

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY  
AND ECONOMIC DEVELOPMENT  
BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY  
333 WILLOUGHBY AVE, 9<sup>TH</sup> FLOOR, CONFERENCE ROOM A, JUNEAU, AK

TELECONFERENCE MEETING  
May 22, 2013

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a teleconference meeting of the State Physical Therapy and Occupational Therapy Board was held on May 22, 2013 at the State Office Building, Conference Room A, Juneau, Alaska.

**Wednesday May 22, 2013**

Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to order at 12:04 p.m. This teleconference was public noticed in the Anchorage Daily News on Saturday, April 13, 2013, and in the SOA Online Public Notice System today, April 15, 2013.

Board members present by a voice roll call vote:

Melissa Robinson, OT  
Valerie Phelps, DPT  
Judy Bogard, PT  
James Parietti, PT  
Ruth Kostik, Public member  
Kathy Lind, OT

Staff present:

Connie Petz, Licensing Examiner  
Michele Wall-Rood, Investigator

Not present: Board member Darin Bell, MD

Public Present: Ilona Farr, MD (called in at 12:11 a.m.)

This teleconference was called to review written public comment for the regulations project and other board business.

All licensed physical therapists, physical therapy assistants, occupational therapist and occupational therapy assistants along with other interested parties received a copy of the proposed regulation project. The deadline to submit written comment was 4:30 p.m. on May 15, 2013. No written public comment was received.

Kathy Lind, asked the Board, who had drafted the regulations and having received no written public comment, if they were ready to approve the regulation project addressing licensure requirements, temporary permits, applications, continuing education requirements, internship standards, and checklists.

**ON A MOTION MADE BY, JUDY BOGARD, SECONDED BY MELISSA ROBINSON,**

**RESOLVED TO ADOPT THE REGULATION PROJECT AS PUBLIC NOTICED.  
12 AAC 54.030, 12 AAC 54.040, 12 AAC 54.050, 12 AAC 54.100, 12 AAC 54.110,  
12 AAC 54.410, 12 AAC 54.600, 12 AAC 54.610, 12 AAC 54.640, 12 AAC 54.710,  
12 AAC 54.830, 12 AAC 54.915. THE BOARD REVIEWED THE PROPOSED REGULATIONS AND  
DETERMINED THEY WILL INCUR NO ADDITIONAL COST TO THE PUBLIC.**

**ON A VOICE ROLL CALL VOTE**

Melissa Robinson – yes, Judy Bogard – yes, Valerie Phelps – yes, James Parietti – yes,  
Ruth Kostik – yes, and Kathy Lind – yes.

**ALL IN FAVOR. NO NAYS. MOTION PASSES.**

Kathy Lind stated on the record she would sign the original Adoption Order today, May 22, 2013 and mail to staff in Juneau.

TASK: Staff to forward the regulation project to Jun Maiquis to prepare for Dept of Law review. Staff will also advise all board members when the regulations will go in to effect.

Dr. Farr called in for the teleconference. She has applied to be the new medical doctor for the Board and asked to sit in on this meeting.

The next item of discussion was related to the April 2-3, 2013 board meeting when the Board of Physical Therapy and Occupational Therapy had reviewed an application file for physical therapist Richard Cowan. Mr. Cowan was denied a license to practice in the state of Alaska.

After the meeting it was noted a procedural error had occurred in how the motion needed to clearly state each basis for denial. In addition to that procedural error staff had completed research after the April 2-3, 2013 board meeting in relation to Mr. Cowan's national physical therapy examination scores. Mr. Cowan had stated he failed one portion of the NPTE and retook it. However, his converted scores did meet Alaska requirements of 70 or higher on all three parts of the examination when he had completed in one sitting and therefore he did meet Alaska licensing requirements. Mr. Cowan had retaken part three of the NPTE to meet the score requirements for the state of New York.

The Board restated the motion to include the two points for the basis of license denial.

The Board reviewed the application from Richard Cowan for physical therapist license.

**ON A MOTION MADE BY JUDY BOGARD, SECONDED BY MELISSA ROBINSON, TO  
DENY RICHARD COWAN FOR A PHYSICAL THERAPIST LICENSE IN THE STATE OF  
ALASKA BASED ON TWO POINTS.**

**1: MR COWAN DOES NOT HAVE A CURRENT LICENSE IN GOOD STANDING. HIS ONE  
ACTIVE LICENSE IS UNDER PROBATION AND THIS DOES NOT FULFILL THE  
REQUIREMENT 12 AAC 54.100 (3) FOR HOLDING A CURRENT LICENSE IN GOOD  
STANDING. IN THE BOARD'S OPINION A LICENSE UNDER PROBATION DOES NOT  
QUALIFY AS GOOD STANDING. PER 12 AAC 54.100 (3) VERIFICATION OF THE  
APPLICANT'S LICENSURE STATUS SENT DIRECTLY TO THE DEPARTMENT FROM EACH  
JURISDICTION WHERE THE APPLICANT HOLDS OR HAS EVER HELD A LICENSE TO  
PRACTICE PHYSICAL THERAPY, ONE OF WHICH MUST INDICATE A CURRENT LICENSE  
IN GOOD STANDING.**

**2: THE BOARD DETERMINED THAT THE EARLY ACTIONS OF MR. COWAN AS A PHYSICAL THERAPIST, AND FOR WHICH HIS LICENSE IS CURRENTLY UNDER PROBATION AS STATED IN THE DISCIPLINARY ACTIONS FROM NEW YORK, POSE A THREAT TO THE SAFETY OF THE CITIZENS OF ALASKA AND ACCORDING TO 08.84.120 (A) (4) IS GUILTY, IN THE JUDGMENT OF THE BOARD, OF GROSS NEGLIGENCE OR MALPRACTICE OR HAS ENGAGED IN CONDUCT CONTRARY TO THE RECOGNIZED STANDARDS OF ETHICS OF THE PHYSICAL THERAPY PROFESSION OR THE OCCUPATIONAL THERAPY PROFESSION.**

**ON A VOICE ROLL CALL VOTE**

Melissa Robinson – yes, Judy Bogard – yes, Valerie Phelps – Recused herself from the vote, James Parietti – yes, Ruth Kostik – yes, and Kathy Lind – yes.

Task: Staff – will send letter for the amended motion for license denial to Mr. Cowan.

No further business - Kathy Lind called for a motion to adjourn the meeting.

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

The Board having no further business to discuss adjourned the meeting at 12:22 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Kathleen Lind, OT, Chair

Date: 9/19/13