

MINUTES

**UTAH
PHYSICAL THERAPIST
LICENSING BOARD MEETING**

August 18, 2009

**Room 474 – 4th Floor – 1:00 P.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:10 A.M.

ADJOURNED: 11:43 A.M.

Bureau Manager:
Board Secretary:

Rich Oborn
Lee Avery

Board Members Present:

Mark A. Anderson, Chairperson
J. Trent Casper
Edmund L. Sperry
Misha Bradford

Guests:

Kim W. Reid
Amy Black

DOPL Staff Present:

Ronda Trujillo, Compliance Specialist
Kent Barnes, Compliance Manager

TOPICS FOR DISCUSSION:
MINUTES

DECISIONS AND RECOMMENDATIONS:

The minutes from THE April 7, 2009 Board meeting were reviewed. Ms. Bradford motioned to approve the minutes, seconded by Mr. Sperry. The motion carried unanimously.

DOPL administrative changes

Mr. Oborn advised the Board that Mr. Mark Steinagel is the new Division Director. Mr. Stanley retired in March 2009.

Mr. Oborn advised the Board that once a year, the Boards decide if they want to keep the same chairperson. After a brief discussion, Ms. Bradford motioned to keep Mr. Anderson as the Board Chairperson, seconded by Mr. Casper. The motion carried unanimously.

Mr. Oborn reviewed the following Physical Therapists (PT), Physical Therapist Assistants (PTA) and

Temporary Physical Therapist Assistants, licensure statistics with the Board:

- #1. 172 PTAs licenses issued;
- #2. 184 Temporary PTAs licenses issued;
- #3. 10 PTAs are pending;
- #4. 11 Temporary PTAs are pending; and
- #5. 1,578 PT licenses.

The Board expressed its condolences to Ms. Susan Doucette, UPTA president. Her son, John Doucette, passed away on August 5, 2009.

COMPLIANCE REPORT

Ronda Trujillo, Compliance Specialist

#1. Mr. Sabey is in compliance with his stipulation. The Division received his supervisor report from Steve Christensen with Peoplefirst Rehabilitation and Janet Maltba with Willow Creek Health Care. Both reports are very positive. We received his chaperone report. He submitted a request for early termination of his probation. Mr. Sabey has submitted his paperwork either on time. His continuing education courses were completed well in advance of the due date. Mr. Sabey has always complied with his stipulation. He has always been very professional in his dealings with the Division. He has completed twenty (20) months of his thirty-six (36) month probation.

Discussion:

The Board discussed Mr. Sabey seeing female patients. The Board questioned the date Mr. Sabey advised the Board he started seeing a female patient vs. the date listed on the chaperone paperwork. Mr. Oborn reviewed an e-mail he sent Mr. Sabey giving him authorization to see female patients. The Board reviewed Mr. Sabey's essay. The Board noted that Mr. Sabey acknowledged his actions.

Discussion:

The Board discussed transitioning a probationer from strictly following the stipulation, i.e. cannot see a female patient, to seeing a female patient with supervision, termination of the probation.

#2. Mr. Nebeker is in compliance with his stipulation. The Division received his supervisor report from

Steven Slade with Wasatch Valley Rehabilitation and Aaron Roghey with Riverton Transitional Rehabilitation Center. The Board needs to know if he treated female patients, if he has, he must submit a chaperone report as required in his order. The Board noted that Mr. Nebeker's supervisor has not submitted a chaperone report. Mr. Nebeker has submitted a second letter requesting early termination. He has submitted letters from his three (3) employers/supervisors supporting early termination of probation. Thus far, he has completed twenty-one (21) months of his thirty-six (36) month probation.

Discussion:

The Board reviewed the letters submitted, noting that they are very strong in support of terminating his probation early. The Board indicated that it would consider early termination of probation at a later Board Meeting.

APPOINTMENTS:

Laine Sabey, Probation Interview

Mr. Sabey met with the Board for his probation interview. Mr. Sperry conducted the interview. Mr. Sabey advised the Board that he still works thirty-five (35) to thirty-six (36) hours a week. His employment with his brother is not working out. There is not enough work to keep them both busy. The Board noted that Mr. Sabey's additional continuing education is completed. His family is his personal support. His brothers are his professional support. He is also involved in sports to help him with stress. The Board noted that Mr. Sabey has come along way since his first meeting with the Board. Mr. Sabey stated he has no intentions of changing the venue of his practice at this time. However, he does have some long term plans to be a facility director. He has been contacted by another center to see if there are any therapists wanting to contract for them. Mr. Sabey advised the Board that he would like the option of being able to refer his clients to more than just one company. The Board noted that this could give him more exposure. After a brief discussion, the Board approved Mr. Sabey working with Sunrise Home Health and reminded him he cannot work more than forty-eight (48) hours a week. The Board reminded him to have the administrator submit a letter stating that he or she read his stipulation. The Board asked

Mr. Sabey to continue submitting the chaperone logs. The Board questioned Mr. Sabey about the discrepancy regarding his first visit to a female patient. The records show his first visit was four (4) days prior to approval. Mr. Oborn stated he will check his e-mail regarding the first e-mail Mr. Sabey stated he sent to Mr. Oborn requesting authorization to see a female client. Ms. Avery will review the recording to clarify Mr. Sabey's statements at his April 7, 2009 Board interview. After further discussion, Mr. Sperry motioned to see Mr. Sabey one more time, he provides a letter detailing lessons that he learned and what he has done to make sure he has modified his behavior and intentions regarding his approach to patient care, not just avoiding the circumstances, seconded by Mr. Casper. The motion carried unanimously. After further discussion the motion was amended by Ms. Bradford to also have him address if he is in this position again, and how he would handle it, include patient empathy and patient awareness, seconded by Mr. Casper. The motion carried unanimously. The Board asked to see Mr. Sabey on December 17, 2009. **Mr. Sabey is in compliance with this stipulation.**

John Nebeker, Probation Interview

Mr. Nebeker met with the Board for his probation interview. Mr. Anderson conducted the interview. Mr. Nebeker stated that he is working for Wasatch Valley. His new supervisor is Steven Slade. Mr. Slade submitted a letter stating that he reviewed Mr. Nebeker's stipulation. The facility currently has twenty (20) patients. He would like to find employment in Provo, Utah. The Board reviewed Mr. Nebeker's letters requesting early termination of his probation. The Board noted that the letters from his supervisors are very positive.

Before his next appointment with the Board, the Board requested that Mr. Nebeker submit a written statement that addresses the following questions:

- (1) How have you modified your approach to patient treatment and interaction in your practice of physical therapy since beginning your term of probation?
- (2) How will you maintain sensitivity to a patient's potential discomfort regarding treatments provided?

The Board asked to see Mr. Nebeker on December 15,

2009. **Mr. Nebeker is in compliance with his stipulation.**

DISCUSSION ITEMS:

Update on the Physical Therapy Practice Act and Rule.

Taken out of order on the agenda:

Mr. Oborn advised the Board that the Physical Therapy Practice Act Rule became effective August 10, 2009. There were a few comments during the comment period. Most were relating to the continuing education requirement.

Governor's Ethics Policy for Executive Branch Employees

Mr. Oborn reviewed the Governor's ethics policy with the Board members.

Advertising of new CE requirements

Taken out of order on the agenda:

Mr. Oborn indicated that some PTs and PTAs misunderstand the new continuing education requirement that became effective on August 10, 2009. The new requirement is referenced in R156-24b-303b. Mr. Reid stated that the Utah Physical Therapy Association (UPTA) will consider mailing information to their members that will clarify the misunderstanding. Mr. Oborn instructed Mr. Reid about how to request a list of mailing addresses for licensed PTs and PTAs in Utah. Mr. Oborn also stated that he would email Mr. Reid clarifying language that UPTA could include in the mailer.

Changes to CAPTE accreditation standards

Mr. Oborn advised the Board that FSBPT is considering raising the NPTE exam fee from \$350.00 to \$370.00. If the fee increase is approved, it will become effective on January 2010. This is due to the increase costs of developing, administering and maintaining the exam. The current exam fee is \$350.00. The proposal is to raise exam to \$370.00, starting January 1, 2010.

CORRESPONDENCE:

None

Not on the agenda:

Mr. Oborn advised the Board that the Division is considering sending Board notifications via e-mail. The Board requested to receive a reminder about one week before the date.

NEXT MEETING SCHEDULED FOR:

Several Board members stated they would be unable to attend the December 15, 2009 Board meeting. This

meeting has been moved to December 17, 2009 at 1:00 P.M.

2010 Board meetings tentatively scheduled:
February 23, April 20, August 17, December 21

ADJOURN:

Motioned to adjourn at 11:43 A.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Mark A. Anderson, Chairperson, Utah Physical
Therapy Licensing Board

Date Approved

Richard Oborn, Bureau Manager, Division of
Occupational & Professional Licensing

Awaiting Formal Approval