

Minutes of the October 10, 2024 Board of Physical Therapy Meeting

1. ROLL CALL

Dr. Kirk Peck, Chair, called the virtual meeting of the Board of Physical Therapy to order at 1:01 p.m. on October 10, 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 Nebraska State Office Building East Vestibule on September 26, 2024.

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 (via Webex)
Dr. Betsy Becker, Vice Chair (via Webex)
Thomas Victor, Secretary
Kimberly Oliphant, Member (via Webex)

Staff Present:

Abby Hoy-Nissen, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Kim Hitzel, Board Coordinator
Suzanna Glover-Ettrich, DHHS Legal (via phone 1:01 pm to 1:28 pm. Via Webex 1:28 pm.)
Mark Meyerson, Investigator with DHHS Investigations
Katherine Amyot, DHHS Legal
Annika Gleason-Schoch, DHHS Legal
Danielle Sund, DHHS Legal (left the meeting at 1:41 pm)

2. ADOPTION OF AGENDA

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

3. REAFFIRMATION OF MAIL BALLOT

There were three mail ballots since the last meeting.

Approval of the Compliance Monitor for Jill McNally Physical Therapist License #2200. Voting to approve Becker, Oliphant, Peck, and Victor. Voting nay, none. Mail Ballot approved August 21, 2024.

Approval of the meeting minutes from July 25, 2024, Board Meeting. Voting to approve; Becker, Peck, Oliphant, and Victor. Voting nay, none. Minutes approved August 7, 2024.

Application review for Matthew Osborne. Voting to defer the decision until the next meeting; Oliphant and Peck on September 23, 2024. Review deferred until October 10, 2024, board meeting.

4. CLOSED SESSION

MOTION: Victor moved, seconded by Oliphant, to move into closed session at 1:04 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.

5. BOARD RECOMMENDATIONS – OPEN SESSION

Danielle Sund left the meeting at 1:41 pm.

The Board returned to open session at 1:58 pm.

In the matter of the application for Cara Cudney for a Physical Therapist license: Victor moved; Oliphant seconded to recommend issuing a censured license on the basis of:

1. Misrepresentation of material facts in procuring or attempting to procure a license.
2. Conviction of (a) a misdemeanor or felony under Nebraska law or federal law, or (b) a crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession.
3. Having had his or her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to section 38-196 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this section.

Voting aye; Peck, Becker, Victor, and Oliphant. Voting nay; none. Motion carried.

In the matter of the Physical Therapy reinstatement application for Karla Abshire: Becker moved; Victor seconded to table the application recommendation until more information is presented. Voting aye; Peck, Oliphant, Becker, and Victor. Voting nay; none. Motion carried.

In the matter of the application for Physical Therapist Assistant for Matthew Osborne: Oliphant moved; Becker seconded to table the application recommendation until more information is presented. Voting aye; Peck, Victor, Oliphant, and Becker. Voting nay; none. Motion carried.

Becker moved; Oliphant seconded to approve the Jurisprudence Assessment Module (JAM) blueprint provided by FSBPT to Nebraska. Voting aye; Victor, Becker, Peck and Oliphant. Voting nay; none. Motion carried.

6. FSBPT: BOARD OF DIRECTORS

Information was received regarding the upcoming elections at the Federation of State Board of Physical Therapy. Becker asked if there were comments the Board members before she votes on behalf of the Board at the annual meeting. The Board members agreed that she may vote on their behalf.

7. CONTINUING EDUCATION REQUIRMENTS

Becker asked if State and National meetings can be considered in person continuing education hours if someone is attending virtually. Covert-ByBee clarified that State and National Association meetings are a defined method of acceptable continuing education hours if they are talking about the theory and clinical application of practice, regardless of the method of attendance.

Discussion was also held regarding questions about continuing education courses and how to calculate attendance if they are online courses or if they were attended virtually. This information can be found in the Continuing Education section of the Regulations on the Department website for Physical Therapy at [Physical Therapy](#) or the Nebraska Secretary of State website at [Nebraska Rules and Regulations](#). The Department encourages everyone to familiarize themselves with all the methods of earning continuing education hours.

The Annual American Physical Therapy Association meeting will be held March 28, 2025, in Kearney, NE. For more information, please use the link provided. [Nebraska Physical Therapy Association - Meeting/Event Information](#) .

8. PHYSICAL THERAPY COMPACT

There is no new information to report.

9. COMMUNICATION WITH STAKEHOLDERS

Peck and Covert-ByBee will develop language to share with the APTA-NE chapter in their next newsletter.

10. UPDATE ON NEW LICENSURE DATABASE

The Department is working with the contractor testing the new database to find any issues within the system. The database is expected to go live in early 2025.

11. LEGISLATIVE UPDATE

There are no updates currently. The Department will keep the Board informed when the Legislature goes into session next year if there are any changes that may need to be addressed by the Board.

12. LICENSURE APPLICATION PROCESSING REPORT

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

13. SCHEDULING OF 2025 MEETING DATES

Meeting dates for 2025 will be February 6, April 17, July 24, and October 16. The meetings will begin at 1 pm. The meeting in February will be held virtually.

14. TOPICS FOR NEXT MEETING.

The following topics were identified for the next Board meeting: Application Processing Report, Legislative Update, Physical Therapy Compact Update, Public Comment, Update on New Licensure Database, NE JAM, Stakeholder Communication, Election of Officers, Voting on Delegates, Notice of Publication, Per Diem, Continuing Education, and the FSBPT Annual Meeting Update.

15. PUBLIC COMMENT

The Board is very thankful for the hard work from Tom Victor while he has served on the board. He has set the bar very high for future members.

16. ADJOURNMENT

There being no further business the meeting adjourned at 2:45 p.m.

Respectfully signed,

Thomas Victor