understand
 489 how it works. Anyone from the public who attends and representatives from the state associations will also be able
 490 to learn about these programs and share with their peers. If the continuing education process can be managed in
 491 these formats by licensees, it will benefit them and the board sees this as a very effective and efficient way for
 492 reviewing CE's during the audit period.

493
 494 **ON A MOTION BY PHELPS, SECONDED BY KOSTIK, TO INVITE THE NATIONAL ORGANIZATIONS,
 495 SPECIFICALLY A REPRESENTATIVE FROM THE FSBPT AND A REPRESENTATIVE FROM NBCOT TO THE
 496 SEPTEMBER 2015 ALASKA STATE BOARD MEETING TO DISCUSS NEW TRENDS IN THE RESPECTIVE
 497 PROFESSIONS. ALL IN FAVOR, CARRIED UNANIMOUSLY.**

498
 499 TASK: Staff will contact FSBPT and NBCOT and invite them to present on September 24, 2015.

500 **Agenda Item 12 – Discussion time – 10 minute topics**

501
 502 The FSBPT sent scores (1 the lowest and 5 the highest) for the AK board for their Exam Licensure and Disciplinary
 503 Database (ELDD) staff explained that discipline is rated a 5 which is timely reporting of disciplinary action of the
 504 board. The other scores were lower for reporting but staff explained that we do not update their website as we do
 505 not make it our business to manage their database and would not want to be held responsible for any reporting
 506 errors. We update when a new license is issued and report disciplinary actions.

508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565

Mr. Parietti recapped the FSBPT annual meeting and shared it was beneficial for him to attend. FSBPT is working towards State Compacts for license portability. Starting January 2015 NPTE will have a lifetime limit of 2 very low scores and a maximum of 6 attempts as well as an English proficiency requirement. By 2017 the FSBPT will approve students to take the NPTE by asking schools to provide information for the approval process. They will also use the TOEFL and CWT to determine current foreign trained equivalency.

Current Issues Relating to the Physical Therapist Assistant, there are currently 318 PTA programs with 64 more in development. The APTA is looking into making the PTA program a Bachelors program. Two programs in Florida are not CAPTE accredited but graduates are able to practice under Florida law but can only practice in Florida and no another states.

The role of the PTA in discharge planning according to the APTA states "Regardless of the setting in which the physical therapy service is provided, the following responsibilities must be borne solely by the physical therapist, # 7. Establishment of the discharge plan and documentation of discharge summary/status.

The board set the February board meeting to 18-19, 2016 in Juneau and then Dr. Farr left the meeting 3:54 pm.

The Board recognized during the public comment period that the state associations (AKPTA and AKOTA) appeared to have expectations outside of the role of the board. The board determined the word liaison for their report may have caused confusion. They will remove the word liaison and just provide a write up calling it a "report from the board".

Ms. Robinson asked that future agendas be posted 3 weeks prior to the meeting to allow the public more time to plan to attend. Staff explained board meeting dates are posted on the website and the goal is to post the agenda when the board packets are mailed. She asked the board to remember neither the public nor the professionals are the Board so it's critical the Board understand they work within the statutes and regulations as their role is to approve for license and protect the public. Ms. Robinson said she hoped they understood the mission is different between the board and the state associations.

Staff shared about a webinar on tele-health and telephone visit with an Alaska licensed physical therapist who utilizes tele-health. It was noted that his process seemed secure as the clinics he works with have the technology which allows for privacy of the client. The board recognized that this is the future and it's good to see that tele-health is being utilized.

NBCOT has reported they will no longer host annual state regulatory conferences. They will now make visits to individual state boards.

NBCOT asked the board to consider having the NBCOT serve as the Authorized Agent for reporting occupational therapy disciplinary actions taken by the Alaska Board to the National Practitioner Databank (NPDB). The Board declined the offer as this reporting is done as an administrative function of the division. Staff will respond to NBCOT.

Agenda Item 13 – Correspondence

FCCPT - Changes to the Interpretive Guidelines for the CWT effective November 1, 2014. Guidelines for the coursework evaluation tools (CWTs), there will no longer be a minimum credit requirement for General Education. The board is ok with this as they rely on the entire evaluation for substantially equivalent. Emily Tse of IERF asked the board about their decision on this change and yes, the board accepts this change to the CWT. Staff will respond to Ms. Tse.

The board addressed licensee questions regarding PTA's services. The board agreed that staff's email response was accurate information. One asked the board to clarify if supervision is one time per month in general vs more specific of 1x per month for each patient the PTA is seeing. Staff has told the licensee, it has never been my understanding that it is a blanket statement of only once per month. When a physical therapist agrees to supervise the PTA they have many factors to consider based on the skills set of the PTA and the needs of the patient.

The board agreed when a PTA is working in 2 different settings within the organization ie: inpatient and Home Health, does the monthly supervision by the PT have to be done in both settings? And would it make a difference

566 to the answer if the supervising PT is not the same in both settings. The board agreed that the supervisor sees each
567 of their PTA's at least once per month, regardless of how many supervisors the PTA has, how else would they know
568 how their client is progressing?
569

570 Once FSBPT requires the TOEFL the board may consider revising the law to allow accepting the scores from the
571 FSBPT report. Their scores requirements are comparable to current regulation requirements.
572

573 Staff shared the emails between herself and the state associations. A brief recap: All board business conducted
574 during a board meeting is open to the public except during executive session. Every board meeting has a public
575 comment period where they are welcome to speak, generally 2 to 3 minutes per person is acceptable. They are
576 always welcome to send letters to the staff so the Board can address their questions during the meeting. They
577 should provide any correspondence at least 30 days before a board meeting. It is not ok to contact any board
578 member related to board business outside of a public meeting. Staff invited them to apply to be a board member
579 but said they could not hold both seats as it would be a conflict of interest. The board is in the preliminary stages for
580 consideration of legislative changes. The board was in agreement with staff's response.
581

582 Effective December 1, 2014 Hawaii is now licensing PTA's.
583 Ms. Lind shared about the webinar for the North Carolina Dental Board case regarding teeth whitening. NC
584 dentists thought only licensed dentists were permitted to whiten teeth. The Federal Trade Commission (FTC)
585 concluded that the Board's actions were anti-competitive. The Supreme Court determined the NC Board which
586 was mostly dentists was a monopoly but they have not determined what the board composition should be. It may
587 be that more public members will need to be included on Boards. Ms. Kostik shared that this is just one more reason
588 why the board would not want to adopt the national standards of ethics.
589

590 The FY14 budget allowed for one board member to attend new board member training June 2015.
591

592 **ON A MOTION BY KOSTIK, SECONDED BY PARIETTI, TO APPROVE JOE KENNEDY TO ATTEND THE FSBPT NEW**
593 **BOARD MEMBER TRAINING IN ALEXANDRIA, VA IN JUNE 2015. ROBINSON, PARIETTI, KOSTIK, PHELPS AND LIND**
594 **ALL VOTED YES. CARRIED UNANIMOUSLY.**
595

596 For the record, Dr. Farr was not present for this vote.
597

598 The board did not have time to go over the annual report. Ms. Robinson will send staff the draft narrative. The draft
599 regulations project and the legislative goals will all be included in the annual report. The goals and objectives were
600 not reviewed at this meeting so they will not change in this report.
601

602 Task: Ms. Robinson

- 603 • Send meeting recap to AKOTA
- 604 • Submit draft narrative for Annual Report

605 Task: Ms. Phelps

- 606 • Send meeting recap to AKPTA

607 Task: Dr. Farr

- 608 • Contact medical board to ask what they require for proof of English proficiency
- 609 • Contact medical board to ask how they handle DWI's

610 Task: Staff:

- 611 • Issue license to all approved applicants
- 612 • Notify the department regarding I-Pads cannot open documents from secure website
- 613 • Forward revised regulations to Regulations Specialist
- 614 • Respond to NBCOT's request to be our disciplinary action authorized agent.
- 615 • Ask other professional licensing boards how they are viewing yes answers related to DWI's
- 616 • Inform all audited licensees who met their renewal requirements or send non-compliant audits to paralegal
- 617 • Send letters to Mulligan Concept and Jane Boston @ Motivations regarding complete certificates
- 618 • Invite FSBPT and NBCOT to present at September 2015 board meeting
- 619 • Staff will remind all board members to contact Boards and Commissions for reappointment

624
625 **ON A MOTION BY KOSTIK, SECONDED BY PHELPS TO ADJOURN MEETING .**
626 **ALL IN FAVOR, CARRIED UNANIMOUSLY.**
627

628 The Board having no further business to discuss adjourned the meeting at 5:10 p.m.

629 Respectfully Submitted:

630 Connie Petz

631 Connie Petz, Licensing Examiner

632 Approved:

633 Kathleen Lind

634 Kathleen Lind, Chair

635 9/24/15

636 Date
637