

PHYSICAL THERAPY LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/15/2015

BOARD MEMBERS PRESENT: Brian White - Chair
Angela Lynn Lippiello
Mike D Bailey

BOARD MEMBERS ABSENT: Glady Schroeder

BUREAU STAFF: Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitch Toryanski, Legal Counsel
Debbie Toncray, Technical Records Specialist I

The meeting was called to order at 9:03 AM MDT by Brian White.

APPROVAL OF MINUTES

Mr. Bailey made a motion to approve the minutes of 2/13/2015, 3/3/2015, and 4/7/2015. It was seconded by Ms. Lippiello. Motion carried.

LEGISLATIVE REPORT

Ms. Hall gave the legislative report. She said that H0025 passed through the Legislature. This bill provides for an exemption which will allow individuals licensed in another state or country to provide physical therapy to patients/clients temporarily in Idaho participating in an organized athletic event or affiliated with established athletic teams or organizations or performing arts companies. The Board and the Bureau greatly appreciated Mr. White's involvement in this, and Ms. Hall presented Mr. White the pen with which the Governor signed H0025.

Ms. Hall also discussed HB116 and HB117 which Mr. Ellsworth drafted and carried through the Legislature. Ms. Hall reviewed the purpose of HB116 and the process the Bureau went through to get it approved. HB116 amended and clarified the existing law in order that the boards the Bureau serves may assess attorney fees incurred in investigations and prosecutions. Mr. Ellsworth explained the purpose of

HB117 and the Bureau's process to get it approved. HB117 clarified renewal and reinstatement of licensure procedures, and that it is the Board who has the authority to examine these applicants.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$258,014.75 as of April 30, 2015.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number PHT-2015-3. Mr. White recused himself from this case discussion since he served as the cognizant Board member. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson also presented a Stipulation and Consent Order in cases PHT-2015-1 and PHT-2015-2. Mr. White was the cognizant board member in these cases, so he recused himself from this case discussion. Ms. Lippiello made a motion to accept the stipulations for PHT-2015-1 and PHT-2015-2 and to authorize Mr. Bailey to sign them on behalf of the Board. It was seconded by Mr. Bailey. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

The Board discussed the Federal Exclusion list and who should be contacted regarding Medicare fraud. Any licensed physical therapist who signs a stipulation and consent order is adequately informed of the consequences in signing the documents.

PRESENTATIONS BY MR. TORYANSKI, NEW LEGAL COUNSEL

Mr. Ellsworth introduced Mr. Toryanski as the Bureau's newest legal counsel who will be working with all the Boards on telehealth laws and rules, Board training, and other issues.

Mr. Toryanski reviewed the Supreme Court decision regarding the North Carolina State Board of Dental Examiners, which has the potential to affect boards throughout the United States.

Mr. Toryanski also briefly reviewed the change in Idaho Code § 67-2614 in relation to the laws and rules of the Board. This statute will change the reinstatement fee of a license to a total of \$35. Mr. Toryanski asked the Board if they would like to keep

their reinstatement fee as \$25 or join with other Boards the Bureau serves which have agreed to have their rule refer to the Bureau statute. The Board agreed to allow the rule to be amended to be in agreement with the Bureau statute and charge a total of \$35 for the reinstatement fee. Mr. Toryanski will present a draft of the revision at the next Board meeting.

Mr. Toryanski briefly reviewed the language of HB189 regarding the establishment of the Idaho Telehealth Access Act, which now applies to all healthcare related Boards served by the Bureau. Mr. Toryanski said that the Telehealth Council will not be promulgating any rules regarding telehealth this year. The Board reviewed the Federation of State Boards of Physical Therapy (FSBPT) rules regarding telehealth. The Board agreed that they will not promulgate any rules for telehealth this year. Mr. Toryanski will check for a general location for the meeting minutes of the Telehealth Council.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

2017 PHYSICAL THERAPY BOARD BUDGET

The Board reviewed the budget request form, agreed there would be no additional expenses added, and Mr. White signed it.

DRY NEEDLING

The Board discussed use of dry needling by physical therapists. This would be an expansion of the scope of practice of physical therapy, and would require additional education and certification to practice dry needling. There are other states where this is a practice of licensed physical therapists. The Board determined this is an issue for the Association and not the Board.

NEW BUSINESS

2015 FSBPT ANNUAL MEETING & LEADERSHIP ISSUES FORUM

Mr. Bailey made a motion for attendance of the FSBPT annual meeting that Ms. Lippiello would be the designated voting delegate, Mr. White would be the alternate delegate, and authorized all expenses not covered by FSBPT. It was seconded by Ms. Lippiello. Motion carried. The Board agreed there would not be any members attending the Leadership Issues Forum in August 2015.

NOMINATIONS FOR APPOINTEE TO FSBPT COUNCIL OF BOARD ADMINISTRATORS

No action was taken.

HARBORVIEW MEDICAL CENTER/BURN REHAB THERAPY, TELEHEALTH QUESTION

The Board discussed the questions submitted by Harborview regarding telehealth for provision of physical therapy services:

1. "Would the practitioner need to be licensed in the state where the patient is located or is their own state license sufficient (is there any reciprocity)?"
Answer: Yes. The practitioner must be licensed in Idaho if that is the state where the patient resides.
2. "Would the practitioner need to be physically present in the state of Idaho to provide services to a client in Idaho? So, in the example above, is the Washington therapist even allowed to provide services if they are out of state?"
Answer: No. In accordance with HB189, the Telehealth Act that passed in the legislature this year, the practitioner still needs to be licensed in Idaho to practice on a patient living in Idaho.
3. "What if the patient isn't being billed for the services?"
Answer: No; this is an issue of the practice of physical therapy, not the billing for the services.

The Board agreed that anyone practicing physical therapy via telehealth will need to abide by the new law that will go into effect on July 1, 2015. Mr. Ellsworth stated that Harborview Medical Center should discuss these questions with their own attorney and an Idaho attorney. Idaho recently passed the Telehealth Act, but at this time the Board has not promulgated any telehealth rules. The Board would advise Harborview to seek advice from their own legal counsel since the Board does not provide legal counsel.

TOTAL MOTION RELEASE, QUESTION REGARDING CONTINUING EDUCATION RULES

The Board discussed the question regarding the wording in Rule 250(7)(d), and agreed this would not need to be revised.

ADDITION OF "SCOREBUILDERS" TO APPROVED EXAM PREPARATORY COURSES

The Board discussed the list of exam preparatory courses. They reviewed Idaho Code § 54-2209 and the provision of a list of choices to applicants. The Board agreed to make "Scorebuilders" the final addition to the list of exam preparatory courses offered specifically to applicants who fail the National Physical Therapy Exam (NPTE) two or

more times. The Board also agreed to retitle the document: "PT Licensing Board, Exam Preparatory Courses."

CBT COMMENT SUMMARY AND CANDIDATE SATISFACTION SURVEY REPORT

No action was taken.

EXECUTIVE SESSION

Ms. Lippiello made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Bailey. The vote was: Mr. White, aye; Mr. Bailey, aye; and Ms. Lippiello, aye. Motion carried.

Ms. Lippiello made a motion to come out of executive session. It was seconded by Mr. Bailey. The vote was: Mr. White, aye; Mr. Bailey, aye; and Ms. Lippiello, aye. Motion carried.

APPLICATIONS

Mr. Bailey made a motion to approve the following to re-apply to sit for the NPTE and be notified of the 2016 Federation of State Boards of Physical Therapy (FSBPT) provisions regarding the 2016 limit of 6 total attempts. It was seconded by Ms. Lippiello. Motion carried.

PHYA-2327 Eric McEvoy

Ms. Lippiello made a motion to approve the following to sit for the NPTE. It was seconded by Mr. Bailey. Motion carried.

PHYAA-3273 David Morgan

Ms. Lippiello made a motion to approve and have the following take additional prep courses, provide documentation of the same to the Board, notify of the 2016 (FSBPT) provisions regarding the 2016 limit of 6 total attempts, and then be eligible to sit for the NPTE. It was seconded by Mr. Bailey. Motion carried.

PHYA-3451 Erica Sheppard
PHYA-3619 Sumair Tariq
PHYAA-3696 Mark Hess

Ms. Lippiello made a motion for the following to take the PEAT prior to sitting for the NPTE. It was seconded by Mr. Bailey. Motion carried.

PHYA-3733 Nicole Funk
PHYAA-3892 Christine Banks

Ms. Lippiello made a motion to have the following sit for the NPTE. It was seconded by Mr. Bailey.

PHYA-4163 Savannah Torrez
PHYAA-4169 Scott Rogers

Ms. Lippiello made a motion that the Board go back into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Bailey. The vote was: Mr. White, aye; Mr. Bailey, aye; and Ms. Lippiello, aye. Motion carried.

Ms. Lippiello made a motion to come out of executive session. It was seconded by Mr. Bailey. The vote was: Mr. White, aye; Mr. Bailey, aye; and Ms. Lippiello, aye. Motion carried.

CE FOR REINSTATEMENT

Mr. Bailey made a motion that licensees complete and submit additional documentation of continuing education before reinstatement of licensure. Ms. Lippiello seconded the motion. Motion carried.

APPROVED CE COURSES

MOBILITY RESEARCH
WALKING SPEED. THE 6TH VITAL SIGN: WHAT, WHY AND HOW

IDAHO PHYSICAL THERAPY ASSOCIATION
PEDIATRIC PT GRAND ROUNDS

PTWEBUCATION.COM
GETTING A HANDLE ON THE HEEL: A CLINICAL APPROACH TO
TREATING CHRONIC FOOT AND ACHILLES TENDON PAIN

SOUTHWEST IDAHO ADVANCED CARE HOSPITAL
EDEMA MANAGEMENT VIA COMPRESSION THERAPY

PROFESSIONAL BOUNDARIES
REMEDIAL EDUCATION

PTWEBUCATION.COM
ERGONOMICS: VALUE ADDED

SURESTEP
DONT TAKE THAT TONE! OVERCOMING THE HYPOTONIC MYTH

ADVANCED HEALTHCARE
DYNAMIC CORE ACTIVITIES TO PROMOTE FUNCTIONAL OUTCOMES

EDUCATA
THE SHOULDER IN SPORTS

MEDICAL MINDS IN MOTION
KINESIOLOGY TAPING STRATEGIES

RELIAS LEARNING, LLC
ARTHRITIS

RELIAS LEARNING, LLC
CHRONIC OBSTRUCTIVE PULMONARY DISEASE FOR THE PHYSICAL
THERAPY PROVIDER

RELIAS LEARNING, LLC
CONTRAVERSIVE PUSHING: EVALUATION AND TREATMENT

RELIAS LEARNING, LLC
ETHICS & JURISPRUDENCE FOR THE PT/PTA

RELIAS LEARNING, LLC
ETHICS AND BOUNDARIES IN HEALTHCARE (1313AD)

RELIAS LEARNING, LLC
ETHICS FOR THE PHYSICAL THERAPIST/PHYSICAL THERAPIST
ASSISTANT

RELIAS LEARNING, LLC
HOME HEALTH BASICS

RELIAS LEARNING, LLC
MYOCARDIAL INFARCTION FOR THE PHYSICAL THERAPY PROVIDER

MOBILITY RESEARCH
TREADMILL TRAINING FOR STUDENTS WITH AUTISM AND APRAXIA
PROTOCOL - PART 1

MOBILITY RESEARCH
TREADMILL TRAINING FOR STUDENTS WITH AUTISM AND APRAXIA
PROTOCOL - PART 2

ST. LUKES REHABILITATION
OUTPATIENT BRAIN INJURY PROGRAM TOOLKIT

ST LUKES- ELKS REHAB
UNDERSTANDING DISABILITY RATINGS

ST LUKES- ELKS REHAB
UNDERSTANDING WORK RESTRICTIONS

ST LUKES- ELKS REHAB
UNDERSTANDING IMPAIRMENT RATINGS

ST LUKES- ELKS REHAB
INSTRUMENTED-ASSISTED STM (IASTM) IN SPORTS MEDICINE

ST LUKES- ELKS REHAB
FAI DAIGNOSIS & TREATMENT

PRECISION PILATES, INC.
LOLITA'S LEGACY TEACHER TRAINING PROGRAM

IMPACT APPLICATIONS, INC.
VISUAL AND VESTIBULAR ABNORMALITIES

IMPACT APPLICATIONS, INC.
CERVICAL SPINE

IMPACT APPLICATIONS, INC.
EXERTIONAL THERAPY

IMPACT APPLICATIONS, INC.
SPORTS CONCUSSION AND IMPACT

IMPACT APPLICATIONS, INC.
CONCUSSION CLINICAL TRAJECTORIES

ST. LUKES REHABILITATION
MANAGEMENT OF THE HEMIPARETIC UPPER EXTREMITY

MOBILITY RESEARCH
DETERMINING FALL RISK: EVIDENCE BASED OUTCOME MEASURES

NEXT MEETING was scheduled for August 21, 2015.

ADJOURNMENT

Ms. Lieppello made a motion to adjourn the meeting at 1:11PM. It was seconded by Mr. Bailey. Motion carried.

Brian White, Chair

Glady Schroeder

Angela Lynn Lippiello

Mike D Bailey

Tana Cory, Bureau Chief