



# Alaska Board of Physical Therapy and Occupational Therapy Meeting

## Day 1 - February 15, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing

Thursday, February 15, 2024 at 9:00 AM AKST

@ Robert B. Atwood Bldg., 550 W. 7th Ave., Ste. 1550, Anchorage, AK 99501 + Zoom

***These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.***

### 1. Call to Order/Roll Call

- i. By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was called to order at 9:01 am AKDT on Thursday, February 15, 2024. Roll Call was done by Chair, Tina McLean.
- ii. Board members present: Rebecca Dean, Lindsey Hill, Tina McLean, Chair, Valerie Phelps, Lisa Radley, and Enlow Walker, Secretary.
- iii. Absent: Bryan Murphy, excused.
- iv. Quorum exists, 6 of 7 appointed board members present. Bryan Murphy has resigned from the Physical Therapy and Occupational Therapy Board effective 02/14/2024. His vacant board member seat can be filled by an Occupational Therapist or Occupational Therapy Assistant.
- v. Staff present: Reid Bowman, Program Coordinator 2; Shane Bannarbie, Program Coordinator 1; Sheri Ryan, Occupational Licensing Examiner.
- vi. Guests present: (all connected remotely) Litz Regis, Clark Johnson, Kaitlin DuRoss from Petersburg, AK, and Nicole Braxton with Adventist Medical Evangelism Network (AMEN).
- vii. Physical Therapy and Occupational Therapy Mission statement read into record by Tina McLean.

### 2. Review/Approve Agenda

Discussion to amend agenda to include Travel + Board support and "DPT" Term protection as topics to agenda.

**Rebecca Dean moved to approve the agenda as submitted with amendments as discussed to include include Board travel and support and "DPT" Term protection as topics of discussion. Motion seconded by Valerie Phelps. All in favor; none opposed. Motion passes unanimously.**

### 3. Approve PHY Board Minutes November 16-17, 2023

**Rebecca Dean moved to approve the 11-16-2023 PHY board meeting minutes as submitted. Valerie Phelps seconded the motion. All in favor; none opposed. Motion passes unanimously.**

4. Ethics Reporting

PHY Board Chair Tina McLean asked all board members if there were any ethics issues they wished to declare. No board members reported any ethics issues at this meeting.

5. Public Comment

PHY Board Chair Tina McLean asked if any public members connected wished to give public comment.

Nicole Braxton, Adventist Medical Evangelism Network (AMEN) - Free clinics to be offered in Bethel and Anchorage in March, 2024 for underserved and underinsured members of the community. Ms. Braxton recapped her request currently before the Board for licensure exemption for Physical Therapists to staff these clinics.

Clark Johnson, pending licensure applicant. He is due to start 2/21/2024 providing rehab coverage 3x over next 6 months at Ancora Home Health Care.

6. Administrative Business

A. Year Recap (Presenters: Tina McLean, PT, DPT, ATC/L, CMTPTDN, GTS)

PHY Board Chair Tina McLean gave recounting of all board meetings as well as subcommittee and task force meetings held in 2023/2024. She believes this type of documentation will help document the work done for licensees as well as substantiate the requirement for an Executive Administrator position for the Physical Therapy/Occupational Therapy board.

**Rebecca Dean moved to include Year in Recap in Action Summaries in FY24 Annual Report and final strategic planning. Motion seconded by Lindsey Hill.**

Board discussed where in the annual report the action summaries should be included. The layout has changed from previous reports. Board to determine placement at drafting. **All in favor; none opposed. Motion passes unanimously.**

B. DPT Term Protection

Chair McLean brought up trademark infringement by Lifetime Inc. using DPT for their "dynamic personal trainers". APTA has distributed an issues brief regarding this topic. She would like the board to consider statute changes to address term protection on the use of DPT as Alaska statute is silent on the use of "DPT" by Doctors of Physical Therapy. Ms. McLean will forward the email she received and the APTA issues brief on the topic to all board members through staff.

C. Board Travel and Support

The board discussed travel and related support. The board shared their problems experienced with reservations, confusion on what is a deviation from the minimum business itinerary, and reimbursement delays and reconciliation efforts. Printed and video resources for board travel available on the state website were shared.

D. FSBPT 2024 Delegate Selection

The board discussed future representation needs for Federation of State Boards of Physical Therapy (FSBPT). 3 meetings scheduled in 2024. May 14-15, 2024 Regulatory Workshop - Arlington, VA; July 13-14, 2024 Leadership Issues Forum - Arlington, VA; and October 31-November 2 Annual Education Meeting - Cedar Rapids, IA.

**Enlow Walker moved to approve Rebecca Dean as the voting delegate for FSBPT; Valerie Phelps as the alternate delegate; and Sheri Ryan as the funded administrator. Lisa Radley seconded the motion. All in favor; none opposed. Motion passes unanimously.**

Rebecca Dean gave an overview of the recent activity as FSBPT delegate. Ms. Dean discussed issues/trends to be brought forward at July FSBPT meeting that are affecting the physical therapy community in Alaska.

Previously identified AK items:

- Professional competency/CE standards - inclusion of leadership/professional business CE
- Healthy practices guidelines - enhancement of our complaint intake process - fewer clicks with our website

National items identified:

- Strategic planning
- Standardizations with board actions (best practices especially in light of the PT Compact)
- Diversity, inclusion and belonging - social and professional diversity
- Substance abuse and sexual abuse in the practice work place
- Model practice act updates
- What it means for each board member to be a regulator
- Provider education and patient staff student education on the imbalance of power that occurs that results in issues in the physical therapy care
- Provider reentry process

- Workforce data development
- Using FSBPT Board assessment resource tool - Sunset audits - how do you substantiate board work

Informed Consent Task Force formed by FSBPT to research national trends and state practice acts to assess needs for protection and education (patient and provider) on responsibility of informed consent requirements. Rebecca Dean has been asked to serve as layperson/public member. Meetings have been held virtually and in-person meeting scheduled for April, 2024. Brief overview provided by Ms. Dean as to meetings to date.

**Enlow Walker moved to approve participation by Rebecca Dean on the FSBPT Informed Consent Task Force on behalf of the Alaska Physical Therapy and Occupational Therapy Board and for her travel April 21-22, 2024 to attend the in-person meeting at the FSBPT Informed Consent Task Force in Alexandria, VA. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

The board briefly discussed current industry standards of informed consent requirements and how they apply to considerations within draft dry needling regulations.

E. Board Correspondence

i. PT Scope Correspondence

PT Scope - Federal Motor Carrier Safety Administration DOT Exams - 02-13-2023

**Rebecca Dean moved to send the PT Scope of Practice work group response reviewed by the Department of Law to the Federal Motor Carrier Safety Administration (FMCSA) - 02-13-2023 as written. Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously.**

Response: Because the purpose of the FMCSA Medical Examination is to medically examine and identify diseases that would lead to road safety issues, disease diagnosis is an important part of the assessment. According to AS 08.84.190 (6), physical therapy specifically does not include “diagnosis of disease”. Therefore, the Alaska State Physical Therapy and Occupational Therapy Board considers the performance of

the FMCSA Medical Examination to be outside the scope of practice of a physical therapist. Source: [AK PT/OT Statutes and Regulations](#)

Scope of Practice PT - Wound Debridement - 12-07-2023 and Wound Debridement Regulations - 2-6-2024

Board discussed training obtained by therapists for wound debridement. Both chemical and sharps wound debridement are an entry level practice; basic (fundamental) skill for both PT and OT. The CPT codes cited are not "owned" by any healthcare provider. Ability to use the codes listed is defined by scope of practice for a licensee. The ability to perform for a physical therapist is within "physical measures" of 08.84.190(6). This board response letter equals a "board opinion" of statutory language as wound debridement is not defined within regulation.

**Lisa Radley moved to send a letter that states chemical and sharps debridement and wound care are part of our statutory scope of practice based on 08.84.190(6). Motion seconded by Lindsey Hill. All in favor; none opposed. Motion passes unanimously.** Staff to include usual phrasing that board does not regulate coding and billing/insurance practices.

Litz Regis left the meeting at 10:23 am.

COTA and PTA Discharge and Documentation requirements - 12-19-2023

The board discussed practical applications of discharge summaries within skilled nursing facilities/long term care facilities and how they relate to 08.84.190(4) OTA definition | 12 AAC 54.810 Supervision of OTA and 08.84.190(8) PTA definition | 12 AAC 54.510 Supervision of PTA. PT/OT responsible for assessment of goals and determination to terminate treatment. Determination = evaluation\assessment of discharge which is outside the scope of COTA/PTA per scope definition.

Response: Determination to discharge can not be done by a COTA/PTA. COTA/PTA can gather data information, write the summary, and create the document. The PT/OT has to make the final document for assessment of goals and determination to terminate treatment. We would advise documenting the collaboration and best practice, co-signed by both. 08.84.190(4) OTA definition | 12 AAC 54.810 Supervision of OTA and 08.84.190(8) PTA definition | 12 AAC 54.510 Supervision of PTA.

**Action Items:**

1. Staff to send response letter as discussed for PT Scope - FMCSA DOT Exams - 02-13-2023.
2. Staff to send response letter as discussed for Scope of Practice PT - Wound Debridement - 12-07-2023 and Wound Debridement Regulations - 2-6-2024
3. Staff to send response letter as discussed for COTA and PTA Discharge and Documentation Requirements - 12-19-2023

**Break** 10:40 am - recording stopped. Call to order at 10:57 am - recording started. Roll Call taken by Chair Tina McLean after break:

Board members present: Rebecca Dean, Lindsey Hill, Tina McLean, Valerie Phelps, Lisa Radley, and Enlow Walker. Bryan Murphy, absent.

Staff present: Reid Bowman, Program Coordinator II; Shane Bannarbie, Program Coordinator I; Sheri Ryan, Licensing Examiner

Guest: Kristen Neville, AOTA Manager State Affairs

ii. OT Scope Correspondence

OT - Supervision Non-Licensed Personnel in School Based Practice - 01-02-2024

Board discussed 08.84.150 (6) (A-C) exceptions from licensure and 12 AAC 54.815(e) Supervision of non-licensed personnel. Teacher and teacher's aide not required to have a license as OT/OTA per 08.84.150(6). Employer required to maintain direct supervision. Employer = school district.

OT Scope of Practice Clarification on Feeding vs. SLP - 11-20-2023

Board discussed statutory reference where feeding could be found in occupational therapy scope of practice - 08.84.190(3)(A) Develop living skills and development skills; (B) sensory integrative functioning; (C) enhancing functional performance.

12 AAC 54.800 Occupational Therapy Standards - Principles of Practice - Principle 1 Patient/Client Safety and Well Being- #3 Provide services within practitioner's level of competence as demonstrated by education, training and professional experience. You are ethically bound to refer if you feel that these services are outside your training or comfort level.

**Action Items:**

1. Staff to send response letter as discussed for OT - Supervision Non-Licensed Personnel in School Based Practice - 01-02-2024
2. Staff to send response letter as discussed for OT Scope of Practice Clarification on Feeding vs. SLP - 11-20-2023

iii. Education + Continuing Education Correspondence

Human Trafficking CE - 11-03-2023

Approved response:

There is no specific requirement for Human Trafficking continuing education in Alaska. If CE is recognized by an entity in 12 AAC 54.420 and 12 AAC 54.715 and relates to the practice of occupational therapy as defined in AS 08.84.190(3) and physical therapy as defined in AS 08.84.190(6) it is approved in Alaska. Please refer to [Alaska Occupational Therapy Association](#) (AKOTA) and [Alaska Physical Therapy Association](#) (APTA Alaska) for potential advertising opportunities as the Alaska Board of Physical Therapy and Occupational Therapy does not provide continuing education advertising on our website.

New ACOTE Accreditations Standards Adopted - informational only. No action needed.

**Action Items:**

1. Staff to send response letter as discussed for Human Trafficking CE - 11-03-2023

iv. General Correspondence

Vital Assessment Survey Post-COVID-19 - 01-22-2024

Refer to APTA-AK. Provide information available online for licensee list through state website. Emails are not public information.

AKOTA OT email list request - 1-20-2024

Provide information available online for licensee list through state website. Emails are not public information and cannot be shared.

Waiver of PT Licensing Request - 01-31-2024

There is no exception in statute that would allow a physical therapist or occupational therapist to bypass application for licensure in Alaska in 08.84.150. No courtesy license available 08.84. Physical therapy has a limited permit application available for visiting, non-resident therapist

that would allow the therapists to practice for up to 120-continuous days in Alaska.

**Action Items:**

1. Staff to send response letter as discussed for Vital Assessment Survey Post-COVID-19 - 01-22-2024
2. Staff to send response letter as discussed for AKOTA OT email list request - 1-20-2024
3. Staff to send response letter as discussed for Waiver of PT Licensing Request - 01-31-2024

F. Tabled Applications

- Litz Regis - Application by Examination
- Justin Thomas - Application by Credentials
- Clark Johnson - Application by Credentials

PHY - Litz Regis - 215829 - PTA - Application by Examination

Tabled application. Applicant has taken and failed the NPTE 6 times in other jurisdictions - 5 in Florida and 1 in Arkansas. He did apply in Alabama but his request to move forward with NPTE was not approved. He has exceeded the 6 lifetime maximum attempts with FSBPT to take the National Physical Therapy Examination. Mr. Regis joined the board meeting at 11:30 am. Board discussed possible obstacles with the applicant that he incurred previously and strategies he was utilizing to assist with his future success. He is currently taking a review course for extra learning to prepare in addition to a test-taking strategies course. He is participating in a PT online elevation course - one on one tutor. He is currently working full-time as a physical therapy tech but will be working part-time in the two months prior to taking the test to increase his study time in preparation.

**Valerie Phelps moved to approve Litz Regis #215829 request to test for the National Physical Therapy Examination (NPTE) with FSBPT. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.**

PHY - Justin Thomas - 219802 - PT - Application by Credentials + PHY - Clark Johnson - 148678 - PT - Application by Credentials

Tabled applications - Board discussed trend for applicants with lapsed licenses less than two years being given the choice to reinstate or apply for a new initial license by credentials. Applicants choosing to apply for new initial license versus



reinstating because they do not meet the renewal/reinstatement requirements as they have not completed their continuing education within the Alaska "concluding licensing period". Discussion of language within 12 AAC 54.950 and whether requirement to reinstate is mandatory or optional. The board discussed whether clarification was needed within regulations as a future regulations project. A clarification request has been made with the Department of Law and is pending. Board discussed how current regulation allows NBCOT active OTR/COTA certification to replace need for CE verification for OTs and OTAs. Therapists licensed in another state have completed CE, but possibly just not within the Alaska required timeframe. Board discussed how the Massage board resolved a similar situation by removing regulatory language "in the concluding licensing period" and replaced with "completed the continuing education before the time of application" to ensure competency before they applied. This would assist licensees who might have an oversight so it didn't end up being an investigation and/or licensing action.

**Rebecca Dean moved to approve the initial application for Clark Johnson #148678. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

**Rebecca Dean moved to approve the initial application for Justin Thomas #219802. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

7. Lunch

Lunch break taken from 12:15 pm to 1:00 pm. Recording stopped.

Call to Order: 1:00 pm. Recording resumed.

Roll Call: Board members present: Enlow Walker, Lisa Radley, Valerie Phelps, Tina McLean, Lindsey Hill, and Rebecca Dean. Bryan Murphy, absent.

Staff present: Shane Bannarbie, Program Coordinator I; Sheri Ryan, Licensing Examiner

Guest: Cary Moore, President AKOTA

8. Association Updates

A. AKOTA

AKOTA Update - Cary Moore, President with the Alaska Occupational Therapy Association, provided an update regarding Compact Licensure bill work. They hope to introduce in 2025 legislative session and are working with their lobbyist., David Parrish on gaining a sponsor for the bill. AKOTA is working with their

national association AOTA regarding the FBI level background requirement. They want the OT compact bill to be as similar to the PT bill as possible to facilitate the bill to move through the legislative process quickly. AKOTA considers the scope of practice changes previously worked on to be a long term 5+ year project with breadth of the project and impact it will have across both physical therapy and occupational therapy.

New officers elected at AKOTA. Full board now - all 4 executive positions as well as all 3 director positions have been filled. Cary Moore will be transition out after 2 years in leadership. Bree Oswald, OT will be new state association president. AKOTA's Spring Conference will be at Providence Hospital in Anchorage - speaker call has gone out for OTs for expertise in mental and behavioral health. Their fall conference is their full conference and they are looking to partner with the Speech association in hosting a national speaker.

B. APTA-AK (Presenters: LeeAnne Carrothers PT, PhD - State/Federal Government Affairs Liaison, APTA Alaska)

APTA-Alaska Update - LeeAnne Carrothers, PT, PhD - State and Government Affairs Liaison provided an update. Legislative efforts have focused this year around the PT Compact. Moving through with the SLP compact bill. PT Compact bill was voted on in Senate but ran out of time in House in the first legislative session for a vote to be held. APTA-Alaska has been reassured that it should make it through this year as non-controversial bill. Legislative language for the bill provided by the Federation (FSBPT). Association is looking at seeking potential regulatory change consistent with what other states have done - allowing physical therapists to order imaging. The board discussed their letter of support written for SB74/HB137 - PT Compact Licensure and preference for SB74 substitute version exempting currently licensed individuals from fingerprinting and background report and the board's request to extend the effective date to July, 2025 to allow for the regulation project and technical updates needed to implement the bill. The board discussed the recent trend of board correspondence received related to clinical decision making and possible educational efforts to assist in cooperation with APTA-AK.

Committees are made up of board members only. Public comment would be available at committee meetings. Work groups can invite one or more members of the public/industry to participate in the work group meeting. Meetings and agendas are publicly noticed through the state system and posted on the board's website.

Board requested that public board packets be posted on the website moving forward to assist APTA-Alaska with board correspondence educational efforts.

Ms. Carrothers is back in the role as interim program director for the CAPTE approved PTA program at UAA. UAA is in their 10th class now. PTA program runs Jan-Dec. Plan is to have another faculty member trained and CAPTE approved as program director by Feb. 2025.

**Action Items:**

1. Jurisprudence Questionnaire to be sent to Continuing Education/Competency Committee to update.
2. Public packets to be posted as best practice for board meetings moving forward.

9. Strategic Planning (Presenters: Sara Chambers, Boards and Regulation Advisor)

The board worked with Boards and Regulations Advisor Sara Chambers on a high level strategic planning session. Strategic plan should be included in every board packet as a reference and recommended to build as a quarterly agenda item for evaluation/assess goals, objectives and outcomes. The board worked collaboratively utilizing the Strategic Planning Worksheet to identify current goals, objectives and assign tasks to accomplish.

Break taken 3:18 pm. Recording stopped.

Call to order at 3:28 pm. Recording resumed. Roll call taken:

Board members present: Rebecca Dean, Lindsey Hill, Tina McLean, Valerie Phelps, Lisa Radley, Enlow Walker. Bryan Murphy absent.

Staff members present: Sara Chambers, Boards and Regulations Advisor; Reid Bowman, Program Coordinator II; Shane Bannarbie, Program Coordinator I; Sheri Ryan, Licensing Examiner

The board resumed work their indepth work on strategic planning. Further work to be continued on the Strategic Planning worksheet on Friday, February 16, 2024.

**Action Items:**

- Staff to clean up Strategic Planning Worksheet and post in OnBoard for review on Friday, February 16, 2024.
- Staff to post FSBPT guidelines to OnBoard for review on Friday, February, February 16, 2024.

10. Meeting Summary - Action Items

**Action Items:**

1. Staff will send response letter as discussed for PT Scope - FMCSA DOT Exams - 02-13-2023.
2. Staff will send response letter as discussed for Scope of Practice PT - Wound Debridement - 12-07-2023
3. Staff will send response letter as discussed for Wound Debridement Regulations - 2-6-2024
4. Staff will send response letter as discussed for COTA and PTA Discharge and Documentation Requirements - 12-19-2023
5. Staff will send response letter as discussed for OT - Supervision Non-Licensed Personnel in School Based Practice - 01-02-2024
6. Staff will send response letter as discussed for OT Scope of Practice Clarification on Feeding vs. SLP - 11-20-2023
7. Staff will send response letter as discussed for Human Trafficking CE - 11-03-2023
8. Staff will send response letter as discussed for Vital Assessment Survey Post-COVID-19 - 01-22-2024
9. Staff will send response letter as discussed for AKOTA OT email list request - 1-20-2024
10. Staff will send response letter as discussed for Waiver of PT Licensing Request - 01-31-2024
11. Staff will file appeal paperwork with FSBPT for Litz Regis #215829 to take the NPTE.
12. Staff will complete approval of initial application for Clark Johnson #148678.
13. Staff will complete approval of initial application for Justin Thomas #219802.
14. Jurisprudence Questionnaire will be referred to the Continuing Education/Competency Committee to update.
15. Public board packets will be posted as best practice for board meetings moving forward.
16. Staff will clean up Strategic Planning Worksheet and post in OnBoard for review on Friday, February 16, 2024.
17. Staff will post FSBPT guidelines to OnBoard for review on Friday, February, February 16, 2024.
18. Staff will amend Day 2 of board agenda with items held over from Day 1 and post in OnBoard.

11. Adjourn

**Valerie Phelps moved to adjourn the meeting for the day. Rebecca Dean seconded the motion. All in favor; none opposed. Motion passes unanimously.**

The Physical Therapy and Occupational Therapy Board meeting was adjourned at 4:26 pm on Thursday, February 15, 2024. Meeting resumed on Friday, February 16, 2024 at 9:00 am.

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# Alaska Board of Physical Therapy and Occupational Therapy Meeting

## Day 2 - February 16, 2024 Minutes

Alaska Division of Corporations, Business and Professional Licensing  
Friday, February 16, 2024 at 9:00 AM AKST  
@ Robert B. Atwood Bldg., 550 W. 7th Ave., Ste. 1550, Anchorage, AK 99501 + Zoom

***These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.***

### 1. Call to Order/Roll Call

- i. By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was called to order at 8:56 am AKDT on Friday, February 16, 2024. Roll Call was done by Chair, Tina McLean.
- ii. Board members present: Valerie Phelps, Lisa Radley, Lindsey Hill, Enlow Walker, Secretary; Rebecca Dean, and Tina McLean, Chair.
- iii. Absent: Bryan Murphy, excused.
- iv. Quorum exists, 6 of 7 appointed board members present. Bryan Murphy has resigned from the Physical Therapy and Occupational Therapy Board effective 02/14/2024. His vacant board member seat can be filled by an Occupational Therapist or Occupational Therapy Assistant
- v. Staff present: Reid Bowman, Program Coordinator 2; Shane Bannarbie, Program Coordinator 1; Sheri Ryan, Occupational Licensing Examiner; Jennifer Summers, Senior Investigator; Jasmin Bautista, Investigator 3; Melissa Dumas, Administrative Operations Manager
- vi. Guest present: (connected remotely) Kristen Neville, Manager State Affairs, American Occupational Therapy Association (AOTA).

### 2. Agenda

The agenda for Day 2 was updated for agenda items held over from Day 1 - Committee Reports. Strategic Plan Review was also added as an agenda item.

**Rebecca Dean moved to approve the amended agenda for Day 2 of the meeting. Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously.**

### 3. Strategic Plan Review

Additional work done by the board on the PHY Strategic Planning Worksheet taking into consideration mission statement, current work in progress, and future goals. Board discussed broadening needs for education and communication to the public and licensees through updates to the PHY website to promote engagement.

#### 4. Committee Reports

Scope of Practices Committee report provided by Enlow Walker. Members: Tina McLean, Enlow Walker, and Lindsey Hill. Committee met 01/08/2024 + 02/12/2024. Next meeting scheduled for 03/11/2024. Committee recommended responses for two pieces of board correspondence received. Board discussed responses as listed below:

- DPT Students Dry Needling 10-17-2023 Response Recommendation

**Valerie Phelps moved to proceed with sending the DPT Students Dry Needling 10-17-2023 response letter as recommended by the Scope of Practices Committee. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.**

- APTA-AK Diagnostic Imaging by Physical Therapists - 11-13-2023 Response Recommendation

Discussion by the board regarding the recommended response. Change "References" at bottom of the letter to "Resources".

**Lisa Radley moved to adopt the letter for APTA-AK Diagnostic Imaging by Physical Therapists – 11-13-2023 as recommended by the Scope of Practices Committee with the change as discussed. Motion seconded by Rebecca Dean. All in favor; none opposed. Motion passes unanimously.**

Committee recommended a regulations project be adopted to develop language defining supervision of students during their internship while in placement in the community. The board discussed the potential need.

**Enlow Walker moved to establish a regulation project for physical therapy and occupational therapy for supervision of students (PT/PTA and OT/OTA) during clinical internship - pre-graduation- aka fieldwork. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.** Item to be referred to Regulations Committee to develop draft regulatory language.

### Action Items:

1. Staff to send response letter as discussed for DPT Students Dry Needling 10-17-2023.
2. Staff to send response letter as discussed for APTA-AK Diagnostic Imaging by Physical Therapists - 11-13-2023
3. Regulations Project adopted to develop regulation language for supervision of students (PT/PTA and OT/OTA) during clinical internship - pre-graduation- also known as "fieldwork" to be referred to Regulations Committee.

Legislative Committee report given by Tina McLean. Members: Tina McLean and Enlow Walker. Committee met 01/11/2024. Next scheduled meeting 02/22/2024. Committee recommended submitting a letter of support for HB 314/SB 225 which would transfer investigative costs from each individual board to the division as a whole. Board is in agreement with the investigative cost line item being removed from individual boards and distributed more equitably across all boards large and small.

**Enlow Walker moved to approve Letter of Support of HB 314/SB 225 as written. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

The committee reported the need to modify designated board members to testify for SB74/HB137 and HB85/SB83 as member Bryan Murphy has resigned from the board. Current board members designated to testify on behalf of the Physical Therapy and Occupational Therapy board per previous vote are Bryan Murphy, Tina McLean and Rebecca Dean.

**Rebecca Dean moved to replace Bryan Murphy with Enlow Walker as a designated member of the board able to testify on behalf of SB74/HB137 and HB85/SB83. Motion seconded by Valerie Phelps. All in favor; none opposed. Motion passes unanimously.**

### Action Item:

- Staff to file Letter of Support as discussed for HB 314/SB 225.

Regulations Committee report given by Valerie Phelps. Committee Members: Valerie Phelps and Lindsey Hill; Alternate = Rebecca Dean. Committee has not met yet in 2024. Next scheduled meeting 03/18/2024. Referred items include:

- OT/PT Dry Needling



- Supervision of Students
- FE internship elimination

Continuing Competency/Education Committee report. Committee Members: Rebecca Dean and Valerie Phelps; Alternate = Tina McLean and Lindsey Hill. Committee has not met yet in 2024. Next scheduled meeting 05/02/2024.

Break - recording paused 10:28 am. Call to order 10:36 am. Recording resumed. Roll call: Board members present: Valerie Phelps, Lindsey Hill, Lisa Radley, Enlow Walker, Secretary; Rebecca Dean, Tina McLean, Chair.

Staff present: Reid Bowman, Program Coordinator II; Shane Bannarbie, Program Coordinate I; Sheri Ryan, Licensing Examiner; Jennifer Summers, Investigative Supervisor; Jasmin Bautista, Investigator 3

5. Investigative Report

Jasmin Bautista, Investigator 3 provided a summary for the period of November 03, 2023 thru February 02, 2024 of three open and two closed cases. No cases to present to the board.

**In accordance with the provision of Alaska Statute 44.62.310 (c), I, Enlow Walker, move to go into executive session for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff is requested to remain during the session. Motion seconded by Lisa Radley. All in favor; none opposed. Motion to move into executive session passes unanimously.**

The board is off the record at 10:41 am.

Call to Order at 10:52 am. Recording resumed. Roll call: Rebecca Dean, Lindsey Hill, Tina McLean, Valerie Phelps, Lisa Radley, Enlow Walker. Bryan Murphy, absent. Quorum exists - 6 of 7 appointed board members present.

6. Disciplinary Matrix Development Project

The board reviewed FSBPT model guidelines (2018 + 2022) and 2021 Ohio disciplinary matrix template.

**Rebecca Dean moved to adopt the Ohio state template for Disciplinary Action Matrix and modify for Alaska use. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

**Action Items:**

4. Staff will send copy of Ohio Disciplinary Action Matrix to Jenni Summers.
  5. Jenni Summers will pull a list for past 5 years of cases related to physical therapy and occupational therapy for board review.
  6. Rebecca Dean to reach out to Ohio PT/OT Executive Administrator to see how Disciplinary Action matrix is working in their state.
  7. Alaska Transitional Manual page 20 provides additional resources - basis for disciplinary action - available in OnBoard Resources folder.
  8. Staff will locate previous presentation from Josh Hardy, Investigator to share with board members. (Fall meeting October 1, 2020?).
7. Recognition
- Board member Lisa Radley was recognized for her service on the Physical Therapy and Occupational Therapy Board. Today was Ms. Radley's last meeting as a board member. Chair McLean presented her with a certificate for her four years of service from March 1, 2020 through March 1, 2024.
8. Annual Report - 2024
- Annual Report for 2024 has a new format. Report covers state fiscal year July 1, 2023 through June 30, 2024. Board has to have completed the draft and approved by June 1 so it can be submitted to the Publications team. PHY FY2023 Report - <https://www.commerce.alaska.gov/web/Portals/5/pub/PHYAnnualReport2023.pdf>
3. Accomplishments = Board compiled accomplishments section of the annual report during the meeting.
  4. Activities assigned to Tina McLean to complete and email to staff
  5. Needs assigned to Valerie Phelps to complete and email to staff
- Action Items:**
2. Staff will resend November Plan of Action Items to Chair, Tina McLean.
  3. 2024 Annual report - Tina McLean to complete Activities section and email to staff
  4. 2024 Annual report - Valerie Phelps to complete Needs section and email to staff
  5. Staff will send FSBPT conference dates and NBCOT event dates to Valerie Phelps for Needs section completion.
9. Lunch
- Lunch break taken for lunch at 12:00 pm Recording stopped. Call to Order at 1:00 pm. Recording resumed. Roll call taken:

Board members present: Rebecca Dean, Lindsey Hill, Tina McLean, Valerie Phelps, Lisa Radley, Enlow Walker.

Bryan Murphy, present.

Staff present: Shane Bannarbie, Program Coordinator I; Sheri Ryan, Licensing Examiner; Melissa Dumas, Administrative Operations Manager; Alison Osborne, Regulations Specialist 2

10. Division Update

Melissa Dumas, Administrative Operations Manager provided a review of FY24 Q2.

Division reports are available online --

><https://www.commerce.alaska.gov/web/cbpl/DivisionReports.aspx>. PHY represents 2.38% of the division's professional licensing budget and has seen a 25% growth from 2019 to 2023. License increase +416 licenses issued from 2022 to 2023. Ms. Dumas assisted the board with information on potential request for a designated board Executive Administrator and answered questions on board travel requests and reimbursement. Ms. Dumas also provided background regarding the proposal of HB 314/SB 225 for changing how investigative costs are budgeted for.

11. Alaska Workforce Data Project for the PT/OT Profession

The board discussed possible implementation of the Cross Profession Minimum Data Set (CPMDS) - list of 18 questions designed to capture the minimum necessary information (demographic, education, employment and practice characteristics) to support workforce assessment and inform policy and planning and the supplemental list of 6 questions designed to capture additional information on the workforce which may be helpful to states/jurisdictions suggested by FSBPT. Grant funding is available for this type of project from FSBPT. Statutory authority would be needed to receive reimbursement. The board discussed how this project might fit into recruitment for PT/OT within their strategic planning. No motion to adopt project at this time. Strategic plan updated to add Goal 5.C - Recruitment and retention of qualified work force - survey licensed PT/PTA and OT/OTA to gather workforce data pertinent to recruitment and retention.

12. Regulations Projects

Alison Osborne, Regulations Specialist 2 joined the meeting virtually to assist with open Regulations Projects. OT Dry Needling regulations language has been drafted and Opening Questionnaire has been completed. The board reviewed the evolution of the draft language of dry needling for occupational therapy which mirrors the draft language written for physical therapy previously approved except for the educational authority

requirement. The board discussed the educational authority for occupational therapy. Informed consent requirements - written versus oral - discussed.

**Lindsey Hill moved to adopt the occupational therapy dry needling regulation. Lindsey Hill amended her motion to approve the proposed language for public comment subject to approval by the Department of Law on occupational therapy dry needling. Amended motion seconded by Enlow Walker. All in favor; none opposed. Amended motion passes unanimously.**

HB99 regulations have been adopted. They have been sent to the Lt. Governor for signature. We should receive an email soon with an effective date.

Elimination of 6-month internship for Foreign-Educated Applicants - required under 08.84.032(2) and defined in 12 AAC 54.040 + 54.110. 08.84.030(2) statute doesn't require internship to be post-graduate. Internship requirement in 12 AAC 54.040 and 12 AAC 54.110 can be defined as fieldwork (pre-graduate training) and performed as part of clinical education element - also known as supervised fieldwork for foreign-educated applicants as it relates to this regulation sections only. Ms. Osborne expressed caution - internship is also used to define post-graduate training in other areas of physical and occupational therapy regulations. Refer to Regulations Committee and invite Alison Osborne, Regulations Specialist to attend.

12 AAC 54.600(3) - Ambiguity exists in language for occupational therapy applicants for licensure. Easy fix - add IF you hold a license in another jurisdiction, you must submit.

**Rebecca Dean moved to adopt a regulations project to clean up the language in 12 AAC 54.600(3) that clarifies ambiguity of holding license in another jurisdiction. Motion seconded by Lisa Radley. All in favor; none opposed. Motion passes unanimously.**

Regulations Project referred to Regulations Committee to address. Suggestion to split out Apply by Examination and Apply by Credentials similar to regulations for physical therapy.

12 AAC 54.100(5)(C), 54.600(6)(C), 12 AAC 54.950(e) - 150-hour internship requirement - No exemption exists from licensure under 08.84.150 for practicing physical therapy or occupational therapy for someone performing a 150-hour internship under the regulations in 12 AAC 54.100(5)(c), 54.600(6)(C). Under statute 08.84.150(b)(1) does have the element "or in a supervised fieldwork program" that could be utilized to define the 150-hour internship in regulation "for this section only of 12 AAC 54.600(6)(C)" to

Equity does stand in to ameliorate any instances where the board provided an option however that option does not exist due to the way the regulation and the statutes have been written. A regulations project needs to be adopted to correct for the future for occupational therapy with a statute change for physical therapy.

**Rebecca Dean moved the board is acting in good faith to clarify the intent for applicants to complete the 150-hour internship requirement in 12 AAC 54.100(5)(C), 12 AAC 54.600(6)(C) and 12 AAC 54.950(e) subject to completion of the regulations project to correct. Motion seconded by Valerie Phelps. All in favor; none opposed. Motion passes unanimously.**

**Valerie Phelps moved to create a regulations project around clarifying lapsed license for occupational therapists and the 150-hour internships requirement in 12 AAC 54.600((6)(C) and 12 AAC 54.950(e). Motion seconded by Enlow Walker. All in favor; none opposed. Motion passes unanimously. Regulations project moved to Regulations Committee to address.**

**Action Items:**

- Staff will send updated OT Dry Needling Opening Questionnaire with approval motion to Regulations Specialist.
- Regulations project to clarify ambiguity in 12 AAC 54.600(3) to be referred to Regulations Committee.
- Regulations project to address 150-hr internship requirement in 12 AAC 54.100(5)(C), 12 AAC 600(6)(C) and 12 AAC 54.950(e) to be referred to Regulations Committee.

13. FY2024 Annual Report - continued

Break taken. Recording stopped 3:24 pm. Call to order at 3:35 pm. Recording resumed at 3:35 pm. Roll call taken:

Board members present: Rebecca Dean, Enlow Walker, Lindsey Hill, Lindsey Hill, Valerie Phelps, Tina McLean. Bryan Murphy, absent.

Compiled Annual Report 2024 draft with Accomplishments, Activities and Needs data completed over the lunch hour. Some data (licenses issues, etc.) to be entered as of date of approval. Report covers state fiscal year July 1, 2023 through June 30, 2024.

- Accomplishments = Board compiled accomplishments section of the annual report.
- Activities section assigned to Tina McLean to complete and email to staff
- Needs section assigned to Valerie Phelps to complete and email to staff
- Send via email to board for suggestions to staff

- Deadline for final draft review back to staff by 04/18/2024 - track changes to be utilized
- Approval via OnBoard due by June 1

The board completed additional work on the Strategic Planning Worksheet for the remainder of the meeting.

**Action Items:**

Staff to send updated Strategic Plan to all board members.

14. Meeting Summary - Action Items

**Action Items:**

1. Staff will send response letter as discussed for DPT Students Dry Needling 10-17-2023.
2. Staff will send response letter as discussed for APTA-AK Diagnostic Imaging by Physical Therapists - 11-13-2023.
3. Regulations Project adopted to develop regulation language for supervision of students (PT/PTA and OT/OTA) during clinical internship - pre-graduation- also known as "fieldwork" will be referred to Regulations Committee.
4. Staff will file Letter of Support as discussed for HB 314/SB 225.
5. Staff will send copy of Ohio Disciplinary Action Matrix to Jenni Summers.
6. Jenni Summers will pull a list for past 5 years of cases related to physical therapy and occupational therapy for board review.
7. Rebecca Dean will reach out to Ohio PT/OT Executive Administrator to see how Disciplinary Action matrix is working in their state.
8. Staff will locate previous presentation from Josh Hardy, Investigator to share with board members. (Fall meeting October 1, 2020).
9. Staff will send updated OT Dry Needling Opening Questionnaire with approval motion to Regulations Specialist.
10. Draft FY2024 Annual report will be sent to board members for input. Board members to returned to staff by 4/18/2024 utilizing track changes.
11. Regulations project to clarify ambiguity in 12 AAC 54.600(3) will be referred to Regulations Committee.
12. Regulations project to address 150-hr internship requirement in 12 AAC 54.100(5)(C), 12 AAC 600(6)(C) and 12 AAC 54.950(e) will be referred to Regulations Committee.
13. Staff will send updated Strategic Plan to entire board.
14. Next scheduled board meeting rescheduled from September 19-20, 2024 to October 24-25, 2024. Staff will correct public noticing.

15. Adjourn

Rebecca Dean requested to be excused from attendance from September, 2024 scheduled board meeting as she has a conflict. Board chair Tina McLean excused Ms. Dean from attendance. The board discussed rescheduling the September meeting. September 19-20, 2024 meeting rescheduled by consensus to October 24-25, 2024.

**Enlow Walker moved to adjourn the meeting. Rebecca Dean seconded the motion. All in favor; none opposed. Motion passes unanimously.**

The Physical Therapy and Occupational Therapy Board meeting was adjourned at 4:22 pm on Friday, February 16, 2024. Next meeting now scheduled for October 24-25, 2024 in-person at Atwood Building in Anchorage, Alaska.

DRAFT