

MINUTES OF THE ANNUAL MEETING OF THE NORTH DAKOTA BOARD OF PHYSICAL THERAPY

May 13, 2013

Present: Board members Terry Eckmann, Dr. Doug Eggert, Dr. David Schall, Jeanne DeKrey, Reed Argent, and Dave Relling; Executive Officer Bruce Wessman; Board Counsel Jack McDonald; North Dakota Physical Therapy Association (NDPTA) liaison Kevin Axtman; and visitor Susan Layton

Board President Reed Argent called the meeting to order at 9 AM Monday, May 13, 2013, at the Wheeler Wolf Law Firm office, 220 N. 4<sup>th</sup> Street, Bismarck, ND 58501-4004.

Minutes: After review, it was moved by Jeanne DeKrey, seconded by Dave Schall and passed unanimously to approve the minutes of the Board's May 14, 2012, annual meeting.

Duty to Inform: Jack McDonald presented a Duty to Inform policy to the Board that would require the Board to inform employers of disciplinary action taken against their employees licensed in another state. After brief discussion, it was moved by Terry Eckmann, seconded by Dave Schall and passed unanimously to adopt the proposal as Board policy. Under this new policy the Board's executive officer will notify employers of disciplinary action taken against their employees once the Board receives notification of the action from another state.

Complaint Process: Jack McDonald presented a draft of a new complaint process. After general discussion the board directed him to revise the policy to include provisions for a stipulated order. The Board will review the policy when completed.

ProCert: Susan Layton of The Federation of State Boards of Physical Therapy (FSBPT) gave the Board a presentation on the many services FSBPT provides to state boards including ProCert, aPTitude, PRT and a JP exam.

Legislative Updates: Jack McDonald gave the Board a brief legislative update on the just-concluded 63rd Legislative Assembly. He described and distributed copies of the bills he thought were of most interest to physical therapist from the session: Senate Bill 2088 relating to athletic trainers, Senate Bill 2342 relating to wholesale drug distribution, Senate Bill 2323 relating to reporting of abuse of a vulnerable adult, Senate Bill 2131 relating to genetic counseling, House Bill 1285 relating to physical therapy licensure (Introduced at the Board's request to allow PT students to apply before graduation to take the national exam. It passed as an emergency measure and is now law.), and House Bill 1028 relating to a PT's role in concussion management.

The Board and NDPTA both objected to the original version of SB 2088 that expanded the athletic trainers' scope of practice from treating athletic injuries to unrestricted treatment of any injuries. This was eventually removed and the Board did not object to the final version which passed.

The Board directed its executive officer to send out an informational letter to all licensees highlighting the concussion management requirements under HB 1028.

Budget: Bruce Wessman presented the PT board with the proposed 2012-2014 budget (attached). After discussion it was approved by the Board.

Audit: Bruce Wessman presented the audit completed by Dress, Risky & Vallager, Ltd. The results of the audit disclosed no instances of noncompliance or other matters required to be reported under Government Auditing Standards. It has been filed with the State Auditor's Office.

Licensure Statistics: Bruce Wessman presented a table (attached) that shows progressive growth in licensees. North Dakota now licenses 677 physical therapists and 154 physical therapist assistants.

Endorsement: Bruce Wessman said an out-of-state PT under a stipulated order for discipline has asked about being licensed in North Dakota. After discussion the board directed its executive officer to contact the individual and ask him to sign a release so the Board can verify his compliance with the stipulated order and contact his past and present employers for a reference. Once this is complete a Board meeting will be held to discuss the results.

Stipulated Order: Discussion was held regarding the use of stipulated orders. North Dakota presently reports its disciplinary actions by way of meeting minutes. Following discussion regarding best practices, it was moved by Dave Relling, seconded by Terry Eckmann and passed unanimously to direct legal counsel to develop a stipulated order form to be used in Board disciplinary procedures.

Revoked or Restricted Licenses: General discussion was held regarding the verification of licensees with revoked or restricted licenses. Presently anyone with a revoked or restricted license will not show up on a verification search through the ND Board webpage. The Board directed its executive officer to investigate the possibility of revamping the system so that revoked or restricted licenses will be highlighted in red.

Dry Needling: Discussion was held on Intramuscular Manual Therapy (Dry Needling). The Board now has no policy on this issue and in response to inquiries states only that "as with all non-entry level skills the licensee will obtain competence through continuing education prior to practicing a new skill". The Board has also reminded licensees that one of the grounds for discipline under §43-26.1-13(3), NDCC, is failing to refer a patient or client to an appropriate practitioner if the diagnostic process reveals findings that are outside the scope of a physical therapist's knowledge, experience or expertise.

FSBPT's position paper on intramuscular manual therapy was referenced and discussed. It was moved by Dave Relling, seconded by Jeanne DeKrey and passed unanimously to adopt as Board policy that intramuscular manual therapy (dry needling) is within the scope of practice for North Dakota physical therapists.

PT Working as a PTA: The Board has been asked if a PT could practice as a PTA in North Dakota. After discussion, it was the Board's consensus that a PT is not able to practice as a PTA as they are not licensed as a PTA. A licensee would be held to the standard of practice that their license designates.

Lapsed Licenses: There was discussion regarding the proper disciplinary action or penalty for a licensee that lets their license lapse while continuing to work. The Board has safeguards in place that

minimize such an occurrence. However there was such a situation this year. The Board decided to maintain its current policy of notifying employers the day after a license expires. A \$50 late fee is assessed for late renewals.

Sale of Lists: Discussion was held regarding the Board's longstanding policy of selling lists from its database. The Board directed its executive officer to make sure it is complying with Ch. 44-04-18.1, NDCC, regarding what information on licensees is or is not public.

Application for Licensure During Renewal Period: Bruce Wessman said if an applicant applies for licensure in November or December the license would then expire the following January 31 (i.e. 2-3 months). He said this does not appear equitable. After discussion it was moved by Dave Relling, seconded by Dave Schall and carried unanimously to add a full year onto the expiration date of November or December licensees.

License Renewal cards: Bruce Wessman presented an option to eliminate the paper license renewal cards sent out by regular mail and an option to eliminate wallet size license cards sent out after renewal. These would be replaced by e-mail reminders and an email receipt of payment with the ability to download the renewed license certificate. After discussion it was moved by Reed Argent, seconded by Dave Relling and passed unanimously to direct the executive officer to use the paper renewal cards for the upcoming renewal cycle with a notice that this will be the last year of mailed reminders, and to use the e-mail receipt and downloadable license certificate thereafter.

Process for Rule and Regulation Changes: Jack McDonald outlined procedures for changes in the Board's rules and regulations. The Board designated a task force of Dave Relling, Jeanne DeKrey, Reed Argent and Bruce Wessman to review its present rules and regulations and recommend needed changes. The NDPTA will be asked to do likewise and then a joint meeting will be scheduled to finalize proposed changes.

Election of Officers: It was moved by David Schall, seconded by Doug Eggert and passed unanimously that Reed Argent and Dave Relling, be elected President and Vice President respectively.

2013 FSBPT Annual Meeting: The Board designated Reed Argent and Jeanne DeKrey, respectively, as FSBPT-funded delegate and alternate delegate to the 2013 FSBPT Annual Meeting. The Board will fund David Schall to attend FSBPT's educational session. Bruce Wessman was designated to attend the 2013 FSBPT Annual Meeting as the Board's administrator. FSBPT will fund his attendance. Terry Eckmann will be funded to attend the Citizen Advocacy meeting in October 2013.

Next Board Meeting: The board's next meeting will be Monday, May 12, 2014, at the Wheeler Wolf Law Firm, 220 N 4<sup>th</sup> St., Bismarck, ND 58501.

No further business appearing, it was moved by David Schall, seconded by Dave Relling and passed unanimously to adjourn. President Argent adjourned the meeting at 2:30 PM.

DATED: May 14, 2013

/S/ Bruce Wessman  
Executive Officer NDBPT