

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY
3 AND ECONOMIC DEVELOPMENT
4 BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY
5 550 West 7th Ave, Suite 1550
6 Atwood Building, Anchorage, AK
7

8 By authority of AS 08.01.070 (2) and in compliance with the provision of AS 44.62, Article
9 6, a scheduled meeting of the Board of Physical and Occupational Therapy was held at
10 550 West 7th Ave, Suite 1550 Atwood Building, Anchorage, AK
11

12 **October 3-4, 2019**

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14 **Agenda 1 – Call Meeting to Order/Roll Call**

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16 Ruth Kostik called the meeting to order at 11:20 a.m. on Thursday October 3, 2019. This meeting was public
17 noticed in the Anchorage Daily News and Online Public Notice September 13, 2019.
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19 Roll Call:

20 Rob Calhoon, Occupational Therapist
21 James Parietti, Physical Therapist and Secretary
22 Keith Poorbaugh, Physical Therapist
23 Ruth Kostik, Public Member and Chair
24 Enlow Walker, Physician Arrived at 1:46 p.m.
25

26 Approved absences for Celeste Tydingco, Occupational Therapist and Jennifer Carlson, Physical Therapist. Ms.
27 Carlson will join the meeting remotely as time allows.
28

29 Staff:

30 Sharon Walsh, Deputy Director
31 Sonia Lipker, Senior Investigator III
32 Billy Holmsted, Investigator III
33 Marilyn Zimmerman, Paralegal II
34 Connie Petz, Licensing Examiner

35 Public:

36 Glenn Hoskinson, Special Assistant to the Commissioner
37 LeeAnne Carrothers, Physical Therapist, President of Alaska Physical Therapy Association and
38 University of Anchorage (UAA) professor for the PTA program
39 Molly Thompson, Speech-Language Pathologist
40 Nancy Lovering, Speech-Language Pathologist
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42 **Agenda 2 – Consent Agenda**

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MOTION BY POORBAUGH, SECONDED BY CALHOON TO APPROVE THE CONSENT AGENDA WHICH INCLUDES: LETTER TO SPURGEON, HARRIS, HURST, CHAMBERS, SENATOR GIESSEL, MARCH 7-8, 2019 MEETING MINUTES AS FINAL AND MAY 14, 2019 TELECONFERENCE MINUTES AS FINAL. ALL IN FAVOR, NO NAYS. MOTION PASSED.

TASK: Ms. Kostik signed final minutes and staff will publish both to the website.

Agenda 3 – Review/Approve Agenda

MOTION BY POORBAUGH, SECONDED BY PARIETTI TO APPROVE AGENDA AS OUTLINED. ALL IN FAVOR, NO NAYS. MOTION PASSED.

Deviated to Agenda 5 – Old Business/Tasks

For the record, due to personal reasons, no board members will be attending the Federation of State Boards of Physical Therapy (FSBPT) annual meeting this October 24-26, 2019.

Staff reported Ms. Leslie Adrian of the FSBPT was unable to present on the Model Board Action Guidelines (Disciplinary Action Matrix) at the October 2019 meeting. She will present to at the March 5-6, 2020 meeting.

Agenda 6 – Investigative Report

Sonia Lipker, Senior Investigator III and Billy Holmsted, Investigator III presented the investigative report to the board for the period of February 12, 2019, through September 9, 2019. This report includes all investigations, complaints, and intake matters handled since the last report. The Division opened seven (7) matters and closed nine (9) matters. One (1) matter remains on going and/or under active investigation.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

The board did not have any questions and thanked the investigator for sharing the report.

Agenda 7 – Paralegal Report

Marilyn Zimmerman, Paralegal joined the meeting via ZOOM.

The board determined the consent agreements should be discussed in executive session.

MOTION BY CALHOON, SECONDED BY POORBAUGH. CALL FOR A MOTION TO ENTER EXECUTIVE SESSION. 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

84 **CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF REVIEWING CONTINUING**
85 **EDUCATION AUDITS WITH PARALEGAL. VOICE ROLL CALL VOTE: JAMES PARIETTI, KEITH POORBAUGH,**
86 **ROBERT CALHOON, AND RUTH KOSTIK VOTED YES. MOTION PASSED.**
87

88 Ms. Kostik identified all board members, staff Zimmerman and Petz will stay in the room. Board member
89 Carlson joined the meeting via ZOOM at 12:10 p.m.
90

91 Board entered Executive Session. OFF RECORD 11:56 a.m. BACK ON RECORD: 12:41 p.m.
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93 **MOTION BY PARIETTI, SECOND BY POORBAUGH FOR CASE NUMBER 2019-000538 THE ALASKA BOARD**
94 **OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE VOLUNTARY**
95 **SURRENDER OF PHYSICAL THERAPIST LICENSE, IN THE MATTER OF ALICE J. HOLINGER, PHYSICAL**
96 **THERAPIST LICENSE NO. PHYP82, ADOPTS THIS VOLUNTARY SURRENDER HEREIN, EFFECTIVE**
97 **IMMEDIATELY. ALL IN FAVOR, NONE OPPOSED. MOTION PASSED.**

98 Kostik signed the board order for case # 2019-000538 in Anchorage, October 3, 2019.

99 **MOTION BY PARIETTI, SECOND BY CALHOON FOR CASE NUMBER 2019-000540 THE ALASKA BOARD OF**
100 **PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT**
101 **AND PROPOSED DECISION AND ORDER, IN THE MATTER OF DOUGLAS WESTPHAL, PHYSICAL**
102 **THERAPIST LICENSE NO. PHYP491, CASE NO. 2019-000540, HEREBY ADOPTS THE CONSENT**
103 **AGREEMENT, DECISION AND ORDER IN THIS MATTER, EFFECTIVE IMMEDIATELY. ALL IN FAVOR, NONE**
104 **OPPOSED. MOTION PASSED.**

105 Kostik signed the board order for case # 2019-000540 in Anchorage, October 3, 2019.

106 **MOTION BY PARIETTI, SECOND BY CALHOON 2019-000536 THE ALASKA BOARD OF PHYSICAL THERAPY**
107 **AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED**
108 **DECISION AND ORDER, IN THE MATTER OF MAUREEN JOHNSON, OCCUPATIONAL THERAPIST LICENSE**
109 **NO. PHYO495, CASE NO. 2019-000536, HEREBY ADOPTS THE CONSENT AGREEMENT, DECISION AND**
110 **ORDER IN THIS MATTER, EFFECTIVE IMMEDIATELY. ALL IN FAVOR, NONE OPPOSED. MOTION PASSED.**

111 Kostik signed the board order for case # 2019-000536 in Anchorage, October 3, 2019.

112 **BREAK off record at 12:48 p.m. and back on record at 1:00 p.m.**
113

114 **MOTION BY POORBAUGH, SECONDED BY CALHOON, THE ALASKA BOARD OF PHYSICAL THERAPY AND**
115 **OCCUPATIONAL THERAPY, MAKE A MOTION TO RETURN CASE NUMBER 2019-000688 TO THE**
116 **PARALEGAL. THE BOARD FINDS THE COURSE EMERGENCY RESPONSE FOR THE 21ST CENTURY FAILED**
117 **TO MEET THE REQUIREMENTS OF 12 AAC 54.420(C), SINCE THE COURSE MUST RELATE DIRECTLY TO**
118 **THE PROFESSIONAL COMPETENCY OF A PHYSICAL THERAPIST. ALL IN FAVOR, NONE OPPOSED.**
119 **MOTION PASSED.**

120 MOTION BY CALHOON, SECONDED BY PARIETTI, ON BEHALF OF THE BOARD OF PHYSICAL THERAPY
121 AND OCCUPATIONAL THERAPY STATE OF ALASKA MAKE A MOTION FOR CASE NUMBER 2019-000869
122 TO APPROVE APPLICANTS ADDITIONAL CONTINUING EDUCATION COURSE HOURS IN WHICH COURSES
123 SHE TOOK WAS REHABILITATION AND PREVENTION OF HAMSTRING STRAINS AND
124 FEMOROACETABULAR IMPINGEMENT SYNDROME PART 1 AND 2, BE SENT TO THE PARALEGAL WHICH
125 WERE IN COMPLIANCE WITH 12 AAC 54.420(C) TO RESOLVE HER AUDIT. ALL IN FAVOR, NONE
126 OPPOSED. MOTION PASSED.
127

128 **TASK:** Staff will return the three signed consent agreements and the two cases to the paralegal for continued
129 audit processing and publish the consent agreements to the website under disciplinary actions.

130 **Agenda 8 – Correspondence**

131
132 The board discussed Hippotherapy education and agreed they do approve hippotherapy education.
133

134 Jennifer Carlson re-joined the meeting via ZOOM 1:15 p.m.
135

136 The board had multiple requests from therapists asking what they can perform in delivery of their therapy
137 service. The board continues to stress they expect the therapist to work within their education, the ethics of
138 their profession and not to rely on the board to tell them how to be a therapist, run their practice or bill for
139 services. It was discussed that federal law is different that state law. In addition, a therapist working in a native
140 health center or a federal facility has different laws which they need to be aware of in the delivery of services.
141

142 The board determined the same letter would be sent to: Robertozzi, Bisowkarma, Kubosh and Jacques.
143 Licensees are expected to follow the physical therapy and occupational therapy law and the board will not
144 dictate what they can and cannot do in their therapy service.

145 **TASK:** staff to forward letters to these four individuals.

146 The board reiterated, their role is to work with applicants seeking licensure, review audits and disciplinary
147 actions. It is not to tell licensees how to perform the work they have been educated and trained to do within
148 their professions.

149 **08.84.190(6)** ... “physical therapy” does not include the use of roentgen rays and radioactive materials for
150 diagnosis and therapeutic purposes, the use of electricity for surgical purposes, and the diagnosis of disease.
151

152 **Sec. 08.84.160. Scope of authorized practice.** This chapter does not authorize a person to practice medicine,
153 osteopathy, chiropractic, or other method of healing, but only to practice physical therapy or occupational
154 therapy.
155

156 The Alaska Board of Physical Therapy and Occupational Therapy Principles of Practice adopted in March 2015,
157 Principle 1, item 3, clearly indicates that licensees shall "provide services within practitioner's level of
158 competence as demonstrated by education. training and professional experience." As previously stated, the

159 board does not dictate what techniques are to be used with patient care for physical therapy. This includes not
160 identifying specific training related to a particular modality as it's the therapists' responsibility to be educated.

161 Poorbaugh said it was necessary to amend the "board does not dictate letter" to allow it to meet any request
162 from a licensee for services performed. The board should not have to recraft it for every request but leave it
163 generic.

164 **TASK:** Poorbaugh will create an FAQ which outlines and answers common questions licensees ask and board
165 members respond to at each board meeting.

166

167 Kennedy – no response was needed, the board agreed staff had answered his question via the prior email.

168

169 Cary Moore OT emailed the board asking if they would accept her employment as an occupational therapy
170 educator in place of her professional practice hours for her license renewal. She is not 'practicing' as an OT. She
171 asked to accept her employment as an "alternative" 12 AAC 54.705(b) and (c).

172

173 Prior board precedent determined teaching is not the same as practicing therapy services. However, during this
174 meeting, the board determined that in the process of teaching, a person would be performing therapy services
175 and stated teaching should be qualified as practice. They stressed this is not the same as asking for continuing
176 education credit for a course you teach.

177

178 Staff asked the board to review if NBCOT recertification allows teaching to meet the recertification contact
179 hours which the board is now accepting for continuing education. Is this a duplicated situation if the same
180 teaching hours would be used to meet both practice/service hours as well as qualify for recertification of
181 continuing education contact hours?

182

183 Enlow Walker arrived at 1:45 p.m. He had been delayed due to fog and his flight was re-routed via Homer.

184

185 For a licensee to meet renewal requirements they have the option to complete and provide 40 additional
186 contact hours (in place of 60 hours of practice) in addition to the required 24 contact hours.

187

188 OT law: 12 AAC 54.705 REQUIRED CONTINUING OCCUPATIONAL THERAPY PROFESSIONAL PRACTICE
189 AND ALTERNATIVES.

190 (a)(1) having provided occupational therapy services for at least 60 hours during the concluding licensing
191 period or

192 (2) successful completion during the concluding licensing period of one of the following:

193 (B) in addition to the contact hours of continuing education required under 12 AAC 54.710, 40 contact
194 hours of continuing education that is consistent with the requirements of 12 AAC 54.710 - 12 AAC
195 54.720;

196 (c) In this section, "occupational therapy services" includes work and volunteer service under a position
197 title other than occupational therapist or occupational therapy assistant if the applicant documents that
198 the position required the use of occupational therapy skills recognized by the board.

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PT has similar law: 12 AAC 54.405. PHYSICAL THERAPY CONTINUING PROFESSIONAL PRACTICE REQUIREMENTS AND ALTERNATIVES TO THOSE REQUIREMENTS

Ms. Kostik asked the Board to consider if they will want to continue to review and approve, on a case by case basis, every time someone wants the board to decide what counts for their 60 hours of practice service. How will the board review and consider in the future when people ask for practice hour credit every time they teach a course? Is teaching the same as the using skills provided to patients.

Carlson says no, but the way the regulation reads they are using their skills and you should wonder how good the therapist would be in serving their patient. Poorbaugh said that as a teacher, you are using the skills on normals so you are unable to determine if you are helping a person who has a need for services and he disagrees with saying that teaching qualifies for service. He would not want to be treated by someone who has not been practicing.

MOTION BY CALHOON, SECOND BY WALKER, MAKE A MOTION ON BEHALF OF THE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY FOR CORRESPONDENCE WITH CARY MOORE IN REGARDS TO HER PROFESSIONAL TEACHING HOURS AS MEETING HER REQUIRED PTOT IN ACCORDANCE WITH 12 AAC 54.705 PART C. IN ADDITION IT SHOULD STILL BE NOTED MS. MOORE WILL STILL BE REQUIRED TO OBTAIN 24 CONTACT HOURS OF CONTINUING EDUCATION TO BE IN COMPLIANCE RENEWAL STANDARDS SET FORTH IN 12 AAC 54.710. ROLL CALL VOTE, CALHOON YES, CARLSON YES, PARIETTI YES, POORBAUGH NO, WALKER YES AND KOSTIK YES. MOTION PASSED, 5 YEAH AND 1 NAY.

TASK: Carlson will craft a letter for the board to review and approve for Ms. Moore.

The board reviewed FSBPT charts where the FSBPT was reporting their interpretation of Alaska laws. Staff will inform the FSBPT to update the information on their website per board discussion.

Glenn Hoskinson, Special Assistant to the Commissioner joined the meeting via Zoom at 2:15 p.m.

Agenda 9 – FY19 Annual Report

Staff reported the FY19 Annual Report was completed on time and published on the CBPL website.

Agenda 10 – Physical Therapy License Compact

Staff informed the board Sara Chambers has asked that the board make a motion on the Compact. Ms. Walsh explained with the board making a motion it will assist in future discussion on compact law.

The board continues to be in support of the physical therapy license compact (PTLC). However, they are not willing to introduce the bill. They have too many barriers to even be able to communicate or get a simple

239 cleanup bill passed. In prior discussion with Senator Giselle the board was advised not to add the compact to
240 SB47 to avoid any delays to the current bill.

241
242 **MOTION BY PARIETTI, SECONDED BY CALHOON THE BOARD IS IN SUPPORT OF THE PHYSICAL**
243 **THERAPY COMPACT. ALL IN FAVOR, NO NAYS. MOTION PASSED.**

244
245 The compact requires digital fingerprinting which will not be easy to obtain in the state of Alaska. Ms. Walsh said
246 the Department of Health and Social Services and the Department of Public Safety both have digital finger
247 printing. This means the technology is available, it's just how to gain access to those tools. Ms. Walsh said the
248 FBI does not allow transfer of digital finger printing between agencies.

249
250 The board discussed how the current physical therapy application asks a licensee to report each compact
251 privilege. Staff is then able to secure their license privilege information directly from the Federation of State
252 Boards of Physical Therapy (FSBPT). It is noted, not all jurisdictions report discipline to the FSBPT. However,
253 every jurisdiction who is part of the compact is required to report every disciplinary action. This is one of the
254 many benefits of the compact.

255
256 As discussed in prior meetings, in Alaska a foreign trained physical therapist or physical therapy assistant is
257 required to have completed supervised clinical skills in the U.S.; as do 14 other jurisdictions. This could be
258 another barrier to joining the compact. One of the reasons the state of California has not joined the compact is
259 they also have the requirement for clinical skills.

260
261 Mr. Walker shared he learned during the NBCOT conference the American Occupational Therapy Association
262 (AOTA) is working towards a compact for occupational therapy and reviewing the FSBPT compact model.

263
264 **Break 2:41 p.m. back on record at 2:52 p.m.**

265
266 **Agenda 11 – Regulation Project**

267
268 The board celebrated the September 29, 2019 enactment of the regulation project.

269
270 Staff brought to the boards attention a physical therapist who works in Home Health contacted staff about
271 Health and Social Service (HSS) law 7 AAC 12.521(6). As HSS requires visits to the patient's residence every two
272 weeks 2 week in home visit the licensee asked how it works with 12 AAC 54.510 (e) "...supervision on site at
273 least once every month...

274
275 The board determined it is the licensees' responsibility to work within the laws of their employment. Ms.
276 Carlson suggested the board consider adding the HSS law home health requirement for home health visits every
277 2 weeks to direct a licensee that law via the jurisprudence.

278
279 Some future regulations project considerations are:

280

- 281
- 12 AAC 54.100 (3) applications by credentials be amended to allow for those in the compact. It may be
- 282 crafted to include compact privilege vs full license which could reduce some costs for applicant when
- 283 that information is available via the FSBPT compact privilege report.
- 284
- 12 AAC 54.040(j) FSBPT TOEFL scores vs AK scores, considering regulation to amend TOEFL scores to
- 285 match FSBPT scores. Failure to do so will created barriers to licensing for future foreign trained
- 286 applicants as they would need to retake the exam.
- 287
- 12 AAC 54.920 Name and Address change regulation could be repealed as it is duplicated in centralized
- 288 regulations 12 AAC 02.960. This can cause confusion for applicants. Board may consider clean-up of
- 289 redundant regulations with their next regulation project.
- 290
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- 292

293 Ms. Kostik asked, why the board pays to have a public notice in Anchorage Daily News when the state has an

294 Online Public Notice system? This should be looked at to reduce agency expenses.

295

296 It was time to consider future leadership for the board. Ms. Kostik noted her primary role was facilitation of the

297 board meetings. Mr. Parietti explained as secretary his role included completion of the draft narrative for the

298 annual report and to run the meeting if the chair was absent. Ms. Carlson and Mr. Walker were both willing and

299 able to accept these roles.

300

301 **MOTION BY CALHOON, SECONDED BY POORBAUGH TO ELECT JENNIFER CARLSON AS CHAIR OF THE**

302 **PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD BEGINNING MARCH 2, 2020. ALL IN**

303 **FAVOR, NO NAYS. MOTION PASSED.**

304

305 **MOTION BY CALHOON, SECONDED BY PARIETTI TO ELECT ENLOW WALKER AS SECRETARY OF THE**

306 **PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD BEGINNING MARCH 2, 2020. ALL IN**

307 **FAVOR, NO NAYS. MOTION PASSED.**

308

309 RECESS 3:31 p.m. the board will reconvene 9:00 a.m. October 4, 2019.

310

311 **October 4, 2019**

312

313 Ms. Kostik called the meeting to order at 9:01 a.m. Roll Call: Board members Calhoon, Parietti, Poorbaugh,

314 Walker and Kostik were present as was staff Petz. Approved absence for both Carlson and Tydingco.

315

316 The meeting began with prior day business. The board reviewed and approved the letter crafted by Carlson for

317 Moore. It included "Based on the documentation you provided your work should qualify you for your 60 hours

318 per 12 AAC 54.705(c). However, you still need to complete 24 contact hours of continuing education per 12 AAC

319 54.710".

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321 **TASK:** Staff will forward the letter to Ms. Moore.

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The board reviewed an application for Tommi Heim which had questions for gaps in practice. Ms. Heim had responded to the boards questions via email and it was agreed her answers satisfied their questions. The board approved her for license and decided they will vote via the onboard ballot instead of a motion.

TASK: Staff will issue the license.

Deviated to back to Agenda 4 – Ethics Reporting

Enlow Walker completed and signed an ethics gift disclosure form for attendance to National Board of Certification of Occupational Therapy (NBCOT) 2019 State Regulatory Leadership Forum. Estimated value of \$2050.00. Ms. Kostik, as Designated Ethics Supervisor signed the form.

TASK: Staff will forward signed ethics gift disclosure to appropriate party in CBPL.

Mr. Walker provided a written recap of the NBCOT meeting and shared it was of great benefit for him to attend the meeting. It helped him better understand the NBCOT in general, the exam certification process as well as the recertification process. He appreciated exposure to the similarities and differences of the various state boards and regulations. It was helpful to hear how other boards deal with issues in their jurisdictions. There was also talk of working towards creation of an occupational therapy compact.

Calhoon stepped out of meeting at 9:17 a.m. and returned at 9:21 a.m.

Agenda 12 – Budget

The board reviewed the 3rd quarter budget and FY19 Fee Analysis. The division recommended a fee reduction and after careful discussion the board agreed with the proposed fee reductions. This is a regulatory project for the administrator officer. The new fees could be enacted prior to the June 2020 renewal.

MOTION BY POORBAUGH SECONDED BY PARIETTI, TO ACCEPT THE DIVISIONS RECOMMENDED REDUCTIONS AND LICENSING FEES. ALL IN FAVOR, NONE OPPOSED. MOTION PASSED.

TASK: Staff will inform the administrative officer that the Board adopted the fee decrease.

BREAK off record 10:01 a.m. and back on record at 10:11 a.m.

Agenda 13 – Regulatory Reform Introduction

Sharon Walsh, Deputy Director presented Regulatory Reform. All board members were provided a copy of "Is it government's responsibility LICENSING REGULATORY ACTIVITY Workbook JULY 2019". This process is being recommended for board members to use when they work towards any future regulatory change.

362 In discussion with Ms. Walsh about the extensive process board members go through to review and approve
363 continuing competency audits. She asked why staff did not approve the audits. They did not know they had that
364 option and were please to authorize current staff, Connie Petz to review and approve the audits when
365 documentation submitted obviously met the renewal requirements. This allows the board will be able to focus
366 their time on more complex or incomplete audits. The board noted current staff had the experience for this task
367 and they also understand that in the future, new staff would not have the experience to make the decision for
368 what the board would approve. They will consider it at the time when current staff is replaced with new staff.

369

370 **ON A MOTION BY WALKER, SECONDED BY PARIETTI, THE BOARD AUTHORIZES STAFF TO REVIEW**
371 **AND APPROVE AUDITS. ALL IN FAVOR, NONE OPPOSED. MOTION PASSED.**

372

373 **Agenda 14 – Speech-Language Pathologists/Audiologists**

374

375 Speech-Language Pathologists (SLP) Molly Thompson and Nancy Lovering requested to speak to the board. They
376 do not have a board for their profession and were advised by Sara Chambers to see about joining their
377 profession to the PTOT board. Their statute requires SLP's be members of the national association as part of
378 licensure. They shared concerns about the influx of SLP's providing teletherapy. One being these providers do
379 not even understand the Alaska population. They asked how they can know or understand who is monitoring
380 the services provided by teletherapy? It was noted their profession has statutes but very little regulation. As it
381 stands, they have title protection and one educational requirement in their regulation along with a minor
382 amount of telehealth regulations.

383

384 They asked what the board offers to the profession and were informed the primary role of the board is to
385 approve applicants for licensure, adopt regulations and consent agreements for disciplinary actions. The board
386 does not work for the profession but protection of the public. The SLP's have a licensing examiner who has
387 authority to issue the license when the statute and/or regulations have been met. This is a time saver for the
388 licensee as a license is issued without another level of review.

389

390 The board listened to their concerns and suggested they do their homework to plan what changes they are
391 seeking. Is there a way they can solve their concerns without joining a board such as, adopting regulations? It
392 was suggested they contact Dale Atkinson with the Federation of Associations of Regulatory Boards (FARB). Both
393 ladies appreciated the board members thoughts and suggestions. They will be able to share the information
394 gained with the members of the state association. Maybe the problem is not that they don't have a board,
395 maybe it is they don't have regulations for their profession.

396

397 Conversation ended with Ms. Thompson and Ms. Lovering planning to do some research. They will review what
398 other jurisdictions regulate to see what they might like to request be regulated in Alaska for their profession and
399 then contact the SLP licensing examiner Thomas Bay with suggestions.

400

401 Ms. Kostik recapped, the board listened to both Speech-Language Pathologists, Molly Thompson and Nancy
402 Lovering and their presentation. The board will not be taking any action.

403

404 **Agenda 15 – Legislation Discussion**

405

406 Ms. Kostik said in her opinion the upcoming legislative session will focus on the current state budget crisis and
407 she did not think SB47 will go anywhere in 2020.

408

409 The board determined they will proceed with a request for amendments to the current bill SB47 to be ready just
410 in case it does proceed. After the bill was introduced in February 2019 communication was received in relation
411 to the definition of physical therapist assistant (PTA) in what appeared to limit the PTA. It is noted PTA's do
412 testing during their work and under the direction of the physical therapist.

413

414 In SB47 Page 8 - lines 13 and 14 of draft legislation **08.84.190. Definitions.** (8) "physical therapist assistant"
415 means a person who assists in the practice of physical therapy or an aspect of physical therapy as initiated,
416 supervised, and terminated by a licensed physical therapist; the responsibilities of a physical therapist assistant
417 do not include **testing or** evaluation.

418

419 **MOTION BY POORBAUGH, SECONDED BY PARIETTI, TO REMOVE THE WORDS "TESTING OR" FROM**
420 **THE DEFINITION OF PHYSICAL THERAPY ASSISTANT. ALL IN FAVOR, NONE OPPOSED.**

421

MOTION PASSED.

422

423 Staff reminded the board that the currently SB47 appears to have left in the prior physical therapy assistant
424 definitions **08.84.190. Definitions (7)** while at the same time crafting a new definition for physical therapist
425 assistant **08.84.190. Definitions (8)**. If this is not addressed with this draft bill the wording in (7) may be left in
426 the final statute which would be confusing and a form of duplication after SB47 is enacted.

427

428 Staff asked the board to make a motion for who will be the primary PT and OT contacts and secondary contacts
429 for the upcoming 2020 legislative session. They determined they already had board members in place from prior
430 meetings. Physical therapist Keith Poorbaugh and Occupational Therapist Robert Calhoon. Ms. Kostik said her
431 current employment position will not allow her to continue to be a legislative point of contact on this bill.

432

433 Board members were reminded to keep staff informed with any legislative contact. They should email staff,
434 identify who they spoke with, the date and what they provided or discussed with them. Staff will then forward
435 to upper management.

436

437 **TASK:** Poorbaugh to provide an update to Senator Giessel for the amended wording for SB47. Also to copy the
438 examiner of any communication with a legislator or their staff.

439

440 **LUNCH off the record at 12:04 p.m. and back on at 1:19 p.m.**

441

442 **Board deviated to Agenda 17 – Applications**

443

444 The board reviewed an application for an occupational therapist seeking a 150 hour internship.

445

446 **ON A MOTION BY CALHOON, SECONDED BY PARIETTI, MOTION ON BEHALF OF THE BOARD OF**
447 **PHYSICAL THERAPY AND OCCUPATIONAL THERAPY FOR SAMANTHA NICOLE BATES TO BEGIN**
448 **AN INTERNSHIP WITH HEALTH QUEST THERAPY IN WASILLA EFFECTIVE IMMEDIATELY.**
449 **ALL IN FAVOR, NO NAYS. MOTION PASSED.**
450

451 **TASK:** Staff will inform Ms. Bates she can begin her internship.
452

453 **Agenda 16 – Public Comment**
454

455 LeeAnne Carrothers President of the Alaska Physical Therapy Association (AKPTA) and University of Anchorage
456 (UAA) professor for the PTA program. Ms. Carrothers announced this is her last public comment at a board
457 meeting as President of AKPTA and stated she now has a new UAA position as Director of Allied Health which
458 has 17 different professions. Alex Kay will be the President of the AKPTA effective January 1, 2020. Ms.
459 Carrothers will now be the person in charge of state government affairs and she will be working towards helping
460 move the current SB47 legislation forward. She thanked the board for the work they do for licensees and for
461 introduction and passage of the regulation that allows the ability to take the national exam prior to graduation.
462

463 She also thanked staff, Connie Petz for her service to the PT licensees and announced the AKPTA is giving her an
464 award for all she has done as the licensing examiner for the profession.
465

466 Ms. Carrothers said Jane Conway told her SB47 has not had enough collective effort from the board or the state
467 associations to move it forward. They, Senator Giessels' office is not going to put any effort in the bill if the
468 Board is not. This statement was news to the board members and they expressed how they view many hurdles
469 are in their way of any progress. They can't make people write letters of support. It was determined that the
470 AKPTA will ask their members to write more letters of support.
471

472 Ms. Carrothers said the Compact is still on the AKPTA agenda however the association is very concerned about
473 the unknown expense to them if they introduce the bill. Many members of the AKPTA still see the compact as
474 competition for physical therapy service providers. After the annual meeting they may send a survey to all
475 members to seek both their understanding of the compact as well as support or lack of support in joining. The
476 board recommended the AKPTA work with the FSBPT who has helped many jurisdictions with the legislation.
477 Ms. Carrothers told the board, as an educator in physical therapy it is hard to get the 60 hours of practice for
478 license renewal when you are full time employed. She stressed it is the ethical responsibility of each individual
479 clinician to keep their skills up.
480

481 Ms. Carrothers said the AKPTA philosophically is ok with the idea of SLP's joining the board but not operationally
482 as they are not in favor of the license fees being increased and they also believe additional staff would be
483 required for the increase of licensees if their profession would be combined with the PTOT board.
484

485 **Board deviated back to Agenda 17 – Applications**
486

487 The application was discussed and why the board asks for employment history when the regulation states a
488 verification of 60 hours of working experience on a form provided by the board. Staff explained the application
489 helps to cross check against the form and gives better public protection. The board determined they will remove
490 the employment information page from the application.

491

492 **MOTION BY CALHOON, SECONDED BY PARIETTI TO REMOVE THE PT, PTA, OT AND OTA EMPLOYMENT**
493 **HISTORY PAGE FROM THE APPLICATIONS. ALL IN FAVOR, NO NAYS. MOTION PASSED.**

494

495 **TASK:** Staff will update the applications and remove the professional employment history page.

496

497 Poorbaugh stepped out of meeting 1:49 p.m. and returned 1:53 p.m.

498

499 The board reviewed the process for voting with OnBoard and what is required to vote as well as when it was
500 appropriate to vote to deny a license. A denial vote requires statutory authority which in turn tables the
501 application to the next in-person board meeting. Sometimes 'deny' has been used on the ballot when in fact it
502 should be 'no' as it is just a question regarding the application requirements.

503

504 It was decided when a board member has any question on an application they will now vote NO in OnBoard
505 which will be an indicator to staff to keep the ballot open until all questions for the application are explained.
506 The board member who votes NO will then send an email to the examiner with the question(s). Staff will secure
507 the answer, forward the response or updated information back to board members. Board members may change
508 their vote in OnBoard until the ballot is closed. The notification of a changed ballot is a good tool for the
509 examiner to know every board member has had time to have their concerns heard on an application versus just
510 the majority of yes votes for licensure.

511

512 Staff informed the board the Community College of the Air Force was the only remaining CAPTE approved PTA
513 military education school. Accreditation status ended and any PTA who graduates after May 1, 2019 will be from
514 a NonCapte accredited school.

515

516 **Agenda 18 – Audit Review**

517

518 Board members determined the audits should be discussed in executive session.

519

520 **MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND**
521 **OCCUPATIONAL THERAPY IS RESOLVED TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH AS**
522 **44.62.310(C) (2) AND (3), AND THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR**
523 **THE OF PURPOSE OF REVIEWING AUDITS. ROLL CALL VOTE, CALHOON, PARIETTI, POORBAUGH,**
524 **WALKER, KOSTIK. ALL IN FAVOR, NO NAYS, MOTION PASSED.**

525

526 Board members and staff Petz will remain in the room.

527

528 OFF record 2:25 p.m.

529 ON Record 3:13 p.m.

530

531 Board members having reviewed audit documentation determined:

532

533 **MOTION BY CALHOON, SECONDED BY POORBAUGH, TO APPROVE 60 HOURS OF PROFESSIONAL**
534 **PRACTICE AND 24 CONTACT HOURS FOR LICENSE NUMBER PHYP535, PHYP558, PHYO2741 AND**
535 **LICENSE NUMBER PHYO2558. ALL IN FAVOR, NO NAYS, MOTION PASSED.**

536

537 **MOTION BY CALHOON, SECONDED BY POORBAUGH, TO SEND THE FOLLOWING LICENSEES TO THE**
538 **PARALEGAL 120412 AND LICENSE NUMBER 124594. ALL IN FAVOR, NO NAYS, MOTION PASSED.**

539

540 **MOTION BY CALHOON, SECONDED BY WALKER, TO APPROVE THE AUDIT FOR LICENSE NUMBER**
541 **PHYA2125. ROLL CALL VOTE, CALHOON – YES, PARIETTI – NO, POORBAUGH – YES, WALKER – YES,**
542 **KOSTIK – NO. WITH 3 YES AND 2 NO THE MOTION PASSED.**

543

544 **MOTION BY CALHOON, SECONDED BY WALKER, TO APPROVE THE AUDIT FOR LICENSE NUMBER**
545 **PHYP1176. ROLL CALL VOTE, CALHOON – YES, PARIETTI – NO, POORBAUGH – YES, WALKER – YES,**
546 **KOSTIK – NO. WITH 3 YES AND 2 NO THE MOTION PASSED.**

547

548 **TASK:** staff will inform the licensees who passed their audit send others to the paralegal.

549

550 Not all board members agreed with the determination of education for two audits and stated the passing
551 motions with no votes changed past precedent for approved continuing education. The majority interprets the
552 law to allow a somewhat different interpretation of what is included in patient care. The dissenting members
553 favored continuing the board's current interpretation of the law. The dissenting votes cited **12 AAC 54.420(c)** To
554 be accepted by the board, a continuing education course or activity must contribute directly to the professional
555 competency of a physical therapist or physical therapy assistant and must be directly related to the skills and
556 knowledge required to implement the principles and methods of physical therapy, as that term is **defined in AS**
557 **08.84.190.** "physical therapy" means the examination, treatment and instruction of human beings to detect,
558 assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, pain from injury, disease and
559 other bodily or mental conditions and includes the administration, interpretation and evaluation of tests and
560 measurements of bodily functions and structures; the planning, administration, evaluation and modification of
561 treatment and instruction including the use of physical measures, activities and devices for preventive and
562 therapeutic purposes; the provision of consultative, educational and other advisory services for the purpose of
563 reducing the incidence and severity of physical disability, bodily malfunction and pain; "physical therapy" does
564 not include the use of roentgen rays and radioactive materials for diagnosis and therapeutic purposes, the use
565 of electricity for surgical purposes, and the diagnosis of disease.

566

567 **TASK:** Poorbaugh will create a legend that identifies continuing education approved and cite applicable law.

568

569 **BREAK off record at 3:21 p.m. back on at 3:31 p.m.**

570

571 **Agenda 19 – Continuing Competencies**

572

573 The continuing competency project will be discussed in depth at the next board meeting. Per Ms. Walsh, setting
574 aside a specified time in a meeting to address a topic is the way to accomplish tasks. Ms. Kostik stated there is so
575 much to do in such a very short time at every meeting, it's difficult to make any progress. Ms. Carlson has been
576 diligently working on projects outside of the meeting. They still need time at the meeting for all board members
577 input. Some board members said they could not give any more time for more meetings though out the year.

578

579 **Agenda 20 – Foreign Educated**

580

581 An agency called Foreign Academic Credentialing Tools and Services (FACTS) <https://factspt.org/> wrote asking
582 the board to approve them as a new provider for foreign trained credential review agency if they use the CWT.
583 In reviewing the agency, the board thought there was a conflict of interest with other businesses directly related
584 to those named with the agency. They determined they did not want to be the first state to approve them as a
585 provider or to use the course work tool due to concerns for conflicts of interest.

586 **TASK:** Ms. Kostik will craft a letter for staff to forward to FACTS.

587 Staff informed the board the foreign trained application were updated in the instructions and the application
588 format. Two key changes:

- 589 1) Instructing the applicant prior to submitting an application to determine their education is equivalent to
590 the U.S. education requirements. It is noted when an applicant applies prior to having met the education
591 requirements, they can have an open application for many years pending completion of the required
592 education. Providing these directions in advance of applying will save them both time and money.
- 593 2) Including instructions that the preceptor will monitor the internship with the Performance Evaluation
594 Tool (PET).

595 **Agenda 21 – Discussion 10 minute topics**

596

597 Staff included white papers from AOTA on telehealth so the board could see the myriad of resources available to
598 licensees who choose to provide services via telehealth. When staff is contacted by any licensee with questions
599 related to telehealth service they are then referred to the national sites.

600

601 **Agenda 22 – Schedule Meetings**

602

603 Board members discussed they need more time during meetings to fully address both new and current board
604 business. They identified some agenda items, IE: written reports which are provided in the board packet. These
605 reports are then presented verbally by division staff which is not necessary. Unless there is a consent agreement
606 or other required issues for the board to respond to perhaps the division would allow board members to read
607 the reports knowing if they have questions they would ask thus saving division staff time and of course money.

608

609 **TASK:** Ms. Kostik will craft a letter to the division recommending meeting efficiencies, staff will forward.

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The board has a March 5-6, 2020 board meeting scheduled already. Two more meetings were scheduled.

- January 7, 2020 at 12:15 p.m. Teleconference was scheduled for Audits with paralegal.
- October 1-2, 2020 in person meeting in Anchorage.

TASK: Staff will request meeting rooms and update the website.

Agenda 23 – Other Discussion/Task Follow up

Members reviewed a draft “board member expectation agreement”. This tool may be developed further as a tool for current and incoming board members in the future. The board did not think a signature was required. Staff informed the board she works directly with each incoming board member to help them in the role. If a board member is not engaging in their role she will communicate with them on that point too. It was suggested that perhaps this expectation agreement would become part of future board packets and would be placed at the beginning of every board book as a reminder to all board members. The board was also reminded the division has crafted an extensive board member guide which is on the website.

Agenda 24 – Travel Action Summary

Travel Action Summary was completed.

TASK: Staff will forward.

AFTER MEETING TASKS:

Poorbaugh:

- Provide SB47 update to Senator Giessel for the amended wording and CC examiner of any communication with legislator or their staff.
- Create FAQ which outlines and answers common questions licensees ask that board members respond to at each board meeting.
- Create legend that identifies continuing education approved and cite applicable law

Kostik:

- Craft letter to FACTS – staff will forward
- Craft letter to division recommending efficiencies for meetings – staff will forward.

Staff:

- Publish final March 2019 and May 2019 meeting minutes to website
- Forward to Paralegal, signed consent agreements and board decisions on audited licensees for continued processing of audits.
- Notify national organizations for disciplinary actions and publish to website.
- Forward all correspondence completed by board

- 651 • Update FSBPT with citation of AK laws for their PTAs supervision
- 652 • Inform administrative officer recommendation for fee decrease adopted by board
- 653 • Update applications per board directions
- 654 • Issue license
- 655 • Inform applicant approved to begin internship
- 656 • Notify licensee's whose audits were approved
- 657 • Update website with meeting dates and secure meeting rooms
- 658 • Submit travel reimbursement requests
- 659 • Submit travel action summary
- 660 • Draft minutes for October board meeting

661

662 **Adjourn Meeting**

663 The board having no further business adjourned the meeting at 4:14 p.m.

664 Respectfully Submitted:

665

Connie Petz

666

Connie Petz,
Licensing Examiner

Approved:

Jennifer L. Carlson

667

Ruth Kostik, Chair signed by
Jennifer Carlson

Date:

March 26, 2020