

Physical Therapy Advisory Committee

Minutes

June 5, 2015

The Physical Therapy Committee of the Board of Medical Licensure and Supervision met on June 5, 2015, in accordance with the Open Meeting Act. The Special Meeting was held at the office of the Board, 101 NE 51 Street, Oklahoma City, Oklahoma. Advance notice of this regularly scheduled meeting was transmitted to the Oklahoma Secretary of State on December 15, 2014, and posted on the Board's website on June 3, 2015. The notice and agenda were posted in prominent public view on the front doors of the Oklahoma Board of Medical Licensure and Supervision building located at 101 NE 51st St., Oklahoma City, OK on June 3, 2015 at 3:10 p.m.

Members present:

Carolyn Craven, DPT, PT, Chair
David Haynes, PT, AT, Vice Chair
Randy Titony, PTA
*Mitsy Martin-Davis, PT

Members absent:

Ms. Linda Jeanette King, Public Member

Also present:

Lyle Kelsey, Executive Director
Barbara Smith, Executive Secretary
Ruth Orr, Licensing Administrative Technician
Tiffany Wythe, Assistant Attorney General

Having noted a quorum, the meeting was called to order at 9:06 a.m. by Ms. Craven.

After the Committee reviewed the Minutes of the April 17, 2015, Special Meeting, Mr. Haynes moved to approve the minutes as written. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

The Committee then reviewed the application for reinstatement of Physical Therapist Licensure of **JILL WITCHEY**. Ms. Witchey appeared in person and reported she has been out of practice since 2011 when she took off work to raise her family. The Committee advised that because she has been out of work for two compliance periods, she would be required to obtain 80 hours of CME, half of which could be Category B and/or obtained online, plus 22 days of direct supervision per year she was out of practice for a sum total of 88 days. Additionally, the Committee advised she would be required to obtain a satisfactory performance evaluation from her supervising physical therapist. Mr. Titony moved to recommend for approval the application for reinstatement of PT licensure pending completion of the required CME hours for two compliance periods, up to 88 days of direct supervision, and a satisfactory performance evaluation from her supervising PT. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

Next **RACHEL ALLEN**, applicant for Physical Therapist licensure, appeared in person in support of her request for permission to re-take the licensure examination. Ms. Allen reported she has previously taken the examination twice and was very close to passing both times. She is currently participating in a six-week intense course of study conducted by Will Crane. Mr. Titony moved to allow Ms. Allen to retake the licensure examination and recommended for approval her application for PT licensure pending passing the exam and completion of her file. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

Mr. Kelsey advised he had reviewed the information provided by Ms. Allen pertaining to the study conducted by Will Crane and he was quite impressed with it. He indicated the Committee might consider putting an item regarding this study in a future PT newsletter.

REBECCA COOK, applicant for reinstatement of Physical Therapy licensure, did not appear due to a scheduling conflict. Ms. Orr reported that Ms. Cook currently has an active Texas license. After much discussion, the Committee ascertained that the applicant needs 79 CME hours, half Category A and half Category B, including 3 hours of Ethics, and a favorable performance evaluation by her supervising PT. The Committee discussed granting the applicant a temporary license for the months of June and July which would allow her to work under direct supervision. Under the current compliance period, she will have until December 31, 2015, to obtain the necessary CME credits. Mr. Titony moved to allow temporary reinstatement of applicant's PT licensure under direct supervision until receipt of satisfactory performance evaluation by her supervising PT. Upon completion of the required documentation, it is recommended that applicant's license be fully reinstated on August 1, 2015. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

RACHEL LEIPZIG, applicant for reinstatement of Physical Therapy Assistant licensure, appeared not. Mr. Haynes moved to table the application pending a personal appearance by applicant. Mr. Titony seconded the motion and the vote was unanimous in the affirmative.

Next the Committee reviewed the request of **OLUWABUNMI MARY OMIYALE** for waiver of the requirement requiring 800 hours of supervision. Applicant appeared not, but sent information for the Committee's review pertaining to her employment in Waco, Texas. The documentation provided was insufficient to verify the number of hours applicant actually worked in Texas. Mr. Titony moved to recommend approval for licensure pending receipt of verification of applicant having 800 or more hours of clinical supervision in Texas. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

The Committee then reviewed applications for licensure. Mr. Haynes moved to recommend approval of the following applications for Physical Therapist Assistant licensure. Mr. Titony seconded the motion and the vote was unanimous in the affirmative.

FINLEY, MICHAEL

HAILEY, AARON M

PINKERTON, AMIEE

Mr. Titony moved to recommend approval of the following applications for Physical Therapist Assistant licensure pending completion of the files. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

ABSHIRE, MARCUS
BLACKWOOD, HALEY C
BOHANNON, LONI ANN
BRIDGES, KLAYTON C

CAMPANELLA, M L
DAY, BETHANI ANNE
DUNCAN, AMBER
EDGMON, KATARINA E

ESMEYER, CYNTNN L
GLASGOW, ZANE
HALE, BRENTON
HINTZ, JUSTIN

**JEFFERSON, S R
KROTZER, JESSICA E
LANE, MATHEW R.
LEWIS, FELICIA D
MADISON, COURTNEY
MCDONALD, LEEANNA
MILLER, MONICA
MORRIS, KRISTIN L**

**MURRELL, CHANDRA
NESTERENKO, LORISA
PENDLETON, ROBERT
PETTUS, JERRY DAVID
POSTIER, C
RABEDING, RYAN ALAN
RODEBUSH, LAUREN
ROOT, DEREK MARTIN**

**SHOMO, BAILEY A
SWART, ASHLEY J
TATUM, DUSTI C
TAYLOR, JESSICA L
THORNBURG, JADE A
TODD, HOLLI JENNIFER
WOOTEN, TAMMY R**

Mr. Haynes moved to recommend approval of the following applications for Physical Therapist licensure. Ms. Davis seconded the motion and the vote was unanimous in the affirmative.

**CANALES, JESSICA C
EISELT, SCOTT WAYNE**

HARDISON, LATOSHIA

SCHWARM, K L

Mr. Titony moved to recommend approval of the following applications for Physical Therapist licensure pending completion of the files. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

**ADAMS, MICAH DANIEL
BHAGAT, JOSHUA S
BROWN, KYLE T
CATALDI, BRITANY
CORLEY, DANIELLE
CRESPO, AARON DAVID
DUNLAP, JENNIFER
FRITSCH, JESUP ISAIAH**

**GEORGE, MATTHEW
GROVES, KATHLEEN R
GUELF, CATHERINE P
HAYES, MICHAEL S
HIGGINS, BRITTANY
HOOD, EMILY
HUGHES, KYLE DEVIN
MAY, JILLIAN**

**MCGILL, TRAVIS S
MCKENZIE, C S
PLUNK, CODY A.
RAPACZ, STEPHANIE K
RIDGE, RACHELLE
SHUMATE, YASMEEN R
WIENEKE, ALLISON L**

Mr. Titony moved to recommend approval of the application for reinstatement of Physical Therapist licensure of **JONATHAN CHONG-YUAN ONG** pending completion of the file. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

Next the Committee reviewed the request of **KENNETH S. HALCOMB, PT**, to supervise an additional PTA. Upon review, Mr. Titony stated he believed this was an employment/distribution issue, not a practice issue and he voiced concern with the Committee insinuating itself into employment issues. Ms. Craven stated concern with adding an additional PTA for supervision to a PT's license in light of the PT home-health visit revisions requiring more frequent visits. Further, the Committee pointed out that Mr. Halcomb was in southeast Oklahoma and there is a PTA program in that area, which should be of benefit to Mr. Halcomb. Ultimately, the Committee was concerned that, based on the Physical Therapy Practice Act, it would be difficult for a PT to sufficiently supervise more than three PTAs. Mr. Haynes moved to deny the request of Mr. Halcomb to supervise an additional PTA. Mr. Titony seconded the motion and the vote was unanimous in the affirmative.

The Committee then reviewed the request of **FRANK BURTON, PT**, to supervise an additional PTA. Mr. Titony reiterated his concerns that this is an employment issue and not a practice issue. Ms. Craven reiterated her concern with adding an additional PTA for supervision in light of the new home-health visit requirements for PTs. Ultimately, the Committee was concerned that, based on the Physical Therapy Practice Act, it would be difficult for a PT to sufficiently supervise more than three PTAs. Mr. Haynes moved to deny the request of Mr. Burton to supervise an additional PTA. Mr. Titony seconded the motion and the vote was unanimous in the affirmative.

Mr. Kelsey discussed the matter of issuing denial letters to Mr. Halcomb and Mr. Burton. Mr. Kelsey stated he will visit with a Committee member regarding specific language for the denial letters which sets forth the reason(s) for denial of their requests.

The Committee next discussed the status of developing a jurisprudence exam for initial licensure. Ms. Craven advised that the Federation of State Boards of Physical Therapy (“FSBPT”) could develop an exam based on the Oklahoma PT Practice Act. This type of jurisprudence exam has been developed by FSBPT for use in several other states. Mr. Kelsey advised that the Medical Board has done this for other licensed health care groups and this is something the Medical Board could do internally for the PTs at no cost. Mr. Kelsey advised there is already a process in place for the licensees to take the jurisprudence exam at the time of initial licensure. The jurisprudence exam would be inclusive and a part of the licensure fee. It was confirmed that the jurisprudence exam covers rules/laws/ethics but does not cover a lot of clinical/technical areas. The Committee will determine the questions deemed necessary for the exam. Staff was directed to present, at the Committee Meeting scheduled for August 14, 2015, information regarding the jurisprudence exams currently taken by Physicians and Physician Assistants upon initial licensure in Oklahoma.

The Continuing Competence Subcommittee, made up of Ms. Craven and Mr. Haynes, then reported on their findings thus far. Ms. Craven reported that APTA and FSBPT have discussed and collaborated on continuing competence for many years and are encouraging states to move forward with replacing current continuing education models with new models of continuing competence. FSBPT developed ProCert, which provides a rigorous process of approving activities for continuing competence. FSBPT also developed aPTitude, which is a tracking system that keeps records of courses and activities that licensees have completed. The Subcommittee had discussion with OPTA leadership who requested they look at CEU Locker, which is another national tracking system. The main difference between aPTitude and CEU Locker is that aPTitude is free and CEU Locker charges a fee. After gathering additional input, the Subcommittee is recommending rewriting the rules to include a greater variety of activities for continuing competence credit and to identify pre-approved providers and approvers, plus provide a mechanism for approval of other course providers to apply for approval with a set of standards for approval included in the rules. The Committee made it clear it does not want to outsource its authority for authorizing continuing education credits and wants to retain the final authority in that regard. However, the subcommittee has looked at a variety of activities, and more pre-approved providers, which would involve a rewrite of the rules in Chapter 9 of the PT Practice Act. Mr. Haynes stated North Carolina has the best design as they include other activities for which “points” can be earned. Some of those activities include, but are not limited to, a PTA doing advanced proficiency, passing practice review through FSBPT, serving as a clinical instructor, presenting in a PT or PTA program, and working a certain number of clinical practice hours per year. Ms. Craven added that North Carolina also has identified pre-approved providers and approvers, including FSBPT and ProCert. The subcommittee stated it is in favor of using a blended model if the Committee moves forward in this regard. Ms. Craven stated she has been in touch with the APTA staff and they will work with the Committee regarding drafting Chapter 9 language necessary to meet the standards of what the Committee hopes to accomplish.

Mr. Haynes stated he would like the national companies to go through ProCert to ease the burden on the Committee of approving all the continuing competency hours. Ms. Wythe, AAG, advised she did not believe the Committee could force companies to use ProCert in this regard.

Mr. Kelsey stated that continuing competency is a big issue in healthcare. He further advised that any change to Chapter 9 will have to go through the legislative process. Although, the PT Practice Act is not opened, the way the legislature operates now, changing a rule is not easy. The language will have to be submitted to the legislature and it will go through both houses and then finally the governor. Mr. Kelsey advised the Committee that they will need to contact Oklahoma Physical Therapy Association (“OPTA”) and APTA and determine how supportive those organizations would be of a rule change. The

Committee then needs to look very carefully at the rule change language before anything is submitted. Mr. Kelsey stated the Medical Board is still looking at other states regarding maintenance of licensure and is moving slowly due to all the opposition surrounding this issue.

Ms. Craven asked permission to have some members of OPTA join the subcommittee to work on rule change language. The Committee gave its consensus for moving forward and allowing OPTA members to join the subcommittee. Mr. Titony stated he believed going through the legislative process will be a challenge.

Next the Committee reviewed the matter of a reported PTA working as a home-based masseuse while not holding herself out as a PTA. Ms. Wythe reported that as long as the PTA is not holding herself out as PTA, she is not violating any statute or rule. She stated that since there is no statewide license for massage therapy, it is okay for this PTA to provide massage therapy as long as she is not holding herself out as a PTA. The Committee took no official action on this matter. Staff was directed to advise the investigators for the Medical Board that there has been no violation committed on the part of the PTA.

*Ms. Davis left the meeting

Ms. Craven stated she would not be discussing the proposal of forming a Sanctions Subcommittee and requested it be tabled until further notice from the Chair. Mr. Haynes moved to table the discussion regarding forming a Sanctions Subcommittee. Mr. Titony seconded the motion and the vote was unanimous in the affirmative.

Next the Committee reviewed Continuing Education courses/credit. Mr. Titony moved to approve the courses as presented. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

The Committee then briefly discussed the aPTitude tracking service offered through FSBPT which is available for all licensees. Staff was directed to put the aPTitude tracking service in the next newsletter to inform the licensees of this service.

Regarding the frequency and method of delivery of the PT Newsletter, Mr. Kelsey stated doing an e-news "blast" oftentimes has better readership than a large newsletter. The Committee agreed and directed staff to place the availability of the aPTitude tracking service and the intensive study conducted by Will Crane in the next newsletter. Mr. Titony moved to continue the newsletter through e-mails as needed with relevant topics. Mr. Haynes seconded the motion and the vote was unanimous in the affirmative.

The Committee very briefly discussed the need for a delegate and an alternate to be appointed to attend the PT Annual Meeting on October 15-17, 2015. The Committee consented for Ms. Craven to serve as delegate and Mr. Haynes to serve as alternate. The named delegate will also go to the Leadership Forum on August 1-2, 2015.

The Committee then thanked Ms. Tiffany Wythe, AAG, for her expertise and patience. Her service to the Committee is very much appreciated by all.

There being no further business, Mr. Haynes moved to adjourn the meeting. Mr. Titony seconded the motion and the vote was unanimous in the affirmative. The time was 11:10 a.m.