

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

TELECONFERENCE MEETING
October 24, 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 October 24, 2013 at the State Office Building, Conference Room A, Juneau, Alaska.

Thursday - October 24, 2013

Kathy Lind, Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to order at 12:01p.m. This teleconference was public noticed in the Anchorage Daily News on October 16, 2013 and the State of Alaska Online Public Notice System on October 15, 2013.

Board members present by a voice roll call vote:

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

Approved absence: Judy Bogard, PT and Ilona Farr, MD

Staff present:

Connie Petz, Licensing Examiner
Jeffrey Freidman, Administrative Law Judge

The board discussed the Office of Administrative Hearing decision for OAH No. 13-0740-POT.

Kathy Lind asked the board members if they had read all of the related documentation and all board members stated yes. Richard Cowan applied for a physical therapist license in the state of Alaska and was denied a license by the Board. Mr. Cowan appealed that decision. A hearing was held on August 26, 2013 by the Office of Administrative Hearing and after careful consideration of the applicable law and the evidence presented, the Board's denial of Mr. Cowan's application was affirmed by the Administrative Law Judge.

Judge Freidman asked the board to consider entering executive session for further discussion. Ms. Lind asked if the board would like to enter a motion for executive session.

ON A MOTION MADE BY VALERIE PHELPS, SECONDED BY ROBINSON, 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

REGARDING RICHARD COWAN, WHO WAS DENIED A PHYSICAL THERAPIST LICENSE AND HE HAS APPEALED THE BOARDS DECISION OAH NO. 13-0740-POT.

ON A VOICE ROLL CALL VOTE: JAMES PARIETTI – YES; MARY MELISSA ROBINSON – YES; VALERIE PHELPS – YES; RUTH KOSTIK – YES; KATHY LIND – YES

Ms. Lind stated the board would begin executive session. All board members and Judge Freidman would stay in the meeting and staff was asked to leave the room.

**Enter Executive Session – off the record - 12:09 p.m.
Out of Executive Session – back on the record – 12:31 p.m.**

Judge Freidman revised the decision to include the board's interpretation of a license in good standing. The board agreed to adopt the revised decision.

ON A MOTION BY RUTH KOSTIK, SECONDED BY ROBINSON, AMEND THE FINAL DECISION ON OAH NO. 13-0740-POT AND ADOPTION OF REVISED DECISION PURSUANT TO AS 44.64.060(E), THE STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD ADOPTS THE ALJ'S PROPOSED DECISION WITH THE FOLLOWING REVISION: THE BOARD INTERPRETS THE PHRASE "LICENSE IN GOOD STANDING" IN 12 AAC 54.100(3) TO MEAN A LICENSE THAT IS NOT REVOKED, SUSPENDED, OR SUBJECT TO PROBATION.

ON A VOICE ROLL CALL VOTE: JAMES PARIETTI – YES; RUTH KOSTIK – YES; MARY MELISSA ROBINSON – YES; VALERIE PHELPS – YES; KATHY LIND – YES

OAH NO. 13-0740-POT, Board case No. 20122-001445 was amended and adopted unanimously.

Kathy Lind stated she would sign the adopted amended decision today, October 24, 2013 and mail it to staff in Juneau who will forward all the documentation to the office of administrative hearings.

Ms. Lind asked the board if there was any other business to discuss. The Board having no further business to discuss adjourned the meeting at 12:37 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Kathleen Lind, OT, Chair

Date: 3/27/14