

Minutes of the April 21, 2022 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 1:02p.m. on Thursday, April 21, 2022 in the Fifth Floor Licensure Unit Conference Room G at 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 April 7, 2022.

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)
Dr. Kirk Peck, Vice-Chairperson (via WebEx)
Tom Victor, Secretary (via WebEx)
Kimberly Oliphant, Member (via WebEx)

Staff Present:

Mindy Lester, Assistant Attorney General
Joe Neuhaus, Assistant Attorney General
Suzanna Glover-Etrich, DHHS Attorney (via WebEx)
Pat Lemke, Investigator
Jeff Newman, Investigator
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the minutes from the January 20, 2022, Board Meeting. Becker, Oliphant, and Victor voted to approve the minutes as written; Peck did not vote. The minutes were approved on January 27, 2022.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Oliphant moved, seconded by Victor to move into closed session at 1:08p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named

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

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned to open session at 1:45p.m.

MOTION: Peck moved, seconded by Oliphant to recommend approval of the Physical Therapy license for Ethan Hopp. Voting aye: Becker, Oliphant, Peck and Victor. Voting nay: None. Motion carried.

6. LEGISLATIVE UPDATE

Covert-ByBee provided updates on Legislative Bills 15, 436, 752,709, 742, 743, 824, and 908. LB15 is the Occupational Therapy Compact, which was amended into LB 752. This bill was passed, then signed by Governor Ricketts on 04/18/2022. LB752 was originally a bill to expand of scope of practice for respiratory care practitioners.

LB436 was also passed and signed by the Governor, to expand the scope of practice for Athletic Trainers. Both LB752 and 436 will become effective in three calendar months as they did not include a specific operational date or emergency clause.

Covert-ByBee indicated LB709 was indefinitely postponed. LB709 proposed an alternative method of reciprocal licensure and create changes to the preliminary conviction review process. LB742 was passed and approved by the Governor 04/18/2022. LB742 provides for changes to the Open Meetings Act by allowing minutes to be kept in an electronic record.

Covert-ByBee indicated there has been no movement with LB 743 and 885, however legislative bills 824 and 908 were passed then signed by Governor 04/18/2022. LB824 proposed to change provisions related to state and local building codes, while LB908 allows the Department of Health and Human Services to grant temporary licenses to veterinary technicians after graduating from an approved educational program but before passing the credentialing exam, or while awaiting licensure in Nebraska if authorized to practice in another state.

7. CONVICTION REVIEW GUIDELINES

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

8. EXECUTIVE ORDER UPDATE

Covert-ByBee provided the Board with 3 executive orders issued by Governor Ricketts for reference. Executive order 22-02 extends orders 21-12 and 21-15 through September 30, 2022. Medication Aid renewals however, are no longer being deferred.

9. OUTREACH TO LICENSEES FOLLOW-UP

Becker presented at the APTA-NE annual meeting to 150 attendees on the topics of mandatory reporting, Board functions, executive orders continuing, and professional compliance. Becker advised that this professional association is interested in opening up the practice act and reviewing rules and regulations. Covert-ByBee added that there is a credentialing review process which leads to legislation being introduced to change statutes.

10. UPDATE ON LANCE

Covert-ByBee provided the new launch date for LANCE, which is June 6, 2022. The implementation date was postponed to ensure all pieces are functioning. Physical therapy and cosmetology are the first two professions going live in the new system. Licensees will be able to create a profile, complete their application electronically, make fee payments, submit documentation, and view their application process online.

11. LICENSURE APPLICATION PROCESSING REPORT

Covert-ByBee presented the Licensure Application Processing Report. This was for informational purposes only.

12. TOPICS FOR NEXT MEETING

Topics for next meeting include, Executive Order Update, Update on LANCE, and the Application Processing Report (APR).

13. ADJOURNMENT

There being no further business, the meeting adjourned at 2:16p.m.

Respectfully submitted,

Tom Victor, Secretary