

**Oregon Board of Physical Therapy  
Board Meeting Minutes  
Jan 18 and Jan 20, 2023**

**Wednesday, January 18, 2023:**

**Board Members Present:** Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

**Board Members Absent:** None.

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

**Legal Counsel:** Angie Hunt, AAG.

**PUBLIC (OPEN) SESSION**

Chair Haworth convened the Board into Public Session at 4:01 PM for the purpose of roll call. No members of the public were present.

**EXECUTIVE (CLOSED) SESSION**

After roll call, the meeting was convened into Executive Session at 4:03 PM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 8:23 PM, Chair Haworth adjourned Executive Session.

**Friday, January 20, 2023:**

**PUBLIC (OPEN) SESSION**

Chair Haworth convened the Board into Public Session at 8:33 AM.

**Board Members Present:** Phil Haworth, PT, Chair; Erica Shanahan, PTA, Vice Chair; Sandra Hahn; Andrea Muzikant; Hoku Okumura, PT; Becca Reisch, PT; Michael Rennick, PT; Susan Reynolds, PT.

**Board Members Absent:** None.

**Staff:** Michelle Sigmund-Gaines, Executive Director; Sherri Paru, PT, Clinical Advisor/Investigator; Gayla Goodwin, Licensing Coordinator, Sarah Casey, Operations and Policy Analyst.

**Legal Counsel:** Angie Hunt, AAG.

**Members of the Public Present:** Ruggie Canizares, PT; Jeremy Hilliard, PT.

**Board Motions:**

**Case PT 783-11/22**

Motion by Member Reynolds to enter into interim agreement not to practice.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 784-11/22**

Motion by Member Reynolds of finding of sufficient evidence of violation of ORS 688.140(2)(a) and OAR 848-045-0020(2)(i)(s).

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 794-01/23**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 789-01/23**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura..

Motion passed unanimously by a vote of 8-0.

**Case PT 779-10/22**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 785-12/22**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 788-01/23**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 790-01/23**

Motion by Member Reynolds to close case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 791-01/23**

Motion by Member Reynolds to close case and issue license.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

**Case PT 793-01/23**

Motion by Member Reynolds to close case without prejudice.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

### **Case PT 735-06/21**

In keeping with prior motion in this case, motion by Member Reynolds to initiate revocation of license for violation of ORS 688.140(2) and OAR 848-045-0020(2), and delegate authority to the Executive Director to settle the case.

Motion seconded by Member Okumura.

Motion passed unanimously by a vote of 8-0.

### **Consent Agenda Items**

The following items were presented as a consent agenda. Board members reviewed the items prior to the meeting.

1. Board Meeting Minutes, Draft for Oct 13 and 14, 2022.
2. Ratification of PT/PTA Licenses & Temporary Permits issued Sept 28, 2022 – December 31, 2022.
3. Executive Director's Report for January 2023.

Director Sigmund-Gaines provided an overview of the items on the consent agenda and noted that we will be shifting to ending the Ratification and Executive Director's report on a fixed period. With no questions or comments, Member Reynolds moved to approve the consent agenda items as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

### **Public Comments:**

None.

### **Board Member/Committee/Delegate Reports**

#### **FSBPT Delegate Report and PT Compact Commission Report:**

Director Sigmund-Gaines reported that the upcoming Regulatory Workshop for Board Members and Administrators will be a virtual meeting March 10-12. The Leadership Issues Forum (LIF) meeting has been changed to July 15-16 in Arlington, VA.

It was noted that Chair Haworth has been appointed to the Resolutions Committee, Staff Sherri Paru will continue serving on the Sexual Boundaries Committee and Director Sigmund-Gaines is continuing to serve as the CBA Chair as well as serving on the Education and Regulatory Excellence Committees.

Wisconsin, and South Dakota, have joined the PT Compact. It was noted that South Carolina and New Jersey should be issuing compact privileges soon. Staff Paru has been appointed Vice Chair of the PT Compact Commission's Compliance Committee.

#### **Board Appointments; Recognition of Service**

Chair Haworth recognized Member Andrea Muzikant for her service and awarded her with a certificate of appreciation for her 3 years of service to the Board. There is now an opening for a Public Board Member. Information is available on the Board's website.

#### **Strategic Plan Progress Review**

Director Sigmund-Gaines presented a visual timeline of the Strategic Plan Progress and reviewed each category. Staff Casey provided an update on the status of the Non-CAPTE Rules Advisory Committee and the projected time for their first meeting. Director Sigmund-Gaines noted that Governor Kotek is making significant changes regarding how her cabinet works with the executive branches. One primary area of focus is improving customer services. We will need to add that to our strategic plan. Our templates used or cycle that we report on may need to change.

## **Open Roundtable:**

No other updates.

## **Board General Discussion and Action Items**

### **Rulemaking relating to OAR 848-010-0015(5)**

Director Sigmund-Gaines reviewed the rule related to taking the NPTE up to 90 days prior to graduation. The intention of the Board rule was to align with the NPTE requirements which defines graduation from when the school can certify that the student has met all requirements for graduation from the program, not the date of conferral of the degree. Board was asked to consider changing the rule to align with the NPTE. After discussion Member Reynolds moved to initiate the public rulemaking process relating to OAR 848-010-0015(5) as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

### **Rulemaking relating to implementation of HB 2359 (2021)**

Director Sigmund-Gaines reviewed the temporary rule currently in place. One public comment was received and addressed. With no further questions Member Reynolds moved to adopt the proposed permanent rules to implement HR 2359(2021) in the appropriate section as written, effective immediately. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

### **Delegation of Authority Review**

Director Sigmund-Gaines reviewed the Delegation of Authority Letter and presented the proposed changes. After discussion Member Reynolds moved to adopt the proposed changes to the Delegated Authority Letter as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed Compact Privilege Purchase Review Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed changes to the Licensure Application Review and Approval Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

Member Reynolds moved to adopt the proposed changes to the LEDS Handling Policy as written. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

### **Preliminary 23-25 Budget Discussion**

Director Sigmund-Gaines explained the process of developing our budget as a semi-independent agency and the timeframe for drafts and completion. More information to come once Governor Kotek's budget is published.

### **2023 Legislative Session**

Director Sigmund-Gaines provided an explanation of the legislative session process and reviewed the bills that have been introduced that could have a potential impact on Healthcare Providers.

### **Data Presentation**

Staff Casey provided a review of the most recent OHA workforce data at the county level related to reported settings and specialties.

## **Oregon Compact Privilege Purchases**

Staff Goodwin reviewed the Compact Privilege trends and the current requirement for completion of the Oregon Jurisprudence Exam (OR-JAM) at time of initial purchase and at renewal. Goodwin and Sigmund-Gaines discussed the reasons why the Board may want to consider removing the OR-JAM requirement for those renewing their compact privilege or extend the timeline beyond the 6 months. After discussion Member Reynolds moved to remove the requirement for completion of OR-JAM on renewal of compact privilege. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

## **New Business**

Director Sigmund-Gaines noted that the Board has received a request to waive the requirement for a PTA to have graduated from a CAPTE accredited PTA program. Historically, some individuals were grandfathered in prior to CAPTE accredited PTA programs. Legal counsel has confirmed that we don't have the authority to do so without a legislative request to change the statutory language. Soonest would likely be the 2025 session to submit to legislature. Board would like to pursue this discussion at the March meeting.

Letter received regarding guidelines for supervision of PTAs asking us to consider a change to rules relating to standards for performing a reassessment. Board would like to review rulemaking history and discuss at an upcoming meeting.

The Board has been receiving an increasing number of questions regarding the use of diagnostic sonography/ultrasound. According to the Board of Medical Imaging, Physical Therapists are not able to perform diagnostic imaging without obtaining an OBMI license in diagnostic sonography. We would like to partner with OBMI to develop some type of communications for either Board to use. The Board would like to see additional information brought to a future meeting.

PBI Training for Board Members: Feedback from Board Members was positive.

Due to a change of date for the LIF meeting, the July Board meeting will need to be changed. Member Reynolds moved to change the July 20<sup>th</sup> Board meeting to Friday, July 21<sup>st</sup>, same 8:30 start time. Member Okumura seconded the motion. Motion passed unanimously by a vote of 8-0.

**Meeting Adjourned at 11:42 AM.**