

Open Session Meeting Minutes
IOWA BOARD OF PT/OT

December 20, 2013

Origination Site: Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Call to Order:

An electronic meeting of the Iowa Board of Physical & Occupational Therapy was held on December 20, 2013. The meeting was held in accordance with section 21.8 of the Code of Iowa entitled "Electronic Meetings". The Code states that a government body may conduct a meeting by electronic means only if circumstances are such that a meeting in person is impossible or impractical, and if the governmental body complies with the provisions of section 21.8.

The meeting was called to order at 9:02a.m. by Denise Behrends, Chair.

Roll Call:

Members Present

Jenifer Furness, OT, Todd Bradley, PT, Morris Blankespoor, Public Member, Denise Behrends, OT, Brad Earp, PT, Erin Hytrek, PT

Members Absent:

Jaclyn Fleming, Public Member

Staff Present:

Judy Manning, Board Executive, Laura Cathelyn, AAG, Barb Huey, Bureau Chief, Barb Christiansen, Administrative Assistant

Guests Present: None

Approval of Minutes:

A motion was made by Bradley to approve the open session meeting minutes from September 13, 2013. A second was received from Furness. All ayes, opposed none, motion carried.

A motion was made by Blankespoor to approve the open session meeting minutes from October 4, 2013. A second was received from Bradley. All ayes, opposed none, motion carried.

Board Reports:

Board Executive – Judy reported that more information has been received regarding changing some of the requirements for taking the exam.

Failure rates of PT Exam. October rates: 36 were approved to take the exam and 17 of those failed. One of the newest schools in Iowa is not scheduled to have a site visit by the accrediting body because of the fail rate. CAPTE is aware.

Judy and Denise attended the national meeting and Judy presented information discussed at the meeting.

This is Jenifer Furness's last meeting. Jenifer has chosen not to renew her license. Jenifer has enjoyed her years in the OT profession but will be taking a different direction in the future. The Governor's office will make a new appointment to fill Jenifer's position. Bradley Earp and Morris Blankespoor will be up for reappointment in 2014.

Barb Huey: Update of AMANDA licensure program. Barb reported the program will "go live" in January 2014.

Chair: Denise reported on the FSBPT meeting. Denise also reported that she spoke at the Iowa OT Association meeting.

AAG: Laura explained that the open and closed session meeting minutes will be approved separately. Closed session meeting minutes will be reviewed in closed session but approved in open session.

New Business:

Dry Needling correspondence: A letter was received from Field Jerger LLP of Portland, Oregon addressing dry needling and violations of the U.S. Food, Drug, and Cosmetic Act (FDCA) and Food and Drug Administration rules. The Federation of State Boards of Physical Therapy has hired a law firm which is looking into this issue and will share with the state PT boards any information or updates received. Laura Cathelyn stated the FDA does not have jurisdiction over licensed individuals. Scope of practice is determined by the board not the FDA. No licensed PT in Iowa would be held accountable as suggested in the attorney's letter to the board. AAG stated that the board has no liability in this issue and no action is necessary at this time.

Appropriate electronic signatures: It was noted that in the recordkeeping rules for PT's electronic signatures are not addressed. Members felt the electronic record is addressed through a person's software system. Judy will respond to this person that they should be in compliance with the security of their software system.

Denise e-mail: Denise addressed that some therapist are challenging the way that PTA's are being utilized. The concern is that a PT evaluates the patient, and then assigns a PTA to the case. There are cases where the evaluating PT is not in the office for assistance to the PTA. Questions

regarding if another PT needs to do another evaluation or can it be any PT onsite that can assist the PTA with the case. All the hospitals that Denise has notified agree that any PT onsite may assist the PTA with oversight. The rules do not say it has to be the evaluating therapist to provide oversight. Rules state that supervision can be received from any number of PT's. (Reference the rules: 200.6(5) PTA responsibilities.) The question was also raised about whether it was appropriate for the PTA to make the decision to discharge and the Board responded that only the PT can complete the final discharge evaluation and establish the discharge plan this cannot be done by a PTA.

National Physical Therapy Exam (NPTE) proposed eligibility requirements:

- Lifetime limit. NPTE eligibility requirements will soon include a lifetime limit that will only allow candidates to take the NPTE 6 times in a lifetime. Candidates would still be allowed up to 3 attempts per year but will have a 6 time total limit. Iowa currently does not have a limit on the number of times an applicant can take the exam so this would be a change.
- Low score limit. Candidates who receive two very low scores on the exam (400 or below) will not be allowed to test again. Candidates receiving one very low score on the exam will be notified that their performance is so far away from the minimal competence level that they will need to engage in serious remediation, like enrolling in another PT educational program, before attempting the NPTE again and that another score that is very low will result in a lifetime ban.
- English Language Proficiency - Most foreign-trained PT's and PTA's will need to pass the Test of English as a Foreign Language (TOEFL) test using the minimum scores required by FSBPT. Iowa currently uses the same passing requirement used by FSBPT.

FSBPT is planning to put the new eligibility requirements in place in 2015 and 2016. This will give states the opportunity to make necessary changes to their administrative rules. AAG Cathelyn suggested that the rules could be broad to require that an applicant meet the FSBPT eligibility requirements for testing. Board members felt limiting the number of attempts a candidate can take the NPTE was a good idea.

Continuing education committee will meet next month and finalize the proposed changes to the continuing education rules and present to the board at the next meeting.

Complaints:

Hytrek moved that the board go into closed session at 9:50a.m. to discuss whether to initiate licensee disciplinary investigations or proceedings as allowed under Iowa Code section 21.5(1) a, d & f. A second was received from Earp. Roll call was taken: Furness – Aye, Behrends – Aye, Earp – Aye, Bradley – Aye, Hytrek – Aye, Blankespoor – Aye. Motion carried.

A motion was made and seconded to return to open session at 10:30a.m. Motion passed.

Follow up from Closed Session:

A motion was made by Behrends to dismiss charges for case #12-006. A second was received from Earp. All ayes, opposed none, motion carried.

A motion was made by Furness to close cases #13-006 and #13-009. A second was received from Bradley. All ayes, opposed none, motion carried.

A motion was made by Earp to approve the closed session meeting minutes of September 13, 2013. A second was received from Hytrek. All ayes, opposed none, motion carried.

Future Board Meetings:

March 14, June 13, September 12, and December 12, 2014

Adjournment:

A motion was made by Furness to adjourn the meeting at 10:33a.m. A second was received from Bradley. All ayes, opposed none. Motion carried.