

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

5 December 8, 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
9 was held via Teleconference/Videoconference
10 333 Willoughby Ave, 9th Floor, Conference Room C, Juneau AK
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12
13 Tuesday December 8, 2020
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15 **Agenda Item 1 - Call to Order**
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17 Jennifer Carlson, Chair of the State Physical Therapy and Occupational Therapy Board, called the teleconference
18 meeting to order on December 8, 2020 at 1:08 p.m. This teleconference was public noticed in the Anchorage
19 Daily News and Online Public Notice on November 25, 2020.
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21 VOICE ROLE CALL VOTE:
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23 Keith Poorbaugh, Physical Therapist
24 Robert Calhoon, Occupational Therapist
25 Enlow Walker, Physician, Secretary
26 Lisa Radley, Physical Therapist
27 Nathan Missler, Occupational Therapist
28 Jennifer Carlson, Physical Therapist, Chair
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30 Approved Absence for newly appointed Public Member, Rebecca Dean
31

32 Staff: Connie Petz
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34 Public in attendance:
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36 Kristen Neville, Manager, State Affairs of the American Occupational Therapy Association joined the
37 meeting. She explained that she has been watching the telehealth discussion across the United States.
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39 **Agenda Item 2 – Agenda**
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41 **MOTION BY ENLOW WALKER AND SECONDED BY KEITH POORBAUGH TO APPROVE THE**
42 **AGENDA AS WRITTEN. VOICE ROLE CALL VOTE: POORBAUGH, CALHOON, WALKER, RADLEY,**
43 **MISSLER, CARLSON VOTED YES. ALL IN FAVOR, MOTION PASSED.**
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45 **Agenda Item 3 – Regulation Project**
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47 This meeting was called to review regulation projects assigned to board members at the October 2020 board
48 meeting. Frequently Asked Question forms (FAQs) were completed for each proposed regulation.

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A. Telehealth - Lisa Radley, Physical Therapist

Ms. Radley prepared proposed regulations and FAQs for supervision of assistants via telehealth. For her project she asked, "can a Physical Therapist or Occupational Therapist provide supervision to physical therapy assistants or occupational therapy assistants via telemedicine"? Yes, direct supervision of a physical therapy assistant or an occupational therapy assistant may be provided onsite or via telemedicine when in-person supervision is not possible due to geographic or health and safety constraints; and must be provided at a minimum of once per month. She researched other jurisdictions to assist her with this project.

The Board discussed the benefits of having clarity on how a Physical Therapist or Occupational Therapist could supervise a PTA or OTA via telehealth. In addition to the proposed draft wording recommended by Ms. Radley the Board determined to include "or supervises via telehealth" to 12 AAC 54.510 (g)(3) for physical therapists and 12 AAC 54.810 (b)(3) for occupational therapists. With the current COVID health crisis there are times when patients benefit from telehealth. The Board also recognized that telehealth is only an option to see patients when in-person is compromised. The State Physical Therapy and Occupational Therapy Board Principals of Practice clearly state in Principle 1: Patient/Client Safety and Well Being: 2. Act in the best interest of the patient/client. It is the duty of each therapist to determine when telehealth is needed. It is not to replace in-person services and only to allow an option for telehealth when necessary.

The purpose of this project is to clarify in regulation the role of Physical Therapist or Occupational Therapist in supervision of PTA/OTA under telerehabilitation.

- 12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS
- 12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST
- 12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS
- 12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPIST

PHYSICAL THERAPY *PROPOSED* REGULATION CHANGES:

Current Regulation reads: 12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS. (e) The supervising physical therapist shall give the physical therapy assistant periodic supervision on site at least once every month. The physical therapist shall be available for consultation with the physical therapy assistant that may be provided by telephone, verbally, or in writing.

PROPOSED LANGUAGE for Physical Therapy:

12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.
(e) The supervising physical therapist shall give the physical therapy assistant periodic supervision on site **or by means of telemedicine when in person supervision is not attainable** at least once every month **while the physical therapy assistant being supervised implements a treatment plan with a patient.** The **supervising** physical therapist shall be available for consultation with the physical therapy assistant that may be provided by telephone, verbally, or in writing.

Current Regulation reads: 12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.
(g) If the licensed physical therapist agrees to supervise a physical therapy assistant, the supervising physical therapist shall

96 (3) countersign the patient treatment record each time the supervising physical therapist is physically present
97 and directly supervises the treatment of a patient by the physical therapy assistant being supervised.
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99 **PROPOSED** LANGUAGE for Physical Therapy:

100 12 AAC 54.510. SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.

101 (g) If the licensed physical therapist agrees to supervise a physical therapy assistant, the supervising
102 physical therapist shall

103 (3) countersign the patient treatment record each time the supervising physical therapist is physically
104 present and directly supervises **or supervises via telehealth** the treatment of a patient by the physical
105 therapy assistant being supervised.
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108 **and**

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110 **Current Regulation reads:** 12 AAC 54. 530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL
111 THERAPIST.

112 (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an
113 interactive telecommunication system by a physical therapist licensed under AS 08.84 and this chapter in order
114 to provide physical therapy to patients who are located at distant sites in the state which are not in close
115 proximity of a physical therapist.
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117 **PROPOSED** LANGUAGE for Physical Therapy:

118 12 AAC 54.530. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY PHYSICAL THERAPIST.

119 (a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of
120 an interactive telecommunication system by a physical therapist licensed under AS 08.84 and this
121 chapter in order to provide physical therapy to patients who are located **in the state of Alaska and do**
122 **not have access to a physical therapist in person due to geographic or health and safety constraints.**
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124

125 **and**

126 **OCCUPATIONAL THERAPY PROPOSED REGULATION CHANGES:**

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128 **Current Regulation reads:** 12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.

129 (a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. To
130 meet this supervision requirement,

131 (1) at least once per month the occupational therapist supervising the licensed occupational therapy assistant
132 shall be physically present while the occupational therapy assistant being supervised implements a treatment
133 plan with a patient; and
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135 **PROPOSED** LANGUAGE for Occupational Therapy:

136 12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.

137 (a) An occupational therapy assistant shall work under the supervision of a licensed occupational
138 therapist. To meet this supervision requirement,

139 (1) at least once per month the occupational therapist supervising the licensed occupational therapy
140 assistant shall be physically present, **or by means of telemedicine when in person supervision is not**
141 **attainable,** while the occupational therapy assistant being supervised implements a treatment plan with
142 a patient; and
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and

Current Regulation reads: 12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

(3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises the treatment of a patient by the occupational therapy assistant being supervised.

PROPOSED LANGUAGE for Occupational Therapy:

12 AAC 54.810. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS

(b) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall

(3) countersign the patient treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises **or supervises via telehealth** the treatment of a patient by the occupational therapy assistant being supervised.

and

Current Regulation reads: 12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPIST.

(a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located at distant sites in the state which are not in close proximity of an occupational therapist.

PROPOSED LANGUAGE for Occupational Therapy:

12 AAC 54.825. STANDARDS FOR PRACTICE OF TELEREHABILITATION BY OCCUPATIONAL THERAPIST

(a) The purpose of this section is to establish standards for the practice of telerehabilitation by means of an interactive telecommunication system by an occupational therapist licensed under AS 08.84 and this chapter in order to provide occupational therapy to patients who are located in the state **of Alaska and do not have access to an occupational therapist in person due to geographic or health and safety constraints.**

The Board thanked Ms. Radley for the proposed draft wording for her project.

B. TOEFL Scores - Nathan Missler, Occupational Therapist

Mr. Missler provided the proposed verbiage for regulatory change to amend the TOEFL scores to meet scores the Federation of State Boards of Physical Therapy (FSBPT) are enacting in 2022. This topic to match the future scores has been monitored and discussed by this Board over the past few years. FSBPT research determined the new scores better reflect the proficiency to understand and communicate in the English language. With the Board adopting them now, it will not interfere with any current processes for applicants and it will allow future foreign-trained applicants to be able to meet the FSBPT requirements.

191 **Current Regulation reads: 12 AAC 54.040. FOREIGN-TRAINED PHYSICAL THERAPY APPLICANTS**

192 (j) To meet the requirements of AS 08.84.032(a)(3), a foreign-trained physical therapist or physical
193 therapy assistant applicant must pass the examinations listed in this subsection in one testing
194 session. An applicant must request that the scores be sent directly to the department from the
195 testing organization and obtain at least the following minimum scores:

196 (4) if the applicant has taken the Test of English as a Foreign Language Internet-Based Test (TOEFL iBT), the
197 applicant must obtain at least the following minimum scores:

- 198 (A) writing – 24 points;
199 (B) speaking – 26 points;
200 (C) reading comprehension – 21 points;
201 (D) listening comprehension – 18 points.

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203 **PROPOSED LANGUAGE for Physical Therapy:**

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205 12 AAC 54.040 (j)(4) if the applicant has taken the Test of English as a Foreign Language Internet-Based
206 Test (TOEFL iBT), the applicant must obtain at least the following minimum scores:

- 207 (A) writing – 22 points;
208 (B) speaking – 24 points;
209 (C) reading comprehension – 22 points;
210 (D) listening comprehension – 21 points.

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212 The Board thanked Mr. Missler for completing this project.

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214 **TASK: Staff** will ask regulations specialist if there should be a transition date of acceptance for TOEFL exam
215 scores received prior to the date the new scores are enacted.

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217 **C. Alternative Approval Pathway (AAP) with Federation of State Boards of Physical Therapy**
218 **(FSBPT) - Jennifer Carlson, Physical Therapist, Chair**

219

220 Ms. Carlson prepared the proposed regulations. Current regulations require Physical Therapy applicants by exam
221 to be approved by the Board to take or retake the national exam if they fail. This results in additional steps and
222 delays in the licensing process. Current Alaska law recognizes students in the occupational therapy profession
223 are certified by the NBCOT and that they approve OT/OTA students to take the national examination.

224

225 The Board has discussed the Alternative Approval Pathway (AAP) contract for several years. The proposed
226 regulations, once enacted, will streamline the process for physical therapy students from educational programs
227 approved by the Commission on Accreditation in Physical Therapy (CAPTE) to be approved by the Federation of
228 State Boards of Physical Therapy (FSBPT) to take the national examination, retake the exam if needed and assist
229 with any request for examination accommodations. When the regulations are adopted the Division would
230 qualify to sign the AAP contract. Board members reviewed the contract and noted the four key items in the AAP
231 Contract with FSBPT.

232

- 233 1. Be approved by the FSBPT to take the national examination
234 2. Be approved by the FSBPT for testing accommodations (when necessary).
235 3. Clarify in Alaska regulation the Board will only approve applicants by examination up to a lifetime limit
236 of six times (6x) to take the national exam.
237 4. Clarify in Alaska regulation that a student educated as a PT would not qualify to take the PTA exam
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239 Transitional Language may be necessary for anyone applying by credentials and passing the exam prior to the
240 law change. The regulations specialist will draft that language.

241
242 For the Record: Currently, AAP only applies for graduates from CAPTE accredited programs. For our non-CAPTE
243 applicants, the board will still need to review the credential evaluation and TOEFL scores to determine if they
244 meet the standards contained in Alaska law. This is another reason to amend 12 AAC 54.030 to just reference
245 submission of passing NPTE scores. Foreign Educated PT applicants will still need to meet that standard.

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247 **PHYSICAL THERAPY PROPOSED REGULATION CHANGES:**

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249 **Current Regulation reads: 12 AAC 54.030. REQUIREMENTS FOR PHYSICAL THERAPY LICENSE BY EXAMINATION**

250 (a) An applicant for a physical therapist or a physical therapy assistant license by examination, other than an
251 applicant who is a graduate of a school of physical therapy that is located outside the United States, shall submit
252 a completed application on a form prescribed by the board with

253 (b) An application must be reviewed and approved by a majority of the board members before an applicant may
254 take the examination. The board will not review an application until all documents required under (a) of this
255 section have been received by the department; however, the board may approve an applicant to take the
256 examination upon receipt of a statement, sent directly from the educational institution to the department
257 indicating that the applicant is anticipated to meet graduation requirements and the required documents under
258 (a)(1), (3), and (4) of this section.

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260 **PROPOSED LANGUAGE for Physical Therapy: ADD # 5 to 12 AAC 54.030(a) and REPEAL all of 12 AAC 54.030 (b)**

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262 **12 AAC 54.030 (a)**

263 **(5) proof of passing exam scores sent directly to the department from the Federation of State Boards**
264 **of Physical Therapy (FSBPT) as evidence of having met the requirements of AS 08.84.030(a)**

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266 **12 AAC 54.030 (b) An application must be reviewed and approved by a majority of the board members**
267 **before an applicant may take the examination. The board will not review an application until all**
268 **documents required under (a) of this section have been received by the department; however, the board**
269 **may approve an applicant to take the examination upon receipt of a statement, sent directly from the**
270 **educational institution to the department indicating that the applicant is anticipated to meet graduation**
271 **requirements and the required documents under (a)(1), (3), and (4) of this section.**

272
273 and

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275 **Current Regulation reads: 12 AAC 54.040. FOREIGN-TRAINED PHYSICAL THERAPY APPLICANTS.**

276 (a) An applicant for a physical therapist or physical therapy assistant license by examination who received an
277 education and degree outside the United States shall meet all requirements for licensure under AS 08.84, 12
278 AAC 54.030(a)(1), (3), and (4), 12 AAC 54.030(b), and this section.

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280 **PROPOSED LANGUAGE for Physical Therapy: 12 AAC 54.040 (a) Strike and 4, change to and (5) and strike 12**
281 **AAC 54.030(b)**

282
283 **12 AAC 54.040. FOREIGN-TRAINED PHYSICAL THERAPY APPLICANTS.** (a) An applicant for a physical
284 therapist or physical therapy assistant license by examination who received an education and degree
285 outside the United States shall meet all requirements for licensure under AS 08.84, 12 AAC 54.030(a)(1),
286 (3), and (4), and (5), 12 AAC 54.030(b), and this section.

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and

Current Regulation reads: 12 AAC 54.080. PASSING SCORES. (a) To pass the national examination an applicant must achieve at least the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy for that examination. The passing score will equal a scaled score of 600 based on a scale ranging from 200 to 800.

(b) Repealed 10/20/99.

(c) An applicant for licensure who does not pass the examination on the first attempt may retake the examination two additional times without reapplication for licensure within 12 months of the first failure. Before the board may approve an application for subsequent testing beyond three attempts, an applicant shall reapply for licensure under 12 AAC 54.030 and shall submit evidence satisfactory to the board of having successfully completed additional course work offered by an education program that is accredited by a national accreditation agency.

PROPOSED LANGUAGE for Physical Therapy: Repeal ALL of 12 AAC 54.080 (c) and add (d) and (e)

12 AAC 54.080. PASSING SCORES.

~~(c) An applicant for licensure who does not pass the examination on the first attempt may retake the examination two additional times without reapplication for licensure within 12 months of the first failure. Before the board may approve an application for subsequent testing beyond three attempts, an applicant shall reapply for licensure under 12 AAC 54.030 and shall submit evidence satisfactory to the board of having successfully completed additional course work offered by an education program that is accredited by a national accreditation agency.~~

(d) A lifetime limit for taking the NPTE of less than six (6) and

(e) A prohibition not permitting a Candidate educated as a physical therapist to take the NPTE for physical therapist assistants.

The meeting was running behind and board members, Calhoon and Missler both had patients waiting on them. They agreed with the proposed regulations, but could not stay for the motion or vote. Calhoon and Missler both signed off at 2:03 p.m.

Four board members remained so the meeting could continue. They determined the proposed regulations were ready to be submitted to Regulations Specialist, Jun Maiquis. They will ask for the draft regulation language to be completed and available for review at the February 11-12, 2021 board meeting so they could adopt and public notice for a 30-day written public comment period.

MOTION BY KEITH POORBAUGH, SECONDED BY LISA RADLEY TO MOVE TO FORWARD WITH THE REGULATION CHANGES AS NOTED. VOICE ROLE CALL VOTE; POORBAUGH, WALKER, RADLEY, CARLSON. ALL VOTED YES, MOTION PASSED

Ms. Carlson stated the Motion passed.

TASK: Staff will complete the draft minutes and forward the proposed regulations, frequently asked question forms for each regulation (FAQs) and the Alternative Approval Pathway (AAP) contract to the Regulations Specialist.

334 The Board having no further business adjourned the meeting at 3:07 p.m. NOTE on record, Ms. Carlson stated
335 3:07 p.m. but she was in the state of Washington. The time in Alaska was 2:07 p.m.

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337 Signature

Signature

Date

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Connie Petz

Jennifer R. Carlson

2-11-21

339 Connie Petz, Licensing Examiner

Jennifer Carlson, Chair
Physical Therapist

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