

Minutes of the January 21, 2021 Board of Physical Therapy Teleconference Meeting

1. ROLL CALL

Betsy Becker, Chairperson, called the meeting of the Board of Physical Therapy to order at 1:05 p.m. on Thursday, January 21, 2021 in Conference Room 3C at the Nebraska State Office Building in 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 web site at <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on January 11, 2021.

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

Others Present:

Suzanna Glover-Ettrich, DHHS Attorney
Rich Woolf, Chief Professional Officer, Federation of State Boards of Physical Therapy (FSBPT)
Claire Covert-ByBee, Program Manager
Antonio Carranza, Health Licensing Coordinator

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the minutes from the November 10, 2020 Board Meeting. All members voted to approve the minutes as written and the minutes were approved on December 9, 2020.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

There were no items for closed session.

5. BOARD RECOMMENDATIONS ON APPLICATIONS– OPEN SESSION

There were no recommendations.

These minutes were approved via mail ballot by the Board of Physical Therapy on February 8, 2021.

6. REGULATION UPDATE

Covert-ByBee reiterated that the regulations were officially promulgated on June 20, 2020 and the department will continue to make sure changes and important information is disseminated to licensees and applicants. She also shared that every chapter for her Boards have been officially promulgated. Becker and Peck acknowledged the hard work of Covert-ByBee and the Department during the process and the appreciation of the Board for the collaborative effort.

Covert-ByBee also stated that the Federation of State Boards of Physical Therapy is working to implement the questions for the NELaw Jurisprudence exam that were reviewed with the Board in November. The new questions were created to reflect the changes in the regulations promulgated in June 2020.

7. LEGISLATIVE UPDATE

Covert-ByBee shared that LB 15 was introduced which would adopt the Occupational Therapy Practice Interstate Compact. Similarly, LB 14 was introduced to adopt the Audiology and Speech-Language Pathology Interstate Compact.

She continued LB 390 was introduced to add language to the Uniform Credentialing Act (UCA) that would add a pathway for licensure by reciprocity in a different form than we currently have. There are a few questions whether it would be more restrictive than the current requirements the Department has including disqualifying criminal history and requirements to hold a license for at least a year before being eligible for licensure.

Covert-ByBee stated that LB 436 was introduced which would amend the Athletic Training Practice Act after going through the credentialing review process. She highlighted a few of the changes to their scope of practice including adding emergency care and use of emergency drugs, examination assessment and impression and expand the description of people Athletic Trainers could treat. Peck was a part of the task force during the credentialing review process and stated that the opinion of Physical Therapists in Nebraska and the Nebraska Chapter of the American Physical Therapy Association was heard and some, but not all of the suggested language was implemented. He reiterated that the change would create access to new populations for Athletic Trainers so it brings up the question of competency and making sure public safety is prioritized.

8. COVID-19 AND LICENSURE

Covert-ByBee referenced Executive Orders 20-10 and 20-27 affecting Physical Therapists that have been discussed at previous meetings. Some of the changes include issuing provisional licenses pending successful completion of the licensing examination and allowing remote supervision and remote examination where available and appropriate.

9. FSBPT BOARD FEEDBACK DISCUSSION

Becker introduced the topic referencing an email sent by Rich Woolf, Chief Professional Officer from the FSBPT asking what the Federation can do to help the state board perform their duties.

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The Board discussed a number of topics including the possibility of allowing physical therapists in Nebraska to administer COVID-19 vaccinations. Covert-ByBee advised that a temporary change for something like this would likely be accomplished with an Executive Order coming from the Governor. Woolf shared information about other states that have allowed physical therapists to administer vaccines or have at least had discussions about it. The Board shared their appreciation for the FSBPT particularly their openness and willingness to help and provide resources for the Board.

(The board took a break at 2:15 p.m. They returned at 2:25 p.m.)

10. OUTREACH TO LICENSEES FOLLOW-UP

Becker stated that the American Physical Therapy Association Nebraska Chapter (NPTA) is holding a virtual meeting on April 17th and the Board has been given time on the meeting on agenda to give a Board update. Becker thought this would be a good opportunity to reach licensees as well as students with information from the Board. Becker suggested focusing on continuing education, disciplinary issues, direct access and mandatory reporting issues and how to find more information regarding these topics.

Becker and Peck both recommended sharing information through the Physical Therapy education programs in Nebraska. Oliphant also stated that sharing these sorts of updates within clinics would be helpful as well as many physical therapy students go to school out of state but complete their clinical in Nebraska with the intention to return after graduation and may not be familiar with the statutes and regulations in Nebraska. The Board also will continue to provide an update in the quarterly newsletter put out by the NPTA.

11. ELECTION OF FSBPT DELEGATES AND CONFERENCE DATES FOR 2021

MOTION: After discussion Peck moved, seconded by Oliphant to select Becker as Delegate, Oliphant as Alternate Delegate and Victor as Second Alternate Delegate for the FSBPT Delegate Assembly held October 22-23, 2021. Voting aye: Becker, Oliphant, Peck and Victor. Voting nay: None. Motion carried.

12. ELECTION OF OFFICERS

MOTION: After discussion, Peck moved, seconded by Victor 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, Oliphant, Peck and Victor. Voting nay: None. Motion carried.

13. NOTICE OF MEETING PUBLICATION

The Board is required to inform the public each year of the method by which it will provide notice of meetings. In the past, the Board has elected to post meeting agendas at the Nebraska State Office Building, email the agenda to the interested parties list, and post agendas on the Department's website.

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

14. LICENSURE APPLICATION PROCESSING REPORT

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

15. UPDATE ON NEW LICENSURE DATABASE

Covert-ByBee stated that the Licensure Unit has started the process of implementing a new licensure database. The Department has a contract with Visual Vault to create a new database for the Licensure Unit. The new system will allow for licensure to be 100% online, including submission of applications, supporting documents and payment and allow applicants to view their progress among other things. The Rehabilitation and Community Services Office, which includes Physical Therapists, is in the first phase of implementation so the goal is to have the new database up and running in September of 2021.

16. TOPICS FOR NEXT MEETING

Suggested topics for next meeting include a report from the APTA Nebraska Virtual Meeting, legislative update, outreach to licensees follow-up, COVID-19 and licensure including update from APTA Nebraska on administration of the COVID-19 vaccine and update on new licensure database.

17. ADJOURNMENT

There being no further business, the meeting adjourned at 3:15 p.m.

Respectfully submitted,

Tom Victor, Secretary