

## Minutes of the November 10, 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 1:01 p.m. on Tuesday, November 10, 2020 in Conference Room C at Cornhusker State Industries 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 November 2, 2020.

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:**

Natalee Hart, Assistant Attorney General  
Jeff Newman, Investigator  
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 BALLOT**

The Board reaffirmed the mail ballot approving the minutes from the September 30, 2020 Board Meeting. All members voted to approve the minutes as written and the minutes were approved on October 8, 2020.

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

**MOTION:** Victor moved, seconded by Oliphant to go into closed session at 1:05 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named 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 1:52 p.m.

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

## **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.

## **7. LEGISLATIVE UPDATE**

Covert-ByBee stated the legislature suspended the session due to COVID-19 and reconvened in July to complete the session. They primarily focused on budget issues, nothing that affected physical therapy directly. Looking forward, there are a few bills that may be introduced in 2021 that could indirectly affect the Board including establishing a compact for Occupational Therapists. There was legislation introduced in the last session for a compact for Audiologists and Speech-Language Pathologists but it was indefinitely postponed, although it may be reintroduced in 2021.

## **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. There was a directed health measure that will go into effect at midnight that may affect healthcare offices, but the department needs to review the language. There are some professions that are explicitly named, but physical therapists are not one of them. If it affects physical therapists, the department will meet to discuss how to disseminate the information but it would certainly be posted on the department website with a guidance document.

## **9. FSBPT ANNUAL MEETING REPORT**

Becker gave a report on the Federation of State Boards of Physical Therapy (FSBPT) annual meeting which was held virtually. The education part was helpful and webinars are available for one hour topics to review whether you were able to attend or not. Becker especially enjoyed the keynote speech given by the Chief Executive Officer of the FSBPT, Bill Hatherall.

Oliphant shared this was the first annual meeting she was able to attend and she felt it was well organized and informative. She enjoyed the virtual format but looks forward to being able to participate in person in the future.

Covert-ByBee echoed the comments of the Board and enjoyed the meeting including the educational presentations. She stated the Compact Commission Meeting was similar in style with the same virtual format.

#### **10. OUTREACH TO LICENSEES FOLLOW-UP**

Becker stated the Board had provided information to the Nebraska Physical Therapy Association (NPTA) and that was published in the previous quarterly newsletter of the NPTA. It provided an overview of the role of the Board and licensure unit and changes to the regulations. The Board would like to continue to give a few paragraphs of information in every newsletter to try to communicate to as many licensees as possible and Becker suggested COVID-19 issues and continuing education as possible topics for the next newsletter.

#### **11. CONTINUING EDUCATION AUDIT REQUIREMENT DISCUSSION**

Covert-ByBee stated with the new regulations the department will require documentation that the licensee attended a continuing education program/activity with acceptable subject matter. The exact documentation is not outlined in the regulations as it would depend on the type of program/activity and to allow for as much flexibility as possible for licensees. She clarified that if documentation is unclear whether it would be acceptable the department will reach out to the licensee for further information.

#### **12. UPDATE ON THE ATHLETIC TRAINING 407 CREDENTIALING REVIEW**

Covert-ByBee described the current status and provided information on whether to find the dates, agendas, minutes and other documentation related to the review. She continued it is a useful process because it allows the committee to understand the changes and different party's views so that the best, revised language is submitted.

Peck stated there have been some revisions by the group working on the 407 process. The language is still under review and being sent to the next hearing next week. He commended the NPTA task force for reading the language closely and putting public safety first. He advised the plan is for the language to be introduced in the legislature in January.

#### **13. LICENSURE APPLICATION PROCESSING REPORT**

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

#### **14. PUBLIC COMMENT**

There were no public comments.

#### **15. SCHEDULE MEETINGS FOR NEXT YEAR**

The Board scheduled four meetings for next year, January 21, 2021, April 22, 2021, July 22, 2021 and October 7, 2021. All were set for 1:00 p.m.

*These minutes were approved by the Board of Physical Therapy via mail ballot on December 8, 2020.*

#### **16. TOPICS FOR NEXT MEETING**

Suggested topics for next meeting include a legislative update, outreach to licensees follow-up, COVID-19 and licensure, election of officers and notification of meeting publication.

#### **17. ADJOURNMENT**

There being no further business, the meeting adjourned at 2:43 p.m.

Respectfully submitted,

Tom Victor, Secretary