

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

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

Board President Betsy Bjoralt called the meeting to order at 9 AM Monday, May 14, 2012, at the Wheeler Wolf Law Firm office, Bismarck, ND.

Minutes: After review, it was moved by David Schall, seconded by Reed Argent and passed unanimously to approve the minutes from the November 14, 2011, conference call meeting.

Duty to inform: Jack McDonald presented options to the board concerning the duty to inform employers of disciplinary action taken against their employees licensed in another state. It was moved by Reed Argent, seconded by Dave Relling and passed unanimously to direct the board's counsel to draft a policy that will allow the board to notify employers of disciplinary action taken against their employees once notification of the action is received from another state.

Keith Backes: Jack McDonald presented a letter from Keith Backes asking that the Board reinstate his suspended license given his acquittal in a criminal action brought against him. After considerable discussion, including a review of Mr. Backes' history with the board, it was moved by Dave Relling, seconded by Reed Argent and passed on a 5-1 vote, with Doug Eggert voting no, to revoke Mr. Backes' physical therapy license.

Complaint Process: Jack McDonald presented several options to the board regarding the disciplinary process followed by other professional licensing boards in the state. Following discussion regarding our current complaint policy, it was moved by David Schall, seconded by Terry Eckmann and passed unanimously to have board counsel re-write the complaint policy so as to provide for more involvement from the entire board. He will write this up in a step by step fashion and present it to the board for review.

Concussion Bill: There was discussion concerning the concussion legislation passed by the 2011 Legislature (now Section 15.1-18.2-04, ND Century Code). Legislative Management's interim Education and Taxation Committee is considering changes to the legislation. The consensus of the board is that a Physical Therapist with training in the evaluation and management of concussions should be allowed in the return to play decision.

Fixed date testing: There was general discussion on the impact fixed date testing for the (NPTE) is having on new graduates from the state's two schools of physical therapy at the University of North Dakota and the University of Mary. It was moved by Terry Eckmann, seconded by Doug Eggert and passed unanimously to amend the board's administrative rules and Practice Act, where needed, to allow for taking of the NPTE prior to graduation. This will involve repealing Section 61.5-02-01-04, NDAC, and revising a portion of the Practice Act, Section 43-26.1-04, during the 2013 Legislature. Board counsel was instructed to draft a bill to this effect.

Other changes: The board voted to appoint a task force of Dave Relling, Reed Argent and Bruce Wessman to review the board's administrative rules and Practice Act for other possible changes.

Counsel fees: After discussion, it was moved by Dave Relling, seconded by David Schall and passed unanimously to have the board cover NDPTA's portion of the counsel's fees for the next two years.

Audit: It was moved by Terry Eckman, seconded by Betsy Bjoralt and carried unanimously to authorize the executive officer to contract with the Grand Forks accounting firm of Drees, Risky and Vallager for the board's 2012 audit.

Durable Medical Equipment: Bruce Wessman reported on a meeting he attended April 17<sup>th</sup> organized by the North Dakota Board of Pharmacy and held in its Bismarck office concerning possible durable medical equipment (DME) legislation in 2013. Wessman said it is the Pharmacy Board's view that only persons licensed under their respective practice acts in North Dakota can prescribe and furnish DME to their patients. Wessman said the proposed legislation would likely require licensure of DME wholesalers in North Dakota and to make it clear who can prescribe DME and furnish it to patients in North Dakota. The Physical Therapy Board requested its counsel to follow this legislation if it is introduced in the 2013 Legislature and to keep the board informed regarding its impact on physical therapy practice.

Federation of State Boards of Physical Therapy Update: Dave Relling discussed the Federation of State Boards of Physical Therapy (FSBPT) continuing competence model/program which may be adopted by state jurisdictions in whole or in part. This model includes a program entitled aPTitude for tracking licensee CEU/CC. This may also be utilized for reviewing CEU/CC compliance if all licensees within the state utilize it, certification of continuing education courses, and jurisprudence exam development and administration. FSBPT staff is willing to provide on-site or webinar informational presentations about the available options. Relling discussed a disparity in providing accommodations to bar exam candidates within the United States. The previous standard was "reasonable accommodations" but there are some areas of the country which have changed to "best ensure". The board was informed there are "resource papers" on the FSBPT members only website available for review. Finally, there was discussion whether the board should "ratify" newly licensed candidates on a yearly basis. Relling said he will get more information for the board on this concept.

Complaints: Counsel presented two complaints for board review. Both were sent to the physical therapist's employer by the complainants. In both instances the board also received responses from the physical therapists. The executive officer and the board president recommended that the board take no further action on either complaint since they both related to business procedures and customer service. It was moved by Betsy Bjoralt, seconded by Terry Eckman and carried unanimously to accept the recommendation. The board's counsel was directed to inform the respective parties of this decision.

Congratulations: This being Betsy Bjoralt's last meeting, the board presented her with a plaque expressing its appreciation for her 10 years of dedicated service to the board.

Election of Officers: This being the annual meeting, the floor was open to nominations for officers for the upcoming year. It was moved by David Schall, seconded by Doug Eggert and passed unanimously that Reed Argent and Dave Relling be respectively nominated and elected President and Vice President.

New Members: Jeanne Dekrey was appointed by the Governor for a five year term on the board, beginning July 1, 2012, to replace Betsy Bjoralt. Terry Eckmann was re-appointed as a public member to her second five year term beginning July 1, 2012.

2012 FSBPT Annual Meeting: The board designated Reed Argent as its delegate and David Schall as its alternate delegate to the 2012 FSBPT Annual Meeting. The federation funds one delegate and alternate from each state board. Jeanne Dekrey was designated to attend the FSBPT's educational session and will be funded by the board. Bruce Wessman was designated to attend the FSBPT as the state board administrator. FSBPT will fund his attendance.

Next Board Meeting: The board's next meeting will be Monday, May 13, 2013, 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 Bjoralt declared the meeting adjourned at 1:45 PM.

DATED: July 17, 2012

/S/ Bruce Wessman

Executive Officer NDBPT