

Oregon Board of Physical Therapy
Board Meeting Minutes
September 22, 2023

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Susan Reynolds, PT.

Board Members Absent: Michael Rennick, PT (excused) and (one position vacant).

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

Staff Absent: None.

Legal Counsel: Angie Hunt, AAG.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 8:06 AM 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 8:07 AM pursuant to ORS 192.660(2)(f) and ORS 192.660(2)(L).

At 12:24 PM, Chair Shanahan adjourned Executive Session.

PUBLIC (OPEN) SESSION

Chair Shanahan convened the Board into Public Session at 12:49 PM.

Board Members Present: Erica Shanahan, PTA, Chair; Hoku Okumura, PT, Vice Chair; Erin Crawford, PT; Sandra Hahn; Becca Reisch, PT; Susan Reynolds, PT.

Board Members Absent: Michael Rennick, PT (excused) and (one position vacant).

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

Staff Absent: None

Legal Counsel: Angie Hunt, AAG.

Members of the Public Present: Noel Tenoso, PT; Ruggie Canizares, PT; Taylor Sarman, APTA-OR Lobbyist

Board Motions:

Case PT 786-12/22

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 792-01/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 798-02/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 795-01/23

Motion by Member Hahn of finding of violation of ORS 688.135(5), ORS 688.140(2)(m), OAR 848-040-0105(5), OAR 848-040-0170(1), OAR 848-045-0020(2)(i)(j).
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 5-0. Member Reisch recused.

Case PT 801-03/23

Motion by Member Hahn of finding of violation of ORS 688.135(5), ORS 688.140(2)(m), OAR 848-040-0105(5), OAR 848-045-0020(2)(j).
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 811-05/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 812-06/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 820-08/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 821-08/23

Motion by Member Hahn to close case.
Motion seconded by Member Reynolds.
Motion passed unanimously by a vote of 6-0.

Case PT 818-07/23 and PT 819-07/23

Motion by Member Hahn to ratify the administrative closure of these cases pursuant to delegated authority.

Motion seconded by Member Reynolds.

Motion passed unanimously by a vote of 6-0.

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—July 19/21, 2023.

2 Ratification of PT/PTA Licenses & Temp Permits issued July 1, 2023 – Aug 31, 2023.

3 Executive Director’s Report for Sept 2023.

Director Sigmund-Gaines highlighted items in the administrative section of the Executive Director’s report. Staff are currently working through the external audit for the 21-23 biennium and will be involved in the IT system migration to a new version starting soon. Staff have also started preparations for the upcoming 2024 renewals. Also noted was the financial report. All financial reports will be incorporated into the Governor’s Report after the external audit is completed and will be part of the consent agenda at the next Board meeting.

Member Hahn moved to approve the consent agenda items as written. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Public Comments

None.

Board Member/Committee/Delegate Reports

New Board Appointment

Director Sigmund-Gaines shared that Governor Kotek has appointed Dwight Terry as our new Board Public Member, pending confirmation by the Senate during September legislative days later this month.

PT Compact Commission and FSBPT Delegate Updates

Director Sigmund-Gaines noted that the FSBPT annual education meeting will be held in Jacksonville, Florida October 19-21. The PT Compact annual meeting will be held December 5, 2023 and will be a virtual meeting. Also discussed were the upcoming FSBPT webinars and opportunities to serve on the various committees. Staff Paru will be presenting during the Oct 10 webinar regarding optimizing regulatory effectiveness in investigation and discipline. Public Attendee, Ruggie Canizares, after recognition from the Chair, provided a few FSBPT updates encouraging attendance at the annual education meeting.

Strategic Plan Progress Review

Director Sigmund-Gaines reviewed the main areas of focus of our 5-year strategic plan. Governor Kotek has implemented a statewide initiative to standardize the way all state agencies perform their strategic planning. We will need to transition our documentation over to a standard template. However, we will continue to use our more visual display of information as well. Additional information will be presented at the November meeting where we will map out the 2024 plan that will align with the statewide mandates.

Open Roundtable

No Comments.

Board General Discussion & Action Items

Rules Advisory Committee (RAC) Follow-Up Report

Staff Casey reviewed the RAC recommendations regarding Non-CAPTE accredited applicants presented at the May Board meeting. During the discussion at the May meeting, it was suggested that the committee consider a requirement of supervised practice, as in the FSBPT Model Practice Act. The Board asked that the committee research additional information regarding supervised practice requirements in other states. Staff Casey presented their findings and explained the implications of requiring supervised practice. Currently only 15 states require supervised practice. Since the majority do not, and some of those may be members of the PT Compact, there would be inconsistencies for those applying for licensure in OR versus those practicing in OR with a compact privilege. The committee recommends that given these circumstances, we should not require supervised practice. However, they agreed it should be considered in the future if the majority of jurisdictions move towards requiring supervised practice. Recommendations remained to remove the requirement that the TOEFL be taken within 2 years of the NPTE date and that all 4 passing scores need to be achieved on the same test date for exam applicants.

Additionally, for endorsement applicants, the recommendations stand to remove the requirement for practice hours and a letter from the employer.

Member Hahn moved to adopt the proposed amendments as temporary rules, effective immediately, and direct staff to initiate the permanent public administrative rulemaking process to amend OAR 848-010-0015 and OAR 848-010-0022. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Model Practice Act (MPA)

Director Sigmund-Gaines along with Chair Shanahan, as the delegate and Noel Tenoso, APTA-OR participated in the MPA workgroup. Director Sigmund-Gaines explained the purpose of the workgroup which included a line-by-line comparison of the MPA to our current statutes and rules. The intent of the crosswalk exercise was to identify and discuss any differences between the two and produce an informational item for both the Board and the APTA-OR chapter. The report would be used to consider if there is anything in the MPA that either the Board or APTA-OR would like to pursue as a statute/legislative change. Noel added that the association is just starting the discussions. Next opportunity for any statutory changes would be the 2025 legislative session. Director Sigmund-Gaines provided a brief overview of the prioritized items listed on the document. Discussions will continue at future meetings.

OMB-Medical Chaperones

The Director of the Oregon Medical Board was slated to present to the Board today, however was unable to attend. Director Sigmund-Gaines provided the background and overview of the Oregon Medical Board's rule OAR 847-0110-0140 relating to requirements for medical chaperones during sensitive examinations. The Board has been getting a number of inquiries from licensees asking if this rule applies to PTs and PTAs. This rule only applies to those licensed under the Oregon Medical Board, however, this does not prohibit PTs or PTAs from offering the use of a medical chaperone. Also discussed was the APTA Pelvic Health Use of Chaperones Position Statement.

Staff Paru gave an update on her work with the Sexual Boundaries Committee. They have just developed an informative brochure for patients that will be available soon.

OBPT 2024 Board Meeting Schedule

Director Sigmund-Gaines presented the 2024 Board meeting schedule keeping with the standard 3rd week of odd months. This schedule may be adjusted as needed during the year.

The Board had the option of having the Sept meeting as an in-person or virtual meeting and chose an in-person meeting.

Member Hahn moved to adopt the 2024 Board meeting calendar as amended. Member Reynolds seconded the motion. Motion passed unanimously by a vote of 6-0.

Other Business

Staff Paru provided an update on the next Rules Advisor Committee. This committee will be reviewing rules regarding reassessments and discharges. We are in the initial stage of communicating with interested committee members and scheduling meetings. We hope to have the committee's initial recommendations to discuss at the Jan 2024 meeting.

Meeting Adjourned at 2:55 PM.