

## Minutes of the April 20, 2023 Board of Physical Therapy Meeting

### **1. ROLL CALL**

Betsy Becker, Chairperson, called the meeting of the Board of Physical Therapy to order at 1:06 p.m. on April 20, 2023, 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 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, 2023.

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  
Kimberly Oliphant, Member  
Dr. Kirk Peck, Vice-Chairperson  
Tom Victor, Secretary

**Staff Present:**

TJ O'Neill, Assistant Attorney General  
Claire Covert-ByBee, Program Manager  
Amy Blinston, Health Licensing Coordinator  
Jeff Newman, DHHS Investigations  
Suzanna Glover-Ettrich, DHHS Legal  
Anna Harrison, Compliance Monitor

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

**MOTION:** Peck moved, seconded by Victor, 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 19, 2023, Board meeting. Becker, Oliphant, Victor, and Peck voted to approve the minutes as written. The minutes were approved on February 6, 2023.

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

**MOTION:** Oliphant moved, seconded by Peck to move into closed session at 1:08 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, Victor, and Peck. Voting nay: None. Motion carried.

#### **5. BOARD RECOMMENDATIONS ON APPLICATIONS – OPEN SESSION**

The Board returned from closed session at 2:28 p.m.

The Board did not make any recommendations.

#### **6. UPDATE ON NEW LICENSURE DATABASE**

Covert-ByBee advised that the Department of Health and Human Services is in the process of finalizing a contract with the same entity that created the current system, LIS, to upgrade the database. The proposed implementation date is July 1, 2023.

#### **7. COMMUNICATION WITH STAKEHOLDERS**

Becker and Covert-ByBee presented information the state APTA meeting on April 1, 2023. The presentation included information on the PT Compact, licensure, how to get involved as a Board member, and an invitation to attend Board meetings.

#### **8. UNAVAILABLE NPTE SCORES**

Covert-ByBee advised that current regulations require that an applicant pass the NPTE as well as the jurisprudence exam, with a score of 600 or higher. Prior to 1996, a different scoring system was in place. Some applicants have needed to retake the exam in order to obtain licensure due to the difference in scoring. Covert-ByBee indicated that the chapter of regulations may need to be opened to change that language. Covert-ByBee could initiate opening the chapter of regulations, however there are stakeholders interested in starting the 407 Credentialing Review process, which usually leads to an automatic opening of the regulations. Information on the 407 Credentialing Review Program may be found here: <https://dhhs.ne.gov/licensure/Pages/credentialing-review.aspx#:~:text=Credentialing%20review%20is%20a%20three,of%20the%20Division%20of%20Public>.

#### **9. LEGISLATIVE UPDATE**

Covert-ByBee presented the Board with information regarding the following legislative bills: LB227, LB16 LB430, and LB810. The following bills were incorporated into LB227: LB431, LB123, LB572, LB181, LB548, LB202, LB434, LB219, LB590, LB227, LB517, LB35, LB402,

*These minutes were approved by the Board of Physical Therapy via mail ballot on 4.24.2023.*

LB611, LB458, and LB765. These bills and may be viewed on the Nebraska Legislature website: <https://nebraskalegisature.gov>.

#### **10. LICENSURE ANE EXECUTIVE ORDER 22-08**

Covert-ByBee stated EO 22-08 continues to be in effect through June 2023. This EO does not impact the requirements to obtain CE for the purposes of renewal or reinstatement. EO 22-08 does not lift the limitations placed on home study CE as outlined in regulation. However, licensees will continue to have the option to select a waiver for circumstances beyond their control that lasted 30 continuous days or longer.

#### **11. APPLICATION PROCESSING REPORT**

The APR was provided for informational purposes only.

#### **12. TOPICS FOR NEXT MEETING**

Topics identified for the next meeting include: Opening Chapter 137 of Regulations to Amend Examination Requirements for Initial Licensure, APR, LIF Discussion, Legislative Update, Communication with Stakeholders, and the PT Compact.

#### **13. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:46 p.m.

Respectfully submitted,

Tom Victor, Secretary