

These minutes were approved by the Board of Physical Therapy on July 2, 2019.

Minutes of the April 2, 2019 Board of Physical Therapy Meeting

Dr. Betsy Becker, Vice-Chairperson, called the meeting of the Board of Physical Therapy to order on Tuesday, April 2, 2019 at 9:11 a.m. in Conference Room C at Cornhusker State Industries, 800 Pioneers Boulevard, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice and Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services, Division of Public Health at least twenty-four (24) hours prior to the meeting.

Becker announced that this is a public meeting and the Open Meetings Law is posted.

The following Board members and Department staff were present at the meeting: Dr. Betsy Becker; Dr. Kirk Peck; Tom Victor; Claire Covert-ByBee, Program Manager; and Antonio Carranza, Health Licensing Coordinator.

Victor moved, seconded by Peck to adopt the agenda as presented. Voting aye: Becker, Peck and Victor. Voting nay: None. Absent: Reiman. Motion carried.

Victor moved, seconded by Peck to approve the minutes from January 31, 2019. Voting aye: Becker, Peck and Victor. Voting nay: None. Absent: Reiman. Motion carried.

Peck gave a short legislative update. He stated LB 29 had passed and he did not testify at the hearing. He also stated LB 735 is still in committee and he was advised not to testify at that hearing as well.

Covert-ByBee also gave a brief PT Compact update advising the Compact is scheduled to go live this month in Nebraska. The overall fee for a Nebraska PT Compact privilege will be \$80, although the Department does have the ability to adjust the fee if costs associated with the Compact exceed the fees.

Covert-ByBee provided an update on the regulation review process. She stated in 2017 the department reviewed all regulations and created a report illustrating how they could be less restrictive. This included removing duplicative language and creating 172 NAC 10, a chapter of regulations that applies to all professions under the Uniform Credentialing Act. It also included removing duplicative language that is in the Physical Therapy Practice Act. Additionally it was requested that any regulations that are considered overly burdensome be removed as well. The department has now been tasked with implementing those changes. Covert-ByBee advises the main focuses for the Board should be initial licensure, continuing education requirements and unprofessional conduct.

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The Board discussed 172 NAC 137-011 and 172 NAC 137-012 regarding Examination eligibility and procedures. The Department is currently in charge of making all applicants eligible to take the Licensure examination. The Board recommended the alternative approval process letting the schools the applicants are attending make them eligible.

Covert-ByBee advised all acronyms will be eliminated from the regulations, including the definitions. The Board also made a few adjustments to update a few different organizations throughout the regulations.

The Board discussed 172 NAC 137-003.01 6 and 7 regarding qualifications for initial licensure as a physical therapist. The Board recommended eliminating requirement a. from both 6 and 7 requiring retaking the licensure examination if the applicant has not practiced within three years. The Board recommended instead to require proof of 30 hours of continuing education for the preceding 3 years from receipt of the application. The Board also recommended making the same changes to 172 NAC 137-005 6 and 7 regarding qualifications for initial certification as a physical therapist assistant.

The Board discussed 172 NAC 137-007 regarding Fine-Wire Electromyography. The Board recommended to leave that section as is but to add in another section including Dry Needling and the requirements for that. They recommended using requirement 1 and 2 from fine-wire electromyography with the exception of removing item h. from 1.

The Board discussed 172 NAC 137-013.01 1. b. regarding requiring completion of the Nebraska Law Tutorial for all renewals. Becker and Peck stated that the Tutorial is the only time license holders are required to view any of the laws regarding their profession. They felt that it was a valuable refresher and not overly burdensome for licensees. Covert-ByBee expressed concerns over the utility of the tutorial as there is no way to verify who is taking the exam, it is open book and there is no limit to how many times a licensee can take it. In addition, the tutorial takes a lot of time and effort from DHHS staff for tracking and processing. Covert-ByBee suggested removing the tutorial as a requirement but allowing it to be used for continuing education worth 1 credit hour.

The Board discussed telecommunications and altering the definition to update for new technology. The Board also addressed continuing education awarded for author credit in a professional publication. They recommended removing primary or secondary as requirements for receiving continuing education credit.

The Board did not have any recommendations regarding regulations on unprofessional conduct.

Topics for next meeting include a PT Compact Update.

There being no further business, the meeting adjourned at 12:10 p.m.

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Respectfully submitted,

Tom Victor, Secretary