



Alaska Board of Physical and Occupational Therapy Board Meeting - October 24, 2022

Minutes

Alaska Division of Corporations, Business and Professional Licensing
Oct 24, 2022 at 9:00 AM AKDT
@ Teleconference

Attendance

Present:

Board Members:

Rebecca Sue Dean, connected at 10:30 am

Lindsey Hill

Tina McLean

Valerie Phelps

Enlow Walker

Staff:

Sara Chambers, Division Director

Sheri Ryan, Occupational Licensing Examiner

Reid Bowman, Records & Licensing Supervisor

Jasmin Bautista, Investigator III

Jenni Summers, Senior Investigator

Guests:

Cary C. Moore, PhD, OTR/L - AKOTA President

Alec Kay, PT, DMT, OCS, FAAOMPT, ATC - APTA Alaska President

Public Comment:

Kerry Clark, OT

Jeana Kaufman, OTR/L

Absent:

Board Member: Lisa Radley, excused

1. Call to Order/Roll Call

 [PHY Mission Statement.pdf](#)

 [State Physical Therapy and Occupational Therapy Board 09-16-2022.pdf](#)

 [Session Laws of Alaska 1957 Establishing PT OT Board.pdf](#)

The meeting was called to order by Tina McLean, Chair of the Board at 9:00 am AKST on Monday, October 24, 2022. Tina McLean conducted roll call. The following Board members were present on the Zoom call:

- Lindsey Hill
- Tina McLean
- Valerie Phelps
- Enlow Walker

Board member Rebecca Dean will join the meeting later this morning. Board member Lisa Radley absent due to an excused prior conflict. Four of the six appointed State Physical Therapy and Occupational Therapy Board members are present; Quorum established.


2. Review/Approve Agenda


Motion:

Motion to accept the October 24, 2022 agenda as written for the Alaska State Physical and Occupational Therapy Board.

Motion moved by Valerie Phelps and motion seconded by Enlow Walker. All in favor; none opposed. Motion to accept the October 24, 2022 agenda as written for the Alaska State Physical and Occupational Therapy Board passes unanimously.

3. Approve Meeting Minutes - June 3 + August 25

 [8.25.2022 Alaska Board of Physical and Occupational Therapy August 25 elections meeting Minutes-Draft for website.pdf](#)

 [6.03.2022 Alaska Board of Physical and Occupational Therapy Meeting Minutes Draft.pdf](#)

Motion:

Motion to approve the June 3, 2022 Alaska State Physical and Occupational Therapy Board meeting minutes as written.

Motion moved by Enlow Walker and motion seconded by Valerie Phelps. All in favor; none opposed. Motion to approve the June 3, 2022 meeting minutes as written for the Alaska State Physical and Occupational Therapy Board passes unanimously.

Motion:

Motion to approve the August 25, 2022 Alaska State Physical and Occupational Therapy Board meeting minutes as written.

Motion moved by Valerie Phelps and motion seconded by Lindsey Hill. All in favor; none opposed. Motion to approve the August 25, 2022 meeting minutes as written for the Alaska State Physical and Occupational Therapy Board passes unanimously.

Member Phelps asked Member Walker for an update regarding any open projects that may need to be carried forth from the previous board, specifically with regards to discussion in 06/03/2022 board meeting regarding approving continuing education. Member Walker stated PT/OT Board does not have a history of approving CE course in the past. Regulations list approving entities. Member Walker clarified there had been some questions addressed in the past as to what subjects should specifically apply to PT or OT treatment programs as well as inclusion of practice management CEs. Current open items include monitoring/updating FAQs on the website, monitoring PT/OT compact licensure, and COVID practice policies.

Telehealth – [SB74](#) – Effective 06/01/2016 - expanded Telehealth.

4. Ethics Reporting

Tina McLean, Board Chair asked board members if they had any ethics reporting to disclose.

- Valerie Phelps – nothing to report
- Enlow Walker – nothing to report
- Lindsey Hill – nothing to report
- Tina McLean – nothing to report

5. HB265 - Telehealth Bill -

 [HB 265 Implementation Walk-Through.pdf](#)

 [HB0265Z.pdf](#)

Telehealth information can be found on the CBP website at <https://www.commerce.alaska.gov/web/cbpl/TelehealthInformation.aspx>.

What are the standards for telehealth delivery?

A provider may deliver health care services via telehealth without an initial in-person exam if the provider holds an Alaska license. For these visits:

- The provider must only provide services within their authorized scope of practice.
- Fees for telehealth services must be reasonable and consistent with ordinary fees for the same in-person service.

- There is no requirement to document the barrier to in-person health care delivery.
- There is no limitation to the physical setting from which telehealth may be delivered.
- Neither the patient nor the provider is required to use telehealth to deliver health care services.

List of providers on website that telehealth standards apply to include physical therapists and occupational therapists as well as answers to many other frequently asked questions.

No action items from this agenda item.

6. Boards & Commissions Training (Presenter: Sara Chambers)

30,000 Foot View

- Roles and Responsibilities
- Etiquette
- FAQ resources

Board website resources available here->[Board Member Training/Resources](#)

 [CBPLBoardsAndCommissionsTrainingManual.pdf](#)

 [Board Welcome.pdf](#)

Sara Chambers, Division Director joined the meeting at 9:15 am and gave a boards training presentation overview sharing best practices and proper board communications.

7. Public Comment (Guests: Kerry Clark, OT, Jeana Kaufman, OTR/L) – 10:15 am.

- Jeana Kaufman, OTR/L – Ms. Kaufman is an occupational therapist and certified lymphedema therapist working in Anchorage. She owns her own business and has always wanted to become certified in trigger point dry needling to assist her lymphedema patients. She would like the Alaska Board of Physical Therapy and Occupational Therapy Board to consider allowing occupational therapists to be allowed to do dry needling with the proper training.
- Kerry Clark, OT – Ms. Clark is an occupational therapist practicing in Alaska since 2014 and as an OT since 2000. Request removal of all language stigmatizing mental health in the state licensing application. Suicide rates of healthcare workers are dramatically higher than the general public. Healthcare workers of all disciplines face enormous burnout and moral injury that are driving them from the bedside. We have worked at great personal risk and sacrifice through two

years of a pandemic, and now starting to deal with the emotional implications of the trauma we have experienced.

Many healthcare workers report feeling unable to access mental health services due to concern for future career implications. I would like us empowered to access mental healthcare services without fear of repercussion. I know it is the responsibility of the Board to ensure that practitioners that your credential are safe and qualified to practice and to keep safety and wellbeing of patients as a priority. I would really like you to change the way questions are worded in the licensing process to decrease stigma and make it so we aren't afraid to answer those questions honestly and not afraid to seek mental health care. The Nursing questions just changed recently after some advocacy and I would like you to please consider adopting the phrasing they used. It focuses more on our ability to practice safely despite having a mental health diagnosis. Where as the PT/OT questions just ask us to confess to having been diagnosed or struggled with alcohol misuse. It doesn't get to the point of can we practice safely. I would like your consideration so that we can make it possible for all of our PT/OTs in the State of Alaska confidently seek mental health care.

8. APTA Alaska Update (Guests: Alec Kay, PT, DMT, OCS, FAAOMPT, ATC - APTA Alaska Association President) – 10:30 am.

 [PTCFrequentlyAskedQuestionsV_20190612.pdf](#)

APTA AK plans to pursue the PT compact legislatively in the 2023 session. The association may reach out to AK PT/OT board for a letter of support and/or testimony. Alec Kay provided information – map and FAQs – as well as brief review of PT compact for board members. FBI criminal background check would be required of all applicants. That cost and \$45 additional cost for PT Compact commission is passed through to applicant. Senator David Wilson, Wasilla has been approached as potential sponsor. Senator Wilson is very much in support. Association has submitted model language for legislative drafting through Senator Wilson's office. Model language needs to be adopted as is with very little modification so that it is uniform across states. This effort would be primary focus of APTA-AK this session. Association hoping for continued AK PT/OT Board support. APTA AK had recent meeting with AK OT Association president and Speech association. Speech is onboard to try to pursue. Speech's license is lumped in with a variety of other practitioners which may make it more cumbersome for them to proceed. OT association needed more time to query and educate their members to push it out formally. Recommendation to reach out to FSBPT directly for presentation and detailed questions on PT Compact licensure.

9. Federation of State Boards of Physical Therapy PT Compact – 10:41 am

Off record 10:45 am – 10:52 am for break.

Back on record at 10:52 am. Roll call.

Valerie Phelps - Present

Lindsey Hill - Present

Enlow Walker - Present

Rebecca Dean - Present

Tina McLean – Present

Quorum re-established after break.

Board discussed setting a meeting date in December, 2022 for educational training on FSBPT PT Compact licensure.

Motion:

Motion to hold a special meeting on 12/12/2022 for the purpose of educating the board on FSBPT compact licensure.

Motion moved by Rebecca Dean and motion seconded by Lindsey Hill. All in favor; none opposed. Motion to hold a special meeting on 12/12/2022 for the purpose of educating the board on FSBPT compact licensure passes unanimously. Licensing examiner to schedule meeting for Monday, December 12, 2022 from 9:00 am – 11:00 am.

10. Regulations Overview/Training (Presenters: Reid Bowman) – 11:00 am.

 [Regulation FAQ Worksheet JULY 2018.pdf](#)

 [REGULATIONS PROCESS TRAINING.docx](#)

 [Steps in the regulation process visual.pdf](#)

Reid Bowman presented an overview of the regulations process and answered questions as presented. Request for information on [Right Touch Regulations](#) – brief overview given. The philosophy behind right touch regulation – is the regulation something that creates undue burden/undue cost upon licensees? If so, is there a really compelling reason why it would be there. Or is the simplification in a regulation something that would jeopardize public safety? Seeking the balance between protecting the public but not creating massive red tape government organization. We want to make it as simple and as inexpensive as we can for people to get to work and practice and provide safe healthcare for the state. That is the filter we would prefer to look at regulations through

– is it good for the people, good for the licensees, is it creating undue bureaucratic burden and does it make sense.

11. HB99 - Regulations Project

 [HB0099Z.PDF](#)

Motion:

Motion to create a subcommittee to address the necessary regulation changes to comply with HB99.

Motion moved by Valerie Phelps and motion seconded by Enlow Walker. No discussion.
Roll call vote taken:

Lindsey Hill – Yes

Enlow Walker – Yes

Rebecca Dean – Yes

Valerie Phelps – Yes

Tina McLean - Yes

Motion to create a subcommittee to address the necessary regulation changes to comply with HB99 passes unanimously. Only 2 board members may serve on the subcommittee otherwise a quorum is in effect and the committee meeting would constitute a board meeting. Valerie Phelps and Lisa Radley to serve on subcommittee. Licensing examiner to work with subcommittee members on coordination of meeting dates, public notice as required, facilitate Zoom meeting, and advise as necessary. AK-APTA and AKOTA can be included as 3rd party subject matter experts, if needed.

12. Lunch – 11:56 am – 12:59 pm – off record.

Return from Lunch at 1:00 pm. Roll Call:

Enlow Walker - Present

Rebecca Dean - Present

Valerie Phelps - Present

Lindsey Hill - Present

Tina McLean – Present

Quorum re-established after lunch break as 5 of six appointed board members present.

13. Alaska Occupational Therapy Association Update (Guests: Cary C. Moore, PhD, OTR/L - AKOTA President) – 1:00 pm

236 members. First in-person state conference in Anchorage at UAA this past weekend in a couple years which also included virtual option. Priorities for the year includes upgrading their website; exploring OT Licensure compact – met with PT and Speech association presidents regarding. Annual business meeting this weekend provided feedback with mixed responses regarding compact licensure. It could address workforce challenges but concern of unique healthcare needs in the state and priority of serving needs of individuals who identify as Alaska Native. Legislative wise, their association has done a a letter of support for FASD Respect Act that Senator Murkowski has put forward and newer legislation Healthy Kids from Senator Sullivan’s office.

Discussed cultural competency training requirement and how it relates to unique health care needs and fundamental awareness needs of our state.

Cary Moore stated the association is willing to act as conduit for information for licensees as well as many of their members are team leads in employers across the state.

14. Investigative Report (Presenters: Jasmin Bautista, Jenni Summers) – 1:17 pm

 [PHY Board Report 10-11-2022.pdf](#)

Jasmin Bautista, Investigation III, presented the PHY Investigative report for January 28, 2022 through October 11, 2022. Jenni Summers, Senior Investigator also in attendance.

15. Investigations Training (Presenters: Jasmin Bautista)

Motion:

Motion move that the Alaska State Physical and Occupational Therapy Board enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing investigations training. Board staff members, Sheri Ryan, Reid Bowman, Jasmin Bautista, Jenni Summers to remain during the session.

Motion moved by Rebecca Dean and motion seconded by Valerie Phelps. No discussion. All in favor; none opposed. Motion to move into executive session to discuss investigations training passes unanimously.

Rebecca Dean left the meeting at 1:29 pm.

Off record: 1:30 pm

16. Correspondence – 2:10 pm

Board back on record 2:10 pm. Roll call:

Enlow Walker – Present

Lindsey Hill – Present

Valerie Phelps – Present

Tina McLean – Present

Quorum – 4 of six appointed board members present; quorum in effect.

 [2022 NBCOT Certification Databook r1 DIGITAL.pdf](#)

Board discussed all correspondence below. Responses were formulated with drafts as indicated to be approved through OnBoard. Board to vote approval, deny, or table responses for discussion through OnBoard, as indicated.

 [Board Correspondence 3-2-2022.pdf](#)

RESPONSE: Loaded in OnBoard for approval 01/11/2023. Approved 01/20/2023.
Response sent via email by OLE 01/24/2023.

 [Board Correspondence 4-8-2022.pdf](#)

RESPONSE: Loaded in OnBoard for approval 01/11/2023. Approved 01/20/2023.
Response sent via email by OLE 01/24/2023.

 [Board Correspondence 06-28-2022.pdf](#)

RESPONSE: Loaded in OnBoard for approval 01/11/2023. Approved 01/20/2023.
Response sent via email by OLE 01/24/2023.

 [Board Correspondence 07-01-2022 and 09-19-2022 - OT Dry Needling.pdf](#)

Draft to be loaded in OnBoard for approval.

 [Board Correspondence 08-06-2022.pdf](#)

Response does not need OnBoard approval. Response sent via email by OLE 02/03/2023.

Mental Health – ACTION ITEM: Investigate process for updating professional fitness questions on applications. Look at wording similar to Nursing Board program. #4

PT Initial Application Question #8 – Are you now or have you been in the last five years treated for bipolar disorder, schizophrenia, paranoia, psychotic disorder, substance abuse, depression (except for situational or reactive depression) or any other mental or emotional illness?

PT Renewal Application Question #4 – Have you experienced or been treated for bipolar disorder, schizophrenia, paranoia, depression (except for situational or reactive depression), psychotic disorder, or other mental or physical disability?

Nursing RN Initial Application – Question #4 – Within the past 5 years, have you been or are you currently being treated, or on medication for, any mental or emotional illness

which may impair or interfere with your ability to practice safely and in a competent and professional manner?

Nursing Renewal Application – Question #4 - Have you been or are you currently being treated, or on medication for, any mental or emotional illness which may impair or interfere with your ability to practice safely and in a competent and professional manner?

 [Board Correspondence Minnesota Board of Physical Therapy 08-19-2022.pdf](#)

Response does not need OnBoard approval. Response sent via email by OLE 01/24/2023.

 [Board Correspondence - KY Board of Physical Therapy - 08-17-2022.pdf](#)

Response does not need OnBoard approval. Response sent via email by OLE 01/24/2023.

17. HB99 - Regulations Project – no further discussion on topic

18. Meeting Summary - Action Items

- File approved 6/3/2022 and 8/25/2022 minutes.
- Licensing examiner to schedule educational meeting on Compact licensure (PT/OT) for Monday, December 12, 2022 from 9:00 am – 11:00 am and public notice as required.
- Coordinate meeting date(s) for subcommittee on HB99 regulation changes for November, public notice as required, and facilitate meeting as necessary. Send any draft regulation information to subcommittee members.
- Correspondence draft responses to be formulated and loaded in OnBoard for approval by board, if indicated.
- Next PHY Board meeting March 9+10, 2023 – in-person in Juneau. Coordinate public noticing and travel approval as required.
 - Future agenda item suggestions:
 - Look at necessity to change OT versus PT requirements (standardize) FSBPT + NBCOT
 - Investigate adding a cultural competency (implicit bias) class to initial licensing requirements given telehealth no longer requires provider to be physically located in AK and move to add compact licensure ←keeping in mind right touch regulation
 - Find out what other state boards require implicit bias training
 - Develop a disciplinary matrix for Investigations
 - Investigate how to update professional fitness questions related to mental health on PT/OT initial and renewal applications

- Look at adding “DPT” as protected title in statute

19. Adjourn

Motion:

Motion move to adjourn the Alaska State Physical and Occupational Therapy Board at 3:28 pm.

Motion moved by Valerie Phelps and motion seconded by Enlow Walker. All in favor; none opposed. Motion move to adjourn the Alaska State Physical and Occupational Therapy Board at 3:28 pm passes unanimously. Tina McLean, Chair, adjourned the meeting of the Alaska State Physical and Occupational Therapy Board at 3:29 pm AKST on Monday, October 24, 2022.

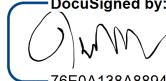
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Sheri Ryan

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Sheri Ryan, Licensing Examiner

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Tina McLean, Chair

3/16/2023

Date