

MINUTES

**UTAH
PHYSICAL THERAPY
BOARD MEETING**

April 7, 2009

**Room 474 – 4th Floor – 1:00 P.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 A.M.

ADJOURNED: 3:25 P.M.

Bureau Manager:
Board Secretary:

Rich Oborn
Lee Avery

Board Members Present:

Mark A. Anderson, Chairperson
J. Trent Casper
Edmund L. Sperry
Margo Jones Brady
Misha Bradford

Guests:

None

DOPL Staff Present:

F. David Stanley, Division Director
Connie Call, Compliance Specialist

TOPICS FOR DISCUSSION:
MINUTES

DECISIONS AND RECOMMENDATIONS:

The minutes from February 17, 2009 were reviewed. Mr. Casper motioned to approve the minutes, seconded by Ms. Bradford. The motion carried unanimously.

COMPLIANCE REPORT

Connie Call, Compliance Specialist

#1. Mr. Sabey is in compliance with his stipulation. The Division received his supervisor report from Willow Creek Health Care and People First Rehab. Crossland Health Care. The Division received the letter from Chad Godfrey stating Mr. Sabey will only treat male patients. He still needs to submit a letter from Steve Christensen with Crossland Health Care stating Mr. Sabey will only treat male patients.

Discussion:

Mr. Oborn advised the Board that the Division does not have a universal standard regarding whether a probationer can supervise others. The respective

Board on an individual basis gives the approval. The Board briefly reviewed Mr. Sabey's request for him to personally hire a physical therapy assistant. The Board noted that Mr. Sabey has been in compliance for the past year. The Board expressed concerns regarding a probationer supervising PTAs, specifically if the PTA is employed by the supervisor. After further discussion and reviewing Mr. Sabey's stipulation, the Board decided Mr. Sabey could supervise a PTA.

#2. Mr. Nebeker is in compliance with his stipulation. The Division received his supervisor report from Kirk Orton. He is no longer required to attend therapy. In previous meetings, the Board asked Melissa McLane, Mr. Nebeker's chaperone, to send a letter to the Board with his paperwork indicating if he has treated female patients and his work performance.

APPOINTMENTS:

Laine Sabey, Probation Interview

Mr. Sabey presented himself to the Board. Mr. Sperry conducted the interview. Mr. Sabey has completed most of the requirements listed in his stipulation. He submitted a continuing education course to Mr. Oborn for approval. Once approved, he will attend this course in June. This will finish the continuing education requirement listed in his stipulation. Mr. Sabey stated that he has female clients at Crosslands. The treatment room resembles an open gym, with other patients and therapists. There is no undressing and the only time he goes to a patient's room is to help transport the patient to the treatment room. Mr. Sabey advised the Board that he has one female patient. She lives in an assisted living facility. His first appointment with her is later today. He will have a chaperone with him and will have the chaperone complete the form. Mr. Sabey stated that he was also her husband's therapist and the family asked him to help her with her recovery. He feels this should last about sixty (60) days. Mr. Sabey stated that his family, religion, and supervisors are his support systems. He plays sports and spends time with his family for stress release. Mr. Sabey stated that he does not take any medications. Mr. Sabey asked the Board about being a supervisor. At Crosslands he supervises two (2) aides, three (3) physical therapists, two (2)

physical therapist assistants, two (2) occupational therapists and one (1) certified occupational therapist aid. The physical therapists use the two (2) aids. The Board is requesting a letter from Crosslands and Willow Creek stating they will be the contracting agent and clarify the process and the liability coverage. The Board asked to see Mr. Sabey on August 18, 2008. **Mr. Sabey is in compliance with his stipulation.**

John Nebeker, Probation Interview

Mr. Nebeker was contacted telephonically. Mr. Anderson conducted the interview. There are no changes in his supervisor, Kirk Orton, or his employment. The Board advised Mr. Nebeker the Division has not received a letter regarding the number of female patients he has been treating. Mr. Nebeker stated he does not work for Rehab Visions anymore. Melissa chaperoned him at that time. Currently, he works at Wasatch Rehab and Mr. Orton is his supervisor/chaperone. Mr. Nebeker stated that he has completed all of the additional continuing education requirements. He would like to be released early from probation. He completed sixteen (16) months of a three (3) year probation. The Board noted that he has been in compliance since he started his probation. The Board asked to see Mr. Nebeker on August 18, 2009. **Mr. Nebeker is in compliance with his stipulation.**

Discussion:

The Board reviewed the factors in determining whether to allow a probationer to complete their probation term early. Factors discussed include:
#1. Compliance with terms of probation;
#2. Completion of probation requirements;
#3. Whether the supervisor of the probationer is recommending termination of probation; and
#4. Whether at least half of the probation term has been completed.

Discussion:

The Board discussed suggesting that Mr. Nebeker work in an outpatient setting and do home health care on male patients. With experience in these settings the Board felt that he would later be better prepared to work with female patients. The Board made no

decision at this time. The Board noted that it may need to clarify to Mr. Nebeker that he cannot supervise PT Aids, PT Assistants, or PT Students. His stipulation currently prohibits him from supervising aide, assistants and students.

Discussion not on the agenda:

The Board discussed language it would like to see added to the stipulations before the probationer signs them. The Board briefly discussed putting together a list of these concerns for the Division to use as a resource.

Item for discussion at the next Board meeting:

- #1. Address concern regarding Mr. Nebeker supervising aids, assistants, and students.
- #2. Discuss working through the schools to let them know they need to be diligent regarding probationers being supervisors.

DISCUSSION ITEMS:

Passing of the Physical Therapy Practice Act Bill and Revisions to the Physical Therapy Act Rules.

The Board and public visitors introduced themselves. Mr. Oborn provided handouts of the “Enrolled Copy” of the Physical Therapist Practice Act and a Memorandum of an outline he prepared that summarized topics to be discussed. The Board and public members reviewed the handouts. Mr. Oborn noted the suggested changes and stated that he will compile a formal draft with the suggested changes for review. Mr. Oborn stated that there could be many revisions during this time. Once this part is completed, there will be a review by the Division and department attorneys. Then a formal proposal will be made available on the Division’s website. There will be a comment period for the public and then a public hearing. By this time, all issues or areas of concern should be resolved. Mr. Oborn stated this should be completed by July 1, 2009 when the licensing of Physical Therapist Assistants (PTAs) will begin.

CORRESPONDENCE:

None

NEXT MEETING SCHEDULED FOR:

Moved to Monday, August 17, 2009, 9:00 A.M.

2009 Board meetings tentatively scheduled:
December 15

ADJOURN:

Motioned to adjourn at 3:25 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

August 18, 2009
Date Approved

(ss) Mark A. Anderson
Mark A. Anderson, Chairperson, Utah Physical
Therapy Licensing Board

May 11, 2009
Date Approved

(ss) Richard J. Oborn
Richard Oborn, Bureau Manager, Division of
Occupational & Professional Licensing