

Open Session Meeting Minutes
IOWA BOARD OF PHYSICAL THERAPY & OCCUPATIONAL THERAPY
December 16, 2011
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Call to Order:

The meeting was called to order at 9:06 am by Denise Behrends, Chairperson.

Roll Call:

Members Present: Todd Bradley, PT; Morris Blankespoor, Public Member; Bradley Earp, PT; Denise Behrends, OT; Jaclyn Fleming, Public Member; Erin Hytrek, PT

Members Absent: Jennifer Furness, OT

Staff Present: Judy Manning, Board Executive; Karla Hoover, Licensure Specialist; September Lau, AAG; Barb Christiansen, Administrative Assistant; Barb Huey, Bureau Chief

Public Present:

Heidi Goodman, IMS; Dennis Tibben, IMS; Peggy Parker, IOTA; Mary Echterling, IOTA; Threase Harms, IOTA; Jenny Schulte, IOTA; Kyle Frette, IOTA

Denise Behrends, Chairperson, asked that the agenda be amended and allow for public comment at the beginning of this meeting.

Public Comment:

The Iowa Medical Society (IMS) commented on a possible change to Iowa Code Chapter 148A to allow PT's to administer medications. The IMS does not have a problem with the act of administering but would recommend language for "administration of topical medications". A discussion followed regarding the administration of oxygen. The IMS suggested that Terry Witkowski with the Pharmacy Board be contacted for further clarification.

Peggy Parker, Iowa Occupational Therapy Association (IOTA) President, informed the Board that the recommended changes to Chapter 206 were provided to their membership for review and comment. The membership agreed that the current supervision rules for the OTA are very lax but they did not agree with the changes recommended by the Board. Since Iowa is a rural state this change could make a huge difference in how OT's supervise in the rural areas. The question was raised on the possibility of providing supervision by phone or on Skype to COTAs in rural settings. The Association also felt that there was not a clear definition of other assistive personnel. The association distributed a handout with comments received from members

regarding possible changes to Chapter 206. Denise Behrends suggested that the board work with the association and come to a mutual agreement on changes to the rules before the next meeting in March 2012.

Iowa Code 148B: This is primarily a cleanup of the Occupational Therapy code that will be introduced to the Legislature by the IOTA. The association has met with Representative Cownie and he has agreed to introduce a study bill in the house.

Administrative Rules:

PT rules for notice: The changes to Chapters 200 and 202 will revise the requirements for individuals that have failed the licensure exam more than three times; strike language that requires a bachelors degree to include of a minimum of 60 hours of general education and 60 hours of professional education since this is addressed under requirements for foreign-trained applicants; strike the requirements to send out a renewal notice by mail; and include language for conviction of a crime related to profession regardless of whether the judgment or conviction or sentence was deferred.

It was the consensus of the Board that the PT rules be noticed. A public hearing will be held January 31, 2012.

Chapter 12.6 Veterinary rules regarding animal physical therapy. Judy provided a draft of the changes the Veterinary Board is considering to address animal physical therapy. These changes were originally brought forward in 2001 but did not go forward at that time. The Board will track the Veterinary Board's decision on these changes.

Review Agenda:

Public Comment heard after roll call.

Approval of Minutes:

A motion was made by Bradley to approve the minutes from the September 16, 2011 meeting. A second was received from Earp. All ayes, opposed – none, motion carried.

Reports:

Board Executive – Judy Manning reported that she and Brad attended the FSBPT annual meeting in Charlotte, North Carolina in September. Some of the items discussed at the meeting included expunging discipline from a licensees record after 15 years; a possible compact for PT licensure from state to state; PT temporary licensure (Iowa does not have code authority to issue a temporary license); and dry needling. APTA is completing a review of dry needling and will provide a report in 2012.

Department of Administrative Services has raised the lodging rate to \$82 + tax per night. This new reimbursement rate is effective January 1, 2012.

Bureau Chief: No report.

AAG: No report.

Erin Hytrek arrived at 10:05am.

New Business:

E-mail from Linda Coates: Questions about what constitutes a visit. Iowa enlists that every fourth visit a PT has to see the patient. When the patient is acute care they should be seen more often and a PT should be present. The question from Linda was that a rehabilitation company is trying to get more visits out of the PTA and less by the PT's. A visit is considered each time a patient is seen by the PTA as delegated by the PT. A visit is not a day it is a treatment session. Even if one note is written, if the patient is seen two times it is two visits.

Letter from Mary Ellen Hawkeye Community College: A group of 19 students will have to wait until January 2013 to take the exam because the Hawkeye Community College PTA program will not be CAPTE accredited until October, 2012. The Board's rules state the applicant for licensure must be a graduate of a CAPTE accredited program. September Lau, AAG, stated that the board's rules do not state the student may not take an exam, it does state however, that the student cannot be licensed until the completion of an accredited program. The board could grant a waiver to take the exam before the program is accredited. However the board will make it clear to the students that they will be allowed to take the exam but if the school is not granted the accreditation the students will not be able to get their license.

Individual has failed exam three times. The person does not have any additional course work to report. Student is currently being mentored by a PT and would like to have permission to re-take the exam. Board members agreed the student could go ahead and take the exam again.

Petition for Waiver:

Petition received from an individual who received her initial PT education in India requesting a waiver of the TOEFL requirement. Stated her Physical Therapy education was taught in English also the text book was in English as well as the transcript, however the program she took was not a CAPTE accredited physical therapy program. A motion was made by Hytrek to deny the Petition for Waiver. A second was received from Earp. All ayes, opposed – none, motion carried.

Individual asking for a waiver in regards to TOEFL score. Individual was very close to passing the exam and is asking the board to waive the required passing score to include her total score. Board discussed the issue of lowering the bar for scoring and the precedent it might set. Board stated she did not meet the minimum requirements of successfully passing the TOEFL exam. A motion was made by Hytrek to deny the waiver. A second was received from Earp. All ayes, opposed – none, motion carried.

Board took a 5 minute break before entering into closed session.

A motion was made by Bradley to enter into closed session at 11:00am. A second was received from Hytrek. Roll call was taken: Hytrek, aye; Bradley, aye; Fleming, aye; Behrends, aye; Blankespoor, aye; Earp, aye.

A motion was made and seconded to return to open session at 11:41am.

Follow-up on Closed Session

Unlicensed individual who is billing for PT services – fraudulent practice is alleged. Judy has attempted to contact the company with no response. Judy will send letter to company about the complaint and wait for response.

Case #10-005 - A motion was made by Hytrek to close case. A second was received from Bradley. Ayes – 5, opposed – none, abstain – 1, motion carried.

Case # 10-009 - A motion was made by Behrends to close case. A second was received from Hytrek. All ayes, opposed – none, motion carried.

Case #11-006 - A motion was made by Earp to close case. A second was received from Fleming. All ayes, opposed – none, motion carried.

Case #09-008 - A motion was made by Bradley to accept the order granting modification of the original Settlement Agreement issued to this individual. A second was received from Earp. All ayes, opposed – none, motion carried.

Case #11-002 – A motion was made by Fleming to accept the Settlement Agreement. A second was received from Hytrek. All ayes, opposed – none, motion carried.

Future Board meetings for 2012

March 16, 2012 September 28, 2012

June 15, 2012 December 21, 2012

A motion was made by Bradley to adjourn the meeting at 11:50 am. A second was received from Earp. All ayes, opposed – none, motion carried.