

MINUTES OF THE NORTH DAKOTA BOARD OF PHYSICAL THERAPY  
MEETING - September 21, 2020

Present: Board members Marcus Hieb, Jeanne DeKrey, Cassie Christensen in person; board members Dave Relling and Daniel Conn via conference call; executive officer Bruce Wessman; board counsel Jack McDonald in person; and APTA-ND physical therapist liaison Brittany Anderson; APTA-ND physical therapist assistant liaison Wendy McGinley via conference call.

Board President Jeanne DeKrey called this Annual Meeting of the North Dakota Board of Physical Therapy (NDBPT) to order at 9:00 am on Monday, September 21, 2020, at the office of board counsel Jack McDonald at 220 n. 4<sup>th</sup> St., Bismarck, ND 58501.

**Approval of Minutes:** It was moved by Dave Relling, seconded by Dan Conn, and approved unanimously to accept the minutes of the May 4, 2020, and June 5, 2020, meetings.

**Jurisprudence Exam:** Bruce Wessman updated the board on the jurisprudence exam process during the renewal cycle that starts on November 1, 2020. He said all licensees are required to take the exam during the upcoming renewal cycle. He will send licensees information on the renewal process and the exam in October.

**Physical Therapy Licensure Compact:** The only way to verify compact privileges, said Wessman, is at <https://purchase.ptcompact.org/Verify>. The compact commission does not provide verifications. He said that, according to the Secretary of State's office, only a professional licensed in the state may incorporate a professional business in North Dakota, and that a compact privilege to practice does not satisfy this requirement.

**CE Broker:** The board discussed CE Broker's proposal to allow ND licensees to use the company to track and report their continuing competence activity to the board. It was moved by Dave Relling, seconded by Marcus Hieb, and approved unanimously to accept and support the proposal from CE Broker to track and report continuing competence activity. Participation in this service is not mandated by the board and is strictly voluntary.

**Complaint Process:** The board discussed updating its complaint policy. It was moved by Dave Relling, seconded by Dan Conn and approved unanimously to modify the process to allow for an initial complaint to be reviewed by the board's attorney, executive officer and one or two board members (review team)

to decide if an investigation is warranted. If the decision is to go forward, an investigator works up the complaint and sends the report to the review team to determine how to proceed, i.e. either to dismiss or go forward against the licensee. If the review team decides to proceed against the licensee, then the board's attorney will seek a settlement. If a settlement is obtained, it must be approved by the full board. If no settlement is offered, or if the board turns down the settlement, then the board will forward the case to the North Dakota Office of Administrative Hearing for determination. A copy of the complaint policy will be placed on the board's web site along with the complaint form.

**Finances and Reserve Fund:** After discussion regarding the board's finances, it was moved by Dave Relling, seconded by Cassie Christensen and approved unanimously to waive the renewal fees for North Dakota licensees for the renewal period starting on November 1, 2020 and extending to January 31, 2021. After further discussion, it was moved by Marcus Hieb, seconded by Cassie Christensen and approved 4-0 with Dave Relling abstaining, to allocate \$25,000 each to the physical therapy departments at the University of North Dakota, The University of Mary and the University of Jamestown, and to American Physical Therapy Association-North Dakota, all for specifically identified and requested equipment and educational seminar needs. The allocations are contingent on the legality of this assistance being confirmed by board counsel.

**Board Vacancies:** The board currently has three vacancies. President DeKrey will contact the Governor's office to discuss filing these. The board will add the list of vacancies to its web site along with a link to the application page for boards and commissions.

**Questions from Licensees:** The board has received several questions regarding employers assigning physical therapists tasks not included in the therapist's scope of practice such as being part of a labor pool performing nasopharyngeal swaps, handing out sleep study kits, performing finger sticks for international normalized ratio work (INR), etc. The board said employers could use physical therapists for such tasks as long as the tasks do not infringe on another profession's scope of practice ; the employer provides proper training and documentation of competency; and that the employer has proper liability coverage. The board said neither the licensee nor the employer could bill these service as physical therapy services. Another question concerned physical therapists completing outcome and assessment information sets (OASIS). The board said that, according to Medicare guidelines, physical therapists may complete OASIS when therapy is the only services being provided.

**Legislation:** Board counsel said American Physical Therapy Association – North Dakota (APTA-ND) intends to introduce two bills in the 2021 Legislature. One would add physical therapists to the North Dakota Workforce Safety & Insurance (WSI) definition of health care providers, while the other would allow physical therapists to order medical imaging.

**Next Meeting:** A virtual meeting is anticipated sometime in November or December to review the results of an Office of Administrative Hearings review of a physical therapy complaint. The board will also hold a virtual meeting in April 2021 to elect a delegate and alternate delegate to the 2021 Federation of State Boards of Physical Therapy (FSBPT) annual meeting later that year.

No further business appearing, President DeKrey adjourned the meeting at 11:00 AM.

/S/ Bruce Wessman  
Executive Officer

/S/ Jeanne DeKrey  
Board President