



# MINNESOTA BOARD OF PHYSICAL THERAPY

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## Public Board Meeting

March 10, 2016

## MINUTES

Of a meeting of the Minnesota Board of Physical Therapy held Thursday, March 10, 2016 beginning at 4:05 PM at University Park Plaza, 2829 University Avenue SE, Minneapolis, MN in 4<sup>th</sup> floor Conference Room A

**Members present:** Linda Gustafson, PT (president); Debra Sellheim, PT (vice president); Christopher Adams, PTA (secretary); Bruce Idelkope, MD; Julia McDonald, PTA; Kimberly McGarry, PT; Samantha Mohn-Johnsen, PT; Debra Newel, Public Member; Kathy Polhamus, Public Member

**Member absent:** Steven Scherger, PT

**Staff present:** Erin DeTomaso, Assistant Director; Marshall Shragg, Executive Director

**Assistant Attorney General present:** Nick Lienesch

**Guests present:** Laura McLain, MDH; Sean McCarthy, CBC; John Hollman (Mayo); Jane Worley (Lake Superior College); Becky Olson-Kellogg (UofM); Lisa Dutton (St Catherine); Peter Rundquist (Concordia); Justin Berry (Northland, by phone); Holly Clynch (St Catherine, by phone); and two individuals who wished to remain anonymous

## PUBLIC SESSION

### BOARD MATTERS

- 1. Call to Order, Roll Call, and 2016 Meeting Schedule.** The meeting was called to order at 4:05p by President Linda Gustafson. The 2016 Board meeting schedule was reviewed. Roll call was taken
- 2. Minutes of January 14, 2016 Board Meeting.** Minutes of the January 14, 2016 were approved as amended (item 8)
- 3. Impact of New Expungement Laws:** presentation by AAG Lienesch indicating that people can now petition to have certain criminal convictions expunged from their records. This could create challenges when a licensee or applicant knows that an incident has been expunged and has been informed that they can treat it as if the event never happened, yet the matter appears on a Criminal Background Check. This could make it so that the Board cannot reconcile the conflicting application or renewal information. Nick reported that the courts try to consider balance in their decisions, in this case between benefit to the practitioner and to the public interest. Marshall will check with other Boards to see how they are addressing this issue.
- 4. Discussion/Welcome to the Minnesota PT/PTA Program Directors:** the program directors raised questions about the interstate licensure compact, mid-May graduates, clarification of when each program can send program completion documentation (the “walk date” for commencement, or the “post date” of the graduation; interpretation of Certificate of Education

document (esp re: *derogatory vs. disciplinary* info- referred to Licensure Committee); ability to test pre- or post-graduation; and Criminal Background Checks

**5. Introduction of Laura McLain:** Ms McLain works for the Minnesota Department of Health (MDH), in the Rural and Primary Care unit, working on workforce issues. She met with Marshall, and decided to come to the Board to introduce herself and the work they do, and to arrange to provide a presentation on PT workforce issues at an upcoming meeting. She was invited to come back at the next meeting, scheduled for May 12, 2016

**6. Executive Director's Report:**

- Marshall Shragg referred to the report he had prepared that was included in the Board packets, and announced that the Board was currently regulating just under 7,000 physical therapy professionals (5,019 PTS/1,687 PTAs)
- The Board budget was reviewed; the Board's situation is improving
- Legislation and Rulemaking: Marshall sent copy of the draft Statement of Need and Reasonableness (SONAR) to Board members, and walked through each page with Board members to address changes (typos will be submitted separately). A number of suggestions were made. He updated the Board on the progress of the Board's supplemental budget proposal. Marshall also discussed the status of other proposed bills going through the legislature that had some connection with the Board. He will email the text or a link to each one, asking Board members to reply directly to him with any concerns they have.
- FSBPT: The Board discussed appointing representatives to the Federation of State Boards of Physical Therapy (FSBPT) as Delegate and Alternate for 2016. The following actions were taken...

**MOTION (Sellheim), seconded (Idelkope)**— Samantha Mohn-Johnsen is nominated to become the Board's 2016 delegate to FSBPT.

- **All in favor. Motion passed.**

**MOTION (Mohn-Johnsen), seconded (Idelkope)**— Deb Sellheim is nominated to become the Board's 2016 Alternate Delegate to FSBPT.

- **All in favor. Motion passed.**

Approval of funding for Board members and staff member to attend the 2016 FSBT Annual Conference deferred to future meeting.

## COMMITTEE MATTERS

**7. Administration/Personnel Committee:** Linda Gustafson, Chair

- **MOTION— Approval of Financial Reports:** FY15 Actual Receipt Report through February, 2015 and Actual Expenses through February, 2015
  - **All in favor: Motion passed**
- ED Performance Review: collected input through Survey Monkey; will be conducting review in closed session following the day's public Board meeting

**8. Complaint Review Committee:** Linda Gustafson, Chair

- CRC held a meeting in February, and has a March meeting scheduled for the 14<sup>th</sup>. There are 3 disciplinary cases for review in the Executive Board session immediately following the public Board meeting.

**9. Continuing Education Committee:** Kim McGarry, Chair

- Review of 73 CE courses (62 courses approved for full credit/9 approved for less credit than submitted/2 CE courses denied)
- 0 CE audits were conducted; audit letters to be sent out soon

**10. HPSP:** Kathy Polhamus, Liaison

- Monthly reports reviewed
- Summary report from Program Committee chair distributed

### 11. Legislative Committee: Deb Newel, Chair

- David Relling, the FSBPT Regional Liaison, attended the meeting to present information on the interstate licensure compact to open up a series of discussions on that topic
- The possibility of pursuing exemptions from Minnesota licensure provisions for PTs working for performers or sports teams while visiting Minnesota was discussed. Marshall presented language used in other PT Boards to accomplish this, as well as introducing language from the FSBPT model Practice Act, which identified several other exemptions. The Committee requested information about how other Minnesota health regulatory Boards address these issues. Information will be brought back to the Committee
- A proposal to change the Committee's name to include Policy was discussed and forwarded to the Board with a recommendation to change the name  
**MOTION:** (from Committee; no second required) The Minnesota Board of Physical Therapy will change the name of the Legislative Committee to the Legislative and Policy Committee.
  - **All in favor: Motion passed**

### 12. Licensure Committee: Deb Sellheim, Chair

- Reported that an applicant for Physical Therapy licensure was administratively denied a Minnesota license due to extended inactivity on application (expiration of deadlines)
- A petition for Board support of an additional NPTE opportunity was heard regarding an applicant who had failed the examination on eight prior attempts. The Committee met with the applicant, and recommends that the Board support the petition requesting that the FSBPT permit applicant RR to have an additional testing opportunity. Deb Sellheim recused herself from this matter both at the Committee meeting and before the full Board, and removed herself from the Board table.  
**MOTION (from the Committee):** The Minnesota Board of Physical Therapy supports the petition of RR to recommend to the Federation of State Boards of Physical Therapy (FSBPT) that they permit her to sit for one final attempt at the NPTE.
  - In favor: Gustafson, Adams, Idelkope, McDonald, McGarry, Mohn-Johnsen, Polhamus
  - Abstain: Newel
  - Recused: Sellheim
  - **7 in favor: Motion passed**
- **MOTION:** Approval for licensure of Physical Therapists and Physical Therapist Assistants: January 16, 2016 through March 11, 2016: PT applicants #1-28 and PTA applicants #1-4
  - **All in favor: Motion passed**

### MISCELLANEOUS MATTERS

#### 13. FYI: *Conferences/Travel*

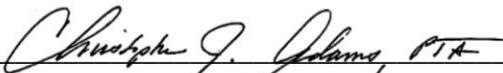
- FSBPT Board Member and Administrator Regulatory Training, June 24-26, 2016, Alexandria, VA: Steven Scherger and Samantha Mohn-Johnsen are registered; Marshall Shragg is on a wait list

#### 14. **Presentation at MNPTA Annual Meeting:** Samantha Mohn-Johnsen and Marshall Shragg will develop a presentation for the afternoon of April 23, 2016

## EXECUTIVE SESSION

15. **Filip Johnson, PT: MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
  - All in favor: Order Adopted
16. **Lauren Bollmeyer, PT: MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
  - All in favor: Order Adopted
17. **Sarah ten Bensel, PT: MOTION to adopt the Stipulation and Order** presented by Complaint Review Committee. Case discussed.
  - All in favor: Order Adopted

There being no further business, the meeting was adjourned at 7:05 PM

  
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Christopher Adams, PTA, Secretary  
Minnesota Board of Physical Therapy

May 12, 2016  
DATE