

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY  
AND ECONOMIC DEVELOPMENT  
BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY  
333 WILLOUGHBY AVE, 9<sup>TH</sup> FLOOR, CONFERENCE ROOM A, JUNEAU, AK**

**TELECONFERENCE MEETING**

July 9, 2009

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference meeting of the State Physical Therapy and Occupational Therapy Board was held on July 9, 2009 at the State Office Building, Conference Room A, Juneau, Alaska.

**THURSDAY, July 9, 2009**

**Agenda Item 1      Call to Order/Roll Call**

The meeting was called to order by Mary Ann Paul, PT, Chair at 1:33 p.m.

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

Gary Burleson, Public Member  
Jay McDiarmid, PT, Secretary  
Jo Boehme, OT/L  
Joyce Barnett, Physical Therapy  
Kathleen Lind, OT  
Mary Ann Paul, PT, Chair

Voice roll call for all above board members.

Not Present: Dr. Bell – newly appointed unable to attend teleconference.

Staff present: Connie Petz, Licensing Examiner

**Agenda Item 2      Review/Approve Agenda**

Add to agenda:      Item # 7 regulation 12 AAC 54.950 (e)  
                                 Item # 12 Physical Therapy applicant Honani Polequaptewa  
                                 Item 11 - Foreign Trained: add Maria Silva  
Delete from agenda: Item # 12 – Review revised Alaska Applications

**On a motion by Gary Burleson, seconded by Jay McDiarmid it was RESOLVED to approve the agenda as amended.**

**Voice roll call vote move to approve the amended agenda:**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

**Agenda Item 3      Ethics Reporting**

There were no ethic violations to report.

**Voice roll call vote: no ethics violations to report**

Gary Burleson  
Jay McDiarmid  
Jo Boehme  
Joyce Barnett  
Kathleen Lind  
Mary Ann Paul

**Agenda Item 4      Review/Approve Minutes**

**November 17, 2008**

**On a motion by Gary Burleson seconded by Jo Boehme and carried unanimously it was RESOLVED to approve the November 17, 2008 minutes as written.**

**Voice roll call vote move to approve the November 17, 2008 minutes.**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

**Agenda Item 5      Public Comment**

No public present.

**Agenda Item 6      Investigative Report**

Nothing new since April 2009 report. One open case still pending.

**Agenda Item 7      Regulation Projects**

- *Supervision of non-licensed personnel*  
*12 AAC 54.520; 12 AAC 54.815*
  
- *Set standards for 150 hour internship – non foreign-trained*  
*12 AAC 54.100(5) (C); 12 AAC 54.600 (6) (C);*  
*12 AAC 54.950 (c); 12 AAC 54-405*

**On a motion by Jo Boehme and seconded by Gary Burleson and carried unanimously, IT WAS RESOLVED TO TABLE the above regulation projects on this agenda to the September 14-15, 2009 board meeting.**

**Voice roll call vote move to table the regulation project item # 7 to September board meeting.**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

**Agenda Item 8      NBCOT October 2009 Conference**

*\*Motion to approve for staff to attend*

Discussion from the board, if funding is available the board believes attendance at the NBCOT meeting will allow staff excellent training to gain board meeting skills which can be applied to help and advise the board. Also going to both the FSBPT conference and the NBCOT conference back to back will reinforce everything learned.

**On a motion by Gary Burleson to approve staff attendance to the NBCOT conference, seconded by Kathleen Lind and carried unanimously it was resolved to approve.**

**Voice roll call vote to approve.**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

**Agenda Item 9      Board of Education Meeting**

Jay McDiarmid recapped the Board of Education (BOE) meeting which he attended. The BOE conversation towards the PTOT's proposed regulation change regarding aides was heated and presented many outcomes which the board should take an in depth look at.

Jay has tried to meet with Teresa Holt, Project Coordinator for the Governor's Council on Disabilities and Special Education as she said she would like to address the board at the September meeting. She would like to discuss ways in which we can all work together and solve some of these issues in order to continue to provide treatment services.

Larry LeDoux commissioner of education asked Jay if they (the schools) don't provide the services to the people, how do they to explain why the services are not available. Money is a key issue as funding is limited.

Jay asked the board to study the issues related to 08.84.150 (b) regarding teachers aides in the school more before we proceed with the regulation change. Perhaps consider removing this issue from the legislative recommendations and put it in goals and objectives until we have more information. He suggested the board to also consider how our board defines the intent to change law for public protection and how we see it will protect the public.

Joyce Barnett stated she had made some contacts and spoke with a prior board member who recalled how the "exception for aides in schools" came about. When occupational therapists came into the licensure act, this "exception" was a concession that allowed occupational therapy licensure.

Joyce said there are also the financial issues implications, schools get more funding when they have occupational therapy listed on an IEP as a service provided to a child which then enables a higher level of funding to be passed on to that district for their youth as types of service that garnish money for a district has "hours" of service attached to it. When it can't be listed there is a loss of funding. The activity which can be taught by an occupational therapist and provided through ancillary classroom staff to students allows

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the funding to be received. If our board does a statute change there would be no change in the service the student receives but there would be a loss of funding. Because there is no prohibition against teaching others; parents, school staff, teachers etc of teaching home exercise programs. That is what therapists do in the school system and that is what is listed on the IEP.

Jay agreed there is a huge financial issue in this for the schools. Ms. Holt and Mr. LeDoux both want to talk to the board about the financial impact.

Kathy explained children with IEP's are based on levels of need as listed on the IEP. A level three means a child has multiple needs and that means more federal money.

Kathy said in the bush it's almost always para-professionals but even in Anchorage they use para-professionals because there is a shortage of therapists.

Jo asked how other services were worked in Alaska, such as children receiving speech or language therapy and Physical Therapy. Are students only treated by licensed therapists for those services how are these services reported for funding?

Kathy said services would be part of the IEP funding. Speech and Language Pathologists are licensed in Alaska and utilize non-licensed speech implementers to carry out the program once a program is set up. Physical Therapy has to be done by a licensed Physical Therapist in the schools.

Jay said it's about finances for schools but we also need to consider what these children who need the services will do if there is no funding for their needs. If the federal funding is reduced schools may cut the staff positions which provide the services to the student as where will the money come from for the services they need. As a board we need to come up with some option for them. Jay said that perception of what is public protection will differ between our PTOT board and the BOE board.

Mary Ann agrees the board should look at this topic further to consider tabling our number one legislative recommendation with more discussion of AS 08.84.150(b)(5). But she did not think any of the others legislative recommendations for aides should be tabled.

Joyce recalled in prior meetings where the board discussed how to best be prepared for discussion on this topic. One idea was to gather parents and parent groups and pool their interests in this. Mary Ann thought maybe we should have a town hall meeting and address the questions.

1. What is the problem as it is seen?
2. What are some ideas to change it?
3. How it's going to impact the whole system?

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The board all agreed this was a topic which has more impact statewide than anticipated. Gary asked Connie if she could schedule someone to come to our board meeting to discuss the topic and educate the board on the details.

Jo said past meetings had lots of input from OT's and suggested we have public comment from constituents the first day of discussion then have day two to be for Mr. LeDoux and Ms. Holt to share.

Mary Ann suggested that if the OT's would work on their concerns and put together a summary to share along with their recommendations for the board it would be better for everyone. Are the OT's aware of how a change in the law will impact the public with federal funds.

List of people to invite to the meeting; Larry LeDoux; representative of the public schools superintendents and Teresa Holt; program coordinator.

Jo suggested we request information in advance of the board meeting from Mr. LeDoux. Staff to create a formal written letter to request Mr. LeDoux and Ms. Holt both attend the September board meeting.

**Jo Boehme moved that licensing examiner contact the commissioner of education Larry LeDoux's office and ask for information be sent to our board about how the funding for IEP's work and a reference document for our background. Request that we receive it sometime in August. Seconded by Jay McDiarmid.**

**Voice roll call vote to approve advance information be gathered for September meeting.**

Gary Burlison – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

Staff asked for the board to draft the letter to make sure all areas of concern are covered. Jo and Kathy will work on the draft for Mr. LeDoux and Jay will work on one for Ms. Holt which they will provide to staff to finalize. It is understood by the Board that members can work on projects outside of a board meeting as long as there is not a quorum nor can they make any decisions for the board. Jay will send a letter to Teresa Holt asking how families in remote areas will be impacted.

**Agenda Item 10      Review FY 09 Annual Report**

Jay provided the draft of the Fiscal Year 09 Annual Report. Mary Ann noted that item # 15 from a prior board meeting had be left off of the legislative recommendations. This was to delete the requirement for a physician on our board and replace with another occupational therapist or public member. Jay explained that because Dr. Slonimski resigned but then another physician was appointed he didn't want to add it on until the board discussed.

Discussed removing goal # 1 aides in the schools from the legislative recommendations list and move it to the goals and objectives. This is because we are still gathering information and we are not ready for any legislative changes.

**Gary Burleson moved to amend legislative recommendations as discussed removing # 1 from legislative recommendations and move it to goals and objectives. Add #15 (which will now become #14) which is to dispense of the requirement of the physician position on the board and adding another Occupational Therapist or public member to the board. Seconded by Kathleen Lind.**

**Voice roll call vote to amend:**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Jo Boehme – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

Jo Boehme signed off from meeting.

**Agenda Item 11      Review Foreign-Trained applications**

- Clara E. Dominguez

**On a motion made by Gary Burleson and seconded Kathleen Lind, IT WAS RESOLVED TO approve the education of applicant Clara E. Dominguez for physical therapy internship.**

**Voice role call vote:**

Gary Burleson – Yes  
Jay McDiarmid – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes

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Mary Ann Paul – Yes

The board asked staff to research and provide the credentialing standards used by ICD and FCCPT by the September board meeting.

- Rowela B. Islas

Board discussed Ms. Islas credentialing was not provided and therefore her application was not complete. She would need to get her education evaluated and submit to the board in order for her application to be complete. The copies of documentation from ICD were provided by the state of Texas with the verification of licensure.

The board determined it would not vote on the applicant for licensure because her education was not complete. All agreed that the applicant would need to submit a complete credentials evaluation for her file.

**Voice roll call vote:**

Gary Burlison – Yes  
Jay McDiarmid – Yes  
Joyce Barnett – Yes  
Kathleen Lind – Yes  
Mary Ann Paul – Yes

Maria G. Silva's file was discussed to advise the board, on the record that foreign educated applicants can and do complete their education. Ms. Silva's file has a revised report from FCCPT stating she now meets the first professional degree of Physical Therapy.

**Agenda Item 12      Review Revised Alaska Applications – Deleted from board meeting.**

Connie requested the board delete the review of Alaska applications for both Physical Therapy and Physical Therapy Assistant and Occupational Therapy and Occupational Therapy Assistant.

Honani Polequaptewa Physical Therapy application file was discussed and the board determined that he did qualify for a Physical Therapy license.

**Voice roll call vote to approve the applicant Honani Polequaptewa:**

Gary Burlison – Yes  
Jay McDiarmid – Yes  
Joyce Barnett – Yes

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Kathleen Lind – Yes  
Mary Ann Paul – Yes

**Agenda Item 13**

**Other discussion**

Task List:

Jay to draft letter to Teresa Holt; Jo and Kathy to collaborate on letter to Larry LeDoux.  
Goal is to gather additional data in relation to aides in the schools.

Staff to research and provide the credentialing standards used by ICD and FCCPT in time for the September board meeting.

**Agenda Item 14**

**Adjourn Meeting**

The next meeting date was set for September 14-15, 2009 in Fairbanks, Alaska.

**Gary Burleson made a motion to adjourn, Jay McDiarmid seconded. None opposed.**

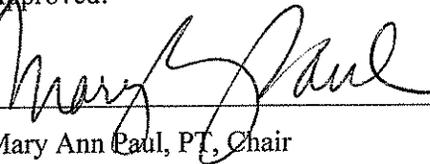
The Board having no further business to discuss adjourned the meeting at 3:10 p.m.

Respectfully Submitted:



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

Approved:



\_\_\_\_\_  
Mary Ann Paul, PT, Chair

Date: \_\_\_\_\_

9-26-09