

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY  
AND ECONOMIC DEVELOPMENT

March 26, 2020

By authority of AS 08.01.070(2) 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 via Videoconference 333 Willoughby Ave, 9<sup>th</sup> Floor, Conference Room A, Juneau AK

**These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and Professional Licensing. These minutes have not been reviewed or approved by the board.**

**Thursday March 26, 2020**

**Agenda Item 1 – Call meeting to order/roll call**

Jennifer Carlson, Physical Therapist and Chair of the Board of Physical Therapy and Occupational Therapy called the meeting to order at 9:04 a.m. Roll call, those present, constituting a quorum of the Board, were:

Keith Poorbaugh, Physical Therapist  
Enlow Walker, Physician, Secretary  
Lisa Radley, Physical Therapist  
Robert Calhoon, Occupational Therapist  
Jennifer Carlson, Physical Therapist, Chair

Staff Present:

Sara Chambers, Director  
Sher Zinn, Regulations Specialist  
Connie Petz, Licensing Examiner

Public: No public attended this meeting.

This meeting was public noticed in the Anchorage Daily News and the Online Public Notice on February 13, 2020.

The Board welcomed new board member Lisa Radley, physical therapist, appointed March 1, 2020.

For the record, board members are appointed for a four-year term and may seek reappointment for one additional term. However, if a board member resigns prior to the end of their four-year term, the incoming board member who replaces them is only appointed to the end of the vacated term. They may then only request reappointment for one additional term.

It benefits the board to have varying dates of expiration to avoid loss of experienced members who have historical knowledge of board business. Board members should contact Boards and Commissions (B&C) the fall prior to the date their current term would be ending. They may seek reappointment or identify they will not be

46 continuing beyond their term on the board. This allows B&C time to seek new board members. Avoiding  
47 vacancies on the board.

48  
49 Staff requested the board consider voting for new chair or secretary with effective dates at least 3 to 6 months  
50 prior to an outgoing board member to allow for transition time.

51  
52 **Agenda Item 2 – Consent Agenda**

53  
54 Ms. Carlson confirmed all board members read the October 2019 and January 2020 final minutes.

55  
56 **ON A MOTION BY POORBAUGH, SECONDED BY CALHOON, TO APPROVE THE CONSENT AGENDA**  
57 **WHICH INCLUDES: OCTOBER 3-4, 2019 MEETING MINUTES AS FINAL AND JANUARY 7, 2020**  
58 **TELECONFERENCE MINUTES AS FINAL. ALL IN FAVOR, NO NAYS.**

59  
60 Ms. Carlson signed both the October 2019 and January 2020 final minutes and will forward to staff.

61  
62 TASK: Staff will publish final minutes to the website.

63  
64 **Agenda Item 3 – Review/Approve Agenda**

65  
66 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE THE AGENDA AS DRAFTED.**  
67 **ALL IN FAVOR, NO NAYS. MOTION PASSED.**

68  
69 **Agenda Item 4 – Ethics Reporting**

70  
71 Board members Radley, Calhoon, Walker, and staff Petz all stated they had no ethical situations to report.

72  
73 Mr. Poorbaugh disclosed he had contacted the office of Dr. Anne Zink, Chief Medical Officer, State of Alaska and  
74 spoke with staff Bonnie Bailey from that office. He had also contacted Justin Moore of American Physical  
75 Therapy Associations (APTA) and Alec Kay of Alaska Physical Therapy Association (AKPTA). All contacts were  
76 from him as a private practice owner and seeking understanding of the state health mandates and allowed  
77 practice. He stressed to each of them that although he is on the Alaska Physical Therapy and Occupational  
78 Therapy Board, he was contacting them for personal reasons, not as a representative of the board.

79  
80 Ms. Carlson disclosed she had received telephone calls about COVID and directed them to keep an eye on the  
81 states COVID website. She also said one of her personal friends had applied for the public member position on  
82 the board but that her friend had not heard from B&C.

83  
84 Staff reminded the board they should always direct anyone who contacts them about board business to her and  
85 to not engage in conversation to avoid ex-parte communication. Members should not vote on any applicant who  
86 they know personally or may be hiring for their practice to avoid any conflicts of interest.

87  
88 **Agenda Item 5 – Old Business/Tasks**

89  
90 For the record, no board members or staff will be attending the National Board of Certification of Occupational  
91 Therapy annual meeting this May 2020. It may not be any conferences this year due to the health crisis.

92

93 Prior tasks not submitted by outgoing board members were the letter to Foreign Academic Credentialing Tools  
94 and Services (FACTS) regarding the request that the board approve them to use the course work tool (CWT) and  
95 a letter to Sara Chambers regarding board meeting efficiencies.  
96

97 TASKS: Ms. Carlson will complete the letter for Ms. Chambers and forward to staff to submit. Staff will inform  
98 FACTS that the board only approves credentialing from three agencies; International Consultants of Delaware  
99 (ICD), Foreign Credentialing Commission on Physical Therapy (FCCPT), and International Educations Research  
100 Foundation (IERF).  
101

102 **Agenda Item 6 – Investigative Report**  
103

104 The investigator will share a full investigative training during the Fall 2020 board meeting. In the meantime, any  
105 new board member who is called on for case review who has not been trained will receive an individual training.  
106 Staff reported Ms. Leslie Adrian of the FSBPT was unable to present on the Model Board Action Guidelines  
107 (Disciplinary Action Matrix) at this meeting. She has agreed to put the October 1, 2020 meeting on her calendar.  
108

109 Staff Petz read the investigative report. The following information was compiled as an investigative report to  
110 the Board for the period of December 28, 2019 thru March 06, 2020; this report includes cases, complaints,  
111 and intake matters handled since the last report.  
112

113 Investigators during this period, opened two cases, one unethical conduct, and one violation of licensing  
114 regulation. Closed two cases for unprofessional conduct due to incomplete complaints and closed one for  
115 unethical conduct for lack of jurisdiction.  
116

117 Matters opened by the paralegal in Juneau, regarding continuing education audits and license action  
118 resulting from those matters, are not covered in this report.  
119

120 Staff explained when a person files a complaint, if they do not respond or follow through with the  
121 complaint process, the case is closed as incomplete. The unprofessional conduct complaint that was closed  
122 for lack of jurisdiction would be because the physical therapy and occupational therapy law did not apply  
123 to the complaint, meaning they lacked jurisdiction over the reported complaint.  
124

125 **Agenda Item 7 – Paralegal Report**  
126

127 The board had three consent agreements and determined they would review them in executive session.  
128

129 **ON A MOTION BY CALHOON, SECONDED BY WALKER, TO DISCUSS CONSENT AGREEMENTS IN  
130 EXECUTIVE SESSION: THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY IS  
131 RESOLVED TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310(C) (2) AND (3), AND  
132 THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF CONSENT  
133 AGREEMENTS. ROLL CALL VOTE: RADLEY, POORBAUGH, WALKER, CARLSON, CALHOON ALL VOTED  
134 YES. NO NAYS, MOTION PASSED.**  
135

136 Ms. Carlson identified who would stay in room: Radley, Poorbaugh, Walker, Carlson, Calhoon, and staff Petz.  
137

138 **Time Off Record: 9:30 a.m.**

139 **Time Back On Record: 9:44 a.m.**  
140

141 The board reviewed three consent agreements: CASE # 2019-000869, # 2019-000688 and # 2019-001247.

142

143 All three motions will have one final vote.

144

145 CASE #2019-000869:

146

147 **MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND**  
148 **OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION**  
149 **AND ORDER IN THE MATTER OF CHERYL K. MYERS, PHYSICAL THERAPIST LICENSE # PHYP236, CASE**  
150 **#2019-000869 HEREBY ADOPTS THE CONSENT AGREEMENT, DECISION AND ORDER IN THIS MATTER,**  
151 **EFFECTIVE IMMEDIATELY.**

152

153 CASE # 2019-000688

154

155 **MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND**  
156 **OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION**  
157 **AND ORDER, IN THE MATTER OF SHARON PURKIS, PHYSICAL THERAPIST LICENSE # PHYP790, CASE #**  
158 **2019-000688 HEREBY ADOPTS THE CONSENT AGREEMENT, DECISION AND ORDER IN THIS MATTER,**  
159 **EFFECTIVE IMMEDIATELY.**

160

161 CASE # 2019-001247

162

163 **MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND**  
164 **OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION**  
165 **AND ORDER, IN THE MATTER OF KATHERINE VIETH, PHYSICAL THERAPIST LICENSE # 120726, CASE #**  
166 **2019-001247 HEREBY ADOPTS THIS VOLUNTARY SURRENDER HEREIN, EFFECTIVE IMMEDIATELY.**

167

168 **VOICE ROLL CALL VOTE: POORBAUGH, WALKER, RADLEY, CALHOON, CARLSON ALL VOTED YES. NO NAYS ALL**  
169 **THREE MOTIONS PASSED.**

170

171 Ms. Carlson dated and signed all three board orders this 26<sup>th</sup> day of March, 2020, at Fairbanks, Alaska.

172

173 TASK: Carlson will mail the original signed copies to Paralegal Zimmerman and send PDF copies to staff who will  
174 forward to paralegal and inform her all three consent agreements were adopted.

175

176 **Agenda Item 8 – Audit discussion**

177

178 The board did not review any audits. This agenda was to allow the board to discuss the current COVID-19 crisis  
179 which is interfering with licensees' ability to work, access continuing education courses, or earn a living. It was  
180 decided the regulations for renewal requirements and auditing of licensees would add another burden during  
181 this trying time. By seeking to waive the renewal requirements of continuing competency, this would be one  
182 thing the Board could do to assist licensees in this trying time.

183

184 Sara Chambers attended the meeting to explain how SB241 and HB311 may offer the Board some temporary  
185 authority to request professional licensing emergency decisions during the COVID crisis. If these bills do not  
186 pass, then the Board would need to be prepared to craft an emergency 120-day regulation.

187

188 Regulations specialist Sher Zinn attended the meeting to explain the process to complete an emergency  
189 regulation. The Board will craft a tentative regulation to be prepared if SB241 and HB311 do not pass and they  
190 will set a meeting date to adopt them. They thanked Ms. Zinn for attending the meeting.  
191

192 The board reviewed the proposed legislation in SB241, Page 5 - Professional Licensing (b)(1) temporarily waving  
193 or modifying the continuing education requirements required for license to renew a professional license, permit,  
194 or certificate in 2020. It is noted HB311 mirrors SB241.  
195

196 The board discussed the renewal requirements of Physical Therapy Article 3 and Occupational Therapy  
197 Article 6. In order to be prepared; if/when SB241 and HB311 pass the Board will make a motion to be ready to  
198 publish to the website. If this request is approved, then staff will work with the necessary changes to the  
199 renewal application for the July 1, 2020 to June 30, 2022 renewal application. If the bill does not pass, the board  
200 will hold a meeting for the emergency regulation to be crafted and adopted and the renewal application would  
201 be amended accordingly.  
202

203 The proposed request in this motion is pending approval by the division.  
204

205 **ON A MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL AND**  
206 **OCCUPATIONAL THERAPY WILL WAIVE THE CONTINUING COMPETENCY AND THE AUDIT FOR ALL**  
207 **LICENSES PER ARTICLE 3 AND ARTICLE 6 DURING THE JULY 1, 2018 TO JUNE 30, 2020 LICENSE**  
208 **RENEWAL PERIOD. ROLL CALL VOTE: RADLEY, POORBAUGH, WALKER, CARLSON, CALHOON ALL VOTED**  
209 **YES. NO NAYS, MOTION PASSED.**  
210

211 The public must understand that this motion is NOT in effect until it is approved by the Division and published to  
212 the website. In addition, if an emergency regulation will be required to allow the renewal exceptions, there are  
213 steps that will be required and again, nothing is final until completed and published to the Website.  
214

#### 215 **Agenda Item 9 – COVID 19 and SB241 and HB311**

216 The current COVID 19 crisis is impacting every industry and licensees in Alaska are seeking direction from the  
217 board. Mr. Poorbaugh drafted a letter for the board to review. The goal is to publish to the website for physical  
218 therapy and occupational therapy licensees clarifications of Emergent/Urgent procedures.  
219  
220

221 After more discussion, it was determined Mr. Poorbaugh will make amendments per board member  
222 recommendations. He will work on the revisions, forward the letter to staff Petz so she can forward to all board  
223 members to review, and make individual suggestions or amendments back to staff. Staff will compile all  
224 changes, the letter will be placed in OnBoard for a full board vote and then she will forward it to Sara Chambers.  
225

226 **TASK:** Poorbaugh to forward letter to staff for board member review, vote and publication to web.  
227

#### 228 **Agenda Item 10 – Correspondence**

229  
230 Board members reviewed correspondence and determined which ones required a response. They also  
231 determined each response by staff that were appropriate and did not need follow up communication. They  
232 again discussed some questions, which appeared to be business practice related, which is not under the boards'  
233 responsibility or their role. These sorts of questions will be worked on for the October 2020 meeting to be  
234 included in the future FAQs for common questions from licensees.  
235

236 Ms. Carlson will craft letters regarding home health services and the request for employment approved to meet  
237 the renewal requirement for 60 hours of practice.

238  
239 TASK: Carlson will craft these letters and forward to staff to put on state letterhead. Staff will respond to FACTS  
240 via email.

241  
242 **BREAK off record at 11:01 a.m. and back on record 11:13 a.m.** All board members present.

243  
244 **Agenda Item 11 Legislation Discussion**

245  
246 The board is hopeful that SB47 is progressing, as it is now on the house side.

247  
248 **Agenda Item 12 FAQ projects for questions**

249  
250 The board receives many similar questions and they had planned to develop a list of answers for frequently  
251 asked questions (FAQs) to help licensees. This agenda item has been moved to the October 2020 meeting.

252  
253 **Agenda Item 13 – Schedule Meetings**

254  
255 The next 3 board meetings were scheduled.  
256  
257 April 24, 2020 noon videoconference meeting via ZOOM  
258 October 1-2, 2020 in person meeting in Anchorage  
259 February 11-12, 2021 videoconference meeting via ZOOM

260  
261 **Agenda Item 14 Budget**

262  
263 Ms. Carlson asked board members if they had reviewed the budget. All members said yes, there were no  
264 questions. The Board was pleased the license fee reduction regulation became effective March 13, 2020.

265  
266 The full budget will be discussed at the October 2020 board meeting with the Administrative Officer.

267  
268 **Agenda Item 15 FY20 Annual Report**

269  
270 The annual report tasks were assigned. Mr. Walker will complete the draft narrative, Ms. Carlson will update the  
271 goals accomplished and future goals. The board will review again at the April teleconference. Staff will complete  
272 the final statistics for the narrative then the FY20 annual report would be posted to OnBoard for a vote.

273  
274 The annual report requires all future travel requests to be disclosed via motions by the board for each event.  
275 There are five meetings for fiscal year 2021 and the four out of state meetings are third party reimbursable. The  
276 board is aware most conferences during 2020 may not occur. They will still request attendance to them be  
277 included in the FY21 annual report if the events are held.

278  
279 All five motions will have one final vote.

280  
281 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH TO REQUEST AN IN PERSON BOARD MEETING**  
282 **TO BE HELD IN ANCHORAGE OCTOBER 1-2, 2020.**

283

284 ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE ATTENDANCE TO THE  
285 FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY ANNUAL MEETING AND DELEGATE ASSEMBLY  
286 IN ORANGE COUNTY, CALIFORNIA, OCTOBER 22-24, 2020. PHYSICAL THERAPIST JENNIFER CARLSON AS  
287 PRIMARY VOTING DELEGATE AND STAFF CONNIE PETZ.  
288

289 ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE ROB CALHOON OR ALTERNATE  
290 BOARD MEMBER AND STAFF CONNIE PETZ TO ATTEND TO THE 2021 NBCOT OCCUPATIONAL THERAPY  
291 STATE REGULATORY LEADERSHIP FORUM; LOCATION AND DATE TO BE DETERMINED.  
292

293 ON A MOTION BY WALKER, SECONDED BY POORBAUGH, MOTION TO APPROVE ATTENDANCE TO THE  
294 FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY REGULATORY TRAINING FOR MEMBERS AND  
295 BOARD STAFF IN 2021. DATE AND LOCATION TO BE DETERMINED BY FSBPT. TWO BOARD MEMBERS,  
296 OR ALTERNATE BOARD MEMBERS AND STAFF.  
297

298 ON A MOTION BY WALKER, SECONDED BY POORBAUGH, MOTION TO APPROVE ATTENDANCE TO THE  
299 NBCOT ORIENTATION FOR NEW OT REGULATORS MEETING IN 2021. CITY AND DATES TO BE  
300 DETERMINED BY THE NBCOT.  
301

302 VOICE ROLL CALL VOTE: POORBAUGH, WALKER, RADLEY, CALHOON, CARLSON ALL VOTED YES. NO NAYS,  
303 ALL FIVE MOTIONS PASSED.  
304

305 TASKS: Walker will provide draft narrative, Carlson will complete the goals and objectives, staff will compile the  
306 statistics after June 30<sup>th</sup> and once all compiled, the annual report will be posted in OnBoard for a vote of the  
307 board to meet the divisions deadline for submission.  
308

309 **Agenda Item 16 – Public Comment**

310 No public attended the meeting.  
311

312 **Agenda Item 1 – Other Discussion/Task Follow up**

313 Board members will complete their tasks and forward to staff.  
314

315 **TASKS:**

316  
317  
318  
319 Carlson:

- 320 • Craft letters from correspondence
  - 321 • Craft goals and objectives for FY20 annual report and submit to staff
  - 322 • Forward final signed consent agreements to division
  - 323 • Forward signed final minutes to staff
- 324

325 Poorbaugh

- 326 • Craft COVID emergent/urgent letter and forward to staff
- 327

328 Walker:

- 329 • Craft draft narrative for FY20 annual report and submit to staff
- 330

331 Staff:

- 332 • Publish final minutes to website
- 333 • Draft minutes for this meeting
- 334 • Publish to OnBoard final COVID letter for board to vote, then forward to Chambers
- 335 • Publish disciplinary actions to website and forward to national organizations
- 336 • Forward all board correspondence to appropriate parties
- 337 • Work on annual report as board members submit for their tasks and publish to web for board vote
- 338 • Set up folder for board in the event an emergency regulation is required.

339

340 **Adjourn Meeting**

341

342 The board, having no further business, adjourned the meeting at 1:33 p.m.

343

344 Respectfully Submitted:

Approved:

Date

345

346

347

\_\_\_\_\_  
Connie Petz, Licensing Examiner

\_\_\_\_\_  
Jennifer Carlson, Physical Therapist, Chair