

Minutes of the March 28, 2024 Board of Physical Therapy Meeting

1. ROLL CALL

Dr. Kirk Peck, Chair, called the meeting of the Board of Physical Therapy to order at 2:00 p.m. on March 28, 2024, in the Lower Level, Goldenrod Conference Room, 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 emailed 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

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

Members Present: The following members answered roll call:

Dr. Kirk Peck, Chair
Kimberly Oliphant
Tom Victor, Secretary

Members Absent:

Dr. Betsy Becker, Vice-Chair

Staff Present:

Mindy Lester, Assistant Attorney General
Abby Hoy-Nissen, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Kim Hitzel, Board Coordinator
Suzanna Glover-Ettrich, DHHS Legal (via WebEx)
Jeff Newman, Investigator with DHHS Investigations
Mark Meyerson, Investigator with DHHS Investigations
Anna Harrison, DHHS Compliance Monitor for Licensing and Investigations
Dr. Douglas Vander Broek, Nebraska Board of Health

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the minutes from the January 11, 2024, Board meeting. Voting Aye, Becker, Oliphant, Peck. Voting Nay, none. Abstain, Victor. Minutes were approved on January 25, 2024.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Oliphant moved, seconded by Peck, to move into closed session at 2:02 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Victor, Oliphant, and Peck. Voting nay: None. Motion carried.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned from closed session at 3:03 p.m.

The Board took a break at 3:03 pm and resumed at 3:10 pm.

MOTION: Oliphant moved, seconded by Peck to recommend issuing a Physical Therapy license to Chase Smartt with a civil penalty of \$250 based on failure to comply with home state residency requirements of the Physical Therapy Compact home state requirements. Voting Aye, Victor, Peck, and Oliphant. Voting Nay, none. Motion carried.

6. SCOPE OF PRACTICE QUESTION:

The Board tabled the discussion of the Scope of Practice question until the next scheduled board meeting July 25, 2024.

7. COMMUNICATION WITH STAKEHOLDERS

The Annual Conference and Business Meeting of the American Physical Therapy Association-Nebraska Chapter meeting will be held April 6, 2024, at University of Nebraska Medical Center in Omaha, NE. Peck and Covert-ByBee will present at the meeting.

8. DISCUSSION OF BOARD MEMBERSHIP

Covert-ByBee inquired who was eligible to volunteer with the Federation of State Boards of Physical Therapy (FSBPT). FSBPT indicated that associate members can volunteer for FSBPT committees as well as current board members. Associate members are former board members or administrators of a member board, former members of the FSBPT Board of Directors, former committee or task force members, or a member of the Academy of Advanced Item Writers.”

9. UPDATE OF NEW LICENSURE DATABASE

Covert-ByBee stated the process is running according to schedule and should be in place by December 2024 or January 2025.

10. LEGISLATIVE UPDATE

Covert-ByBee informed the Board that LB 16 passed and may lead to changes in application review. Covert-ByBee will inform the board as soon as the Department of Health and Human

Services finalizes how the changes will be implemented. This may impact new license applications including the definition of a disqualifying conviction and the reciprocity method for certain types of applications and certain applicants.

11. LICENSURE APPLICATION PROCESSING REPORT

Covert-ByBee presented the Application Processing Report (APR) and stated that it was prepared for informational purposes only.

12 PUBLIC COMMENT

There were no public comments.

13. TOPICS FOR NEXT MEETING

The following topics were identified for the next meeting: APR, Legislative Update, PT Compact Update, Public Comment, Scope of Practice question that was tabled from this meeting, Update on New Licensure Database, LIF Report, and Stakeholder Communication.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 3:23 p.m.

Respectfully submitted,

Tom Victor, Secretary