

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD**

MINUTES OF MEETING

April 28-29, 2005

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was held April 28-29, 2005 in Juneau, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:00 a.m.

Members present constituting a quorum of the board were:

Mary Ann Paul, PT, Secretary
Dee Berline, OTR
Jay McDiarmid, PT
Alec Kay, PT
Gary Burleson, Public Member

Member(s) not present:

Joanne Boehme, OT/L
Physician Member (position vacant)

Staff present:

Judy Weske, Licensing Supervisor
Phil Petrie, Investigator (on line during investigative report)
Steve Winker, Paralegal

New board members (Jay McDiarmid, Alec Kay, Gary Burleson) were welcomed to the board. New member Joanne Boehme had prior plans and was unable to attend the meeting. (The four new members were appointed to the board mid-April, 2005.) Dee Berline stated that her term was up March 1, 2004 and anticipates that a new appointment will be made before the next board meeting.

Agenda Item 2 Review/Approve Agenda

Discussion of changes to the jurisprudence questionnaire was added before discussion of the annual report.

On a motion by Dee Berline, seconded by Alec Kay and carried unanimously it was

RESOLVED to approve the agenda as amended.

Agenda Item 3 **Review/Approve September 30-October 1, 2004 Meeting Minutes**

Corrections to the first three pages were requested (misspelling of Mary Ann Paul's name on first page; separate the word "anymore" on page two; and change the word "first" to "second" regarding Mary Ann Paul just completing the "second" year of her first term.)

On a motion by Dee Berline, seconded by Jay McDiarmid and carried unanimously it was

RESOLVED to approve the minutes as amended.

Agenda Item 4 **Public Comment**

No public present. The board discussed ways to encourage public attendance.

Agenda Item 5 **Investigative Report**

Mary Ann Paul mentioned that Phil Petrie, who once was the board's investigator, was again assigned to the board. (Rick Younkens, who was the board's investigator is now Acting Chief Investigator). Dee and Mary Ann gave the new members an overview of the investigative process and report.

The board reviewed the investigative report and MOA 2702-05-0011. The MOA was for unlicensed activity due to practicing on a lapsed license. The board discussed the fine of \$300.00 for each year or partial year of unlicensed activity (this fine amount had been set by the board several years ago as a guideline for investigators to follow when dealing with unlicensed activity cases).

Dee Berline asked if the MOA would be reported to the national association. Judy Weske stated she would confirm with Deborah Finley which organization the MOA would be reported.

On a motion by Dee Berline, seconded by Jay McDiarmid, it was

RESOLVED to approve the Memorandum of Agreement in the matter of Jacquelyn Marie Forster.

Phil Petrie joined the board meeting at 9:30 to discuss raising the fine for unlicensed activity. Phil gave an overview of other boards he was familiar with regarding their fine structure. Phil said he wouldn't recommend less than a \$1,000.00 fine (or in the range of) for unlicensed practice. The board agreed that the current fine of \$300.00 for unlicensed activity was too low. Alec Kay asked what determines the amount of the fine; Phil responded that once he investigates the reason for unlicensed activity he will propose a fee in line to the offense. Phil will advise the board how he arrived at the suggested fine and if the board wants a higher fee and rejects the MOA, Phil will go back to the licensee and start over. If the licensee does not agree to the fine, then an accusation is drafted and the matter goes to a hearing.

The board also discussed fining agencies for employing unlicensed therapists; however, the board has no statutory authority to regulate agencies and therefore cannot fine an agency for unlicensed activity. The board also discussed fining the supervising therapist for employing an unlicensed therapy assistant; however, after discussing the issue of supervision, it was decided not to pursue fining the supervisor. Gary Bureson asked if the fine for physical therapy assistants and occupational therapy assistants should be lower; the board discussed that issue and decided that assistants would be subject to the same fee as therapists.

On a motion made by Mary Ann Paul and seconded by Alec Kay, it was **RESOLVED to levy the fine within the range of \$1000.00 for any portion of a year for unlicensed practice with an additional \$1500.00 for the second year or any portion thereof, and an additional \$2500.00 for the third year or portion thereof up to a maximum of \$5000.00.**

Phil reviewed the investigative report with the board. The board thanked Phil for his work.

Off the record at 10:00 a.m. for a break; on the record at 10:15 .a.m.

Judy advised the board that they needed to appoint an acting chairperson since the previous chair, Sundi Hondl, was no longer on the board. The board nominated Mary Ann Paul as acting chairperson for the meeting.

On a motion made by Alec Kay and seconded by Jay McDiarmid, it was **RESOLVED to appoint Mary Ann Paul as acting chairperson for the meeting.**

Agenda Item 6

CE Audit

Steve Winker, division paralegal, gave the board an overview of his involvement in continuing education audits. In particular, he went over the audit for Virginia Crawford. The board had previously approved her continuing education hours, however, verification of her work experience had arrived in the division office after the board had reviewed the CE; therefore, Mr. Winker was requesting that the board review the "Verification of Continuing Professional Practice Requirement – Audit".

The board discussed whether CPR is acceptable for continuing education and decided that CPR does not enhance clinical skills. Continuing education should be geared toward classes that contribute directly to the skills and knowledge required to implement the principles and methods of physical or occupational therapy. The board recognizes the value of CPR, but in terms of meeting the continuing education requirement, CPR is not acceptable. The board directed that a statement be added to the 2006 renewal form that CPR classes will not be accepted toward continuing education. The board agreed that they must be consistent in course approval, actions taken, etc.

The board discussed the need to have the professional reference and work experience forms notarized. The board agreed that the forms do not need to be notarized. The board would also like the "Verification of Continuing Professional Practice Requirement – Audit" form amended to add additional contact information for the person signing the form, (telephone number, etc.). On a motion made by Mary Ann Paul and seconded by Dee Berline, it was

RESOLVED to approve Virginia Crawford's practice hours between the dates of July 1, 2002 and June 30, 2004 in response to the continuing education audit for her 2004 renewal.

On a motion made by Alex Kay and seconded by Gary Burleson, it was

RESOLVED to include on the 2006 renewal notification that CPR will not accepted toward the continuing education requirement for renewal.

Due to new board membership, Steve Winker asked for the current board's input regarding the existing policy for fines when licensees do not comply with continuing education. The board agreed to review the existing guideline at the next meeting and Steve agreed to provide information for the next board packet.

Agenda Item 7

Regulations

Jun Maiquis, Regulations Specialist, went over the regulation changes. The board agreed to public notice the changes.

On a motion made by Dee Berline and seconded by Alec Kay, it was

RESOLVED to approve for public notice changes to 12 AAC 54.050; 12 AAC 54.500(b); 12 AAC 54.600(6)(B); 12 AAC 54.640(b)(2) and (3); 12 AAC 54.805; 12 AAC 54.915(b); 12 AAC 54.405(a); 12 AAC 54.700(4); 12 AAC 54.705(a)(2)(B); 12 AAC 54.710(a) and (b).

The board recessed for lunch at 11:30; back on record at 12:35 p.m.

Agenda Item 7.5

CHANGES TO JURISPRUDENCE QUESTIONNAIRE

Dee Berline, Laura McDonough (prior board member), and Mary Ann Paul previously reviewed the jurisprudence questions, amended where necessary and added the statutory and regulatory cite so that when applicants complete the jurisprudence questionnaire they also list the statute or regulation next to the question asked.

The questionnaire was given to the new board members and Jay McDiarmid was given "page 3" to review and update.

Agenda Item 8 **ANNUAL REPORT**

Mary Ann Paul drafted the annual report for fiscal year 2005 activities and will update the report based on this meeting. The members reviewed the report. Mary Ann referred to page 6, Activity #4 regarding the brochure published by the board. Mary Ann would like to see the brochure utilized and given to members for distribution to the public.

On a motion made by Dee Berline, seconded by Alec Kay, it was

RESOLVED to approve the FY 2005 Annual Report.

Agenda Item 9 **LIAISONS' TO PT AND OT STATE ASSOCIATIONS REPORT**

Dee Berline has been the board's OT liaison and it was agreed that the new OT board member, Joanne Boehme, should be appointed as the OT liaison. Dee said that she finds it works best that when the state OT association has a question, they contact her. She stated that the OT newsletters are not always predictable in terms of when they come out, so she waits for the association to contact her.

As the PT liaison, Mary Ann Paul had given a report to the APTA convention regarding the following: PTs should keep their own record on consultations with assistants and any recommendations for changes they make regarding treatment plans; advertised the open positions on the board and the need for members; encouraged the use of the board's website; advised the board has considered eliminating temporary permits except for credential applicants and confirmed that we would keep limited permits; reminded them of the importance of sending in renewals timely; and lastly, that traveling therapists should post their license in a conspicuous place where employed and have it readily available.

One member of the audience asked about telesupervision/telemedicine (internet supervising) in the bush and Mary Ann said she would talk with the board.

The board discussed the regulations regarding supervision of assistants (on site at least every month) and be available for consultation with the assistant by telephone, verbally or in writing.

Alec Kay offered to take over the position of PT state association liaison. Mary Ann said that the association meets once a month and they have monthly newsletters.

Agenda Item 10 **Model Practice Act**

Mary Ann gave an overview of the Model Practice Act for the new board members and stated that while some things in the Model Practice Act might be beneficial, the board hasn't made any decisions to adopt it in its entirety. Six states have adopted the Model Practice Act (four in its entirety).

Agenda Item 11 **Review Applications**

The board reviewed 25 applications for initial licensure; two applications for reinstatement and one application for approval to begin an internship.

On a motion made by Dee Berline, seconded by Jay McDiarmid, it was
RESOLVED to approve licensure for the 24 individuals as noted on the attached list and reflected in their licensing file.

On a motion made by Alec Kay and seconded by Jay McDiarmid, it was
RESOLVED to approve Lori Sivitz for reinstatement of her lapsed license.

On a motion made by Dee Berline and seconded by Alec Kay, it was
RESOLVED to approve Shannon Dukes for reinstatement of her lapsed license.

On a motion made by Dee Berline and seconded by Gary Burluson, it was
RESOLVED to approve Martha Bubna to begin a physical therapy internship under Mary Pomeroy.

The board reviewed the application for Annelies C. De Wolf, foreign-trained physical therapist. The "Report of Evaluation of Educational Credentials" issued by the Foreign Credentialing Commission on Physical Therapy, Inc., (FCCPT) stated: "Based on the documents provided, it is our opinion that Annelies De Wolf's education is not substantially equivalent to the first professional degree in physical therapy in the United States." The report indicated that Ms. De Wolf's education did not include "Integumentary System Exam, Eval and Interventions. In addition, Ms. De Wolf had not taken nor passed the required "Test of Spoken English" (TSE) examination required by 12 AAC 54.040(j)(3)(A). She had passed the International English Language examination, however, that examination is not provided for in the board's regulation. Based on the credentials evaluation and failure to document the TSE examination, the board determined she does not meet the requirements for licensure in Alaska.

On a motion made by Alec Kay and seconded by Jay McDiarmid, it was
RESOLVED to disapprove Ms. De Wolf for licensure citing AS 08.84.032(a)(1) and 12 AAC 54.040(b) because she is lacking the specific courses described by the credentialing body FCCPT, namely, wound care and evaluation procedures, and 12 AAC 54.040(j)(3)(A) because she hasn't taken the appropriate English language exam required by the state of Alaska.

The meeting recessed at 3:50 p.m.

Agenda Item 12 **Call to Order/Roll Call**

The meeting was called to order at 8:00 a.m. on April 30, 2005.

Members present constituting a quorum of the board were:

Mary Ann Paul, PT, Secretary
Dee Berline, OTR
Jay McDiarmid, PT
Alec Kay, PT
Gary Burleson, Public Member

Member(s) not present:
Joanne Boehme, OT/L
Physician Member (position vacant)

Staff present:

Judy Weske, Licensing Supervisor

Members of the public included Rebecca Byerly, Chapter President for the Alaska State Physical Therapy Association and Ron Chadwick, Physical Therapist from Wrangell. Ms. Byerly was present just to listen to the meeting and Mr. Chadwick wanted to discuss telemedicine and whether a therapist must be on site and physically present when supervising. Mr. Chadwick's question concerned physical therapy "aides" and whether supervision can be done via telecommunication.

The board confirmed that supervision of aides (under 12 AAC 54.520) requires "continual on-site supervision". However, the board members recognize the unique needs of individuals in outlying communities and that on-site supervision may not always be feasible. The board agreed to consider this issue and place it on the next meeting agenda. They will notify the associations, seek their input, and ask them to attend the next meeting to offer comment. Alec Kay agreed to put this info in the newsletter and gather info for next meeting; Dee will notify the OT association.

Agenda Item 13 **International English Language Testing System as an Alternative Option**

The board reviewed the attachment provided and wanted more information before making a decision to allow this test as an option. First, what professional associations accept this examination; second, would this option just be for substituting the TSE or would it be in lieu of TOEFL, TWE and TSE. Staff agreed to get more information and present to the board at the next meeting.

Agenda Item 14 **Budget Report**

Kathy Taylor, Accounting Technician II for the division gave the board an overview of the budget report and explained the breakdown of expenses. During the discussion, Ms. Taylor agreed to find out why the board was charged \$46.80 for Room Space. (After the meeting adjourned, Ms. Taylor advised staff that the expense is for space to store archived files and that the fee is distributed among all professions).

On a motion made by Dee Berline and seconded by Alec Kay, it was

RESOLVED to approve the budget report as written.

Agenda Item 15 Ethics Reporting

An overview of the Ethics Act and the Open Meeting Act was given. Board members had no ethic violations to report. The board also viewed the ethics law video.

Agenda Item 16 Miscellaneous Correspondence

Review only – no action.

Agenda Item 17 Sign Certificates/Schedule Meetings

The board signed certificates of appreciation for former board members Sundi Hondl, Dr. Rhyneer, JoAnne Bell-Graves and Laura McDonough.

The board discussed the Fall meeting date and rescheduled it to September 29-30, 2005 in Anchorage.

On a motion made by Jay McDiarmid and seconded by Gary Burleson, it was

RESOLVED to appoint Mary Ann Paul as chairperson.

The board will appoint a new board secretary at the Fall meeting.

The board having no further business adjourned the meeting at 10:00 a.m.

Respectfully Submitted,

Judy Weske, Licensing Supervisor

Approved:

Mary Ann Paul, Chairperson

Date: _____

**BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY
APRIL 28-29, 2005 BOARD MEETING
REVIEW OF LICENSE APPLICATIONS**

APPLICATIONS DENIED BY THE BOARD:

De Wolf, Annelies, PT by Credentials
(Foreign-trained – education not equivalent to United States PT degree; did not take TSE exam)

INTERNSHIP OF FOREIGN-TRAINED PHYSICAL THERAPIST:

Bubna, Martha Patricia – board approved internship to be supervised by Mary Pomeroy

REINSTATEMENT APPLICATIONS APPROVED BY THE BOARD:

Dukes, Shannon, OT
Sivitz, Lori, PT

NEW APPLICATIONS APPROVED BY THE BOARD:

Anderson, Rebecca, OT Limited Permit
Arellano, Edward, PT by Credentials
Arellano, Jennifer, PT by Credentials
Bates, Michele, OT Limited Permit
Block, Kayla, OTA by Credentials
Bowers, Robin PT by Credentials
Groves, Vera, PT by Credentials
Hartman, Marnie, PT by Credentials
Herning, Keri, OT by Exam
Huggard, Lorraine, OT By Credentials
Igne, Christine, PT by Credentials
Johnston, Morgan, PT by Credentials
Kaplan, Susan, OT by Credentials
Kim, Janis, PT by Credentials
Legge, Susan, PTA by Credentials
Levin, Kim, OT by Credentials
McElhenny, Colleen, PT by Credentials
Pavick, Nicole, PT by Credentials
Poore, Jim, PTA Limited Permit
Polonowski, John, PT by Credentials
Robles, Rhonda, OT by Credentials
Ruengert, Megan, OT by Credentials
Sarasua, Anna, PT by Credentials
Young, Hilary, PT by Credentials