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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY
AND ECONOMIC DEVELOPMENT

May 14, 2019

By authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6,
a scheduled teleconference meeting of the Board of Physical and Occupational Therapy was held
333 Willoughby Ave, 9th Floor, Conference Room A, Juneau AK

Tuesday, May 14, 2019

Ruth Kostik, Chair of the Board of Physical Therapy and Occupational Therapy called the
teleconference meeting to order on May 14, 2019 at 12:21 p.m. The teleconference was public
noticed April 15, 2018 in the Anchorage Daily News.

Voice Roll Call Vote:

James Parietti
Mari-Margaret Celeste Tydingco
Keith Poorbaugh
Enlow Walker
Jennifer Carlson
Ruth Kostik

Robert Calhoon excused absence

Staff: Jun Maiquis, Regulations Specialist
Connie Petz, Licensing Examiner

Public present telephonically:

Scotty Orr
Kristen Neville

This meeting was called to discuss proposed regulations and review written public comment for
those regulations. Ms. Kostik asked board members to affirm they had all read the public comment
received for these regulations.

Board members were pleased with the amount of written public comment and discussed the
comments with oppositional concerns.

Some were concerned about language to repeal the requirement from 12 AAC 54.825 for a
therapist to be physically "in this state" to perform services for Alaska residents. Ms. Kostik
recapped about two sessions ago SB74 legislation passed. The board had been told by the division
they must repeal the "in this state" regulations because they could not enforce it due to the law
08.84.120 enacted in physical therapy and occupational therapy statute which added:

48 Section **08.84.120** (c) The board may not impose disciplinary sanctions on a licensee for the evaluation,
49 diagnosis, or treatment of a person through audio, video, or data communications when physically
50 separated from the person if the licensee
51 (1) or another licensed health care provider is available to provide follow-up care;
52 (2) requests that the person consent to sending a copy of all records of the encounter to a primary
53 care provider if the licensee is not the person's primary care provider and, if the person consents, the
54 licensee sends the records to the person's primary care provider; and
55 (3) meets the requirements established by the board in regulation.

56
57 Other correspondence expressed concerns for 12 AAC 54.710 for accepting, as proof of completion for
58 continuing education certificates a recertification with the NBCOT to qualify the Alaska continuing
59 education renewal requirement. It was agreed that some correspondence appeared to misunderstand
60 that NBCOT recertification was an option and was not mandated. There was also concern from some
61 who did not like the idea of having to pay a fee and rely on the national organization to determine the
62 education versus the board reviewing the education certificates.

63
64 Ms. Tydingco said she had done research though the AOTA through their professional journal regarding
65 professional competency versus continuing education. There are other educational options, but the way
66 NBCOT designed their Navigator classes is towards showing you have competency versus you listened to
67 something for an hour. By maintaining the NBCOT certification, especially if you are completing courses
68 through navigator, makes a fairly strong case that are showing competency as opposed to just showing
69 you have attended a whole bunch of 1 hour, ½ hour, or ¼ hour activities.

70
71 The board stated another benefit to this regulation change assisted licensees who had concerns if they
72 had enough credits for their license renewal, they would know that if they chose to meet the NBCOT
73 recertification requirement they would know they met the 24 contact hour requirement for Alaska.

74
75 Regulations specialist Jun Maiquis joined the meeting in person from 12:32 p.m. to 1:06 p.m.

76
77 Ms. Kostik asked the board if they were all in agreement to keep 12 AAC 54.710 in this project as public
78 noticed in this regulation. It was noted is was important that the public understood that NBCOT
79 recertification is an option for them, it is not mandatory. All board members were in support to keep it.

80 The next regulation with opposing comments was 12 AAC 54.620 reflected confusion between the
81 words certification and licensure. These two words can be synonymous as some jurisdictions say license
82 while others say certified. With the NBCOT, certified means you passed the national OT exam. Some
83 comments thought they would have to maintain current recertification with the NBCOT. When an
84 occupational therapist passes the national exam, they are certified and for 3 years may use the acronym
85 OTR. The OT meaning occupational therapy and they passed the national exam, the letter R meaning
86 registered. Once licensed they can say OTR/L, the L meaning licensed. They will always be certified as
87 having passed the national examination which is based on the date they passed their initial occupational
88 therapy exam. If they choose to continue their registration with the NBCOT (every 3 years) they can
89 have the R after OT or they would only state OT. The board determined that the last part of the
90 sentence in the current law was redundant, "supervising occupational therapist must be certified by the
91 National Board for Certification in Occupational Therapy (NBCOT)" as the first part identifies licensed.
92 That sentence should be removed to avoid confusion for the public. If the board left this wording in the
93 law it would be unclear to the public. Per Mr. Maiquis, this is still within the context of the public notice
94 and the board will not need to republish the regulation, only make a motion for the amendment.

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ON MOTION BY POORBAUGH, SECONDED BY TYDINGCO, TO ADOPT THE PROPOSED CHANGES IN THE REGULATIONS FOR THE STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD REGULATIONS 12 AAC 54.030, 12 AAC 54.040, 12 AAC 54.080, 12 AAC 54.420, 12 AAC 54.530, 12 AAC 54.710, 12 AAC 54.715, 12 AAC 54.825, 12 AAC 54.915 AS PUBLICLY NOTICED. VOICE ROLE CALL VOTE: JAMES PARIETTI, CELESTE TYDINGCO, KEITH POORBAUGH, JENNIFER CARLSON, ENLOW WALKER, RUTH KOSTIK. ALL IN FAVOR, NO NAYS.

MOTION PASSED.

ON MOTION BY POORBAUGH, SECONDED BY TYDINGCO, TO APPROVE as amended 12 AAC 54.620 for the regulation project. VOICE ROLE CALL VOTE: JAMES PARIETTI, CELESTE TYDINGCO, KEITH POORBAUGH, JENNIFER CARLSON, ENLOW WALKER RUTH KOSTIK. ALL IN FAVOR, NO NAYS.

MOTION PASSED.

Ms. Kostik stated for the record, the board considered all the written public comments and the costs to the public. Ms. Kostik will sign the certification order and division staff will sign the affidavit of board action.

TASK: Staff to forward to Jun Maiquis to proceed with this regulation project.

The board, having no further business, adjourned the meeting at 1:06 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

10-3-19

Date

Approved:



Ruth Kostik, Chair

10/3/2019

Date

RAC