

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY
AND ECONOMIC DEVELOPMENT
BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY
550 West 7th
Anchorage, AK
Suite 1270

November 17-18, 2011

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 November 17-18, 2011 at the Atwood Building, 550 West 7th, Suite 1270 Anchorage, AK

November 17, 2011

Agenda Item 1 - Call to Order/Roll Call

Kathy Lind, Chair of the board called the meeting to order at 9:05 a.m. This board meeting was public noticed on October 15, 2011 and was published in the Anchorage Daily News.

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

Kathleen Lind, Chair, OT
Valerie Phelps, PT
Gary Burlison, Public Member
Mary Melissa Robinson, OTL
Joyce Barnett, PT
Darin Bell, MD
Judy Bogard, Secretary, PT

Present from the Division of Corporations, Business & Professional Licensing:

Connie Petz, Licensing Examiner
Jennifer Wirawan, Investigator
Susan Winton, Investigator

Public Members present on November 17, 2011

Jan Harris – MSHA, FACHE, University of Alaska Anchorage, Vice Provost , Health Programs

Agenda Item 2 - Review/Approve Agenda

Amend agenda to include discussion of basic board business housekeeping such as minutes of past meetings, functions of the board etc... under agenda item 12 as there are no requests for CE approvals before the board at this time.

On a motion made by Gary Burlison, seconded by Judy Bogard it was RESOLVED TO APPROVE THE AGENDA AS AMENDED. All in favor, No nays.

Agenda Item 3 - Ethics Reporting

There were no ethics violations to report by board members.

Agenda Item 4 - Review/Approve Minutes for the March 31-April 1, 2011 board meeting.

Miscellaneous typographical errors and amend page 7; second paragraph change "require competencies" to "require continuing competency units" and change the third paragraph from "have continuing education requirements for both" to "have consistency in continuing education requirements for".

On a motion made by Judy Bogard, seconded by Gary Bureson it was RESOLVED TO APPROVE March 31-April 1, 2011 MINUTES as amended. All in favor, carried unanimously.

No discussion. Kathy Lind will sign final minutes and staff will post to website.

Agenda Item 5 - Investigative Report

Susan Winton, senior investigator introduced to the board Ms. Jennifer Wirawan the new investigator for the Board of Physical and Occupational Therapy.

Ms. Winton said that as a senior investigator, when they (investigations) find something that is working well with one board then the investigative unit wants to share this information with the other boards.

There are requirements for national health care reporting, such as the National Practitioners' Data Bank (NPDB). There is another way to handle violations. The board could consider implementation of the 'Imposition of Civil Fine' without censure or reprimand. This type of disciplinary action is not required to be reported to the national organizations as it is considered the equivalent of an administrative fine or citation.

The Medical board at their October 2010 board meeting adopted this tool which is an intermediate level of discipline.

The 'Imposition of Civil Fine' without censure or reprimand is not applied when the violation is clearly defined in the statutes and regulations, but it is used when there is no delivery of patient care involved, it is strictly for paperwork errors or violations. This agreement and order is a one page document which saves the applicant or licensee, the division and boards' time and money to apply a more appropriate discipline to a violation.

The benefit for licensees, boards and the Division is it gives the board an intermediary level of discipline. The board is then not just doing 'nothing' which could be perceived by the public that the board is not upholding their role to protect the public versus the least severe action which is now a Consent Agreement with a fine and reprimand. This imposition of civil fine is not used in patient care component cases. This fine would be used in relation to incidents such as paperwork error, failure to report, delayed reporting or similar items like these.

When the 'Imposition of Civil Fine' without censure or reprimand is used, then the board is taking action on a licensing violation, upholding the law and enforcing the law when the licensee is not in compliance.

For the licensee it provides a simpler resolution to a violation. The benefit for a case with this sort of action is it does not require the licensee to be reported to the national practitioner data bank. This is very important to health care practitioners because once a violation is reported to the NPDB the impact of a violation can have extensive consequences.

Implementation of 'Imposition of Civil Fine' provides tools for both the board and the licensees. It will reduce overall expenses to the board with speedier resolution. Investigator Winton again stressed to the board that this option could only be applied to cases which were not related to patient care.

In addition, this is not an option that can be retroactively applied; meaning any licensee who had a case recently closed with other action would not have the option to have the 'Imposition of Civil Fine' applied.

This is not used in the case of continuing education violators as these violations are already outlined in statutes and regulations so there is not a lot of wiggle room with CE's. The highest percentage where the 'Imposition of Civil Fine' is applied would be with application errors, failure to report on time, reporting late, late application (i.e.: in the office but not seeing patients in which they would be practicing without a license) things that do not affect patient care but things that the board struggle with when imposing penalties and then boards issue non disciplinary letters which in turn appear that the board is not dealing with the violations.

The money from these fines is not given to the budget of a board but it is placed in the general fund. This way the perception of the industry is not that the fines are to be used as a way to generate money.

Ms. Winton said the medical board and some other boards have been using this option and have had very successful results. This tool is for the ninety five percent of violators who will heed this fine as a very serious infraction. In the event a licensee is a 'repeat offender' then a consent agreement would take into account that they have already been given the lowest possible discipline. It could be the board never uses this tool but once adopted by the board then it has been stated on the record and there is no confusion to the licensees that the board could use this tool. Stating the date the board adopts it also eliminates confusion as to when this may be applied and allows use from here forward.

If the board chooses to start imposing this 'Imposition of Civil Fine' without censure or reprimand the board needs to be consistent when applying it. The board can set a schedule of fines to identify the cost for each type of violation. The board has total control over their fines as long as they are being statutorily consistent with what they have done in the past.

If the board would like to consider adopting the 'Imposition of Civil Fine' it only applies to:

- Cases not related to patient care.

- It is not required to be reported to the national practitioner data bank.
- It is not retroactive, only from this point forward.

On a motion made by Judy Bogard, seconded by Valerie Phelps, it was RESOLVED TO ADOPT the 'IMPOSITION OF CIVIL FINE' WITHOUT CENSURE OR REPRIMAND, not retroactively and only in cases not related to patient care. All board members voted yes, except for Melissa Robinson who voted no. Yes votes carried.

Melissa Robinson asked for discussion as she was concerned, not with the motion but with the November 17, 2011 start date because she is concerned there was not time for licensees to know that the "Imposition of civil fine" is now in effect.

Gary Burtleson said that this was a lesser fine for a violation and not a greater fine so he did not think there was any reason for concern.

Ms. Winton said that when the time came where a licensee was given the option of an "imposition of civil fine" that this was a benefit to the licensee as it was a disciplinary action but not as strict as other types of actions which could be imposed. In the event this tool is applied, it also would be a disciplinary action which would be discussed at the next board meeting. This is where the board members have additional input, but if the board adopted it for a consent agreement this is a lesser penalty.

For the record: This motion which is approved and adopted today, November 17, 2011 and is not retroactive, the 'IMPOSITION OF CIVIL FINE' is effective from this date, November 17, 2011 and forward. It is not available to any cases related to patient care.

No further discussion.

Investigative Report shared by Jennifer Wirawan:

OPEN COMPLAINTS:

STATUS:

None

OPEN INVESTIGATIONS:

STATUS:

2700-07-001	Professional Ethics	Hearing 12/1/2011
2011-000338	License Application Problem	Investigation ongoing
2011-000524	Falsified Application	Investigation ongoing

COMPLAINT OR INVESTIGATION ACTIVITY SINCE LAST BOARD MEETING:

2010-000928	Professional Ethics	Closed – No Violation
2011-000257	Professional Ethics	Closed – Incomplete Complaint
2011-000308	Professional Ethics	Closed – Incomplete Complaint
2011-000874	License Application Problem	Closed – Inv. Report to Board
2011-000928	License Application Problem	Closed – No Violation
2011-000959	License Application Problem	Closed – No Violation

Investigator, Jennifer Wirawan told the board that since the time the Investigative Report was provided to the board, there is now one case, 2011-000524 which is ready for a the board to review. The board was given the consent agreement to read.

Ms. Winton advised the board that only generic questions can be asked about investigations. The investigators and board cannot discuss ongoing investigations in detail. This is to protect the investigative process. Before a consent agreement is voted for (adopted), only the case numbers may be stated, never names until after the vote has occurred because a case is always ongoing until the board adopts the consent agreement, at which time then the name of the violator becomes public record.

Kathy Lind asked the board to consider entering executive session in accordance with AS 44.62.310 (a)(2) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and (3) matters which by law, municipal charter, or ordinance are required to be confidential; to protect the rights of an applicant for case # 2011-000524.

Gary Burleson made a motion to enter into Executive Session for discussion of the consent agreement in case # 2011-000524, seconded by Judy Bogard. All board members voted YES, no NAYS.

Ms. Lind stated the Alaska Board of Physical and Occupational Therapy is RESOLVED to enter executive session in accordance with AS 44.62.310 (a) (2) and (3) to discuss case #2011-000524.

The board will enter executive session and Ms. Lind requested division staff Jennifer Wirawan, Susan Winton and Connie Petz stay in the room along with all board members.

Executive Session: Off record 10:28 a.m. Back on Record at 11:05 a.m.

Judy Bogard made a Motion to adopt consent agreement case #2011-000524 with the amendment for the date change on page 2 subsection F to correctly reflect November 12, 2010. That correction is requested by both the respondent and the division. Seconded by Melissa Robinson. All in favor, No nays.

Kathy Lind stated for the record: The board order, the Physical and Occupational Therapy Board for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case #2001-0008524, Michael S. Williams, adopted the Consent Agreement and Proposed Decision and Order in this matter.

The Board further recommends that there be an increase in the amount in the fines in such cases as this which may be broken or may not be broken into more than one case but reflect a pattern of fraudulent or misrepresentation of licensing.

Staff will post this consent agreement to the website disciplinary actions.

Break 11:08 a.m. back on record at 11:19 a.m.

Agenda Item 6 – Board Disciplinary Action

The board reviewed paralegal case # 2010-001096. It was noted that there were some typographical errors which staff will bring to the paralegals attention.

On a motion made by Melissa Robinson, ADOPT THE VOLUNTARY SURRENDER FOR CASE # 2010-001096, seconded by Joyce Barnett. All board members voted Yes. No Nays.

Staff will advise the paralegal regarding the amendment of page 4 of 4 for typographical error in case numbers. This voluntary surrendered will be posted to the website disciplinary actions.

Staff read, "The Alaska Physical and Occupational Therapy Board for the State of Alaska, having examined the Voluntary Surrender of Physical Therapy License and Order, Case #2010-001096, for Kathleen Holbrook hereby adopts the Voluntary Surrender of License# 949, effective immediately with the amendment for the case number on page 4 of 4".

Agenda Item 7 - FY11 Annual Report / Budget Report

Staff advised the Annual Report was submitted on time. The board decided that at the next board meeting 2 hours will be allotted in the agenda for a complete discussion and detailed review of the annual report, statutory recommendations, goals and objectives.

The budget for the board is very healthy and June 2012 is a renewal year. Ms Robinson had requested and was approved to attend the NBCOT meeting in October 2011.

Agenda Item 8 - Reports: Liaisons

Joyce Barnett, board liaison to the Alaska Physical Therapy Association told the board she has been asking for feedback from physical therapists at AKPTA meetings regarding competencies in relation to continuing education requirements. She told the board that she is still a proponent for working towards competencies and moving beyond the current model of contact hours for continuing education. As liaison she has struggled with how much interaction she can have at a meeting while on the board. Ms. Barnett will not be seeking reappointment to the board and a new liaison will be needed, Valerie Phelps will consider taking this role for the board after March 1, 2012.

Melissa Robinson, board liaison to the Alaska Occupational Therapy Association, provided a recap of the last board meeting which she reported to the AKOTA which covered the board meeting, disciplinary actions, CE concerns, etc... Staff encouraged Ms. Robinson to direct everyone to the website for current board information.

Melissa Robinson attended the annual NBCOT meeting in Virginia October 2011 and shared several points of interest.

Barbara Safreit a law professor spoke on the affordable care act which is related to health care reform. Emerging issues are doctors are moving toward affiliation with facilities and redefining payment for services. In the past payment was required regardless if a person has improved. In the future it could be, if you do not get results, you do not get paid. There needs to be results which will enhance accountability.

There was concern that a trend in regulatory boards is they now look more like guilds which benefit the practice; the professional rather than protecting the public.

Elinore Larney of Ontario, Canada shared at the meeting about a Canadian Model where their regulatory body is the college. Each province is separate and territories do not have regulation, Yukon therapists practice by agreement to hold license in any province. There is a low initial licensing fee \$200.00 but renewal is \$700.00. Competency is an ongoing educational component along with self-assessment which might be linked to the high license renewal fee.

There was also information shared about 'Licensure Portability' where states may one day have compacts with other states. This would be where one state maintains the authority over a licensee while they practice in another state. Perhaps this would be a core uniform application with state addendums and 'attestation questions' in common domain.

The board discussed how the concept of 'licensure portability' would be difficult to regulate. Gary Bureson reminded the board that the regulation for the practice of telerehabilitation was written to require that the licensee be 'physically present in the state'. This was for public protection. The board wanted to maintain jurisdiction over anyone practicing physical or occupational therapy in Alaska whether it is face to face or telerehabilitation. The board did not believe they could maintain authority over an individual practicing from another state even if the patient were in Alaska.

Agenda Item 9 - Old Business/Task Follow Up

Melissa Robinson shared she contacted Tasha Coleman, of Indiana professional licensing regarding their implementation for 'online only verification of license' and learned that the state of Indiana has determined a combined total of \$6500.00 annual savings for not mailing costs of nine thousand requests for verification of licensure for over 33 licensing boards in their state.

Developing an outline of future online verification of licensure versus paper verification of licensure was discussed. The board determined that although the concept is appealing it is not the boards role to work on processes that apply to all boards and it will let the state of Alaska take the lead in that direction.

Lunch Break - off record 12:14 p.m. and back on record 12:59 p.m.

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

Agenda 10 - PUBLIC Comment

Jan Harris, Vice Provost for Health Programs at the University of Alaska, Anchorage spoke to the board about the Alaska Health Workforce Coalition during public comment. The primary focus was about Alaska's aging population and the growing health care needs in our state. The coalitions approach is to define and lead selected initiatives to increase the workforce in professions that are understaffed. The health workforce plan was developed in May of 2010.

The Action Agenda has six occupational priorities, one of which is physical therapist and physical therapy assistants. Ms. Harris wanted the board to know they are working on developing a satellite program in order to increase the number of physical therapists in the state. CAPTE is one barrier to the program due to the educational requirements of the profession. Then there is also the high cost to set up a program due to the

equipment needed for a physical therapists educational program. Their goal is to have a partnership program by 2014. They also recognize that a great educational benefit/opportunity in meeting the upcoming shortage would be an AA program with a PTA program. They are searching for educational institutions in which UAA could develop partnership programs.

Agenda 11 - Discussion for CE/Competency

Current regulation **12 AAC 54.600(6)** requires occupational therapists and occupational therapy assistants at the time they apply for initial licensure to provide certificates of completion documenting 24 contact hours in continuing education.

Physical therapists or physical therapy assistants are not required to provide certificates when they apply for their first license. The board had discussed if they should regulate the same requirement for PT/PTAs. Why did the law require CE's for OT/OTAs but not PT/PTA's? The board thought this law may have been created because in the past very few states required OT's or OTA's to hold a license which meant they were not required to complete professional continuing education.

Valerie Phelps had been tasked to research if any other jurisdictions required CE's for initial licensure for physical therapists. It was found that there are no requirements to provide CE's with any jurisdictions at initial licensure for PT/PTA's.

The board recognized that many times the OT/OTA applicants did not provide certificates with their application. Sometimes because they did not read the instructions and other times because the state they are licensed did not require CE's. Ms. Phelps thought the board may want to view delays in licensing OT/OTA's as a potential public protection concern when new applicants are delayed in the licensing process until they have met the CE requirement.

Gary Burlison pointed out that our current law does not identify a parameter for the courses submitted so he did not think there was any purpose in requiring these certificates at the time of initial licensing. Once an OT or OTA is licensed they would need to meet the continuing education renewal requirements for licensing.

The board did a round table vote to 'consider repealing' the requirement for OT/OTA's to provide evidence of 24 contact hours of occupational therapy related course work at the initial application process. All board members voted yes except Gary Burlison and Joyce Barnett who both voted no. Vote carries and will be moved to the regulation project for more discussion.

Staff asked the board to state on the record how they will view CE's for an individual who holds both a physical therapist and an occupational therapist license. The board determined that 24 contact hours of continuing education, if they cross over by meeting regulatory requirements for both licenses and scope of practice for both professions the CE's would be applicable and for audit purposes could cross over.

The board reviewed the help sheets created for licensees for tracking their continuing education. Forms# 08-4585 and 08-4584 and have requested a few revisions. Staff will revise forms according to board discussion.

Agenda 12 - amended to discuss board processes

There was a question as to why it took so long for board minutes to be finalized and posted to the website.

Staff explained final minutes cannot be posted to the website until adopted by the board. This is an agenda item at every board meeting and once the chair signs the final minutes they are posted to the website. The board has approved the draft minutes to be posted once the draft is reviewed by the board members.

To expedite board review of minutes, staff will now send the draft minutes to the board secretary for the first draft review, make any corrections and then send the draft minutes to all board members for their review. Board members agree to reply with comments for the draft minutes as quickly as they can to expedite the draft minutes being posted to the website.

Staff explained the goal is to have the draft minutes to the board for review within 15 working days after a board meeting.

Agenda 13 - Regulations Project

The board completed an extensive review and drafted a regulation project for many areas throughout the current regulations. The board will continue to develop changes for this future regulation project. The boards' intent is to seek consistency and clarity in licensing application and renewal requirements. The rough draft of this regulation project is not inserted within these minutes. They will be placed in the minutes when the board is ready to proceed with the regulation project.

One area which the board wanted on the record is where the board has disagreed. This was during discussion to consider increasing the license renewal continuing education requirements for occupational therapy assistants to be at the same level (24 contact hours) that is currently required for occupational therapists, physical therapists, and physical therapy assistants. Currently 12 AAC 54.710(b) (1) and (b) (2) are half the renewal requirements for OTA's than the other three professions.

It was brought to the boards' attention that at the time of an initial application for an OTA the licensee is required to document 24 contact hours. It is only at the time of license renewal that the OTA's have a lower continuing educational requirement. The board wanted on the record their decision for a future regulation project to increase the required contact hours for OTA's continuing education for public protection.

Valerie Phelps made a motion that the board equalize the continuing education requirements for occupational therapy assistants to raise the level of educational requirements for OTA's to the same level as occupational therapists. Seconded by Gary Bureson. All in favor, Judy Bogard, Gary Bureson, Joyce Barnett, Valerie Phelps and Darin Bell. Opposed and voted No, Kathy Lind and Melissa Robinson.

There were questions about how the regulation process works in order to make changes in the law. Staff asked to have this conversation at the next board meeting when the new board members will be in attendance. This way the entire board will be educated together in the regulation process. It takes the board, staff, regulation specialist, public input and the department of law to accomplish a change in the law. This is a process which involves many parties who work together for the protection of the public.

Agenda item 14 - Correspondence

The board discussed correspondence from a potential applicant requesting consideration for licensure knowing the year he took the NPTE his score did not meet the required qualifications for a physical therapist license in the state of Alaska. He did not pass the NPTE, meaning his score was below 600. But at the time he took the NPTE there were some jurisdictions which allowed licensure with exam scores lower than the qualifications for licensure in Alaska. This applicant has held a physical therapist license in 3 jurisdictions and at this time holds an active license in the state of New York.

Although Alaska law has section:

08.84.060 Licensure by acceptance of credentials. The board may license without examination an applicant who is a physical therapist, physical therapy assistant, occupational therapist, or occupational therapy assistant licensed under the laws of another state, if the requirements for licensure in that state were, at the date of the applicant's licensure, substantially equal to the requirements in this state.

The board discussed that 08.84.060 does not apply to someone who has failed the examination, only to licensees who gained licensure prior to the requirement of passing the national physical therapy examination. The board also discussed that the words 'substantially equal' means requirements in other jurisdiction mean their laws would need to be substantially equal to the law in our state. Therefore, qualification for licensure with non passing scores is not equal nor does it meet statutory requirements for qualifications for licensing.

Sec. 08.84.030. Qualifications for licensing. (a)(2) pass to the satisfaction of the board an examination prepared by a national testing service approved by the board to determine the applicant's fitness for practice as a physical therapist or physical therapy assistant, or be entitled to licensure without examination as provided in AS 08.84.060;

In review, the applicant wanted to know if he failed the National Physical Therapy Examination according to Alaska licensing requirements but because he has been licensed and practicing as a physical therapist in other states, could he qualify for a license in the state of Alaska?

The board said no, he would need to have a passing NPTE score or he does not meet that requirement for licensing. Staff will notify the applicant that he must pass the national physical therapy examination and he may apply once he passes it. He would also need to meet all other requirements for licensure for a physical therapist in Alaska.

The board reviewed other correspondence, most did not require a board response and one letter was referred to investigations.

Recess meeting at 4:38 p.m. Reconvene at 9:00 a.m. Friday

Friday, November 18, 2011

Kathy Lind called the meeting to order at 9:07 a.m.

Board members and staff present were:

Kathy Lind, Chairman
Valerie Phelps, PT
Gary Burleson, Public Member
Mary Melissa Robinson, OTL
Joyce Barnett, PT
Judy Bogard, Secretary PT

Staff – Connie Petz, Licensing Examiner

Darin Bell arrived at 9:11 a.m.

Agenda Item 15 - Review Applications

Kathy Lind asked the Alaska Board of Physical and Occupational Therapy to consider entering Executive Session in accordance with AS 44.62.310 (a)(2) and (3) to protect the rights of an applicant for case # 2011-000874.

AS 44.62.310 (a)(2) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and (3) matters which by law, municipal charter, or ordinance are required to be confidential.

Kathy Lind called for a motion for Executive Session.

**On a motion made by Melissa Robinson, seconded by Gary Burleson,
THE BOARD RESOLVED TO ENTER EXECUTIVE SESSION TO DISCUSS CASE
2011-000874. All in favor, No nays.**

Ms. Lind stated all board members and staff to stay in the room during executive session. Voice Roll call for Board Members: Judy Bogard, Gary Burleson, Joyce Barnett, Melissa Robinson, Valerie Phelps and Kathy Lind.

Enter Executive Session and off record at 9:09 a.m.

Back on record, returning from Executive Session at 10:12 a.m.

In attendance coming out of executive session was the entire physical and occupational therapy board, including Darin Bell who arrived at 9:11 a.m., and division staff, investigator Jennifer Wirawan, investigator Susan Winton and licensing examiner Connie Petz.

On a motion made by Judy Bogard, The board has reviewed the application file in case # 2011-000874 and the Board has determined the applicant failed to fully disclose criminal convictions that she had already learned was a violation when she failed to disclose similar information on her Washington application in 2009. During the application process she actively withheld information from the Alaska Board. The board also determined that when she applied to the state of Alaska and again omitted her convictions and misrepresented to the board she has violated 08.84.120 (a) (1) and has attempted to obtain a license by fraud or material misrepresentation. Therefore the board refuses to license this applicant.

Seconded by Melissa Robinson. Roll Call vote, YES vote to deny the license to the applicant.

Yes votes: Judy Bogard, Gary Burleson, Joyce Barnett, Melissa Robinson, Valerie Phelps, Darin Bell and Kathy Lind. No nay votes.

The board has denied licensure for Seanna Bryson for physical therapy assistant license in the state of Alaska.

The board continued reviewing license applications. Staff explained that some of the applications were very complicated and not complete but due to some confusing documentation staff determined if the board could review them in person it would benefit the board members and the applicants.

Physical Therapy by Credentials:

1. PT – Patricia Emerson; pending receipt of Legal Name documentation and explanation of practicing prior to licensure in the state of Washington.
2. PT – Jeffrey Green; pending verification of dates of employment and applicants' statement of work history.
3. Foreign Trained PT for internship – Ruth Paterson; pending receipt of a qualifying professional reference and original copy of statement of internship
4. PTA – John S. Shoffner
5. PTA – Rhonda G. Heffner-Fletcher – Pending original receipt of verification of licensure from Texas for 09-1992 license period, validate the applicant did not have a license in Alabama and verification of name change documentation

Occupational Therapy by Credentials

1. OT Devon Denny
2. OTA - Christian A. Laubscher
3. OTA Debra L Haas – pending receipt of providing clearer employment dates for work history
4. OTA Jennifer J. Kalck-Lewis –Pending receipt of legal name change documentation of Kalck or additional certificates in the name which she applied Kalck-Lewis

On a motion by Gary Burleson, seconded by Melissa Robinson, to approve all licensees' applications for licensure as stated and approve those pending receipt of additional documentation. All approved - No nays.

Lunch off record at 12:00 p.m. Back on Record at 1:07 p.m.

Kathy Lind called role, all board members and staff were in attendance.

Agenda Item 16 - Revise Applications & Forms

The board has received some very complicated employment histories from therapists who have been practicing for 20 plus years. They held discussion to consider reducing

the required reporting for practice history for applicants. Currently the board requires reporting from the date of graduation to the date of application for license in Alaska.

It was decided to consider moving the employment history to a period of 10 years prior to the date of application. Then the board can monitor how this format works during application review. All board members were in agreement that 10 years would gain a significant pattern of work history.

On a motion made by Gary Burleson, seconded by Melissa Robinson, change the initial applications to request a 10 year work history instead of from graduation on the occupational data. All in favor, no nays.

The board also discussed that reported lapses in practice could be lengthened from 60 days to 120 days. This will allow for breaks in practice for extended leaves of absence for professionals. The board took into account that it is not uncommon to take a 3 month leave of absence and allowed an extra month in the reporting period.

Gaps of employment for less than 120 days will not need to be reported on the application nor will a request for further explanation or justification be required.

On a motion made by Gary Burleson, seconded by Judy Bogard, amend all the applications to require an explanation for gap of employment periods greater than 120 days. All in favor, No nays.

Tasks: Staff will revise the applications to meet the changes as decided by the board.

Melissa Robinson will continue to develop a spreadsheet to record which states have temporary permits or allow practice prior to licensure while awaiting exam, license approval etc... This will assist board members during the application review. Once completed staff will provide this spread sheet to all board members.

Staff will revise foreign trained application form # 08-4091d. It will now identify the internship must be completed in:

- a minimum of 6 months (averaging not less than 35 hours per week)
- the date the facility anticipates completion of the internship
- the required internship hours is a combined total of 910 hours (this will assist those who are unable to intern 35 hours per week but they will need to have the total of 910 hours)

For the record, the board determined the minimum of 6 months was half of a year meaning 26 weeks multiplied by 35 hours per week to arrive at the 910 hours.

Staff told the board that all applications and application instructions will be revised prior to the next board meeting due to other items which are across the board departmental changes.

Agenda Item 17 – Ethics Project

The board determined there have been too many delays towards any development of a code of ethics and this project is a priority of the board. It was decided that this project will be the first project the board will work on at the March 2012 board meeting.

Joyce Barnett reminded the board members that although the current regulations were adopted from the national organizations code of ethics. The professional organizations developed their code of ethics to protect the profession and the boards' goal is to develop a code of ethics which focuses on protecting the public.

Joyce Barnett suggested contacting the FSBPT to see how other states have drafted their ethic laws. Board members will research and submit information to staff who will compile a working outline for the March 2012 board meeting.

The board will also consider reviewing the barrier crimes matrix and other licensing professionals statutes and regulations in relation to laws which protect the public by disallowing licensure to applicants who have committed crimes of moral turpitude.

TASK: Staff will prepare an outline for the agenda which includes the code of ethics documentation provided to her by board members.

Break: Off record 2:43 p.m. and back on record 2:59 p.m.

Agenda Item 18 - Jurisprudence

Board members reviewed the proposed information provided by Susan Layton from the FSBPT in regards to drafting a jurisprudence questionnaire and potentially one day it becoming a required passing 'examination' as a licensing requirement. After reviewing the provided information and considering the logistics for licensees to complete a jurisprudence questionnaire at a secured testing site the board did not see how this would be feasible for licensees in the state of Alaska with all the logistics for travel. The costs for travel and time away from work could be an excessive burden for licensees.

Joyce Barnett brought up that she would still like to see the board consider questions on the jurisprudence questionnaire lean more towards ethical questions. It's been noted that licensees do not read the code of ethics. Nor are they required to read the ethics while completing the current jurisprudence questionnaire during the application for initial licensing or at license renewal time. She thought the board should discuss and envision how they could use a graded jurisprudence in the future. Perhaps putting a value on people knowing how their profession is regulated and in understanding ethics.

Kathy Lind did not want the board to jump all the way to requiring a secured exam when at this time we do not have a law that requires passing a state law exam for licensure.

Darin Bell said the question is, "can this and should this be a graded exam versus a questionnaire". Is the concern that some licensees do not take the questionnaire seriously?

Melissa Robinson thought that the questionnaire does lead the applicants/licensees to open the statutes and regulations and for many, they are learning about the law.

Staff asked the board to consider revising the jurisprudence questionnaire, preferably to be ready for board members to approve at the next board meeting. This way the new questionnaire could be ready for the July 2012 renewal application.

Agenda Item 19 – Discuss the 150 hour internship non-foreign trained

The Board reviewed the application submitted by occupational therapist Antonia Bockman with the approved 150 hour internship program. This was the first applicant to apply for an internship since new law 12 AAC 54.830 was passed. Her preceptor(s) provided a combined total of 155 hours which were completed during her internship on forms developed by the board. The board agreed the forms the preceptor completed were useful but they need to be revised for more clarity. This forms revision will be a future agenda item as there is no time allowed for it at this board meeting.

On a motion by Melissa Robinson, seconded by Joyce Barnett, to accept the completion of the 150 hour internship and APPROVE APPLICANT ANTONIA BOCKMAN FOR OCCUPATIONAL THERAPY LICENSE. All approved - No nays.

TASK: Revision of the preceptor internship forms will be an agenda item at the next board meeting.

Agenda Item 20 - Other discussion

This is the last in person board meeting for both Gary Bureson, public member who has served on the board since April 14, 2005 and Joyce Barnett, physical therapist who has served on the board since January 29, 2008. Their contribution to the board has been significant and their knowledge and commitment will be greatly missed. They will both continue to participate until March 1, 2012 and the board sends' a hearty thanks to both Gary and Joyce for their years of service. They will be greatly missed.

Upcoming Annual Meetings:

- September 20-22, 2012 FSBPT Indianapolis, IN and 2012 FSBPT new board member training is generally in Alexandria VA during the month of August. Valerie Phelps would like to attend either the new board member training or the annual meeting.
- October 2012 NBCOT location to be determined; Kathy Lind would like to attend

Ongoing Projects for next board meeting:

- Review annual report goals and objectives
- Begin developing code of ethics
- Revise Jurisprudence questions
- Revisions of regulation project

Recap of assigned tasks:

All board members will work on the Code of Ethics project and look at what other jurisdictions have developed or adopted for a code of ethics, moral turpitude, and then see if any state developed code of ethic information is available from the APTA, FSBPT, or the NBCOT.

Board members will forward documentation to staff for review at the March 2012 board meeting.

Melissa Robinson:

- work on draft list for all 50 jurisdictions and the date licensing originated and was required for OT/OTAs and when the temporary permits are required
- contact the NBCOT for ethics and find 5 states code of ethics for an overview of what other states are doing.

Valerie Phelps:

- work on draft list for all 50 jurisdictions and the date licensing originated and was required for PT/PTAs and when the temporary permits are required.
- pull Texas and Arizona code of ethics for the board to review.
- look at how many states require a Jurisprudence for PT/OT renewal.
-

Kathy Lind:

- look at how many states are requiring Jurisprudence for OT renewal
- will work on COTA nationally licensed, national CE's and price of online classes.

Judy Bogard:

- contact APTA and FSBPT to get the most recent codes of ethics.

Darin Bell:

- look at other medical disciplines to see what other professions do for ethics.

Staff:

- work on a draft regulation for incorporating barrier crimes for moral turpitude in the PTOT regulations

Board meeting schedule:

- March 29-30, 2012 in Juneau – added a half day to the meeting. Start at 1:00 p.m. on Wednesday March 28, 2012.

Did not discuss fall meeting dates to allow incoming board members to have input on that meeting date.

Joyce Barnett will stay as liaison with AKPTA until her board term ends and Valerie Phelps will then become the new liaison for the board after March 1, 2012.

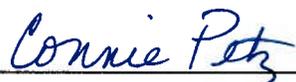
Melissa Robinson wants to remind all OT/OTA licensees in the state that the NBCOT website has lots of helpful tools and information and she will make a point to put that in her liaison report.

Kathy Lind asked for a motion to adjourn the meeting.

On a motion by Gary Burleson, 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 4:25 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Kathleen Lind, Chair

Date: 3/28/12