

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

TELECONFERENCE MEETING

NOVEMBER 17, 2008

By authority of AS 08.01.075 (a)(3) and in compliance with the provisions of AS 44.62, Article 6, a teleconference was scheduled of the State Physical Therapy and Occupational Therapy Board and held on November 17, 2008 at the State Office Building, 333 Willoughby Ave, Juneau, Alaska.

MONDAY, NOVEMBER 17, 2008

The meeting was called to order by Mary Ann Paul, PT, Chair at 2:30pm

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

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

Staff Present:

Judy Weske, Licensing Supervisor
Connie Petz, Licensing Examiner

Public in Attendance:

Brenda Harvey, applicant for Physical Therapy Assistant
Eric Hotchkiss, Bartlett Regional Hospital Human Resource Manager

Mary Ann opened the meeting. The purpose of the teleconference was to discuss the application submitted by Brenda Harvey for licensure as a Physical Therapy Assistant by credentials.

Mary Ann asked the board to start off with questions for Ms. Harvey.

Joyce asked why in the list of states Ms. Harvey had been licensed, in Ms. Harvey's previous employment, why she did not have a license in the state of Washington. Ms.

Harvey explained that up until this past July, Washington did not license Physical Therapy Assistants.

Joyce stated that the professional fitness questionnaire listed 9 questions and question # 7 was blank on her initial application in which she (Ms. Harvey) was able to come and fill it in. Joyce asked Ms. Harvey if she had an explanation as to why she left it blank. Ms. Harvey stated it was just an over site, she was rushing to get the application done.

Mary Ann asked what date Ms. Harvey started filling out the application. Ms. Harvey did not remember the exact date. Mary Ann noted on the original application she said she was going to start work November 3, 2008, but then it was moved up to October 13th. Ms. Harvey said she got here early. She drove to Prince Rupert, not knowing what the roads would allow so she came up early.

Mary Ann stated the obvious question; all (the board) wanted to know why Ms. Harvey left off the fact she had an Oregon license off her application. The application states to "list the states or jurisdictions in which you hold or have ever held a license or permit to practice physical therapy" under the professional data section. Ms. Harvey said she never worked in Oregon under those licenses and when she was filling it out she didn't even think about it. She only put down the states in which she worked. She didn't think about Oregon, it wasn't even a full term license and she didn't renew it. She apologized saying she didn't even think about it.

Jo asked if that was the same for professional fitness question # 2 which asked "have you ever been denied a license or had a license revoked, suspended, restricted, surrendered, limited, or otherwise acted upon a license"? Ms. Harvey said sure, it was the only license she had ever had any action on it. And it just went with it, she didn't even think about it.

Mary Ann stated on question # 1; have you ever been disciplined by any state board or Physical Therapy Association concerning violation of the Physical Therapy Practice Act or unethical conduct; you also said "no" on that one. Ms. Harvey said that goes along with it, it was just part of it. I have never been disciplined by a state other than that probationary period with Oregon.

Mary Ann asked "so that probably should have been a 'yes' answer", Ms Harvey replied "yes mamm".

Mary Ann, "and then on # 2, this should also have been a 'yes' answer: where you answered 'no'. "Have you ever been denied a license or had a license revoked, suspended, restricted, surrendered, limited, or otherwise acted upon a license"? Should that have also been a 'yes' answer? Ms. Harvey said yes mamm".

Mary Ann asked if anyone had any other questions.

Jo asked her to speak to the reference that she provided; Traci Reindle and her comments about why you were separated from that facility. Jo asked if she had that information in

front of her. Ms. Harvey said "I don't have what Traci said I know what I was told". Jo asked Ms. Harvey to tell us little bit about that work experience. Ms. Harvey said it was a very good experience for her. She had a knee patient in a CPM machine and she went to help her lift her leg out of the CPM machine and it hurt her; she was first day post surgery, and it hurt her and she complained that it was too rough; which it was going to be rough any way for that kind of surgery and that was her complaint, that I was too rough. That was why I was asked to leave, or "let go".

Gary asked if complaints happened more than one time. Ms Harvey replied " Yes".

Mary Ann asked if it was with the same patient or different patients". Ms. Harvey said it was with different patients. One patient complained; her daughter stood outside the door and was listening to the conversation and she misunderstood what she (Brenda) was trying to do with the patient. It was her daughter who complained, not the patient. To Ms. Harvey's knowledge, it wasn't about being too rough in it was she thought she (Brenda) was trying to take a bedside toilet away but instead she (Brenda) was just trying to get her mother to walk a little further to the toilet.

Mary Ann asked if she recalled any other situations that Ms. Reindle may have talked to Ms. Harvey about her performance. Was she (Ms Reindle) her supervising Physical Therapist? Ms Harvey said she (Ms Reindle) was one of her supervising physical therapists and that they talked to her several times about physical therapy with patients, with this one thinking that one that didn't want to get up and walk and that he had to, to be able to go home.

Mary Ann asked if anyone had any other questions about her work recommendations or work reference.

Mary Ann asked Ms Harvey if she drove up the highway, did she drive the AICan how did she come to Juneau? She said she drove to Prince Rupert.

Mary Ann said "I have a concern that this was done in haste and I think there are a lot of things in life that we need to take our time on. You probably made plans in order to get on the ferry and make sure she got the right ferry; and what I see in your application is that you didn't complete the full occupational history. The application says to list your full occupational history and to provide additional pages if necessary. Then it also says on the questions # 1 and # 2, well you didn't answer yes but then if you do answer yes, to provide additional support or documentation and I think we had to come, come forth and ask for that to be clarified and um my concern is that there are several mistakes and omissions that have been made in your application and I wonder if that's a behavior that would spread over into your work performance also"? "And that is my concern as a board member and protecting the public".

Ms. Harvey said she was not sure how to answer as she doesn't typically forget things. In getting up here hastily she made plans along the way. Before she left she had plans for her ferry and everything else or most everything else.

Mary Ann said the primary concern for the board is that Ms. Harvey omitted Oregon licensure from the application. As a therapist, Mary Ann said any disciplinary tag would be something that would jump right out in her memory. Where Ms. Harvey was pretty consistent as far as leaving it out of the professional data and then also left it out of the rest of the application.

Mary Ann asked if anyone else had other questions for Ms. Harvey or comments.

Gary asked for executive session pursuant to AS 44.62.310(c)(2) for protection of the privacy of the applicants.

Mary Ann asked if there anyone who was not in favor of executive session.

**Motion to go into executive session according to AS 44.62.310(c)(2):
Gary 1st, Mary Ann 2nd. Voice role call vote:**

**Gary - yes
Jay - yes
Kathy - I agree
Joyce - yes
Jo - yes
Mary Ann - yes**

All agreed to enter executive session. Off the record at 2:45 p.m.

**Joyce Barnett moved to terminate the executive session; Gary
Burlison 2nd. Voice role call vote:**

**Gary - yes
Jay - yes
Kathy - yes
Joyce - yes
Jo - yes
Mary Ann - yes**

All agreed to end executive session. Back on record 3:14 p.m.

Eric Hotchkiss, from Bartlett Regional Hospital asked to say to clarify something that was said earlier. Eric said there was probably a certain amount of pressure that we (Bartlett Hospital) applied to get Brenda up here. They flew her to Alaska to do the onsite interview, they did their due diligence to check her references, thinking they were doing that in September and if she's starting in November that they would have enough time to get her licensed. Part of his thinking was that it takes usually 2 weeks to get a nursing license and he didn't know if that was the case on licensing with us. There was a certain amount of pressure given by Bartlett, he did not want the board to think it was all poorly planned from Ms. Harvey's perspective as they played a part in it. The other statement he wanted to make was that he's been licensing people, or been at Bartlett for 6

years and seen all sorts of licensing snafus and has seen on 2 other occasions where people (on the nursing side) incorrectly answered that question, have you ever had a license revoked or suspended for any reason and they incorrectly answered because of an issue like this and so he's seen this before and whether or not it has any merit he just wanted to say it. Mary Ann thanked Eric Hotchkiss for his comments.

Mary Ann asked for a motion.

Gary Burleson made a motion to deny Brenda Harvey licensure as a Physical Therapy Assistant in Alaska based on AS 08.84.120(a)(1) due to material misrepresentation and adverse professional references under regulation 54.100 (1) and 54.030 (a) (3). Jay McDiarmid 2nd the motion. Voice Role call vote:

Jo abstain

Jay – Yes to deny

Joyce – Yes to deny

Gary - Yes to deny

Mary Ann - Yes to deny

Kathy – No to deny

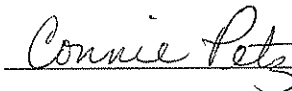
Four (4) in favor of denial; One (1) opposed, One (1) abstention; Motion passes to deny Alaska licensure to Brenda Harvey.

Mary Ann asked is there is any other business.

No other business on this call.

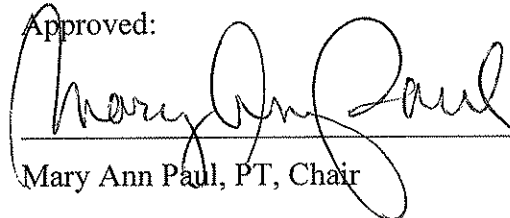
The Board having no further business to discuss adjourned the meeting at 3:23 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner

Approved:



Mary Ann Paul, PT, Chair

Date:

7-9-09