

*These minutes were approved by the Board of Physical Therapy via mail ballot.*

## Minutes of the July 23, 2020 Board of Physical Therapy Teleconference Meeting

### **1. ROLL CALL**

Betsy Becker, Chairperson, called the meeting of the Board of Physical Therapy to order at 1:14 p.m. on Thursday, July 23, 2020 in Conference Room C at Cornhusker State Industries in Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of 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 Act is posted.

**Members Present:** The following members answered roll call:

Dr. Betsy Becker, Chairperson  
Dr. Kirk Peck, Vice-Chairperson  
Tom Victor, Secretary  
Kimberly Oliphant, Member

**Others Present:**

Natalee Hart, Assistant Attorney General  
Jeff Newman, Investigator  
Anna Harrison, Compliance Monitor  
Grace Knott, President of the Nebraska Physical Therapy Association  
Wayne Stuberg, Physical Therapy member of the Nebraska Board of Health  
Claire Covert-ByBee, Program Manager  
Antonio Carranza, Health Licensing Coordinator

### **2. ADOPTION OF AGENDA**

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

### **3. REAFFIRMATION OF MAIL BALLOTS**

The Board reaffirmed the mail ballot approving the minutes from the April 23, 2020 Board Meeting. All members voted to approve the minutes as written.

The Board also reaffirmed the mail ballots recommending reinstatement of Ashley Vernon's Physical Therapy Assistant certification and recommending approval of Jordan Bussinger's Physical Therapy application.

### **4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Peck moved, seconded by Victor to go into closed session at 1:20 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named

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or referenced in such discussions. Voting aye: Becker, Oliphant, Peck and Victor. Voting nay: None. Motion carried.

## **5. BOARD RECOMMENDATIONS ON APPLICATIONS– OPEN SESSION**

The Board returned to open session at 2:01 p.m.

There were no recommendations.

## **6. REGULATION UPDATE**

Covert-ByBee advised 172 NAC 137 Regulations regarding Licensure of Physical Therapy have officially been promulgated. Covert-ByBee and the Board acknowledged the hard work of everyone involved and she stated a copy of the regulations are available on the Department website.

## **7. ALTERNATE APPROVAL PATHWAY**

Covert-ByBee stated the Alternate Approval Pathway (AAP) was part of the regulations that were recently promulgated. It allows for applicants for the National Physical Therapy Exam (NPTE) to apply for eligibility through their educational program for the exam directly to the Federation of State Boards of Physical Therapy (FSBPT) instead of through the Department. The AAP was made active on July 1<sup>st</sup>, 2020. Covert-ByBee provided some background advising that before July 1<sup>st</sup> in order for an applicant to sit for the NPTE they had to apply for the exam and complete an application for licensure through the State of Nebraska. It caused issues with timeliness and access to the examination for applicants. Now the Department will not receive an application until the applicant has already been made eligible and taken the exam so it will be a more streamlined process and should help both the Department and applicants.

## **8. LEGISLATIVE UPDATE**

Covert-ByBee stated the legislature reconvened on Monday, July 20<sup>th</sup> for 17 days. They are holding three sessions a day and are slated to end on August 13<sup>th</sup>. The main focus of the session is passing a budget and there not currently a lot of bills of strong interest to the Board.

## **9. COMMUNICATION WITH STAKEHOLDERS**

Becker introduced the topic to improve communications with stakeholders including licensees, students and any other interested parties. The Department currently posts pertinent information on the Department's Physical Therapy website and sends out emails to anyone who requests to be part of the interested parties list. Becker gave an example of a newsletter prepared by the Arizona Board of Physical Therapy. She suggested the Board consider preparing a recurring newsletter or working with the Nebraska Physical Therapy Association (NPTA) to provide information to licensees. The Board along with Grace Knott, President of the NPTA agreed to include licensure information on the NPTA newsletter with links to the website for longer articles. The Board and Department are planning on providing information that will spotlight topics of

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interest in Physical Therapy licensure including reminders, new information and changes that affect licensees.

#### **10. NEBRASKA ATHLETIC TRAINERS' ASSOCIATION 407 PROPOSAL**

Peck introduced the topic to raise awareness of the ongoing 407 credentialing review of the Statutes relating to Athletic Training. He has taken part in part of the review and response from the Nebraska Physical Therapy Association. The revisions include an expansion of the population group Athletic Trainers can treat. Peck said no action is required as of now but they are monitoring the review and wanted to bring awareness to the Board of potential issues impacting Physical Therapists.

#### **11. COVID-19 AND LICENSURE**

Covert-ByBee shared that Executive Order 20-27 was signed by the Governor in late June. It added language to allow for Physical Therapists and Physical Therapy Assistants to obtain a provisional license while waiting to complete their examination. The provisional license would hold the same authority as an initial license and the applicant would have to satisfy every other requirement of licensure and be registered to take the exam. The provisional license would last until test scores were received or until December 31, 2020, whichever comes first. If the applicant passes the exam they would be granted an initial license, if they do not pass their provisional license would expire and they would have to pass the exam before they could be licensed.

She also stated that EO 20-27 allowed for a continuing education waiver based on circumstances outside of the licensee's control. To apply for this waiver the licensee would have to provide documentation supporting that they were unable to complete their continuing education requirement due to circumstances outside of their control.

#### **12. LICENSURE APPLICATION PROCESSING REPORT**

Carranza provided an application processing report. This was for informational purposes only.

#### **13. PUBLIC COMMENT**

There was a comment regarding clarification of continuing education hours and the in-person hour requirement.

#### **14. TOPICS FOR NEXT MEETING**

Suggested topics for next meeting include a legislative update, outreach to licensees follow-up, regulations update, COVID-19 and licensure update, update on the Athletic Training 407 Credentialing Review and updating the Nebraska Law Tutorial.

#### **15. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:02 p.m.

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Respectfully submitted,

Tom Victor, Secretary