

PT board minutes May 9th 2011

Present: Board members; Terry Eckmann Dr. Brenda Miller, Dr. David Schall, Betsy Bjoralt, Reed Argent, Dave Relling; Executive Officer Bruce Wessman; Counsel Jack McDonald; North Dakota Physical Therapy Association (NDPTA) liaison Kevin Axtman; visitors Lorell Jungling, Mandan High School Athletic Director, Steve Ziegler PT, Robert Schulte , PT (by phone conference)

Board President Betsy Bjoralt called the meeting to order at 9 AM Monday, May 9, 2011, in the Wheeler Wolf Law Firm office, Bismarck, ND. .

Minutes: After review it was moved by Dave Relling, seconded by Reed Argent and passed unanimously to approve the minutes from the May 26, 2010, conference call meeting.

Senate Bill 2281: The first item on the agenda was discussion of Senate Bill 2281 just passed by the North Dakota Legislature. Robert Schulte and Jack McDonald discussed and clarified the use in the legislation of the phrase “diagnosis and treatment of concussion” when describing who could authorize an athlete’s return to practice or play. It was noted that this was not described in the bill as strictly a medical diagnosis and that the Legislature, had it intended it to be a medical diagnosis, would have specified this. It appears the overall goal of this legislation is that the injured athlete be evaluated by a health care professional trained in concussion management. Evidence presented for the board’s consideration included:

- 1) CAPTE felt this is within the accreditation standards for PT schools and academic education for the PT.
- 2) The NPTE examination tests for this under foundations for evaluation, differential diagnosis and prognosis.
- 3) The Guide to Physical Therapy describes the practice pattern for diagnosis and treatment of impaired motor function and sensory integrity associated with non-progressive disorders of the CNS. This practice pattern specifically includes concussions.

Following discussion it was moved by Reed Argent, seconded by Brenda Miller and passed unanimously that the “diagnosis and treatment of concussions” language of SB 2281 would include the diagnosis a physical therapist is authorized to make under the Practice Act and is within the current scope of practice for Physical Therapy.

After further discussion of the upcoming Legislative Council interim study of expanding SB 2281 to cover non-school sports such as offered by park boards, YMCAs and travelling teams and how the Board will participate in that, it was moved by Dave Relling, seconded by Brenda Miller and carried unanimously to provide up to \$5,000 to sponsor or co-sponsor an educational seminar dealing with the recognition and treatment of concussion.

Legend Drug issue: A letter was sent to Howard Anderson, executive director of the State Pharmacy Board, following our Board’s May 2010 meeting concerning the use of over the counter topical agents. The letter requested the Pharmacy Board to provide a formal response to our Board on these agents. No formal response from either Mr. Anderson or the Pharmacy Board was received. After discussion, it was decided that the NDBPT will follow known interpretations where over the counter topical agents are not considered Legend Drugs.

Blood Sugar/INRs: Bruce Wessman contacted Constance Kalanek, executive director of the Board of Nursing, to get her opinion on the drawing of blood sugars and INRs by home health care Physical Therapists. She responded that in her opinion the drawing of blood sugars and INRs in the home care setting is a nursing practice function that was outside the scope of physical therapy practice. After discussion, it was the Board’s consensus that she was correct and that this function is not within a physical therapist’s scope of practice.

Investigators training: Anne Putbrese completed the advanced investigator's training and Kevin Axtman completed the introduction course for investigator training this past year.

Supervision Task Force: On April 1, 2011, a task force of ND PTA and Board members met to discuss the supervision requirements for physical therapy assistants (PTAs) and physical therapy (PT) aides. The Board discussed the minutes of this meeting. The supervision document and the revised minutes from that meeting will be posted on the Board's web site. After discussion the Board determined that the supervision requirements for a transitional care unit (TCU) setting and a swing bed setting should be the same. It was moved by Dave Schall, seconded by Terry Eckmann and carried unanimously to state that the supervision requirements of PTA's in a swing bed and TCU setting be equivalent to that of long term care (LTC) as currently defined in Section 61.5-05-01-02 of our Administrative Rules.

The Board next considered defining the terms "conference" and "visit" as used in Chapter 61.5-05-01 of our Administrative Rules dealing with supervision of supportive personnel.

After discussion, it was moved by Dave Schall, seconded by Terry Eckmann and carried unanimously to define "conference" as written or verbal communication. It was moved by Dave Relling, seconded by Reed Argent and carried unanimously to define "visit" as a daily time period.

Financial Report: Bruce Wessman presented the current balances for the savings, checking and CD accounts (attached to these minutes). Following discussion regarding the amount of cash to have on hand, it was moved by Reed Argent, seconded by Dave Relling and carried unanimously to purchase a \$30,000 CD.

PT statistics: Bruce Wessman presented a chart (attached to these minutes) showing there are presently 602 physical therapists and 148 physical therapy assistants licensed in North Dakota.

Forms: The Board reviewed a 9/2/2010 letter from the state Office of Management and Budget (OMB) mandating that all state agency forms be uniform in content and design. Bruce Wessman said our Board is in compliance with the state mandate.

There was discussion concerning the ADA forms used to request special accommodations for taking the NPTE. It was moved by Dave Relling, seconded by Betsy Bjoralt and carried unanimously to make these forms available on the Board's web page as a download PDF.

CEU renewal form: The Board discussed the choices available for choosing the format when filling in the online CEU audit, and determined no changes are required at present.

License numbers: Bruce Wessman informed the Board that he earlier, with the president's authorization, had changed the way licensees are numbered. He said they are no longer given out in numeric order but instead are issued odd number licenses one year and even the next so that all members of the same graduating class report CEU's at the same time following their first full CEU reporting period.

CEU for Juris Prudence: Following discussion it was moved by Reed Argent, seconded by Terry Eckmann and carried unanimously to allow 1 CEU per reporting period for completing the JP exam.

Grandfather clause: After discussion it was moved by Reed Argent, seconded by Brenda Miller and carried unanimously to rescind the grandfather clause for PTA's applying for licensure by endorsement. The physical therapy practice act and rules and regulations require passing of the NPTE as a condition for licensure.

Fixed date testing: Discussion was had on the ramifications of FSBPT moving towards fixed date testing. No changes in policy were presented at this time. The Board will study the effects of this decision over the next year.

Complaints: The Board received and accepted recommendations from Bruce Wessman and Jack McDonald to take no further action on two complaints received since the last meeting. One complaint was deemed of a business nature rather than one involving the physical therapy practice act, while the other complaint, after a review and recommendation from an investigator, was deemed to not involve any violations of the physical therapy practice act. The Board asked Jack McDonald to prepare a review of the complaint procedures as they pertain to all of the involved parties; i.e. the Board, the physical therapist and the complainant.

Duty to report: Bruce Wessman presented a case in which he received an Adverse Action Initial Report on a licensee from a different state. He said he was uncertain what responsibility the Board had, if any, to report this out-of-state action to the physical therapist's North Dakota employer. Jack McDonald will research this topic and report back to the Board what the Board's response should be in these situations.

Frequency of Board meetings: The Board discussed holding more than one meeting a year but concluded to maintain its second Monday in May annual meeting schedule and to use conference calls as necessary throughout the year to handle immediate concerns.

Audit: Bruce Wessman presented and the Board accepted the Audit Financial Statements for June 30, 2010 and 2009. The audits showed no instances of noncompliance.

Budget: Bruce Wessman presented a budget (attached) for 2010-2012 he prepared in consultation with Board President Bjoralt. After discussion, it was moved by Benda Miller, seconded by Reed Argent and carried unanimously to approve the 2010-2012 budgets.

Minutes: Following discussion on publishing the annual board meeting minutes on our web page, it was moved by Dave Schall, seconded by Terry Eckmann and carried unanimously to place the Board minutes on our web page.

Congratulations: This being Dr. Brenda Miller's last meeting, the Board presented her with a plaque expressing it's appreciation for her 10 years of dedicated service.

Election of Officers: The floor was open to nominations for officers for the upcoming year. It was moved by Dave Relling, seconded by Brenda Miller and carried unanimously that Betsy Bjoralt and Reed Argent be respectively nominated and elected as President and Vice President.

2011 FSBPT Annual Meeting: Reed Argent was designated by the Board to attend as the Board's delegate. He will be funded by the Federation. Betsy Bjoralt was designated by the Board to attend as the Board's alternate delegate. She will be funded by the Board. David Schall and Terry Eckmann will also attend the education sessions. They will be funded by the board. Bruce Wessman was designated as the Administrator. He will be funded by the federation.

Next Board Meeting: The Board's next meeting will be Monday, May 14, 2012, at 9am at the Wheeler Wolf Law Firm, 220 N. 4th St., Bismarck, ND 58501.

No further business appearing, it was moved by Dave Schall, seconded by Dave Relling and carried unanimously to adjourn. President Bjoralt declared the meeting adjourned at 12:50 PM.

Submitted by

Bruce Wessman

Executive Officer NDBPT