

PHYSICAL THERAPY LICENSURE BOARD

Bureau of Occupational Licenses

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

Board Meeting Minutes of 3/30/2018

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

BUREAU STAFF: Tana Cory, Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Joan Callahan, Legal Counsel
Eric Nelson, Board Prosecutor
Debbie Toncray, Technical Records Specialist II

The meeting was called to order at 9:12 AM MDT by Angela L Lippiello.

APPROVAL OF MINUTES

Mr. Mix made a motion to approve the minutes of 1/19/2018 and 2/22/2018. It was seconded by Mr. White. Motion carried.

LEGISLATIVE REPORT AND INTERIM COMMITTEE UPDATE

Ms. Cory gave the legislative report. She said the Board's rule regarding continuing education was approved. The rule went into effect at the time the 2018 Legislature adjourned and the rule will be updated on the Board's website in the near future.

Ms. Cory said Senate Bill 1316 was introduced in the Senate on February 19. Some designated Board members met with Senators Burgoyne and Den Hartog on February 26 and the Senators said they would like to see comments or proposed amendments. Suggested amendments/comments were provided to them February 27. Some of the proposed amendments were put into the bill. It passed the Senate on March 12 and the House on March 21.

Ms. Cory said House Bill 623 passed the House March 6 by a vote of 47-23 and was sent to the Senate. Designated members of Boards served by the Bureau reviewed the bill. A letter expressing concerns about House Bill 623 was prepared and signed by 28 of the designated Board members. It was addressed and delivered to Senator Patti Ann Lodge, chair of the Senate Judiciary and Rules Committee on March 12. Copies have been sent to all Board members by email.

Ms. Cory said that the dry needling bill proposed by the Idaho Physical Therapy Association passed the 2018 Legislature and that law goes into effect July 1. Ms. Cory said that if the Board will be doing rules to submit for the 2019 Legislative Session, the

proposed rules would need to be submitted to the Governor's Office by mid-August 2018, and the deadline to submit proposed law changes to the Governor's Office is mid-July 2018 for the 2019 Legislative Session. However, when the Idaho Physical Therapy Association brought the proposal to the Board, it was discussed that this short time frame may not allow the Board to research and work with interested parties in time to submit rules for the 2019 session. Mr. White made a motion to authorize Ms. Lippiello and Mr. Mix as a rules subcommittee to work with the Idaho Physical Therapy Association, the Idaho Acupuncture Association, Representative Chew, Galen Danielson, Kevin Hulseley, the Federation of State Boards of Physical Therapy, the American Physical Therapy Association, Mr. Ellsworth, Ms. Callahan and Ms. Eavenson on drafting rules for dry needling. 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 \$250,739.92 as of 2/28/2018.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number PHT-2018-3. Mr. White made a motion to send an advisory letter to the Respondent and close the case. It was seconded by Ms. Schroeder. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case PHT-2017-2. Mr. White made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board, and to authorize Mr. Nelson to draft a response letter to the Respondent which supports the Board's position. It was seconded by Ms. Schroeder. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case PHT-2018-2. Mr. White made a motion to approve the Consent Order and allow the Board Chair to sign 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.

FOR BOARD DETERMINATION

Mr. Bailey made a motion to approve the Bureau's recommendation and approve release from probation in case PHT-2015-3. It was seconded by Mr. White. Motion carried.

VOLUNTARY SURRENDER PROCESS

Ms. Peel reviewed the Bureau's procedures for the voluntary surrender process.

COLLECTIONS PROCESS

Ms. Peel reviewed the Bureau's procedures for the collections process.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

EXECUTIVE ORDER

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Mr. White to prepare the final draft for review and final approval at the 6/15/2018 meeting.

SUMMARY REPORT: DISCIPLINARY GUIDELINES

Mr. Mix reviewed the model disciplinary guidelines provided by the Federation of State Boards of Physical Therapy (FSBPT). The Board agreed to include the guidelines in the Board books and asked Ms. Toncray to send them to Mr. Nelson.

COURSEWORK TOOLS – FSBPT SUGGESTED LANGUAGE

The Board asked that this be added to its next meeting on 6/15/2018. Mr. Mix made a motion to authorize Ms. Lippiello and himself to review the Board's current rule regarding foreign-trained therapists and the FSBPT suggested language for the coursework tool, and work with Mr. Ellsworth or Ms. Callahan to draft proposed language for review at the next Board meeting. It was seconded by Ms. Schroeder. Motion carried.

NEW BUSINESS

2018 LEGISLATION: HOUSE BILL 505, DRY NEEDLING

The Board reviewed its Frequently Asked Question (FAQ) regarding dry needling. Mr. White made a motion to have Ms. Hall and Ms. Toncray draft a revised FAQ for the rules subcommittee to review and approve. It was seconded by Mr. Bailey. Motion carried.

PROPOSED LAWS AND RULES

The Board reviewed this topic during the Legislative Update.

NOTIFICATION TO LICENSEES

The Board reviewed the notification to licensees about the revised CE rule. Mr. Mix made a motion to have Ms. Callahan and Ms. Toncray revise the postcard to include notice of the dry needling law and to authorize the Board Chair to review and approve the postcard. It was seconded by Mr. White. Motion carried.

REVIEW REVISED APPLICATIONS

The Board tabled the applications until its next meeting on 4/18/2018.

FSBPT MEETINGS

The Board reviewed the information regarding the FSBPT Leadership Issues Forum and 2018 Annual Meetings. Mr. Bailey made a motion to authorize Mr. White as the delegate, Mr. Mix as the alternate delegate and Ms. Toncray to attend both meetings. It was seconded by Ms. Schroeder. Motion carried.

CORRESPONDENCE

CLARIFICATION ON PT RULES OF PRACTICE

The Board reviewed correspondence from Dr. Bird, the program director for the Physical Therapist Assistant program at Carrington College. The Board discussed the question regarding a PT/PTA program instructor using presentation/teaching time as part of his/her required 16 hours of annual continuing education. The Board agreed that, in accordance with Rule 250(8)(b)(i), teaching an academic course is not considered the same as presenting a professional program. Mr. White made a motion to have legal counsel draft a letter to relay the Board's decision and authorize the Board Chair to review and approve the letter. It was seconded by Ms. Schroeder. Motion carried.

CONCERN AND COMPLAINT – DRY NEEDLING

The Board reviewed the correspondence regarding the recent dry needling bill in the 2018 Legislature. Mr. White made a motion to have Ms. Toncray draft a response to the correspondent, and authorize the Board Chair to review and approve it. It was seconded by Ms. Schroeder. Motion carried.

QUESTION ABOUT TERM DEFINITION – CONTRACTORS

The Board reviewed the correspondence regarding the definition of the word "contractors." Mr. White made a motion to accept the answer already provided to the correspondent by Ms. Toncray. It was seconded by Ms. Schroeder. Motion carried.

FSBPT QUESTION: BOARD STRUCTURE

The Board reviewed the correspondence regarding the specific structure of the Board. Mr. White made a motion to relay to the FSBPT that the Board has components of both Models B and C. It was seconded by Ms. Schroeder. Motion carried.

CE COURSES

The Board reviewed and approved the following courses:

MOVE 2 PERFORM TESTING

St. Luke's

CORE MUSCLE INJURY & MANAGEMENT

St. Luke's

INTRODUCTION TO THE SFMA (SELECT FUNCTIONAL MOVEMENT ASSESSMENT)

St. Luke's

SFMA ROLLING FOR ROTARY STABILITY

St. Luke's

EVALUATION & MANAGEMENT OF COMMON ANKLE/FOOT CONDITIONS

St. Luke's

NAIOMT: S-90 DRY NEEDLING LOWER QUADRANT

North American Institute of Orthopedic Manual Therapy (NAIOMT)

EVIDENCE BASED PHYSICAL THERAPY OF THE LUMBAR SPINE ASSESSMENT AND TREATMENT

PTWebucation.com

IDENTIFICATION AND TREATMENT OF PARADOXICAL VOCAL FOLD MOTION IN ATHLETES

St. Alphonsus

NEXT MEETINGS were scheduled for 4/18/2018 at 1:15 PM MDT and 8/17/2018 at 9:00 AM MDT.

ADJOURNMENT

Mr. Mix made a motion to adjourn the meeting at 1:35 PM MDT. It was seconded by Mr. White. Motion carried.

Angela L Lippiello, Chair

M Andrew Mix

Mike D Bailey

Brian White

Glady Schroeder

Tana Cory, Bureau Chief