

MINUTES

**UTAH
PHYSICAL THERAPY
LICENSING BOARD MEETING**

February 23, 2010

**First Floor Conference Room – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:10 A.M.

ADJOURNED: 11:40 P.M.

**Bureau Manager:
Board Secretary:**

Richard J. Oborn
Lee Avery

Board Members Present:

Mark A. Anderson, Chairperson
J. Trent Casper
Misha Bradford
Heather George

Board Members Absent:

Edmund L. Sperry

Guests:

Dennis Williams
Lisa White
Steve Crandall
Noall Latimer
Helga VonJentschyk
Andrew Hoffman

DOPL Staff Present:

Mark B. Steinagel, Division Director
Kent Barnes, Compliance Manager

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

MINUTES

The Board reviewed the minutes from the December 17, 2009 Board meeting. Mr. Casper motioned to approve the minutes, seconded by Ms. Bradford. The motion carried unanimously.

COMPLIANCE REPORT

Kent Barnes, Compliance Manager

#1. Mr. Sabey is in compliance with his stipulation. Mr. Sabey has been in compliance with his stipulation since his probation started. Mr. Sabey submitted his answers to the three questions the Board presented to him. Mr. Sabey has requested to be released from his

probation.

Discussion:

The Board reviewed the letter Mr. Sabey submitted answering the three questions the Board requested that he answer in a written statement. The Board discussed early termination of Mr. Sabey's probation.

Preliminary review of Board business:

Mr. Oborn reviewed the topics to be discussed at this Board meeting.

APPOINTMENTS:

Laine Sabey, Probation Interview

Mr. Sabey met with the Board for his probation interview. Mr. Anderson conducted the interview. The Board stated that they were pleased with his responses to the questions that they had requested he answer. Mr. Sabey advised the Board that he has learned a lot from this experience, especially the need to establish policies to keep clients informed and safe. The Board noted that Mr. Sabey has been in compliance with his stipulation since he started his probation term. After further discussion, the Board decided to release Mr. Sabey from his probation effective today, February 23, 2010. Mr. Oborn outlined the probation termination process and advised Mr. Sabey that if the Division Director agrees with the Board and there are no outstanding investigations, he should receive his license within the next two weeks.

DISCUSSION ITEMS:

1. Changes to continuing education requirement in the Physical Therapy Practice Act Rule

Dennis Williams, Lisa White, Noall Latimer, and Steve Crandall met with the Board to discuss changes to the continuing education requirement. Mr. Williams and Ms. White work for Weber County School District and Mr. Crandall is a member of the UPTA Board. The Board introduced themselves to the visitors. The Board and meeting visitors discussed specifics regarding possible changes to the CE requirement established in the Physical Therapist Practice Act Rule (R156-24b-303b). Mr. Crandall informed the Board of UPTA's recommendations with respect to changes to the CE requirement. The Board recommended to the Division that the current Section 303b be replaced with the following text:

R156-24b-303b. Continuing Education - Standards.

(1) Required Hours. During each two year renewal cycle commencing on June 1 of each odd numbered year:

(a) A physical therapist shall be required to complete not less than 40 hours of continuing education of which a minimum of three hours must be completed in ethics/law. Examples of possible subjects to be covered in an ethics/law course include:

- (i) patient/physical therapist relationships;
- (ii) confidentiality;
- (iii) documentation;
- (iv) charging and coding;
- (v) compliance with state and/or federal laws that impact the practice of physical therapy; or
- (vi) any subject addressed in the American Physical Therapy Association Code of Ethics.

(b) A physical therapist assistant shall be required to complete not less than 20 hours of continuing education of which a minimum of three hours must be completed in ethics/law.

(c) The required number of hours of continuing education for an individual who first becomes licensed during the two year renewal cycle shall be decreased in a pro-rata amount.

(d) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) **Time.** Each hour of continuing education course credit shall consist of 50 minutes of education. Licensees shall only receive credit for lecturing or instructing the same course up to two times. Licensees shall receive one hour of continuing education for every two hours of time spent:

- (i) lecturing or instructing a course;
- (i) in a post-professional doctorate or transitional doctorate program; or
- (ii) in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association.

(b) **Course Content and Type.** The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(i) The content of the course shall be relevant to the practice of physical therapy and shall be completed in the form of any of the following course types: departmental in-service, seminars, lectures, conferences, training sessions, webinars, internet courses, distance learning courses, journal clubs, authoring of an article, textbook publication, poster platform presentation, specialty certification, post-professional clinical residency, fellowship, post-professional doctorate coursework, lecturing, instructing, or study of a scholarly peer-reviewed journal article.

(ii) The following limits apply to the number of hours recognized in the following course types during a two year license renewal cycle:

(A) a maximum of 40 hours for initial specialty certification through the American Board of Physical Therapy Specialties (ABPTS);

(B) a maximum of 40 hours for hours spent in a post-professional doctorate or transitional doctorate CAPTE accredited program;

(C) a maximum of 40 hours for hours spent in a post-professional clinical residency or fellowship approved by the American Physical Therapy Association;

(D) a maximum of half of the required number of hours for lecturing or instructing in continuing education courses meeting these requirements;

(E) a maximum of half of the required number of hours for online or distance learning courses that include examination and issuance of a completion certificate;

(F) a maximum of 12 hours for authoring a published, peer-reviewed article;

(G) a maximum of 12 hours for authoring a textbook chapter;

(H) a maximum of 10 hours for personal or group study of a scholarly peer-reviewed journal article;

(I) a maximum of six hours for authoring a non-peer reviewed article or abstract of published literature or book review;

(J) a maximum of six hours for authoring a poster or platform presentation.

(c) **Provider.** The course provider shall be one of the following:

(i) a recognized accredited college or university;

(ii) a state or federal agency;

(iii) a professional association, organization, or facility involved in the practice of physical therapy; or

(iv) a commercial continuing education provider providing a program related to the practice of physical therapy.

(d) **Objectives.** The learning objectives of the course shall be clearly stated in course material.

(f) **Faculty.** The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) **Documentation.** Each licensee shall maintain adequate documentation as proof of compliance with this section, such as a certificate of completion, school transcript, course description, or other course materials. The licensee shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due.

(i) At a minimum, the documentation shall contain the following:

(A) the date of the course;

(B) the name of the course provider;

(C) the name of the instructor;

(D) the course title;

(E) the hours of continuing education credit; and

(F) the course objectives.

(ii) if the course is self-directed, such as study or authoring of a scholarly peer-reviewed journal article, the documentation shall contain the following:

(A) the dates of study or research;

(B) the title of the article, textbook chapter, poster, or platform presentation;

(C) an abstract of the article, textbook chapter, poster, or platform presentation;

(D) the hours of continuing education credit; and

(E) the objectives of the self-study course.

*(6) **Extra Hours of Continuing Education.** If a licensee completes more than the required number of hours of continuing education during a the two-year renewal cycle specified in section (1), up to ten hours of the excess over the required number may be carried over to the next two year renewal cycle. No education received prior to a license being granted may be carried forward to apply towards the continuing education required after the license is granted.*

After discussion of the recommendation, Mr. Casper motioned to amend Section 303b of the Physical Therapy Practice Act Rule with the text cited above, seconded by Ms. Bradford. One of the most critical elements of the rule change is that of allowing facilities to create their own CE courses for PTs and PTAs that they employ. The amendment also decreases the number of CE required in ethics/law from six to three. Mr. Oborn noted that if a facility wanted to confirm the quality of a course they offer, they could seek sponsorship from UPTA. Mr. Oborn emphasized the need for UPTA to assist the Division in communicating these changes to the PTs in Utah. Mr. Oborn anticipated that these changes would become effective in two months at the earliest. Mr. Oborn will soon share a rough draft of the changes approved by the Board via email with Board members and representatives of UPTA. The formal proposal of an amendment to the rule will then be formally published in the Utah State Bulletin. After a 30-day comment period, the rule will likely become effective.

2. License requirement for foreign educated PTs and PTAs

Mr. Oborn asked the Board to review the foreign education requirement under the Physical Therapy Practice Act Rule to consider if the current requirement is too restrictive. The requirement appears in R156-24b-302a(1) and (2). Individuals who received their education outside the United States must have their education reviewed by Foreign Credentialing Commission Physical Therapy (FCCPT). Only deficiencies found by FCCPT in the humanities, social sciences, and liberal arts may be corrected by completing college level credits or by passing the College Level Examination Program (CLEP). The Board discussed amending the rule to allow for an applicant to remedy deficiencies in any pre-professional course such as humanities, physical sciences, biological sciences, social sciences,

behavioral sciences, mathematics, or advanced first aid for health care workers. Mr. Casper motioned to further amend the rule as discussed, seconded by Ms. Bradford. The motion carried unanimously. The Board recommended Mr. Oborn develop language for proposed change for the Board to review via email.

3. FSBPT Ethics courses, ProBe-PT

Mr. Oborn reviewed the FSBPT Ethics courses handout with the Board. After a brief discussion, the Board noted that this might be a good course to require new probationers to attend.

4. Howard G. Haupt, surrender of license order

Mr. Oborn reviewed the surrender of license order regarding Mr. Haupt with the Board.

5. Open and Public Meetings Act Training

Mr. Oborn reviewed the Open and Public Meetings Act training with the Board. Mr. Oborn encouraged the Board to contact him with additional questions.

NEXT MEETING SCHEDULED FOR:

April 20, 2010

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

ADJOURN:

Motioned to adjourn at 11:45 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.

August 17, 2010
Date Approved

(ss) Mark Anderson
Chairperson, Utah Physical Therapy Licensing Board

March 22, 2010
Date Approved

(ss) Richard J. Oborn
Bureau Manager, Division of Occupational &
Professional Licensing