

Minutes of the July 25, 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 1:00 p.m. on July 25, 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 July 7, 2028.

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
Dr. Betsy Becker, Vice Chair
Thomas Victor, Secretary
Kimberly Oliphant, member

Staff Present:

T.J. O'Neill, 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

Members of The Public

Richard Wolff Federation of State Boards of Physical Therapy (FSBPT), Chief Professional Officer (via Webex)
Ruggie Canizares, FSBPT Director's Governing Board Liaison (via Webex)
Jeff Rosa, FSBPT Managing Director (via Webex)

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

The Board reaffirmed the mail ballot approving the minutes from the March 28, 2024, Board meeting. Voting Aye, Victor, Oliphant, and Peck. Voting Nay, none. Abstain, Becker. Minutes were approved on April 10, 2024.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Oliphant moved, seconded by Victor, to move into closed session at 1:07 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Victor, Becker, Oliphant, and Peck. Voting nay: None. Motion carried.

Becker left the meeting at 1:07 p.m.

Becker returned to the meeting at 1:34 p.m.

Oliphant left the meeting at 1:58 pm.

Oliphant returned to the meeting at 2:01 p.m.

5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION

The Board returned from closed session at 2:03 pm. No recommendations were made.

6. FSBPT: JURISPRUDENCE ASSESSMENT MODULE (JAM)

A PowerPoint Presentation was presented by Mr. Wolff and Mr. Rosa from the Federation of State Boards of Physical Therapy (FSBPT) regarding the Jurisprudence Assessment Module (JAM). The FSBPT has the ability create and maintain the JAM to replace the current Nebraska Law exam now being administered from Prometric. Applicants will be required to log in with identification and a password to ensure security. The exam is online, on-demand multiple choice learning tool. The JAM exam is tailored to each state's statutes and regulations and can be updated as needed. Development costs to be paid by the FSBPT and could be ready by mid-2025.

Motion: Becker moved, seconded Oliphant for the following recommendation.

The Board recommends switching the provision of the Nebraska Law Examination from Prometric to the Federation of State Boards of Physical Therapy (FSBPT) Jurisprudence Assessment Module (JAM) and to work with the FSBPT in facilitating that transition.

Voting Aye, Becker, Peck, Victor, and Oliphant. Voting Nay, None. Motion carried.

7. FSBPT: BOARD OF DIRECTORS: RUGGIE CANIZARES

Ruggie Canizares, FSBPT reported that Nebraska is green on the Consumer Protection Rating which is used to measure how well each jurisdiction is sharing information with the FSBPT. An article with information about Artificial Intelligence and the affect it may have in the future is available on their website <https://www.FSBPT.org> along with other information of interest to physical therapists and the public.

8. SCOPE OF PRACTICE

Question a)

For the Practice of IAST M/Gua Sha/ Cupping, is it sufficient for a licensed physical therapist to pursue continued education courses, engage in peer learning through demonstrations, and study relevant research to meet the Board's standards for education and training?

Or is it a requirement to obtain specific certification from recognized organizations (e.g. Graston, HawkGrips?) before a licensee is authorized to perform these techniques on patients?

Board response for Question a: The Nebraska Physical Therapy Board does not endorse or regulate certification programs.

Question b)

In cases where a licensee holds certifications in methodologies such as Graston and Astym, does the Board permit such an individual to impart training to others within their professional scope, albeit not for certification purposes?

For example, can a physical therapist certified in Graston technology legally instruct a massage therapist or athletic trainer (soft tissue mobilization is also in their scope of practice) in the application of this method, solely to enhance the latter's skill set or for demonstration purposes, without issuing formal certification? To be specific, can I perform a small demonstration of Astym (5 to 10 minutes) to another professional for education and not certification purposes?

Board response for Question b: The Nebraska Physical Therapy Board does not endorse or regulate certification programs.

Question c)

Can Physical Therapists in Nebraska remove drains when requested by an orthopedic surgeon? This would include remove steri-strips, pull/remove Hemovac Drain, place gauze/band-aid over the drain site after pulled.

Opinion for Question c: It is the Board's opinion that the functions of pulling and removing a Hemovac Drain is not within the current Scope of Practice of a Physical Therapist. However, removal of Steri-Strips is within the Scope of Practice of a Physical therapist, as currently worded in statutes.

9. PHYSICAL THERAPY COMPACT UPDATE

The Physical Therapy Compact Commission held a meeting on June 17, 2024. There were changes made to the by-laws of administration in nature, one of which was changing the timeframe of notification of change in home state to 60 days. The Compact meeting schedule as well as a list of agendas and minutes may be found on the website at <https://ptcompact.org/meeting-information>.

10. COMMUNICATION WITH STAKEHOLDERS

Peck attended the Annual State Association Conference April 5-6, 2024, at UNMC in Omaha, NE. The next Central District meeting will be in Kearney, NE September 17, 2024. Additional information can be found at [Nebraska Physical Therapy Association - Home \(aptanebraska.org\)](http://aptanebraska.org)

11. UPDATE ON NEW LICENSURE DATABASE

Covert-ByBee reported that the Department continues to work with the contractor. It is planned to be operational by late December 2024.

12. LEGISLATIVE UPDATE

The LB16 bill passed this year. One section of the law impacts the convictions that may be considered if the Board wishes to disqualify (deny) an applicant an initial license based on convictions. It essentially defines “disqualifying convictions”. This does not impact the Board’s ability to consider all convictions in matters where a license is issued with probation or limitations. Only denials.

13. LICENSURE APPLICATION PROCESSING REPORT

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

14. TOPICS FOR NEXT MEETING.

The following topics were identified for the next Board meeting on October 10, 2024: Application Processing Report, Legislative Update, Physical Therapy Compact Update, Public Comment, Update on New Licensure Database, scheduling meeting dates for 2025, and Stakeholder Communication.

15. PUBLIC COMMENT

Rich Wolff, FSBPT, commented that he is impressed with the work of the Board and their engagement with the issues. He went on to say thank you to the board for “leading the way from the heartland.”

16. ADJOURNMENT

There being no further business the meeting adjourned at 3:43 p.m.

Members of The Public:

Richard Wolff
FSBPT
124 West South Steet, Third Floor

These Minutes have been approved by the Board of Physical Therapy on August 5, 2024

Alexandria, VA 22314
703-299-3100

Ruggie Canizares
FSBPT
124 West South Steet, Third Floor
Alexandria, VA 22314
(703)-299-3100

Jeff Rosa
FSBPT
124 West South Steet
Third Floor, Alexandria, VA 22314
(703)-299-3100

Respectfully Submitted,

Thomas Victor, Secretary