

Minutes of the January 19, 2023 Board of Physical Therapy Video Conference Meeting

1. ROLL CALL

Betsy Becker, Chairperson, called the meeting of the Board of Physical Therapy to order at 1:03 p.m. on Thursday January 19, 2023, on the Third Floor, Conference Room 3H, of the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS website at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on January 11, 2023.

Becker announced that this is an open meeting and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Dr. Betsy Becker, Chairperson (via Webex)
Kimberly Oliphant, Member (via Webex)
Dr. Kirk Peck, Vice-Chairperson (via Webex)
Tom Victor, Secretary (via Webex joining at 1:06)

Staff Present:

Jeanne Burke, Assistant Attorney General
TJ O'Neill, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
Susan Held, DHHS Investigations
Suzanna Glover-Ettrich, DHHS Legal

2. ADOPTION OF AGENDA

MOTION: Peck moved, seconded by Oliphant, to adopt the agenda as posted. Voting aye: Becker, Peck, and Oliphant. Voting nay: None. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the minutes from the October 20, 2022, Board meeting. Becker, Oliphant, and Peck voted to approve the minutes as written. Victor did not vote. The minutes were approved on November 10, 2022.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Oliphant moved, seconded by Peck to move into closed session at 1:06 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Becker, Oliphant, Victor, and Peck. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned from closed session at 2:26 p.m.

The Board did not make any recommendations.

6. UPDATE ON NEW LICENSURE DATABASE

Covert-ByBee advised that the Department of Health and Human Services is in the process of finalizing a contract with the same entity that created the current system, LIS, to upgrade the database and use a newer product, My License Office.

7. ELECTION OF OFFICERS

MOTION: After discussion, Peck moved, seconded by Oliphant to keep the same slate of officers with Becker as Chairperson, Peck as Vice-Chairperson, Victor as Secretary, and Oliphant as Investigative Consultant. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

8. VOTING FOR DELEGATES FOR NATIONAL BOARDS/MEETINGS

MOTION: After discussion, Oliphant moved, seconded by Peck to select Becker as Delegate, Peck as the Alternate Delegate, for the FSBPT Leadership Issues Forum (LIF), and the Annual Education Meeting. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

9. CONVICTION REVIEW GUIDELINES

MOTION: Victor moved, seconded by Peck to keep the conviction review guidelines as currently written. Voting aye: Becker, Oliphant, Peck and Victor. Voting nay: None. Motion carried.

10. PER DIEM DISCUSSION

The Board discussed retaining the current per diem amount of \$50/day for Board business with an additional ½ day per diem for meeting preparation.

MOTION: Peck moved, seconded by Oliphant to retain the current per diem structure. Voting aye: Becker, Oliphant, Victor, and Peck. Voting nay: None. Motion carried.

11. COMMUNICATION WITH STAKEHOLDERS

Becker indicated the Board has the opportunity to consider how they can communicate with stakeholders to provide information, upcoming opportunities, etc. Becker advised the annual APTA Nebraska meeting will be held April 1st, during which the Board has traditionally been allowed time at the podium to provide information. The Board has also provided information in the APTA newsletter, however the newsletter is only disseminated to APTA members, not all licensees. Becker will provide Covert-ByBee with contact information for schools with a PT/PTA programs. Covert-ByBee will advise these schools that she is available to present information on licensure and the PT Compact to upcoming graduates and clinical education partners. Peck added that there are always questions about the jurisprudence exam, and there is a need for licensees to stay updated on law changes and other topics such as telehealth.

12. NOTICE OF MEETING PUBLICATION

Covert-ByBee advised that currently, meeting agendas are posted at the Nebraska State Office Building- Licensure Unit bulletin board, emailed to interested parties and stakeholders who have requested notification, and posted on the Department's website.

MOTION: Oliphant moved, seconded by Peck to continue with the current notification process. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

13. LEGISLATIVE UPDATE

Covert-ByBee presented the Board with information regarding the following legislative bills and resolutions: LB16, LB256, LB280, LB291, LB335, LB345, LB402, LB422, LB430, LB431, LB513, LB588, LB634, LB626, LB637, LB810, LR18, and LR19. Peck expressed interest in LB123, LB795, and LB91. These bills and resolutions may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

14. LICENSURE AND EXECUTIVE ORDER 22-08

Covert-ByBee advised Executive Order 22-08 does not extend provisions in previous orders to allow persons licensed in other jurisdictions to practice in Nebraska without a Nebraska license. EO 22-08 addresses issuing provisional licenses pending exam results, however most Physical Therapy licensure applicants have already taken the exams. The Order also temporarily allows for remote supervision in lieu of onsite supervision, should the individual providing supervision determine it would be appropriate.

15. RESCHEDULE OCTOBER 2023 MEETING

Due to a conflict with the FSBPT Annual Education Meeting, the October 19, 2023 Board of Physical Therapy meeting was rescheduled to September 28, 2023.

16. LICENSURE APPLICATION PROCESSING REPORT

The Application Processing Report (APR) was provided for informational purposes only.

17. TOPICS FOR NEXT MEETING

Applicants who took the NPTE years ago and do not have scores available, Legislative Update, Communication with Stakeholders, and APR.

18. ADJOURNMENT

There being no further business, the meeting adjourned at 3:46 p.m.

Respectfully submitted,

Tom Victor, Secretary