

MINUTES

**PHYSICAL THERAPY LICENSING BOARD
MEETING**

December 17, 2013

**Room 402 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 a.m.

ADJOURNED: 11:45 a.m.

**Bureau Manager:
Board Secretary:**

Debra Hobbins, DNP, APRN, LSUDC
Shirlene Kimball

Department of Commerce Staff:

Mark Steinagel, Division Director
Susan Higgs, Compliance

Conducting:

Trent Casper, PT Chair

Committee Members Present:

Trent Casper, PT
Kim Cohee, DPT
Kim Reid, PT

Committee Members Excused:

Anne Jones, public member
Lindsi Gordon, PTA

Guests:

Kris Justesen, UAA
Keith Stevens
Kelly Alvory, Ensign Group
Tyehao Lu, UAAOM
Elaine T. Lu, PT
Natalie Clausen, Utah Acupuncturist Licensing Board

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

August 27, 2013 Minutes:

Dr. Cohee made a motion to approve the August 27, 2013 minutes as written. Mr. Reid seconded the motion. All Board members voted in favor of the motion.

Dry Needling Discussion,
Mark Steinagel, Division Director:

Mr. Steinagel stated that he met with Curtis Jolley, Physical Therapy Association president, Dr. Hobbins and the Assistant Attorney General to discuss intramuscular manual therapy, or trigger point dry needling. Mr. Steinagel stated it was determined after a review of the Physical Therapy Licensing Act, that dry needling appears to be outside the scope of practice of a physical therapist.

Dr. Hobbins indicated that the Division's attorney stated it is not a competency or training issue, but that the statute does not allow dry needling. Mr. Jolley indicated the association is considering Legislation to make a change to the statute. Mr. Steinagel indicated acupuncturists might challenge the amendment, so the wording will have to be very clear. Mr. Steinagel indicated that the Division will not become involved in the proposed changes to the statute.

Dr. Hobbins indicated that FSBPT's legal council is currently reviewing the letter from the National Center for Acupuncture Safety and Integrity. Mr. Reid stated he also discussed this issue with Mr. Jolley and Mr. Jolley indicated that the Physical Therapy Association will meet with the acupuncturists to see if they can avert any problems before the Legislative session begins.

Board members questioned how many other states allow dry needling in the physical therapist scope of practice. Mr. Jolley had reported 25 other states allow this procedure. Mr. Steinagel stated the Division's attorney only found fourteen other states that allow the procedure. Mr. Alvory, member of the public, indicated that it is not part of the standard curriculum in physical therapy programs. Mr. Casper questioned if a physical therapist can teach the procedure. Mr. Steinagel stated they can teach whatever the Statute allows.

Susan Higgs,
Compliance report:

Ms. Higgs reported the following individuals are in compliance with the terms and conditions of their probation: James Nackos, Craig Bischoff, Steven Orrock and Randall Palmer.

Ms. Higgs stated James Nackos has not missed any check-ins and is current on all reports. Board members requested Mr. Nackos continue to work in the clinical setting and submit employer reports for January and February. Mr. Nackos is scheduled to meet with the Board in March 2014. Mr. Nackos indicated he does not want to meet with the Board in March. Dr. Hobbins stated that if Board members are comfortable with the Division reviewing the January and February reports, and if Mr. Nackos does not miss any check-ins with Affinity, the Division could terminate the probation on February 28, 2014. Dr. Cohee indicated she read his letter and would be comfortable allowing the probation to terminate

on February 28, 2014 as long as he remains in compliance until that time. Mr. Casper stated he agrees and does not see any benefit to making Mr. Nackos wait for the March meeting. Dr. Cohee made a motion to terminate the probation on February 28, 2014 if Mr. Nackos remains in complete compliance. Mr. Reid seconded the motion. All Board members voted in favor of the motion.

Ms. Higgs reported that Troy Gubler received a public reprimand and is required to complete Board approved continuing education in Ethics. Mr. Gubler submitted for approval an ethics CE course. Dr. Cohee indicated it looks like the standard continuing education course on ethics from FSBPT and the number of hours are appropriate and fulfills the requirement. Mr. Casper made a motion to approve the continuing education course submitted by Mr. Gubler. Mr. Gubler will need to provide documentation of completion of the course. Dr. Cohee seconded the motion. All Board members voted in favor of the motion.

Randall Palmer,
New Order:

Mr. Palmer met with the Board and explained the circumstances that brought him before the Board. He indicated he was charged with growing marijuana in his back yard and possession of drug paraphernalia in his home. He stated since there was a child in the home, he was also charged with child endangerment. Mr. Palmer indicated he has completed court probation and all court requirements. Mr. Palmer stated the reason he is here today is that he answered "no" on the qualifying questionnaire when asked if you have pled guilty to, no contest to, entered into a plea in abeyance or been convicted of a misdemeanor in any jurisdiction within the past ten (10) years. Dr. Hobbins indicated that if he has answered "yes", and submitted all the paperwork up front, he probably would not have had his license placed on probation because he had completed the court probation. Mr. Palmer stated he was embarrassed and just did not think when filling out the application. Board members questioned whether he has any issues with any other drugs. He stated he does not have any issues with drugs or alcohol. Dr. Hobbins questioned whether he continues to use marijuana. Mr. Palmer stated he did use marijuana from late 2010 until September 2013. Mr. Palmer stated he did not use it on a regular basis and last smoked marijuana in September 2013. He reported it is not an issue now and he needs to take care of his family. Mr.

Palmer stated he is having a difficult time finding a position due to the probation. Mr. Palmer indicated he was working at Wasatch Home Health, and after they completed a background check, he was informed the facility would have to let him go. He stated his family is struggling financially and he wants to get back to work. Mr. Palmer also indicated he has not signed up with Affinity and does not know how he will afford to pay for the evaluations and drug screens. He stated he wants to go through the process appropriately, but is concerned about the money. Dr. Hobbins indicated that there is an option to place the license on a limited status, which would place all the conditions on hold and he would not be allowed to work as a PTA. This would allow him to find another type of job, catch-up on finances, and then when he is ready to find a PTA position, he would contact the Division. Mr. Palmer stated he would consider that option. Ms. Higgs indicated that he would still need to sign up with Affinity, then if he decides to place the license on a limited status, his account would be placed on hold.

Dr. Cohee made a motion to have Mr. Palmer submit his request for a limited license in writing, sign up with Affinity, and place the account on hold once the document is signed. Mr. Reid seconded the motion. All Board members voted in favor of the motion.

Craig Bischoff,
Probation interview:

Mr. Bischoff requested he be allowed to expand his hours and work full time in home health. He indicated there would be a transition period, and he would start full time in January. He indicated that six visits per day are considered full time. Mr. Bischoff stated he has no challenges or concerns at this time and feels he is doing very well. Dr. Cohee made a motion to approve his request to work full time in home health. Mr. Reid seconded the motion. All Board members voted in favor of the motion. **Mr. Bischoff is in compliance with the terms and conditions of his Order and will be seen March 18, 2014.**

Steven Orrock,
Probation interview:

Mr. Orrock reported things are going well. He has submitted all paperwork and he meets with his supervisor once a week. Mr. Orrock submitted the HIPPA regulations and it appears he is in compliance with those regulations. Mr. Orrock stated he attends 12-Step meetings. He has been in compliance for six months and

will now submit reports quarterly. **Mr. Orrock is in compliance with the terms and conditions of his order and will be scheduled to meet with the Board in March 2014.**

Continued discussion regarding dry needling with guests present for the discussion:

There were additional members of the public who appeared for the discussion regarding dry needling. Mr. Casper explained the earlier discussion with Mr. Steinagel. Mr. Reid reported there was a letter of response from the Division sent to Mr. Curtis Jolley, president of the Utah Physical Therapy Association. The letter was handed out for review. The letter from the attorney on the behalf of the National Center for Acupuncture Safety and Integrity was also provided to the guests. Dr. Hobbins indicated she composed the letter to Mr. Jolley with the assistance of the assistant attorney general. Dr. Hobbins also indicated that FSBPT is looking at the letter from the National Center for Acupuncture Safety and Integrity. Dr. Hobbins indicated that the Division maintains neutrality.

Kelly Alvord,
Discussion regarding suture/staple removal under a physician order:

Mr. Alvord met with the Board to discuss the issue of Physical Therapists removing suture/staples when a physician has ordered them removed. Mr. Alvord indicated he could not find any statement in law or rule that says the PT can or cannot remove staples and would like direction from the Board. Mr. Reid indicated he removes staples in his practice at the direction of the physician; however, feels this issue may need further discussion. Dr. Cohee stated at first she felt a discussion was not necessary, but after giving it more thought, also feels further discussion is necessary.

Dr. Hobbins indicated that removing sutures/staples appears to fall under the Physical Therapy Practice Act, section 58-24b-102(14)(g)(h) if there is a physician order. Mr. Alvord questioned if the procedure would be under a physicians order or could it fall under wound care. Dr. Cohee stated if complications arose, it would be treated the same as wound debridement. Board members stated they feel this is non-invasive and suture/staple removal would fall under wound debridement. Board members discussed this issue and determined it would fall under 58-24b-102(14) g and h.

Discussion regarding sitting for the FSBPT examination prior to graduation:

Dr. Hobbins indicated that the Statute was changed; however, the rule was not changed to address the Statute

change. It appears this has been the source for the confusion regarding an individual being allowed to sit for the examination prior to graduation. Mr. Casper made a motion to bring Physical Therapy Rule, R156-24b-302b in line with the Statute. Dr. Cohee seconded the motion. All Board members voted in favor of the motion.

Discussion regarding PT and PTA licensure:

Mr. Casper stated a few states are having issues with the PT who fails the examination and then wants to sit for the PTA examination. Mr. Casper stated Utah follows this process. Dr. Cohee stated she feels it is acceptable and allows the individual to work while waiting to take the next examination. Dr. Hobbins indicated that we are not issuing a Temporary license to these individuals because it has been more than three months since they graduated. Board members indicated they would leave the rule as it is.

Dr. Cohee stated that students have requested removal of proof of employment from the section of Rule. Dr. Cohee made a motion to remove from R156-24b-305 (c) submits evidence of having secured employment conditioned upon issuance of the temporary license. Mr. Reid seconded the motion. All Board members voted in favor of the motion.

FSBPT Budget:

Informational

Next Meeting:

March 18, 2014

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.

3/18/14

Date Approved

Kim Cohee

Trent Casper, Chair
Physical Therapy Licensing Board

3/18/14

Date Approved

Debra Hobbins

Debra Hobbins, Bureau Manager,
Division of Occupational & Professional Licensing