

NORTH DAKOTA BOARD OF PHYSICAL THERAPY
MEETING MINUTES

Dakota Access Media and via Zoom-9 am (CDT)
Monday, May 12, 2025

Present: In-person: board members Nancy Kopp, Marcus Hieb, Cassie Christensen, Steve Ziegler, Terry Eckman, and Justin Berry; Executive Officer Scott Holm and Board Counsel Jack McDonald.

Via-video conferencing: board member Dr. Rohit Mahajan; American Physical Therapy Association-North Dakota (APTA-ND) physical therapist liaison Kevin O'Brien and physical therapist assistant liaison Wendy McGinley

Board President Justin Berry called this Annual Meeting of the North Dakota Board of Physical Therapy to order at 9:03 am on Monday, May 12, 2025 at Dakota Media Access, 1101

Board President Justin Berry welcomed new APTA-ND PT Representative: Kevin O'Brien

Legislative and Law Updates: Jack McDonald reviewed SB2169 regarding informed consent and SB 2273 regarding diagnostic imaging. Both bills were introduced by the APTA-ND and passed through the legislature without opposition. Both bills will be signed by the governor and become law August 1, 2025. McDonald also reviewed Section 10 of SB 2308 regarding occupation licensing boards. This bill is an extension of the labor study which was initiated last year. The bill will establish a task force to review and assess state boards.

BCI Refresher: Scott Holm presented an in-person BCI refresher. Background checks are only used for initial PT and PTA licensure. BCI reports are not transferable to employers and only utilized for PT and PTA licensing. NDBPT will complete the refresher annually at the annual board meeting.

Licensure Statistics and Compact Update: Justin Berry provided an update of current licensees in the state. North Dakota currently has 1,130 physical therapists, 198 physical therapist assistants, and 160 PT and PTAs holding compact privileges. Berry shared that on March 1st, Vermont became the 33rd compact state and as of May 1st, 2025 Alaska became the 34th active member state.

Continuing Competence Audits: Scott Holm presented the continuing competence audit results for 2023-2024 reporting period. 66 active licensees were audited for continuing competence completing during the reporting term. All 66 were able to complete the continuing competence document upload.

Financial Statements: Scott Holm provided an update on the current state of finances and board accounts. Holm reminded the Board that we did not charge renewal fees during the 2024 renewal period. Discussion was had regarding the financial position of the Board.

2025-2026 Budget: Scott Holm presented a draft budget for the upcoming fiscal year beginning July 1, 2025. The proposed budget included \$5,000 APTA-ND education sponsorship. It was moved by Terry Eckman, seconded by Marcus Hieb and passed unanimously.

Recommendation was made to ask the APTA-ND to use the funds to support an imaging course in light of the recent legislation related to the ordering of diagnostic imaging by physical therapists. Kevin O'Brien said he would bring this back to the APTA-ND education committee. The proposed budget also includes an increase to the Executive Officer compensation from \$1,600/month to \$1,800/month. The increase to the Executive Officer compensation was moved by Marcus Hieb and seconded by Terry Eckman and passed unanimously. The increase to the Executive Officer compensation will take effect July 1, 2025. No further discussion on Executive Officer compensation. With no further discussion about the budget it was moved by Cassie Christensen, seconded by Steve Ziegler, and passed unanimously to accept the budget.

Election of Officers: Steve Ziegler submitted a nomination for Justin Berry as President and Marcu Hieb, Vice President. Both candidates stated they would be interested in continuing their roles. The slate of candidates was presented, it was motioned by Cassie Christensen, seconded by Steve Ziegler. As there was no opposition for these positions, Justin Berry and Marcus Hieb were elected President and Vice President respectively via unanimous vote.

Dry Needling Verification: Scott Holm presented the potential of adding a dry needling verification to the license application and renewal form. Discussion held regarding dry needling, entry level skills, and competency. Dry needling is currently beyond entry-level and requires additional education and certification. Requirements for certification are not defined by the board at this time. Recommendation to add a question to the initial application and renewal form to acknowledging requirements for ordering diagnostic imaging. It was moved by Steve Ziegler, seconded by Cassie Christensen, and passed unanimously. No further discussion regarding adding a question regarding ordering diagnostic imaging to physical therapist applications and renewals.

Complaint Process Review: Justin Berry shared it has been nearly 6 months since the new complaint process was adopted. Berry requested feedback from the board regarding how they feel the new process has been. Board members feel the new process has been good and the board feels they have more involvement in complaint reviews earlier.

Questions from Licensees: Scott Holm presented questions from licensees received throughout the year. Questions from physical therapists providing appropriate supervision of physical therapists assistants. Questions specific to supervision using telehealth. Questions also related to providing supervision across multiple settings including home health, clinic, and inpatient facilities. Questions regarding duties physical therapist assistants are able to perform, ultimately it is the physical therapist responsibility to ensure the physical therapist assistant is competent to provide the delegated tasks and those tasks are within their scope. Other questions regarding setup of cash based practices. The board does not comment on set up of physical therapy practice. The board's role to ensure that the physical therapist(s) providing services are licensed to provide physical therapy in North Dakota. Secondary question regarding documentation in cash-based practices. The board advises that physical therapists would document in the same way in all settings including all areas of patient care management outlined in the rules and regulations regardless of practice setting or set up.

Complaint Review: It was moved by Steve Ziegler, seconded by Terry Eckman and carried to go into an executive session authorized by §44-04-19.2 (2), N.D.C.C. to consider a complaint against a licensee that is confidential pursuant to §43-26.1-03(2), N.D.C.C. The executive session was recorded as required by state law.

Following the executive session, the Board reconvened in open session.

Based the information provided, PT licensee practiced within the PT scope of practice and within the scope of the physician's post-operative protocol. It was moved by Steve Ziegler to dismiss the complaint against PT licensee, seconded by Marcus Hieb. No further discussion, the motion passed unanimously

With no further items on the agenda, President Berry adjourned the meeting at 11:04 am.