

**STATE OF ALABAMA
BOARD OF PHYSICAL THERAPY**

100 NORTH UNION STREET, SUITE 724
MONTGOMERY, AL 36130-5040
Phone: (334) 242-4064 Fax: (334) 242-3288
info@pt.alabama.gov



Kathy Miller
Executive Director

March 9, 2023

- I. Call to Order:** The meeting was called to order in the Alabama Board of Physical Therapy's conference room by Board Chair Jonathan Zecher at 9:03 AM. Board Members present were T-Michael Dougherty, Robert Fleming, Robin Irwin, Nathan McGriff, and Margaret Hemm. Also present were J. Matt Bledsoe, Assistant Attorney General, Kathy Miller, Executive Director, Kristi Mullins, Accounting Specialist and Claire DiLaura, Accounting Specialist. Not in attendance was Dana Daniel Blake.

A quorum was established.

Open Discussion: Chair Jonathan Zecher opened the floor for open discussion. The Chair asked if anyone had heard from APTA on direct access for this legislative session. T-Michael Dougherty responded that he had not except for reading Senate Bill 13. There was no further Open Discussion.

- II. Minutes:** The minutes from January 12, 2023, were reviewed. A motion to accept the January 12, 2023, minutes was made by Nathan McGriff and seconded by Jonathan Zecher. Nathan McGriff, Jonathan Zecher, Robin Irwin, Robert Fleming, and T-Michael Dougherty voted in favor. Margaret Hemm abstained. The Minutes for January 12, 2023, were approved.

III. Reports:

A. Licensee Report: Kristi Mullins presented this report. As of March 1, 2023, there are 6386 active licensees - 2999 PTAs and 3387 PTs. Between January 1, 2023, and February 28, 2023, we had 116 regular licenses issued - 40 PTAs and 76 PTs. 5 temps were issued - 4 PTs and 1 PTA. 15 expired licenses were reinstated - 10 PTs and 5 PTAs. There was 1 FCCPT report substantially equivalent to CWT6 submitted. Application in Process.

Jonathan Zecher asked if there is a PTA program that has graduates in December. There was discussion that Wallace or Jeff State may graduate PTAs in December.

B. Financial Report: Kristi Mullins presented this report. There is nothing unusual to report for January. Jonathan Zecher asked about the Professional Services line item and why it was larger in November and December and then lower again in January. Kristi reported that several of the annual and quarterly bills are paid in November and December. A motion to accept the January 31, 2023 Financial Statement was made by Margaret Hemm and seconded by T-Michael

Dougherty. Nathan McGriff, Jonathan Zecher, Robin Irwin, Robert Fleming, T-Michael Dougherty and Margaret Hemm voted in favor. The Financial Statement for January 31, 2023 was approved.

C. Violations Committee Report: Assistant Attorney General J. Matt Bledsoe presented this report, and the recommendations were as follows:

2023-.01: Licensee was practicing with an expired license. A consent order was sent to the licensee with a \$100 fine. The consent order has been signed and returned. The Violations Committee is recommending that the Board accept the recommendation and consent order.

2023-02: The licensee renewed in August and checked on the application that they had not had any alcohol or drug counseling. In December it was discovered the licensee was in Florida's Wellness Program prior to applying to Alabama. Florida has already done a reevaluation after a month-long program to determine whether the licensee was fit to practice and determined the licensee was not. Florida took action with an emergency suspension. After two unreturned calls and one unreturned text from the Board, an investigator was tasked to locate the licensee. The investigator located licensee and the licensee called AAG Matt Bledsoe the next morning. AAG Bledsoe talked to the licensee and the licensee's employer to discuss their options. The licensee's employer had nothing but good things to say about the licensee. At the end of the conversation, the licensee agreed to voluntarily surrender his license and enter the Wellness Program. AAG Bledsoe verified that the number he called and texted was a good number for the licensee. Because the licensee checked the wrong box, and technically did not self-report, the disciplinary action will go on the licensee's National Practitioners database. The Violations Committee is recommending a \$200 administrative fine and for the licensee to pay the cost of the investigation in the amount of \$845.71. Executive Director Kathy Miller talked to the licensee Friday and the licensee is going back for 7 more weeks of treatment. Executive Director Miller told the licensee that the \$200.00 fine would be due July 1, 2023, and the \$845.71 due within 6 months and the licensee said that was no problem. The Violations Committee recommends to the Board that Dr. Garver do the evaluation and determine when it is okay for the licensee to return to work.

Nathan McGriff made a motion to accept the recommendations of the Violations Committee and T-Michael Dougherty seconded the motion. Nathan McGriff, Robin Irwin, Robert Fleming, and T-Michael Dougherty voted in favor. Jonathan Zecher and Margaret Hemm abstained. The recommendations of the VC were approved.

D. Executive Director Report: See attached Executive Director Update.

E. Wellness Report: Nathan McGriff noted that there is nothing new to report regarding the March 1, 2023 update that was sent by Dr. Garver.

IV. Unfinished Business:

A. PT Compact Update:

- i. AAG Matt Bledsoe presented an update on the bills.
 1. SB 25 has been filed and is through its first reading. The Legislature just went into special session and so there is nothing we can do right now. Representative Moore has the greenback of the bill. It would be good to communicate with him to see if he is ready to file it now. Jonathan Zecher will try to speak to Representative Moore.
 2. AAG Matt Bledsoe and Executive Director Kathy Miller will be watching the bills to handle when they get to the committees. They will email the Board members when there is movement on the bill so the Board members can assist if they are available.
 3. Senator Melson has the Direct Access bill and has gotten MASA's agreement.
- ii. Executive Director Kathy Miller presented an update.
 1. The computer for use with the Compact has been received. A desk is needed for the computer and several avenues are being explored for the desk.
 2. We are communicating with ALEA about training for PT staff that will be reviewing the fingerprint data. The fingerprint agency is known as a channeler agency. The channeler agency that the FBI is using is FieldPrint.
 3. There are several steps that need to be completed for the PT Compact. First is the passage of the bill. Once the bill is passed, a Request for Proposal (RFP) will be completed and submitted through Purchasing and the Comptroller for approval to solicit proposals from channeler agencies. Once the RFP process is completed, the Board will enter into a Memorandum of Understanding with the channeler, ALEA and the FBI.

V. New Business:

A. AG Report:

- i. **Rule Change – Public Records Request:** The Governor issued an Executive Order in January addressing administrative rules regarding public records. The EO requires a change in administrative rules to add a link to the agency website that directs public records requests to a specific email address. The EO also suggested that a form be provided for the public to use to make this request. The Board will have to make an administrative rule change to adjust the amount the Board can charge at a fee of \$20 per hour. It is important to remember that all of the Board's records are public records but not all information is public. The Board strives to keep personal or sensitive information private such as SSN's, personal addresses, and personal phone #'s.

T-Michael Dougherty made a motion to review the rules to comply with the Governor's Executive Order and Jonathan Zecher seconded the motion. Nathan McGriff, Robin Irwin, Robert Fleming, Jonathan Zecher, Margaret Hemm and T-Michael Dougherty voted in favor. The motion was approved.

- ii. **Rule Change – Review all Administrative Rules:** The Governor issued Executive Order No. 735 on March 8, 2023 that creates a moratorium on rule changes this year. The Board needs to review all rules to reduce the number of discretionary regulatory restrictions on citizens and businesses. The Board needs to appoint a point person for this rule and to report the name of the point person to the Governor’s Office by May 1, 2023.

Margaret Hemm made a motion to appoint Executive Director Kathy Miller as point person to the Governor’s Office to meet the requirements of Executive Order 735. Robin Irwin seconded the motion. Nathan McGriff, Robin Irwin, Robert Fleming, Jonathan Zecher, Margaret Hemm and T-Michael Dougherty voted in favor. The motion was approved.

- iii. **FSBPT – Alternative Approval Pathway:** FSBPT limits their applicants to 6 tests. We received an appeal form from an applicant whether the Board has any objection to them taking the test again? The Board’s answer is no per our statute. FSBPT emailed back saying that Alabama’s statute was supposed to comport with FSBPT’s requirements. Since FSBPT limits the number of tests and Alabama’s statute does not, Alabama has been removed from the alternative approval pathway. Starting in June, Alabama will have to start doing a part of the prescreen process. It was suggested that AAG Matt Bledsoe ask Ellen Strunk to contact FSBPT.

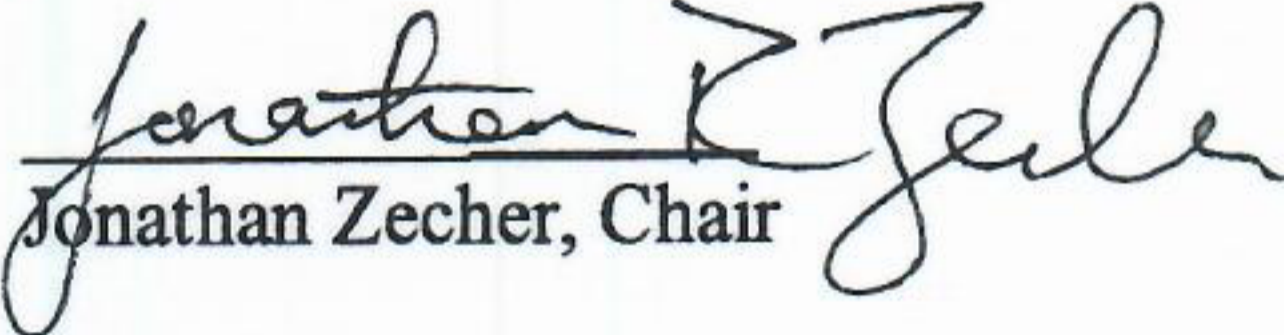
B. Delegate Selection

- i. **Voting Delegate**
- ii. **Alternate Delegate**

A motion to nominate Robin Irwin as Voting Delegate and T-Michael Dougherty as Alternate Delegate was made by Jonathan Zecher and seconded by Margaret Hemm. Nathan McGriff, Robin Irwin, Robert Fleming, Jonathan Zecher, Margaret Hemm and T-Michael Dougherty voted in favor. The motion was passed.

Meeting adjourned at 10:24 AM.

The next meeting will be May 11, 2023 @ 9:00 AM at the Board offices.


Jonathan Zecher, Chair

Executive Director Update

- Currently looking for a replacement for Angela.
- While maintaining usual operations, we are also working on preparing for the PT Compact.
- On 2/13/2023, I participated in a Zoom meeting with Dana. We discussed the licensure process, along with the roles the student, faculty, and Board play in this process.
- On 2/15/2023, I participated in the February 2023 Regulatory Hour: Regulation and the Impaired Practitioner. It was hosted by FSBPT.
- On 2/21/2023, I conducted an in-person training with the PTA students at Jefferson State Community College.
- On 2/27/2023, I conducted an on-line training with the PTA students at Calhoun Community College.
- Our social media presence continues to grow; I have received positive feedback regarding the content posted.
- The 2023 AARB Legislative Reception will be on March 21st in Montgomery. I emailed the invitation on 2/23/2023; this is just a reminder.
- If you have not already done so, please complete the Statement of Economic interest and submit it by April 30, 2023. Once completed, please send me an email.

