



AK PT/OT Board - Regulations Committee Mtg - June 28, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing
Friday, June 28, 2024 at 8:00 AM AKDT @ Juneau - Zoom

1. Call to Order/Roll Call

Committee Members: Valerie Phelps, Lindsey Hill, Alternate = Rebecca Dean

The Physical Therapy and Occupational Therapy Regulations Committee Meeting was called to order on Friday, June 28, 2024 by committee member Valerie Phelps at 8:00 am. Roll call taken by Valerie Phelps.

Committee Members: Lindsey Hill – present; Rebecca Dean – present; Valerie Phelps – present.

Staff: Shane Bannarbie, Program Coordinator 1 – present; Sheri Ryan, Licensing Examiner – present.

Guest: Kristen Neville, Manager, State Affairs, American Occupational Therapy Association (AOTA) present - joined at 8:23 am.

2. Review/Approve Agenda

Motion:

Motion to approve agenda for June 28, 2024 PHY Regulations Committee meeting as submitted. All in favor; none opposed. **Motion to approve agenda for June 28, 2024 PHY Regulations Committee meeting as submitted passes unanimously.**

3. Approve Minutes - 05/20/2024

Motion:

Motion to approve Minutes from PHY Regulations Committee meeting from May 20, 2024 as written. All in favor; none opposed. **Motion to approve Minutes from PHY Regulations Committee meeting from May 20, 2024 as written passes unanimously.**

4. Public Comment

No public comment given.

5. Regulations Projects

- A. 12 AAC 54.XXX - PT and OT Dry Needling Regulations

Per board meeting 06/07/2024 - sent back to Regulations committee for revision.

Reviewed discussion/concerns from April 4 Board meeting regarding proposed PT/OT dry needling regulations language draft 5-30-2024. 12 AAC 54.505(a)(1) Standards of Practice for Dry Needling for Physical Therapists and 12 AAC 54.805(a)(1) Scope of Practice Relating to Dry Needling for Occupational Therapists both amended to include "graduate or post graduate" education specializing in dry needling if/when dry needling is included in physical education program.

Discussion surrounding inclusion of (e) definition of dry needling of draft. We don't describe/define any other procedure or modality in regulation, why would it be necessary to do so here. Consensus to recommend to Board to remove (e) definition of dry needling for both PT and OT.

Discussion regarding draft section (b) Center for Disease Control and Prevention and OSHA blood borne pathogen standards requirement. This is already covered in (1)(A) language "must include: didactic instructions and courses in indications, contraindications, emergency preparedness and response, potential risks, proper hygiene, proper use and disposal of needles, and appropriate selection of patients." Section (b) is redundant - recommendation to remove redundancy. Modified (1)(A) to add "by current relevant standards" to elevate language requirements.

Action items:

Draft modified by member Valerie Phelps as discussed and forwarded to staff. Staff to discuss with board chair for potential pop-up meeting for board consideration.

B. SB74 - Physical Therapy Compact Licensure

- We will have to add two new requirements to the license applications for PTs and PTAs, and one to OTs and OTAs – so the board will be adopting regulations to do this:
 - All four: FP-based background checks and
 - PTs/PTAs only – Proof of residency in Alaska.

Briefly reviewed SB74 Regulation Language Draft and suggestions made by Jeff Rosa w/FSBPT. Questions that arose:

- What happens when criminal background checks come back different from PFQ disclosures? FSBPT provided information regarding. Staff to send link to all committee members for FSBPT June 20 Regulatory Hour - Let's Clear The Air: Administrative and Criminal Expungements as a resource.
- Why are compact privileges not verified?

- #7 of 12 AAC 54.150 draft - will need to spell out how Jurisprudence Questionnaire will be handled in regulations for all compact privilege holders prior to purchase.
 - Jurisprudence requirement - passing score - does passing score requirement have to be in regulation?
 - Can FSBPT provide testing for people other than PT/PTA?
- Gather info at FSPBT - Leadership Issues Forum -
 - Do any other states perform a routine/annual/biannual, etc assessment of the PT compact and provide for such in regulation language to provide for success of PT compact in future for all parties?
 - Residency requirement for PT/PTAs only - how do other states gather information/verification? Is it even a requirement or is this handled by PT Compact Commission?

Jurisprudence requirements of existing regulations amended per committee discussion and added to SB74- Regulations Project Draft. Updated draft to be reviewed at next meeting.

Action items:

- Staff to send link to all committee members for FSBPT June 20 Regulatory Hour - Let's Clear The Air: Administrative and Criminal Expungements as a resource.
- Read SB74
- Discuss Alaska Home State residency regulations/verification for PT Compact Commission requirements
- Review of compact contract – discussion of inclusion/possible language
 - Kristin Neville w/ AOTA - will look into other states that may have compact assessment language for next meeting.
- Gather info at FSPBT - Leadership Issues Forum -
 - Do any other states perform a routine/annual/biannual, etc assessment of the PT compact and provide for such in regulation language to provide for success of PT compact in future for all parties?
 - Residency requirement for PT/PTAs only - how do other states gather information/verification? Is it even a requirement or is this handled by PT Compact Commission?

Discussion of requirement of transcripts for PT/PTA for applicants by credentials and how it could be removed due to requirement of primary source verification requirement when original license issued by examination in another state.

08.84.060 Licensure by Acceptance of Credentials. Suggestion to have FSBPT require primary source verification of graduation as part of their process for release of NPTE scores similar to how NBCOT.

Action items:

- Add discussion of modification of transcript requirements for PT/PTA applying by credentials to next meeting in August -> if all states by examination require primary source verification of graduation (transcript) then no transcript required by credentials. Staff to look into collecting data by state. Also look at 08.84.060.

Break 10:13 am - off record. Return from break 10:30 am - back on record; Roll Call: Valerie Phelps, Lindsey Hill, and Rebecca Dean all present.

C. Re-entry Regulations Project

Committee is looking at new pathway in place of current 150-hour internship requirement of 12 AAC 54.600(6)(C); 12 AAC 54.100(5)(C) and 12 AAC 54.950(e) for therapists who are reentering the workforce after a period away for more than 2 years and cannot meet the working experience requirement. No exemption from licensure exists under statute AS 08.84.150 for anyone completing a post-graduate internship currently. Reviewed OT reentry guidelines.

Discussed overall state themes:

- 1) Continuing ed requirements from ~20-75 hours, some with a max limit
- 2) Refresher course, retaking board exams, post-professional certification
- 3) "a=Supervised clinical practice and education" ~30-600 hours, job shadowing, or issuing a provisional license
- 4) Board self-assessment, board interview, board determination on a case by case basis
- 5) Many broke down the timeline for return (e.g., less than 2 years, 2-5 years, greater than 5, over 10

Discussion of MI framework and SC and VA remedial education and supervised service delivery examples – see LH research. Discussed differentiations in plan requirements for individuals who have been out 3, 5 or 10 years. Discussed possibility of modifying 24-month requirement of 12 AAC 54.100(5)(C) and 12 AAC 54.600(6)(A) to a longer timeframe. Recommendation to change 24 months

requirement of working experience to 36 months/3 years but not to modify examination requirement from 24 months.

Discussed in-person versus virtual requirement of educational component and didactic training versus hands on for in-person. Cost and availability barriers discussed. 12 AAC 54.420 and 12 AAC 54.715 educational requirements for continuing education component. Decided against in-person requirement.

Discussed timeframe for completion for plan. Temporary permit limited to 8 months in statute. Forms for approval and completion.

If applying in AK, AK temporary permit/AK licensed therapist must supervise. Would accept supervised service delivery if completed outside Alaska if approved by the AK board in advance and approved by a license therapist (does not have to be AK licensed therapist) but applicant would need to have temporary permit in that state.

Committee recommendation for the Board for new requirement to be titled "Supervised Service Delivery" and be made up of two components:

1. Supervised clinical practice = 8 hours per year of supervised clinical practice; Maximum 80 hours required.
2. Continuing Education = 12 contact hours per year not to exceed 96 contact hours.

Complete plan to be approved by the Board. Supervisor to submit training plan similar to FE Internship form. CE courses to be approved by the board so coursework would need to be pre-selected and submitted in plan per 12 AAC 54.420 and 12 AAC 54.715 educational requirements. 8 months to complete entire plan (CE + supervised clinical practice). Temporary permit to be issued under AS 08.84.065 w/supervision to an occupational therapist/OTA or physical therapist/PTA while completing. For application by examination in AS 08.84.065(c), final "Certificate of Attendance" from CE completion and/or completion/assessment report from supervisor regarding clinical practice would equal "examination" requirement. This requirement would need to be written into regulatory language "for this section only" when redefining 12 AAC 54.100(5)(C), 12 AAC 54.600(6)(C) and 12 AAC 54.950(e).

Table for August meeting/**Action Items:**

- Discussion on what equals one year if out of work – how to prorate. What happens if out of work after 6/30? If out of work 7/1 or later that counts as a full year or not?
- Supervision = licensed therapist; does that mean licensed AK therapist?
- Minimum experience requirement for supervising therapist

Recommendation to adapt current FE internship plan/completion forms for supervised clinical practice and completion form for use for this internship replacement.

- D. Examiner's Suggestions
- E. 12 AAC 54.600(3) Regulations Project - Correct OT Application by Examination = COMPLETED

6. Next Steps

- Valerie Phelps to forward PTOT Dry Needling Regulations Language Draft modified 06-28-2024 to staff; Staff to discuss with board chair for potential pop-up meeting for board consideration.
- SB 74 Regulations Project
 - Staff to send link to all committee members for FSBPT June 20 Regulatory Hour - Let's Clear The Air: Administrative and Criminal Expungements as a resource.
 - Read SB74
 - Discuss Alaska Home State residency regulations/verification for PT Compact Commission requirements
 - Review of compact contract – discussion of inclusion/possible language
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 - Residency requirement for PT/PTAs only - how do other states gather information/verification? Is is even a requirement or is this handled by PT Compact Commission?
- Add discussion of modification of transcript requirements for PT/PTA applying by credentials to next meeting in August

- Staff to gather information through FSBPT Listserv on transcript requirements by state.
- Add discussion of ability to authorize CE exemptions to agenda for next Continuing Education/Competency Committee meeting in October - remove "concluding licensing period" form regulatory language similar to Massage Therapy Board?
- Re-entry Regulations project
 - Discussion on what equals one year if out of work - how to prorate. What happens if out of work after 6/30? If out of work 7/1 or later that counts as a full year or not?
 - Supervision = licensed therapist; does that mean licensed AK therapist?
 - Minimum experience requirement for supervising therapist
 - Adapt current FE internship plan/completion forms for supervised clinical practice and completion form for use for this internship replacement.
- Examiner's Suggestions - Discuss sample regulatory language for posting licenses

7. Adjourn

The Physical Therapy and Occupational Therapy Regulations Committee Meeting was adjourned at 12:07 pm AKDT on Friday, June 28, 2024.

Next meeting Friday, August 2, 2024 at 8:00 am.

Approved by unanimous vote August 2, 2024.