

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

Board Meeting Minutes of 11/18/2016

BOARD MEMBERS PRESENT: Brian White - Chair
Glady Schroeder
Angela L Lippiello
M Andrew Mix
Mike D Bailey

BUREAU STAFF: Tana Cory, Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

OTHERS PRESENT: Matt McKee
Chris Hansen
Kevin Hulsoy
Galen Danielson, IPTA Legislative Chair

The meeting was called to order at 9:35 AM MST by Brian White.

APPROVAL OF MINUTES

Mr. Bailey made a motion to approve the minutes of 8/19/2016, 9/7/2016, and 10/26/2016. It was seconded by Ms. Schroeder. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She reminded the Board about the deadlines for submission of laws and rules for the 2018 Legislative Session. The Board discussed the licensure compact offered through the Federation of State Boards of Physical Therapy (FSBPT), and agreed to have a committee from the Board review the document and its requirements. Mr. Mix made a motion to form a subcommittee to address the licensure compact and have Ms. Lippiello and Mr. Bailey work with Mr. Ellsworth on a review of the FSBPT licensure compact. It was seconded by Ms. Schroeder. Motion carried.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board had a cash balance of \$251,584.04 as of 10/31/2016.

INVESTIGATIVE REPORT

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

Ms. Peel reviewed reports for PHT-2015-1 and PHT-2015-3. She discussed the audit report for PHT-2015-3 with the Board. The Board asked Ms. Peel to send a letter regarding the Board's request for further details in recordkeeping and the next audit.

Ms. Peel also reviewed the audit report for PHT-2015-1. The Board asked Ms. Peel to send a letter regarding the timing of the audit and the requirements in the original consent order.

Ms. Peel also reviewed a release from probation for PHT-2014-1. Mr. Bailey made a motion to approve the resolution of the probation. It was seconded by Ms. Lippiello. Motion carried.

FOR BOARD DETERMINATION

Mr. Bailey made a motion to approve the Bureau's recommendation and authorize closure in cases I-PHT-2016-8, I-PHT-2017-1, and I-PHT-2017-2. Mr. Mix was recused from these cases. It was seconded by Ms. Lippiello. Motion carried. Mr. Bailey made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in cases I-PHT-2017-4 and I-PHT-2017-6. It was seconded by Ms. Lippiello. Motion carried.

OLD BUSINESS

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

NEW BUSINESS

CE REQUIREMENTS FOR REINSTATEMENT

Mr. Ellsworth reviewed Rules 200.03 and 250 and Idaho Code §§ 54-2215 and 67-2614 regarding the renewal and reinstatement requirements for licensees with the Board. Mr. Mix made a motion to have Mr. Ellsworth and Mr. Toryanski draft a proposed rule regarding completion of a minimum of 16 hours of continuing education for one year and up to a maximum of 48 hours of continuing education for licenses which have been lapsed three or more years for reinstatement of licensure, similar to Rule 301.02 recently adopted by the Idaho Board of Acupuncture. It was seconded by Mr. Bailey. Motion carried.

CORRESPONDENCE – DRY NEEDLING

The Board reviewed the email from a licensee regarding the practice of dry needling. Mr. Hansen said he was attending the meeting on behalf of the licensee who sent the question. Mr. White stated that the practice act does not allow the practice of dry needling. Mr. Ellsworth said that since dry needling is not within

their practice act, physical therapists would be practicing outside the legal scope of their license if they represented to the public that they practiced dry needling as physical therapists. The Board agreed that it is the responsibility of the Idaho Physical Therapy Association (IPTA) to put forth any proposed laws about adding the practice of dry needling to the practice act.

PUBLIC COMMENT

Mr. Hansen asked the Board about the definition of manual therapeutic intervention and the practice of dry needling. He asked about the best process to bring the information to the Legislature. Mr. White said the Board has agreed that it is the responsibility of the IPTA to take any proposed laws regarding scope of practice issues to the Legislature.

Mr. Danielson, IPTA Legislative Chair, asked for clarification regarding the interpretation of the current practice act and whether dry needling is included. He said that very few states specifically list dry needling within their practice acts yet some of those states, particularly Maine, interpreted the practice of dry needling as part of the practice of physical therapy. Ms. Cory reviewed the process of changing Idaho's laws and rules.

Mr. Hulsoy asked the Board about its determination of the "laundry list" which does not include dry needling. Mr. Ellsworth said the Board made its decision regarding dry needling in consultation with the Board's counsel.

Mr. White said he met with the Chairs of the Boards of Acupuncture and the Chiropractic Physicians and discussed the practice of dry needling and that if legislation regarding dry needling was to be proposed it would need to be done by the association.

EXECUTIVE SESSION

Mr. Mix made a motion that the Board go into executive session under Idaho Code § 74-206(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 Ms. Schroeder. The vote was: Mr. White, aye; Ms. Schroeder, aye; Ms. Lippiello, aye; Mr. Mix, aye; and Mr. Bailey, aye. Motion carried.

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

Mr. White left during the Executive Session at 12:10 PM MST. Ms. Lippiello made a motion to appoint Mr. Mix Acting Board Chair. It was seconded by Ms. Schroeder. Motion carried.

APPLICATIONS

Ms. Lippiello made a motion to approve the following applicant pending receipt of additional information and Board Chair review:

Applicant ID 901146922

It was seconded by Ms. Schroeder. Motion carried.

Ms. Lippiello made a motion to approve the following for licensure:

PHYA-4838 Maria Sanchez

It was seconded by Mr. Bailey. Motion carried.

Ms. Lippiello made a motion to approve the following for licensure:

PHYA-4870 Nicholas Gray

It was seconded by Mr. Bailey. Motion carried.

Ms. Lippiello made a motion to approve the following to sit for the National Physical Therapy Examination (NPTE):

PHYA-4908 Michelle Graeve
PHYA-3195 Douglas Butler

It was seconded by Ms. Schroeder. Motion carried.

Ms. Lippiello made a motion to have the following take the Practice Exam and Assessment Tool (PEAT) in conditions similar to those of the actual NPTE, submit the certificate of completion, and be allowed to sit for the NPTE:

PHYAA-4713 James Aragon
PHYAA-4727 Justin Bridges
PHYAA-4702 Taylor Lashley
PHYAA-4219 Joshua Stephens

It was seconded by Mr. Bailey. Motion carried.

Ms. Lippiello made a motion to have the following take the Practice Exam and Assessment Tool (PEAT) in conditions similar to those of the actual NPTE, submit the certificate of completion, and be allowed to sit for the NPTE:

PHYA-4622 Diva Lamotte
PHYA-4704 Tess Lamotte
PHYA-4794 Rachelle McLellan

It was seconded by Ms. Schroeder. Motion carried.

Ms. Lippiello made a motion to deny the following appeal to sit for the National Physical Therapy Examination (NPTE):

PHYA-4881 Juliet Warrington

It was seconded by Mr. Bailey. Motion carried.

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT) ANNUAL MEETING REVIEW AND FSBPT INFORMATION

Mr. Mix reminded the Board of the availability of information on the FSBPT website. The Board discussed the Leadership Issues Forum (LIF) meeting information and no action was taken. Mr. Mix and Ms. Lippiello discussed their recent attendance at the FSBPT annual meeting. Mr. Mix said he talked with the FSBPT staff regarding Idaho's attendance at the LIF meeting, and the staff's decision was to change its rule to state that delegates will be expected to attend the annual LIF meeting. Mr. Mix said he would be willing to attend the LIF meeting next year. The Board agreed that it could then put forward questions regarding issues of other boards, i.e. the public protection issues other Boards are dealing with regarding the use of dry needling when this is in their scopes of practice.

The Board reviewed the FSBPT email regarding Practice Review Tools and oPTion. Mr. Mix will research oPTion and the use of it and report back to the Board.

OTHER CORRESPONDENCE

The Board reviewed an email from the University of South Carolina Columbia (USCC) regarding documentation of education for licensure. Ms. Lippiello made a motion to have Ms. Toncray reply to USCC and let them know that each candidate for licensure must meet the requirement in Idaho Code § 54-2210 and Rule 10.16, and to check with the Idaho State Board of Education. It was seconded by Ms. Schroeder. Motion carried.

The Board reviewed the FSBPT comment summary and candidate satisfaction survey report and no action was taken.

CE COURSES

The Board discussed the modalities within the CE Courses and agreed that approvals of courses do not make it part of the scope of practice.

Mr. White rejoined the meeting via telephone at 2:55 PM MST.

Mr. Mix made a motion to have Mr. Ellsworth draft a FAQ regarding the definition of germane and the Board's approvals of continuing education (i.e. approval of any

CE course does not make it germane to the practice of physical therapy in Idaho).
It was seconded by Mr. Bailey. Motion carried.

EDUCATA

INTERPROFESSIONAL FALL RISK MANAGEMENT: WE > ME

MOBILITY RESEARCH

TECHNOLOGICAL ADVANCES IN GAIT ANALYSIS AND TREATMENT FOR
THE NEUROLOGICAL CLINIC

SURESTEP

THE DEVELOPMENT OF GAIT: BACK TO THE BEGINNING

MOBILITY RESEARCH

FACILITATING RECOVERY IN SEVERE STROKE: THE UPPER AND
LOWER EXTREMITY COURSE

RUSSO CME

SPOKANE PAIN CONFERENCE

TMR SEMINARS

TMR INTRO WEB CLASS

MOBILITY RESEARCH

AQUATICS ACROSS THE LIFESPAN FOR PEOPLE WITH NEUROLOGIC
CONDITIONS

ST. LUKES HEALTH SERVICES

NEURO IFRAH ASSESSMENT AND MANAGEMENT OF FUNCTIONAL
GAIT: WALKING FOR LIFE

MOBILITY RESEARCH

A STROKE IS NOT A STROKE IS NOT A STROKE - TREATMENT
CONCEPTS TO ADDRESS SUBCORTICAL TISSUE DAMAGE

GREAT SEMINARS AND BOOKS

CLINICAL IMPLICATIONS OF PHARMACOLOGY FOR THERAPISTS
WORKING WITH OLDER ADULTS

SOUTHWEST IDAHO ADVANCED CARE HOSPITAL

POST-ACUTE CARE MANAGEMENT AND REHABILITATION OF TBI FROM
RANCHO 4-8

ST. LUKES HEALTH SERVICES

NEURO IFRAH ASSESSMENT AND MANAGEMENT OF FUNCTIONAL GAIT
- WALKING FOR LIFE

ST. LUKES HEALTH SYSTEM

TECHNOLOGY OVERUSE AND CHILDREN - PROMOTING BALANCE

HANDS ON DIAGNOSTIC SERVICES LLC
BASIC ELECTROMYOGRAPHY & NERVE CONDUCTION STUDIES

HANDS ON DIAGNOSTIC SERVICES LLC
INTERMEDIATE ELECTROMYOGRAPHY & NERVE CONDUCTION
STUDIES

HANDS ON DIAGNOSTIC SERVICES LLC
MUSCULOSKELETAL ULTRASOUND – MSKUS

IDAHO PRESSURE ULCER PREVENTION COALITION
BRIDGING ... PREVENTION AND TREATMENT - IDAHO PUPC 10TH
ANNUAL CONSENSUS MEETING

BODY REFORM PHYSICAL THERAPY INC
INTRODUCTION TO THE BOWSTRING METHOD - FOCUS: COMMON
SYMPTOM REGIONS AND GO-TO TREATMENT TECHNIQUES UTILIZING
THE BOWSTRING METHOD

NEXT MEETINGS were scheduled for 2/10/2017 at 9:30 AM MST and 5/12/2017
at 9:30 AM MST.

ADJOURNMENT

Mr. Mix made a motion to adjourn the meeting at 3:00 PM MST. It was seconded
by Ms. Schroeder. Motion carried.

Brian White, Chair

Glady Schroeder

Angela L Lippiello

M Andrew Mix

Mike D Bailey

Tana Cory, Bureau Chief