

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

May 6, 2019

Present: Board members Dr. Keith Swanson, Jeanne DeKrey, Reed Argent, and Dave Relling; Executive Officer Bruce Wessman; Board Counsel Jack McDonald; North Dakota Physical Therapy Association PTA liaison Cassie Christensen

Absent/Excused Dan Conn

Board President Jeanne DeKrey called the meeting to order at 9 AM Monday, May 6, 2019, at the Wheeler Wolf Law Firm, 220 N. 4th Street, Bismarck, ND 58501-4004.

Minutes: After review, it was moved by Reed Argent, seconded by Dave Relling and passed unanimously to approve the minutes of the Board's May 14, 2018, meeting. A motion was made by Dave Relling, Seconded by Reed Argent and passed unanimously to approve the minutes of the June 12th conference call. A Motion was made by Dave Relling, seconded by Reed Argent and passed unanimously to approve the minutes of the June 26th conference call.

Alternate Approval Pathway: Bruce Wessman informed the board that an agreement has been signed by FSBPT and the North Dakota Board of Physical Therapy to participate in the Alternate Approval Pathway for initial licensure. This has a starting date of August 1, 2019.

Criminal Background Checks: Bruce Wessman presented board training on the policy and procedures for CHRI. Emphasis was placed on the reason for CHRI which is initial licensure. CHRI information will not be shared with anyone unless mandated by a court order. The retention of CHRI is 3 years; storage is in a locked file cabinet. Only the Executive officer and the administrative assistant will have actual physical access to CHRI. Dan Conn will receive in person training on this policy from board member Reed Argent on May 8th.

Criminal Background Checks: After discussion by the board it was moved by Reed Argent, seconded by Keith Swanson and passed unanimously that the Board will consider the criminal background checks are valid for up to 6 months to allow an applicant to complete the licensure process.

Practice act update: Bruce Wessman reported that SB 2125, the Practice Act revisions, passed unanimously and will become law on August 1, 2019.

Rules and Regulations: The board worked through proposed rule changes and has asked Jack McDonald to compile these and send out to the board for review in a timely fashion. A task force of board members and legal counsel will then meet to cross reference the rules with the practice act. Once completed Jack McDonald will implement the rule change process.

PT and ordering imaging: The PT board discussed their role in promoting PT's ability to order imaging studies. The PT board concluded that promoting the profession was the responsibility of the

professional chapter. The following statement is now the board's stance on imaging: "The NDBPT will not oppose legislative efforts by the NDPTA to enact a law enabling Physical Therapist to order imaging studies."

PT and DOT Physicals: The PT board was once again asked if a PT may become certified by Federal Motor Carriers Safety Administration to perform DOT physicals. After review of the certification process and taking into account that chiropractors and mid level practitioners are allowed to become certified and given the board's previous stance of allowing other non entry level practices when certification was obtained, The PT board voted 3-1, with Keith Swanson casting the dissenting vote, in favor of allowing a PT to become certified to perform DOT physicals. This affirmatively answers the question from FMSCA: "Does the scope of practice for a Physical Therapist to conduct the testing and physical examination of body systems required on the Medical Examination Report, determine whether the driver is physically qualified to drive a CMV in interstate commerce, and complete the Medical Examiners Certificate?".

PT and Private Practice: The PT board has received multiple business set-up questions. Per Jack McDonald this is not the board's responsibility. The licensee needs to work with their attorney or with the APTA's private practice section on these issues.

Selling Dietary supplement: Bruce Wessman presented a question on PT selling dietary supplements. Per the dietary practice act this would be allowed as long as the therapist does not state they are a dietician. Per the pharmacy board there would not be any restrictions to selling legal supplements. However advertising to the public benefits of supplements without scientific support is problematic. The pharmacy board also reiterated that a PT may not recommend or counsel on medications. The PT board's practice act does allow for disciplinary action for: "Promoting any unnecessary device, treatment intervention or service resulting in the financial gain of the practitioner or of a third party"

PT and Prescriptions for Medication: Jeanne DeKrey presented on the practice of having a standing order for use of medications used in iontophoresis or phonophoresis. Per our rules and regulations Chapter 61.5-06-02: "A valid order or prescription for medication classified as a legend drug is needed before administration to a patient." In addition "a record of dosage form, quantity and strength of medication administered to each patient is required in the medical record" The PT board interpretation of this rule is that a standing order is not sufficient to administer legend drugs. A patient specific order is required. The PT board has directed Bruce Wessman to add this to the FAQ section of the web page.

MDS: After discussion it was moved by Reed Argent, seconded by Keith Swanson and passed unanimously to collect MDS information every other year. This information will be shared with UND for a biennial report presented by UND to the state legislature.

JP Exam: Bruce Wessman will modify the JP exam to eliminate the questions that are no longer valid following the practice act update. The JP exam will need a major overhaul after the rule change updates.

Verification of Compact Privileges: Bruce Wessman informed board members that the NDBPT does not provide verification of compact privileges and that this is done by the compact commission. Verifications can be found at ptcompact.org

BCI Audit: The PT board was selected for audit by the BCI. The audit remains incomplete as in-person trailing of board members was only completed today. In addition, Jack McDonald has yet to produce his certification of completion for the online training section. Once this is done it is anticipated the PT board will be found in compliance for the BCI audit.

PT Board Audit: The audit of the PT board for the years ended June 30, 2018 and 2017 was completed by the firm of Brady Martz. All Board members received a copy of this.

Budget: Bruce Wessman presented a draft budget for July 1, 2019 to June 30, 2020. After discussion of line item changes it was moved by Jeanne Dekrey, seconded by Keith Swanson and passed unanimously to accept the budget as modified. For the line items: It was moved by Jeanne Dekrey, seconded by Dave Relling and passed unanimously to sponsor a continuing competence activity by the NDPTA for \$5,000. It was moved by Keith Swanson, seconded by Dave Relling and passed unanimously to send Bruce Wessman and another PT to CLEAR investigators training in Minneapolis this fall. \$4,000 was allocated for this. It was moved by Reed Argent, seconded by Keith Swanson and passed unanimously to waive the PT/PTA renewal fee for the renewal period starting November 1, 2019.

Financial statement: Bruce Wessman presented the board with the financial statements as of May 1, 2019. A motion was made by Jeanne Dekrey, seconded by Dave Relling and passed unanimously to add \$50,000 to the PT board's CD reserve fund.

Licensure stats: Bruce Wessman presented the board with the current number of PT/PTA licensed by North Dakota. Currently there are 919 PT and 172 PTA.

Farewell to Reed Argent: Bruce Wessman announced that Reed's term on the board expires June 30th 2019. As of today the Governors' office has not filled this position.

Election of Officers: It was moved by Reed Argent, seconded by Keith Swanson and passed unanimously that Jeanne DeKrey and Dave Relling be elected President and Vice President respectively.

2019 FSBPT Annual Meeting: The Board designated Jeanne DeKrey and Bruce Wessman respectively, as FSBPT-funded delegate and alternate delegate to the 2019 FSBPT Annual Meeting. Bruce Wessman was designated to attend the 2019 FSBPT Annual Meeting as the Board's administrator, FSBPT will fund his attendance. A motion was made by Jeanne DeKrey, seconded by Reed argent and passed unanimously to fund the remaining board members to attend the FSBPT's educational session.

Next Board Meeting: The date of next year's board meeting will be May 4th 2020

No further business appearing, President DeKrey adjourned the meeting at 2:45

DATED: May 06, 2019

/S/ Bruce Wessman
Executive Officer NDBPT