

## Minutes of the January 20, 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 1:04p.m. on Thursday, January 20, 2022 in the Fifth Floor Licensure Unit Conference Room C 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 January 6, 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  
Dr. Kirk Peck, Vice-Chairperson  
Tom Victor, Secretary (joined by phone at 1:09p.m.)  
Kimberly Oliphant, Member

**Staff Present:**

Mindy Lester, Assistant Attorney General  
Suzanna Glover-Ettrich, DHHS Attorney  
Anna Harrison, DHHS Compliance Monitor  
Russ Fosler, Unit Administrator, DHHS Investigations  
Kathleen Krueger, Investigator  
Carla Cue, Investigator  
Claire Covert-ByBee, Program Manager  
Siaw Hwa Tey, Health Licensing Coordinator

### **2. ADOPTION OF AGENDA**

**MOTION:** Peck moved, seconded by Oliphant to adopt the agenda. Voting aye: Becker, Peck, and Oliphant. Victor was not present at this time. Voting nay: None. Motion carried.

### **3. APPROVAL OF 10/07/2021 MEETING MINUTES**

Victor joined the meeting by phone at 1:09p.m.

Becker suggested for a change to the wording used in item 10 (Outreach to Licensees Follow-Up) on the October 7, 2021 meeting minutes. She would like to have the word “newsletter” to be changed to “district.”

**MOTION:** Oliphant moved, seconded by Peck to apply the change of wording suggested by Becker and approve everything else on the minutes as written. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

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

**MOTION:** Peck moved, seconded by Oliphant to move into closed session at 1:10p.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 2:20p.m.

There were no recommendations.

#### **6. LEGISLATIVE UPDATE**

Covert-ByBee stated that today is the last day of bills introduction, and she provided updates on LB 15, 709, 742, 743, 824, 885, and 908. LB 15 was carried over to adopt the Occupational Therapy Practice Interstate Compact. LB 709 would change requirement for leading to the preliminary conviction review under the Occupational Board Reform Act. LB 742 and 743 have to do with the Open Meetings Act where it alters the way Board can practice and specifies updates to closed session and electronic records. LB 824 would change some language in the Health Care Facilities Act in which bathing is now added as an Activity of Daily Living (ADL). LB 885 requires implicit bias training for applicants and credential holders under the Uniform Credentialing Act. Another bill that changes the Open Meetings Act would be LB 908 where it provides additional requirement for virtual conferencing.

#### **7. COVID-19 AND LICENSURE UPDATE**

Covert-ByBee shared recent updates on the impact of COVID-19 and licensure. Pete Ricketts, Governor of the State of Nebraska, introduced Executive Order 21-18 in December, 2021. It outlined the provisions of EO 21-12 and 21-15 that were set to expire on December 31, 2021 will be extended through March 31, 2022.

#### **8. FSBPT ANNUAL MEETING UPDATE**

**MOTION:** After discussion, Victor moved, seconded by Peck to select Peck as Delegate, Oliphant as the Alternate Delegate, and Victor as Second Alternate Delegate for the FSBPT Annual Meeting. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

## **9. COMPACT COMMISSION UPDATE**

Little information were shared for this topic as it had already been discussed in the previous meeting. Covert-ByBee provided 4 documents including bylaws, rules, meeting minutes, and policy procedure manual that were updated during the Physical Therapy Compact Commission Annual Meeting. She indicated that these items can also be found on the Physical Therapy Compact website. The Commission is working on accomplishing outreach to licensees, which is a subject that has been concerning to the Board.

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

Peck requested that a brief update on compact licensure purchases in border states be created for the next Board meeting. Covert-ByBee explained how the new database, LANCE, will be able to impact the outreach to licensees going forward. The Department would like to begin communicating with licensees and stakeholders more regularly via email once the database has launched. A significant amount of communication will occur via email especially when there are changes to statutes and regulations in the Department.

## **11. CONVICTION REVIEW GUIDELINES**

This agenda item was tabled until the next meeting.

## **12. ELECTION OF OFFICERS**

**MOTION:** Peck moved, seconded by Oliphant 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, Peck, Victor, and Oliphant. 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.

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

## **14. PER DIEM DISCUSSION**

The Department has the authority to provide per diem to Board members for attending a board meeting in person or conference call, any extra days traveling for board meetings, days spent preparing for any board meeting or other function where the member would be representing the board and days spent attending any conference, hearing etc. where the member is representing the Board. Previously, the Board has voted to be reimbursed for 1.5 days at the maximum rate of per diem allowed by Neb. Rev. Stat. 38-171, which is \$50.00.

*These minutes were approved by the Board of Physical Therapy via mail ballot on January 26, 2022.*

**MOTION:** Peck moved, seconded by Oliphant to maintain the same per diem guidelines for 2021. Voting aye: Becker, Peck, Victor, and Oliphant. Voting nay: None. Motion carried.

#### **15. APPLICATION PROCESSING REPORT**

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

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

Topics for next meeting include Legislative Update, Executive Orders Update, and Outreach to Licensees Follow-Up.

#### **17. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:03 p.m.

Respectfully submitted,

Tom Victor, Secretary