

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY  
3 AND ECONOMIC DEVELOPMENT  
4

5 February 11-12, 2021  
6

7 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6,  
8 a scheduled meeting of the State Physical Therapy and Occupational Therapy Board  
9 was held via Videoconference/Teleconference, Juneau AK  
10  
11  
12  
13

14 Thursday February 11, 2021

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

16 Jennifer Carlson called the State Physical Therapy and Occupational Therapy Board to order on February  
17 11, 2021 at 9:00 a.m. This meeting was public noticed in the Anchorage Daily News and the Online  
18 Public Notice on January 15, 2021.  
19

20 Ms. Carlson welcomed Rebecca Dean, Public Member to the board.  
21

22 Voice Role Call:

23 Robert Calhoon, Occupational Therapist  
24 Enlow Walker, Secretary, Physician  
25 Lisa Radley, Physical Therapist  
26 Nathan Missler, Occupational Therapist  
27 Rebecca Dean, Public Member  
28 Jennifer Carlson, Chair, Physical Therapist  
29

30 Keith Poorbaugh, Physical Therapist joined the meeting at 9:45 a.m.  
31

32 Staff present:

33 Sharon Walsh, Deputy Director  
34 Josh Hardy, Investigator III  
35 Connie Petz, Licensing Examiner  
36 Mandy Bonefeld, Staff Auditor II, Division of Legislative Audit

37 Public Present:

38 Shaun Conway, FSBPT  
39 Jodi Pfeiffer, UAA  
40

41 **Agenda 2 – Consent Agenda**

42 The Consent Agenda allows the board to vote on items without further discussion. Any document that  
43 requires additional discussion must be identified and removed from the motion.

44 **MOTION BY MISSLER, SECONDED BY RADLEY ADOPT THE OCTOBER 1-2, 2020 MINUTES AS**  
45 **FINAL, THE DECEMBER 8, 2020 MINUTES AS FINAL. VOICE ROLL CALL VOTE: CALHOON,**  
46 **RADLEY, WALKER, MISSLER AND CARLSON. MOTION PASSED.**

47 Keith Poorbaugh was not present for this vote. Board member Rebecca Dean did not vote as this was  
48 her first board meeting.

49 **TASK:** Carlson will sign final minutes, staff will publish to website.

50 **Agenda 3 – Review/Approve Agenda**

51 The meeting agenda had been amended to allow a presentation from the NBCOT on February 12<sup>th</sup> at  
52 9:00 a.m. It is current in the board packet, just not updated on the website.

53 Carlson, asked board to approve the agenda as amended with the NBCOT added to the agenda and  
54 called for a VOICE ROLL CALL VOTE: CALHOON, WALKER, RADLEY, MISSLER, DEAN AND CARLSON all  
55 voted YES. Board members approved via roll call vote. (Motion was not completed).

56 Keith Poorbaugh was not present for this vote.

57 **Agenda 4 – Ethics Reporting**

58 Ms. Carlson reminded the board members the importance of reviewing ethics and noted the training  
59 video is no longer on the Department of Law website. There is a Self-Guided Ethics Training power point  
60 presentation available <http://www.law.state.ak.us/doclibrary/ethics.html>

61 Ms. Carlson asked board members to report any ethical situations via Voice Role Call.

62 No ethical situations to report by: CALHOON, WALKER, RADLEY, DEAN AND CARLSON.

63 Nathan Missler advised the board he had been contacted by a former co-worker after the past board  
64 meeting and he referred them to contact staff.

65 Staff reminded the board that when anyone contacts our agency (staff) if they want to file a complaint  
66 they are referred to the investigative unit to file a report.

67 Rebecca Dean shared that she really appreciated the Ethics Training power point and encouraged all  
68 board members to take time to review it stating it is well worth the time.

69 **Agenda Item 5 – Old Business/Tasks**

70 Ms. Carlson shared this was her last board meeting and reminded the board the need for a current  
71 board member to consider the role of the Board Chair. No members volunteered for Chair position.

72 **Agenda Item 6 – Investigative Report**

73  
74 Josh Hardy, Investigator III presented the Investigative Report to the board. The investigative report was  
75 compiled for the period of September 16, 2020 thru January 27, 2021; this report includes cases,  
76 complaints, and intake matters handled since the last report. Opened – 3 cases and Closed – 6 Cases.

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

79

80 Mr. Hardy explained investigations are kept separate from the professional licensing. When a person  
81 contacts the investigative unit, a case is opened and a signed affidavit is required from the reporting  
82 person. He recapped the processes used to determine if the case should proceed or be closed. The  
83 duration of each case varies. Application matters are around 30 days. Investigative complaint can be up  
84 to 180 days or longer. Board members are contacted when needed and the subject expert is within the  
85 profession. A physical therapist would only receive a case for physical therapy professionals and an  
86 occupational therapist would have cases for occupational therapy professionals. The public member for  
87 the board would not be contacted for investigations, only be included when a consent agreement is  
88 reviewed by the Board and a vote is required.

89

90 Mr. Hardy will offer a full investigative training at the Fall 2021 board meeting.

91

92 **TASK:** Staff to add investigative presentation to October 2021 draft agenda

93

94 **Agenda 7 – Board/Staff Transition Manual**

95 Keith Poorbaugh joined the meeting at 9:45 a.m. and stated he had no ethical violations to report.

96 Staff explained the template for the Board/Staff Transition Manual which the FSBPT has provided. The  
97 board determined what items they would like in it. Staff will update and have a draft to the board by the  
98 end March. This tool will be resource for incoming Board members, licensing and agency staff.

99 The mission statement suggestions from Jen Carlson will be in the October board meeting packet for  
100 discussion with the Transition Manual.

101 **TASK** – Staff will continue to update this transition manual and forward it to the Board by the end of  
102 March and then at the April 6, 2021 board meeting the board can determine a date for one more  
103 meeting to review this tool.

104 **BREAK 10:37 a.m. and back on record at 10:58 a.m.**

105

106 **Agenda Item 8 – Budget**

107 Deputy Director Sharon Walsh reviewed the budget and explained to all members how the costs are  
108 allocated in the budget. The Board thanked her for her time and explanations.

109

110 **The Board was ahead of schedule and deviated to Agenda 10 – Regulation Project**

111 The Board reviewed the draft regulations provided by Regulations Specialist Jun Maiquis. After  
112 discussion, the board made one change to the draft. With the physical therapy by exam regulation  
113 change in 12 AAC 54.030 (5) adding the proof of passing scores sent from the Federation of State Boards  
114 of Physical Therapy (FSBPT) it was noted the board did not need to keep their proposed language in 12  
115 AAC 54.080 Passing scores (d) and (e). The FSBPT will work directly with physical therapist or physical  
116 therapy assistant exam candidate to approve them to take the exam and release their passing scores  
117 when they have graduated and have a conferred degree.

118 This decision was made because the FSBPT will be working directly with the examination candidates via  
119 the Alternate Approval Pathway (AAP) contract and the FSBPT defines the number of times an exam can

120 be taken and who qualifies to take which physical therapy exam based on their education. The Board  
121 would not need to regulate beyond the FSBPT contract requirements for the national examination.

122 Occupational therapy professionals work with the National Board of Certification for Occupational  
123 Therapy (NBCOT) for the exam and certify they have met the educational requirements. It was noted  
124 that occupational therapy regulations do not require a copy of their educational transcripts because the  
125 NBCOT validates they completed both their education and clinicals prior to certification. Current  
126 physical therapy regulation requires transcripts. 12 AAC 54.030 (a) (2) the applicant's certified transcript  
127 sent directly to the department from a physical therapy school meeting the requirements of AS  
128 08.84.030(a)(1).

129 The board may consider a future regulation projects:

130 Repealing **12 AAC 54.030 (a) (2)** the requirement for physical therapy professionals to submit their  
131 transcripts for professionals from those who were approved by the FSBPT to take the exam. The FSBPT  
132 would not release the passing scores until the education and clinical requirements are met by the  
133 applicant.

134 Revise 12 AAC **12 AAC 54.510** (d) for the wording of "in possession and written treatment plans".

135 **TASK:** Staff will include future regulation projects in transition manual for the Board to keep track.

136 **LUNCH - Off record 12:23 p.m. back on record 1:02 p.m.**

137

138 Ms. Carlson - Voice Roll call - Poorbaugh, Calhoon, Walker, Radley, Missler, Dean, Carlson and staff Petz  
139 were all present.

140

141 **Agenda 9 – Public Comment**

142 No public attended the meeting during this time frame.

143 **The Board returned to Agenda 10 – Regulation Project**

144 Ms. Carlson confirmed all board members agree to strike proposed language in 12 AAC 54.080 Passing  
145 scores (d) and (e) from this regulation project and approved the rest of the draft regulations. The board  
146 will proceed for written public comment.

147 **MOTION BY RADLEY, SECONDED BY CALHOON TO PROCEED WITH THE REGULATION PROJECT,**  
148 **REQUESTING THE PROPOSED REGULATIONS TO BE MAILED TO ALL LICENSEES AND**  
149 **INTERESTED PARTIES. REQUEST WRITTEN PUBLIC COMMENT FOR THIS PROJECT. THE BOARD**  
150 **HAS DETERMINED THERE WILL BE NO INCREASED COSTS TO THE PUBLIC FOR ANY OF THE**  
151 **POTENTIAL NEW REGULATIONS. VOICE ROLE CALL VOTE, POORBAUGH, CALHOON, WALKER,**  
152 **RADLEY, MISSLER, DEAN, CARLSON ALL VOTED YES. MOTION PASSED.**

153 **TASK:** Staff will forward the amended regulations to Jun Maiquis, Regulations Specialist and the Board  
154 hopes to meet April 6, 2021 to review any written public comment.

155 **Agenda 11 – Correspondence**

156 There wasn't any correspondence at the time of this meeting there for the board to respond to. Staff  
157 informed the board that the history and board responses from prior questions has been a great tool to  
158 reply to emails. Generally, the question is answered and not needed to carry forward to the Board.

159 **TASK:** Staff will put copies of topical letters in the Resource folder in OnBoard for historical purposes.

## 160 **Agenda 12 - Applications**

161 Staff updated the board that the online applications have been delayed due to staff shortages. That is  
162 still a goal of the department and once implemented should reduce many of the incomplete  
163 applications. Most application delays occur due to the that. When any person, fully completes their  
164 application the process goes very quickly.

165 One application for review which has a YES answer and the board determined they would need to  
166 review it in executive session to protect the license applicant. Ms. Carlson reminded the Board that they  
167 should follow statutes to determine when a file should be reviewed in Executive Session. Ms. Dean  
168 pointed out that discussion could draw back to someone if reviewed by the public, even if a name was  
169 not states. She recommended the board go in to executive session.

170 **CALL FOR A MOTION BY DEAN TO ENTER EXECUTIVE SESSION, SECONDED BY RADLEY, THE**  
171 **ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY IS RESOLVED TO ENTER**  
172 **EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310(C) (2) AND (3), AND THE ALASKA**  
173 **CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF APPLICATION**  
174 **REVIEW. VOICE ROLE CALL VOTE, POORBAUGH, CALHOON, WALKER, RADLEY, MISSLER, DEAN,**  
175 **AND CARLSON ALL VOTED YES. MOTION PASSED TO ENTER EXECUTIVE SESSION.**

176  
177 Carlson stated the following individuals will stay in the room Poorbaugh, Calhoon, Walker, Radley,  
178 Missler, Dean and Carlson along with Staff, Petz

179 Off record 1:19 p.m.

180 Back On record 1:42 p.m.

181  
182 Robert Calhoon had to leave during executive session at 1:37 p.m. and rejoined the meeting at 1:45 p.m.

183  
184 The board determined they would proceed and vote for the applicant in OnBoard.

185  
186 Staff showed the board the verification of working experience form. It was determined that the form  
187 can remove the name of the Facility and Address where provided due to the high number of travelers  
188 and where they may be using telehealth.

189  
190 **TASK:** Staff will work with the division for form updates.

## 191 **Agenda 13 – COVID updates**

192  
193  
194 The Boards website informs the physical therapy and occupational therapy professionals to stay  
195 informed per the State of Alaska and the CDC. Information changes frequently and is updated and  
196 available online on both the state and federal levels.

197  
198 The Board notes following CDC guidelines per national reporting is different than the State guidelines.

199 As of this meeting, the CDC is now recommending two masks, who can offer the vaccinations (you do  
200 not need to be a licensed provider), who can receive the vaccination and the rules for when a person is  
201 vaccinated. Again, it is the responsibility of the professional to stay informed.

202

203 <https://www.commerce.alaska.gov/web/cbpl/CBPLCOVID-19Information.aspx>

204

205 **The board was ahead of schedule and deviated to Agenda 15 – Discussion 10 Minute Topics -**

206

207 Continuing Competency Project – Nathan Missler led the discussion in recapping history for the  
208 Continuing Competency Project (OnBoard Resource Folder). When the board determines which topics’  
209 that are self-directed by the licensee that the Board will allow for continuing education credit they will  
210 create a worksheet that could break down how credit would be earned. They will also need to decide  
211 any credit limits for how many hours in some topics. IE: limiting credits for a self-study group per  
212 renewal period. Staff recommended the board create a worksheet that could break down how any item  
213 they determine would be accepted and how the Board would assign a continuing education credit and it  
214 could be placed on the website at that time.

215

216 Foreign educated – Staff explained the course work tool (CWT) history documents are in the OnBoard  
217 Resource Folder. Agencies approved by the Board for credential review are on the application. It is the  
218 applicants’ responsibility to meet the educational requirements in the U.S. the application tells them to  
219 make sure they meet it prior to applying for license. This avoids their application being delayed for  
220 years.

221

222 **Recess at 2:55 p.m. and reconvene at 9:00 a.m. February 12, 2021**

223

224 **Friday, February 12, 2021**

225

226 Jennifer Carlson called the meeting to order on Friday, February 12, 2021 9:00 a.m. Voice Role call:  
227 Poorbaugh, Calhoon, Walker, Radley, Missler, Dean, Carlson and staff Petz.

228

229 Public in attendance:

230 Shaun Conway of NBCOT

231 Jodi Pfeiffer, Physical Therapy Assistant

232

233 **Agenda 14 – NBCOT Presentation**

234

235 Ms. Carlson welcomed Shaun Conway to the meeting. Mr. Conway presented current information about  
236 National Board of Certification in Occupational Therapy (NBCOT) certification programs and services  
237 with the shared mission of serving the public interest. He provided a complete training which  
238 highlighted education and the standards that the NBCOT is held accountable by national agencies who  
239 audit and evaluate the NBCOT.

240

241 • Evidence based certification standards

242 • NCCA - National Commission for Certification Agencies

243 • ANSI - American National Standards Institute

244 • National Certification Examinations for both occupational therapist and occupational therapy  
245 assistant

- 246
- Services provided to administrators for access to their portal for exam eligibility, exam score transfers, certification (which reflects education has been completed and exam passed) and discipline from the NBCOT and reporting from licensing jurisdictions
- 247
- 248
- Navigator educational modules
- 249
- 250

251 The NBCOT is monitoring and aware of a developing trend in the profession has been behaviors that result in disciplinary actions such as exam cheating and posting exam questions on social media, fraud in billing, substance abuse, inappropriate patient conduct.

252

253

254

255 Most recent aggregate data show 90 percent renewal rate for recertification for occupational therapists and occupational therapy assistants. The trend for pass rates for the national examination did have a dip down during this COVID crisis.

256

257

258

259 Board members gained a great understanding of the processes and they thanked Mr. Conway for his presentation. He was asked to consider coming to Alaska in the future to share this presentation and updates for future board members.

260

261

262

263 TASK: Staff will forward educational link for video “NBCOT clarifies Cheating Behaviors”.

264

265 **BREAK 10:25 a.m. back on record 10:32 a.m.**

266

267 **Deviated back to Agenda 15 – Discussion 10 Minute Topics**

268

269 Ms. Carlson updated the Board on the Sunset Audit. She had her interview and said other board members may also be contacted. The audit starts with field work where they will review the work of the board, operations and financials which can take several months. Once the field work is completed a management letter will be sent to the board to address their finding. The Board will have 10 working days to respond in writing. Based on responses, revisions will be made and a preliminary audit letter will be sent to the legislative budget and audit committee. There will be 20 working days to respond and then the audit is released to the public by the legislative audit committee.

270

271

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275

276

277 Staff explained the board passed their last audit in 2014 and had been approved to continue for 8 years. AS 08.03.010 Termination dates of regulatory boards. (c) (17) State Physical Therapy and Occupational Therapy Board (AS 08.84.010) - June 30, 2022. This audit will review the work of the board over the past 8 years, make any recommendations and the report is reviewed by the state legislature to determine if the Board will continue and for how long.

278

279

280

281

282

283 Legislative Discussion / Compact Discussion – LeeAnne Carrothers and Alec Kay are both working towards reintroducing the past legislation the Board has worked on and they will also be working on introducing compact legislation. Board members should be aware and track this bill. If introduced then the Board will write a letter of support. This topic will be addressed at the April teleconference.

284

285

286

287

288 Ms. Carlson asked if anyone on the board was interested in the Chair position as her term is up on March 1<sup>st</sup> and Mr. Walker will manage meetings until a new chair is appointed. Mr. Poorbaugh said although he would be a senior member on the board he didn’t think it would be a good fit for him. Ms. Dean asked what the time commitment would be. Staff recapped and referred the board to the training manual for the process. The role of the chair was not filled at this meeting, members need more time to think about it.

289

290

291

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294

**295 Agenda 16 – Annual Report**

296

297 Board members discussed processes for annual reports and reviewed the FY21 goals and discussed the  
298 FY22 goals. Staff reminded the board that including requests for travel is part of the annual report, if it is  
299 not in the report and with a motion by the Board then the travel would be denied.

300

301 Goals will be revised to:

302

1) Continue to update FAQs on PT/OT Licensing Board Home page.

303

2) Monitor any Legislation introduced for the practice act for the Board.

304

3) Track state licensure compact legislation – and continue to monitor states joining the compact.

305

The board is in support of licensure compacts.

306

4) Evaluate Limited Permit use and necessity – they are not being used for the intended purpose  
307 but as a stepping-stone to permanent licensure.

308

5) Create a board member and staff transition manual to assist board members in review  
309 applications, audits, terminology (acronyms), sample motions and other Board tips and staff  
310 processes and links for all agencies related to the board and the OnBoard summary packet.

311

6) Revise continuing education requirements based on relevance to expand options for  
312 demonstrating continuing professional development.

313

7) Continue to support attendance at national conferences. The Board recognizes it educates  
314 Board members and staff as well as keeps them informed of national issues that affect all  
315 licensing jurisdictions

316

8) Continue to monitor COVID and adjust the protocols as needed in safety in practice  
317 management.

317

318

9) Work on regulations as needed, review and make them relevant to the practice of the  
319 professions.

319

320

321 Ms. Carlson will complete the write up of the goals and objectives which the board discussed and  
322 forward to staff.

323

324 Mr. Walker will complete the draft narrative by end of May and staff will compile the report for Board  
325 member review and approval.

326

327 Annual Report to be fully completed by June 30, 2021 so staff can proceed.

328

**329 Agenda 17 – Schedule Meetings**

330

**331 Motion to schedule meetings:**

332

**ON A MOTION BY MISSLER TO SCHEDULE MEETINGS, SECONDED BY POORBAUGH**

334

**TELECONFERENCE FOR APRIL 7, 2021 FROM 1:00 P.M. TO 2:00 P.M. FOR REGULATION REVIEW  
336 AND OTHER BOARD BUSINESS.**

335

336

337

**BOARD MEETING OCTOBER 7-8, 2021 IN PERSON IN ANCHORAGE OR VIA VIDEOCONFERENCE.**

338



339  
340 **BOARD MEETING FEBRUARY 10-11, 2022 VIA VIDEOCONFERENCE OR IN PERSON.**  
341  
342 **APPROVE TWO BOARD MEMBERS AND ONE STAFF TO ATTEND THE ANNUAL MEETING WITH**  
343 **FSBPT 2021 DELEGATE ASSEMBLY OCTOBER 22-23, 2021 VIRTUAL**  
344  
345 **APPROVE TWO BOARD MEMBERS AND ONE STAFF TO ATTEND THE STATE REGULATORY**  
346 **LEADERSHIP FORUM MEETING WITH NBCOT, SEPTEMBER 22-23, 2021.**  
347  
348 **APPROVE ONE BOARD MEMBER TO ATTEND THE FSBPT LEADERSHIP ISSUES FORUM (LIF)**  
349 **MEETING JULY 17-18, 2021 VIRTUAL.**  
350  
351 **APPROVE TWO BOARD MEMBERS TO ATTEND THE REGULATORY TRAINING FOR MEMBERS**  
352 **AND BOARD STAFF**  
353 **WITH THE FSBPT, DATE TO BE DETERMINED IN FISCAL YEAR 2021.**  
354  
355 **APPROVE TWO BOARD MEMBERS AND ONE STAFF TO ATTEND ORIENTATION FOR NEW OT**  
356 **REGULATORS WITH THE NBCOT AUGUST 6, 2021.**  
357  
358 **VOICE ROLL CALL VOTE: POORBAUGH, CALHOON, WALKER, RADLEY, MISSLER, DEAN AND**  
359 **CARLSON. MOTION PASSED.**

360  
361 Motion passed for board members to attend meetings and conferences.

362  
363 Staff stated by leaving the names of board members out of the motions they will still need to determine  
364 who will attend to the meetings.

365  
366 Rob Calhoon left the meeting 11:45 a.m.

367  
368 **Agenda 18 – Other Discussion/Task Follow up**

369  
370 Carlson: Sign final minutes and complete updates per board discussion goals and objectives for FY21  
371 Annual Report.

372  
373 Walker: Complete Draft Narrative for FY21 Annual Report

374  
375 Missler: Continue to work on competency project

376  
377 Staff:  
378 Post final minutes to website  
379 Update FAQs and post to website  
380 Add investigative presentation to October 2021 draft agenda  
381 Forward the amended regulations to Jun Maiquis, Regulations Specialist  
382 Continue to work on draft board member/staff transition manual  
383 Set up April teleconference meeting  
384 Draft minutes for February 11-12, 2021 minutes  
385 Work on amending forms per board discussion  
386 Start outline for regulation project per board discussion

387 Add regulation project discussion to October 2021 board meeting packet  
388 Place copies of topical letters in the Resource folder in OnBoard for historical purposes  
389 As this is the last board meeting for Jennifer Carlson she said goodbye and all members and staff  
390 thanked her for her dedication and service for this Board and the professions over the past 4 years. Her  
391 term ends on March 1, 2021.  
392  
393 A new Board member has already been appointed, Jodi Pfeiffer who is a licensed Physical Therapy  
394 Assistant and her 4-year term begins March 1, 2021.

395  
396 **Adjourn Meeting**

397  
398 The Board having no further business to discuss adjourned the meeting at 11:49 a.m.  
399

400	Signature	Signature	Date
401			
402	<u>Connie Petz</u>	<u>Keith Poorbaugh</u>	<u>10/25/2021</u>
403			
404	Connie Petz	Keith Poorbaugh,	
405	Licensing Examiner	Physical Therapist	