

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY
3 AND ECONOMIC DEVELOPMENT
4

5 March 26, 2020
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7 By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6,
8 a scheduled meeting of the State Physical Therapy and Occupational Therapy Board was
9 held via Videoconference
10 333 Willoughby Ave, 9th Floor, Conference Room A, Juneau AK
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12
13 **Thursday March 26, 2020**
14

15 **Agenda Item 1 – Call meeting to order/roll call**
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17 Jennifer Carlson, Physical Therapist and Chair of the State Physical Therapy and Occupational Therapy Board
18 called the meeting to order at 9:04 a.m. Roll call, those present, constituting a quorum of the Board, were:
19

20 Keith Poorbaugh, Physical Therapist
21 Enlow Walker, Physician, Secretary
22 Lisa Radley, Physical Therapist
23 Robert Calhoon, Occupational Therapist
24 Jennifer Carlson, Physical Therapist, Chair
25

26 Staff Present:

27 Sara Chambers, Director
28 Sher Zinn, Regulations Specialist
29 Connie Petz, Licensing Examiner
30

31 Public: No public attended this meeting.
32

33 This meeting was public noticed in the Anchorage Daily News and the Online Public Notice on February 13, 2020.
34

35 The Board welcomed new board member Lisa Radley, physical therapist, appointed March 1, 2020.
36

37 For the record, board members are appointed for a four-year term and may seek reappointment for one
38 additional term. However, if a board member resigns prior to the end of their four-year term, the incoming
39 board member who replaces them is only appointed to the end of the vacated term. They may then only
40 request reappointment for one additional term.
41

42 It benefits the board to have varying dates of expiration to avoid loss of experienced members who have
43 historical knowledge of board business. Board members should contact Boards and Commissions (B&C) the fall

44 prior to the date their current term would be ending. They may seek reappointment or identify they will not be
45 continuing beyond their term on the board. This allows B&C time to seek new board members and avoid
46 vacancies on the board.

47

48 Staff requested the board consider voting for new chair or secretary with effective dates at least 3 to 6 months
49 prior to an outgoing board member to allow for transition time.

50

51 **Agenda Item 2 – Consent Agenda**

52

53 Ms. Carlson confirmed all board members read the October 2019 and January 2020 final minutes.

54

55 **ON A MOTION BY POORBAUGH, SECONDED BY CALHOON, TO APPROVE THE CONSENT AGENDA**
56 **WHICH INCLUDES: OCTOBER 3-4, 2019 MEETING MINUTES AS FINAL AND JANUARY 7, 2020**
57 **TELECONFERENCE MINUTES AS FINAL. ALL IN FAVOR, NO NAYS.**

58

59 Ms. Carlson signed both the October 2019 and January 2020 final minutes and will forward to staff.

60

61 TASK: Staff will publish final minutes to the website.

62

63 **Agenda Item 3 – Review/Approve Agenda**

64

65 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE THE AGENDA AS DRAFTED. ALL**
66 **IN FAVOR, NO NAYS. MOTION PASSED.**

67

68 **Agenda Item 4 – Ethics Reporting**

69

70 Board members Radley, Calhoon, Walker, and staff Petz all stated they had no ethical situations to report.

71

72 Mr. Poorbaugh disclosed he had contacted the office of Dr. Anne Zink, Chief Medical Officer, State of Alaska and
73 spoke with staff Bonnie Bailey from that office. He had also contacted Justin Moore of American Physical
74 Therapy Associations (APTA) and Alec Kay of Alaska Physical Therapy Association (AKPTA). All contacts were
75 from him as a private practice owner and seeking understanding of the state health mandates and allowed
76 practice. He stressed to each of them that although he is on the Alaska Physical Therapy and Occupational
77 Therapy Board, he was contacting them for personal reasons, not as a representative of the board.

78

79 Ms. Carlson disclosed she had received telephone calls about COVID and directed them to keep an eye on the
80 states COVID website. She also said one of her personal friends had applied for the public member position on
81 the board but that her friend had not heard from B&C.

82

83 Staff reminded the board they should always direct anyone who contacts them about board business to her and
84 to not engage in conversation to avoid ex-parte communication. Members should not vote on any applicant who
85 they know personally or may be hiring for their practice to avoid any conflicts of interest.

86

87 **Agenda Item 5 – Old Business/Tasks**

88

89 For the record, no board members or staff will be attending the National Board of Certification of Occupational
90 Therapy annual meeting this May 2020. It may not be any conferences this year due to the health crisis.

91
92 Prior tasks not submitted by outgoing board members were the letter to Foreign Academic Credentialing Tools
93 and Services (FACTS) regarding the request that the board approve them to use the course work tool (CWT) and
94 a letter to Sara Chambers regarding board meeting efficiencies.

95
96 TASKS: Ms. Carlson will complete the letter for Ms. Chambers and forward to staff to submit. Staff will inform
97 FACTS that the board only approves credentialing from three agencies; International Consultants of Delaware
98 (ICD), Foreign Credentialing Commission on Physical Therapy (FCCPT), and International Educations Research
99 Foundation (IERF).

100
101 **Agenda Item 6 – Investigative Report**

102
103 The investigator will share a full investigative training during the Fall 2020 board meeting. In the meantime, any
104 new board member who is called on for case review who has not been trained will receive an individual training.
105 Staff reported Ms. Leslie Adrian of the FSBPT was unable to present on the Model Board Action Guidelines
106 (Disciplinary Action Matrix) at this meeting. She has agreed to put the October 1, 2020 meeting on her calendar.

107
108 Staff Petz read the investigative report. The following information was compiled as an investigative report to the
109 Board for the period of December 28, 2019 thru March 06, 2020; this report includes cases, complaints, and
110 intake matters handled since the last report.

111
112 Investigators during this period, opened two cases, one unethical conduct, and one violation of licensing
113 regulation. Closed two cases for unprofessional conduct due to incomplete complaints and closed one for
114 unethical conduct for lack of jurisdiction.

115
116 Matters opened by the paralegal in Juneau, regarding continuing education audits and license action resulting
117 from those matters, are not covered in this report.

118
119 Staff explained when a person files a complaint, if they do not respond or follow through with the complaint
120 process, the case is closed as incomplete. The unprofessional conduct complaint that was closed for lack of
121 jurisdiction would be because the physical therapy and occupational therapy law did not apply to the complaint,
122 meaning they lacked jurisdiction over the reported complaint.

123
124 **Agenda Item 7 – Paralegal Report**

125
126 The board had three consent agreements and determined they would review them in executive session.

127
128 **ON A MOTION BY CALHOON, SECONDED BY WALKER, TO DISCUSS CONSENT AGREEMENTS IN**
129 **EXECUTIVE SESSION: THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY IS**
130 **RESOLVED TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310(C) (2) AND (3), AND**
131 **THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF CONSENT**
132 **AGREEMENTS. ROLL CALL VOTE: RADLEY, POORBAUGH, WALKER, CARLSON, CALHOON ALL VOTED**
133 **YES. NO NAYS, MOTION PASSED.**

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Ms. Carlson identified who would stay in room: Radley, Poorbaugh, Walker, Carlson, Calhoon, and staff Petz.

Time Off Record: 9:30 a.m.

Time Back On Record: 9:44 a.m.

The board reviewed three consent agreements: CASE # 2019-000869, # 2019-000688 and # 2019-001247.

All three motions will have one final vote.

CASE #2019-000869:

MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION AND ORDER IN THE MATTER OF CHERYL K. MYERS, PHYSICAL THERAPIST LICENSE # PHYP236, CASE #2019-000869 HEREBY ADOPTS THE CONSENT AGREEMENT, DECISION AND ORDER IN THIS MATTER, EFFECTIVE IMMEDIATELY.

CASE # 2019-000688

MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION AND ORDER, IN THE MATTER OF SHARON PURKIS, PHYSICAL THERAPIST LICENSE # PHYP790, CASE # 2019-000688 HEREBY ADOPTS THE CONSENT AGREEMENT, DECISION AND ORDER IN THIS MATTER, EFFECTIVE IMMEDIATELY.

CASE # 2019-001247

MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY, HAVING EXAMINED THE CONSENT AGREEMENT AND PROPOSED DECISION AND ORDER, IN THE MATTER OF KATHERINE VIETH, PHYSICAL THERAPIST LICENSE # 120726, CASE # 2019-001247 HEREBY ADOPTS THIS VOLUNTARY SURRENDER HEREIN, EFFECTIVE IMMEDIATELY.

VOICE ROLL CALL VOTE: POORBAUGH, WALKER, RADLEY, CALHOON, CARLSON ALL VOTED YES. NO NAYS ALL THREE MOTIONS PASSED.

Ms. Carlson dated and signed all three board orders this 26th day of March, 2020, at Fairbanks, Alaska.

TASK: Carlson will mail the original signed copies to Paralegal Zimmerman and send PDF copies to staff who will forward to paralegal and inform her all three consent agreements were adopted.

Agenda Item 8 – Audit discussion

The board did not review any audits. This agenda item was to allow the board to discuss the current COVID-19 crisis which is interfering with licensees' ability to work, access continuing education courses, or earn a living. It

179 was decided the regulations for renewal requirements and auditing of licensees would add another burden
180 during this trying time. By seeking to waive the renewal requirements of continuing competency, this would be
181 one thing the Board could do to assist licensees in this trying time.

182
183 Sara Chambers attended the meeting to explain how SB241 and HB311 may offer the Board some temporary
184 authority to request professional licensing emergency decisions during the COVID crisis. If these bills do not
185 pass, then the Board would need to be prepared to craft an emergency 120-day regulation.

186
187 Regulations specialist Sher Zinn attended the meeting to explain the process to complete an emergency
188 regulation. The Board will craft a tentative regulation to be prepared if SB241 and HB311 do not pass and they
189 will set a meeting date to adopt them. They thanked Ms. Zinn for attending the meeting.

190
191 The board reviewed the proposed legislation in SB241, Page 5 - Professional Licensing (b)(1) temporarily waving
192 or modifying the continuing education requirements required for license to renew a professional license, permit,
193 or certificate in 2020. It is noted HB311 mirrors SB241.

194
195 The board discussed the renewal requirements for both Physical Therapy Article 3 and Occupational Therapy
196 Article 6. To be proactive for if/when SB241 and HB311 passes the Board will make a motion to be ready to
197 publish to the website. If this request is approved, then staff will work with the necessary changes to the
198 renewal application for the July 1, 2020 to June 30, 2022 renewal application. If the bill does not pass, the board
199 will hold a meeting for the emergency regulation to be crafted and adopted and the renewal application would
200 be amended accordingly.

201
202 The proposed request in this motion is pending approval by the division.

203
204 **ON A MOTION BY CALHOON, SECONDED BY WALKER, THE ALASKA BOARD OF PHYSICAL AND**
205 **OCCUPATIONAL THERAPY WILL WAIVE THE CONTINUING COMPETENCY AND THE AUDIT FOR ALL**
206 **LICENSES PER ARTICLE 3 AND ARTICLE 6 DURING THE JULY 1, 2018 TO JUNE 30, 2020 LICENSE**
207 **RENEWAL PERIOD. ROLL CALL VOTE: RADLEY, POORBAUGH, WALKER, CARLSON, CALHOON ALL VOTED**
208 **YES. NO NAYS, MOTION PASSED.**

209
210 The public must understand that this motion is NOT in effect until it is approved by the Division and published to
211 the website. In addition, if an emergency regulation will be required to allow the renewal exceptions, there are
212 steps that will be required and again, nothing is final until completed and published to the Website.

213
214 **Agenda Item 9 – COVID 19 and SB241 and HB311**

215
216 The current COVID 19 crisis is impacting every industry and licensees in Alaska are seeking direction from the
217 board. Mr. Poorbaugh drafted a letter for the board to review. The goal is to publish to the website for physical
218 therapy and occupational therapy licensee's clarifications of Emergent/Urgent procedures.

219
220 After more discussion, it was determined Mr. Poorbaugh will make amendments per board member
221 recommendations. He will work on the revisions, forward the letter to staff Petz so she can forward to all board
222 members to review, and make individual suggestions or amendments back to staff. Staff will compile all
223 changes. The letter will be placed in OnBoard for a full board vote and then forwarded to Sara Chambers.

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TASK: Poorbaugh to forward letter to staff for board member review, vote and publication to web.

Agenda Item 10 – Correspondence

Board members reviewed correspondence and determined which ones required a response. They also determined each response by staff that were appropriate and did not need follow up communication. They again discussed some questions, which appeared to be business practice related, which is not under the boards' responsibility or their role. These sorts of questions will be worked on for the October 2020 meeting to be included in the future FAQs for common questions from licensees.

Ms. Carlson will craft letters regarding home health services and the request for employment approved to meet the renewal requirement for 60 hours of practice.

TASK: Carlson will craft these letters and forward to staff to put on state letterhead. Staff will respond to FACTS via email.

BREAK off record at 11:01 a.m. and back on record 11:13 a.m. All board members present.

Agenda Item 11 Legislation Discussion

The board is hopeful that SB47 is progressing, as it is now on the house side.

Agenda Item 12 FAQ projects for questions

The board receives many similar questions and they had planned to develop a list of answers for frequently asked questions (FAQs) to help licensees. This agenda item has been moved to the October 2020 meeting.

Agenda Item 13 – Schedule Meetings

The next 3 board meetings were scheduled.

- April 24, 2020 noon videoconference meeting via ZOOM
- October 1-2, 2020 in person meeting in Anchorage
- February 11-12, 2021 videoconference meeting via ZOOM

Agenda Item 14 Budget

Ms. Carlson asked board members if they had reviewed the budget. All members said yes, there were no questions. The Board was pleased the license fee reduction regulation became effective March 13, 2020.

The full budget will be discussed at the October 2020 board meeting with the Administrative Officer.

267 **Agenda Item 15 FY20 Annual Report**

268

269 The annual report tasks were assigned. Mr. Walker will complete the draft narrative, Ms. Carlson will update the
270 goals accomplished and future goals. The board will review again at the April teleconference. Staff will complete
271 the final statistics for the narrative then the FY20 annual report would be posted to OnBoard for a vote.

272

273 The annual report requires all future travel requests to be disclosed via motions by the board for each event.
274 There are five meetings for fiscal year 2021 and the four out of state meetings are third party reimbursable. The
275 board is aware most conferences during 2020 may not occur. They will still request attendance to them be
276 included in the FY21 annual report if the events are held.

277

278 All five motions will have one final vote.

279

280 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH TO REQUEST AN IN PERSON BOARD MEETING**
281 **TO BE HELD IN ANCHORAGE OCTOBER 1-2, 2020.**

282

283 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE ATTENDANCE TO THE**
284 **FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY ANNUAL MEETING AND DELEGATE ASSEMBLY**
285 **IN ORANGE COUNTY, CALIFORNIA, OCTOBER 22-24, 2020. PHYSICAL THERAPIST JENNIFER CARLSON AS**
286 **PRIMARY VOTING DELEGATE AND STAFF CONNIE PETZ.**

287

288 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, TO APPROVE ROB CALHOON OR ALTERNATE**
289 **BOARD MEMBER AND STAFF CONNIE PETZ TO ATTEND TO THE 2021 NBCOT OCCUPATIONAL THERAPY**
290 **STATE REGULATORY LEADERSHIP FORUM; LOCATION AND DATE TO BE DETERMINED.**

291

292 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, MOTION TO APPROVE ATTENDANCE TO THE**
293 **FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY REGULATORY TRAINING FOR MEMBERS AND**
294 **BOARD STAFF IN 2021. DATE AND LOCATION TO BE DETERMINED BY FSBPT. TWO BOARD MEMBERS,**
295 **OR ALTERNATE BOARD MEMBERS AND STAFF.**

296

297 **ON A MOTION BY WALKER, SECONDED BY POORBAUGH, MOTION TO APPROVE ATTENDANCE TO THE**
298 **NBCOT ORIENTATION FOR NEW OT REGULATORS MEETING IN 2021. CITY AND DATES TO BE**
299 **DETERMINED BY THE NBCOT.**

300

301 **VOICE ROLL CALL VOTE: POORBAUGH, WALKER, RADLEY, CALHOON, CARLSON ALL VOTED YES. NO NAYS, ALL**
302 **FIVE MOTIONS PASSED.**

303

304 TASKS: Walker will provide draft narrative, Carlson will complete the revisions for goals and objectives, staff will
305 compile the statistics after June 30th and once all compiled, the annual report will be posted in OnBoard for a
306 vote of the board to meet the divisions deadline for submission.

307

308 **Agenda Item 16 – Public Comment**

309

310 No public attended the meeting.

311

312 **Agenda Item 1 – Other Discussion/Task Follow up**

313

314 Board members will complete their tasks and forward to staff.

315

316 **TASKS:**

317

318 Carlson:

- 319 • Craft letters from correspondence
- 320 • Craft goals and objectives for FY20 annual report and submit to staff
- 321 • Forward final signed consent agreements to division
- 322 • Forward signed final minutes to staff

323

324 Poorbaugh

- 325 • Craft COVID emergent/urgent letter and forward to staff

326

327 Walker:

- 328 • Craft draft narrative for FY20 annual report and submit to staff

329

330 Staff:

- 331 • Publish final minutes to website
- 332 • Draft minutes for this meeting
- 333 • Publish to OnBoard final COVID letter for board to vote, then forward to Chambers
- 334 • Publish disciplinary actions to website and forward to national organizations
- 335 • Forward all board correspondence to appropriate parties
- 336 • Work on annual report as board members submit for their tasks and publish to web for board vote
- 337 • Set up folder for board in the event an emergency regulation is required.

338

339 **Adjourn Meeting**

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341 The board, having no further business, adjourned the meeting at 1:33 p.m.

342

343 Respectfully Submitted:

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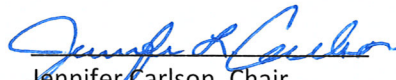
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Connie Petz, Licensing Examiner

Approved:



Jennifer Carlson, Chair
Physical Therapist

Date:

10-01-20