



**STATE OF ALABAMA
BOARD OF PHYSICAL THERAPY**

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November 2, 2021

- I. Call to Order:** The meeting was called to order by Chair Ellen Strunk at 9:03 AM. Board Members present were Ellen Strunk, Alina Adams, Nathan McGriff, Margaret Hemm, Jonathan Zecher and Vince Molyneux. Also present was Matt Bledsoe, Assistant Attorney General, Kathy Miller, Executive Director, Angela Warr, Executive Assistant III, and Claire DiLaura, retired State Employee. Robert Fleming was not present.

Chair Ellen Strunk established a quorum.

Open Discussion: Ellen Strunk welcomed everyone to the first in-person meeting in almost a year due to the COVID-19 pandemic. Everyone introduced themselves.

Alina Adams provided a devotional.

Minutes: The minutes from September 2, 2021, were reviewed. A motion to accept the September 2, 2021, minutes, as amended, was made by Ellen Strunk and seconded by Alina Adams. Ellen Strunk, Jonathan Zecher, Margaret Hemm, Nathan McGriff, Alina Adams, and Vince Molyneux voted in favor. Minutes were approved, as amended.

II. Reports:

A. Licensee Report: Kathy Miller presented this report. Between September 3, 2021 and October 27, 2021, 60 new licenses were issued: 24 physical therapists and 36 physical therapist assistants. Seven temporary licenses were issued: all were physical therapist assistants. There were no FCCPT reports. It was noted that as of October 27, 2021, there were 391 expired licenses and 6005 active licenses. COVID-19 pandemic was discussed as being the possible cause for the number of expired licenses.

B. Financial Report: Kathy Miller presented this report. She elaborated on the posting of some expenses being delayed due to a shortage in staff to process expenses through the STAARS system.

C. Violations Committee Report: Assistant Attorney General Matt Bledsoe presented this report.

18-12-14: The licensee was charged with Domestic Violence 3rd. The Board filed this complaint for Unbecoming Conduct on September 18, 2018. The court dismissed the charges against the licensee on October 18, 2021. The Violations Committee recommended no probable cause existed.

2021-007: The complaint was filed by a patient. Licensee is alleged to have made inappropriate remarks to the patient and inappropriately touching the patient. The Violations Committee recommended no probable cause existed.

2021-010: The complaint was filed by the mother of the patient. The licensee is alleged to have abandoned the treatment of patient. The Violations Committee recommended no probable cause existed.

Jonathan Zecher made a motion to accept the Violation Committee's recommendations on 18-12-14, 2021-007, and 2021-007; Vince Molyneux seconded that motion. Jonathan Zecher, Alina Adams, Nathan McGriff and Vince Molyneux voted to approve the recommendation. Ellen Strunk and Margaret Hemm abstained from voting.

2021-011: The complaint was filed by the Executive Director. Licensee admitted having practiced two days during October 2021, without renewing her license. She renewed her license, signed a consent order admitting to the violation, and paid the \$100.00 fine. The Violations Committee recommended accepting and approving the licensee's guilty plea and payment of the \$100.00 fine.

2021-012: The complaint was filed by the Executive Director. Licensee is alleged to have practiced from October 1-19, 2021, without renewing his license. He renewed his license, signed a consent order admitting to the violation, and paid the \$100.00 fine. The Violations Committee recommended accepting and approving the licensee's guilty plea and payment of the \$100.00 fine.

2021-013: The complaint was filed by the Executive Director. Licensee is alleged to have practiced from October 1-19, 2021, without renewing her license. She renewed her license, signed a consent order admitting to the violation, and paid the \$100.00 fine. The Violations Committee recommended accepting and approving the licensee's guilty plea and payment of the \$100.00 fine.

2021-014: The complaint was filed by the Executive Director. Licensee is alleged to have practiced from October 1-28, 2021, without renewing her license. She renewed her license, signed a consent order admitting to the violation, and paid the \$100.00 fine. The Violations Committee recommended accepting and approving the licensee's guilty plea and payment of the \$100.00 fine.

Jonathan Zecher made a motion to approve the recommendations of the Violations Committee regarding 2021-011, 2021-012, 2021-013 and 2021-014. Vince Molyneux seconded that motion. Alina Adams, Jonathan Zecher, Nathan McGriff, and Vince Molyneux voted to approve. Ellen Strunk and Margaret Hemm abstained from voting.

- D. Wellness Report:** Nathan McGriff stated Dr. Garver indicated there are no issues with the Wellness program and all participants are in compliance.
- E. Executive Director Report:** Executive Director Kathy Miller reported that this was her first renewal season, and she was taking steps to preemptively address issues that may come up in future renewal seasons. See attached Appendix, Part 1. Executive Director Kathy Miller advised that the office staff is working to organize and streamline office processes and how to identify areas that may need attention. See attached Appendix, Part 2.

Executive Director discussed the Comptroller's "Shared Services" for financial matters that would normally be handled through STAARS. This was discussed in depth listing all the pros of utilizing this service, i.e., the service is at no additional cost to the Board, quicker, and requires less steps and paperwork. A motion was made by Chair Ellen Strunk to begin using Shared Services offered through the Comptroller's Office. Jonathan Zecher seconded the motion. Ellen Strunk, Jonathan Zecher, Margaret Hemm, Nathan McGriff, Alina Adams, and Vince Molyneux voted in favor of utilizing the shared services through the Comptroller's Office.

Executive Director Kathy Miller attended the PT Compact Annual Meeting on October 24 and officers were elected. The Compact voted to allow participating states to allow privilege holders 30 days to complete applicable jurisprudence for the state for which they are a privilege holder. The Compact also voted to require privilege holders report to the Compact if they enroll into a wellness program within 30 days of enrollment. Vince Molyneux indicated he attended the FSBPT delegate assembly and provided that there was no significant update.

The need for a newsletter was discussed. Suggestions were made for topics and articles such as renewal issues and FAQs. A section on Sheila's retirement may be included. An article about the PT Compact was suggested. Also, an article by an anonymous client of the wellness program was suggested. A new employee section, an expired license section, and other topics were discussed and/or suggested. Board agreed to first week of December as a deadline to complete newsletter.

- F. PT Compact Update:** Chair Ellen Strunk and Assistant Attorney General Matt Bledsoe gave update on Compact which included language changes to legislation/administrative law; fees; a possible military discount; and the jurisprudence requirements. Discussion was had regarding the ramifications of the wellness reporting requirements of the Compact and various scenarios regarding

wellness issues. Jurisprudence requirements were discussed – whether privilege holders would have to pass an Alabama Jurisprudence exam or if the 2-hour jurisprudence continuing education would suffice. Discussion included requiring all new licensees to obtain a passing jurisprudence exam, as well as privilege holders and then maintaining the 2-hour continuing education jurisprudence requirement every five years. The need for criminal background checks for privilege holders and all new licensees was discussed and who would be responsible for covering the fee for said background checks.

Jonathan Zecher made a motion to form a committee of three members to work with AAG Bledsoe to revise the language of the PT Compact bill and shepherding the proposed legislative changes through the legislative process by securing a sponsor and keeping up to date on the status of the proposed legislation. The motion was seconded by Vince Molyneux. Ellen Strunk, Jonathan Zecher, Margaret Hemm, Nathan McGriff, Alina Adams, and Vince Molyneux voted in favor. Volunteers were solicited for the committee. Jonathan Zecher, Nathan McGriff, and Ellen Strunk volunteered to serve on the committee.

- III. Unfinished Business:** Executive Director Kathy Miller discussed creating “job descriptions” for board members so that licensees better understand what the Board does and what is required. She researched how other states garner interest for licensees to become board members. One suggestion made was to place a question about interest on the website and if the licensee clicks “yes”, they are taken to a different page with more in-depth information and the click an option that serves as a consent to serve. It was also suggested to add this information to the schools when Board staff visits schools to discuss licensure.

IV. New Business:

- A. Shared Services** – discussed and approved during the Executive Director’s Report.
- B. Question from Licensee** – Licensee wanted to start online business wherein he sold tools, such as resistance bands, and offered exercise program suggestions. He was not doing any evaluations or practice of physical therapy. Board reviewed his email; discussion was held; no actionable violation was found at this time.
- C. Discussion of Upcoming Board Meeting Dates for 2022** – the Board discussed and agreed to set meetings for the second Thursday of every other month - January 13, 2022, March 10, 2022, May 12, 2022, July 14, 2022, September 8, 2022, and November 10, 2022.
- D. Election of New Board Officers** – a motion was made by Alina Adams to maintain the current Board Officers (Chair Ellen Strunk, Secretary Jonathan R. Zecher, and Treasurer Nathan McGriff) until the Governor’s appointments are made. Jonathan Zecher seconded the motion. Ellen Strunk, Jonathan Zecher, Margaret Hemm, Nathan McGriff, Alina Adams, and Vince Molyneux voted to approve.

Meeting adjourned for short lunch break at 11:50 AM.

Meeting reconvened at approximately 12:20 PM and Board went into Executive Session to discuss potential ethical and/or legal violations by a former employee.

E. AG Report

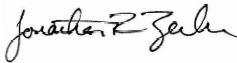
Executive Session adjourned at approximately 1:50 PM.

Regular meeting was called to order by Chair Ellen Strunk at 1:51 PM. No further business was addressed. Meeting adjourned at 1:52 PM.

V. Action Items:

- 1. Calculate potential initial expenses for PT Compact participation.**
- 2. Calculate criminal background check costs for all new licensees and privilege holders.**
- 3. Calculate annual operational costs for Compact participation.**
- 4. Identify and compare pros and cons of using a private company to perform criminal background checks versus state/FBI performed background checks.**

The next meeting will be January 13, 2022 @ 9:00 AM at the ABPT office.



Jonathan Zecher
Chair

Appendix to Executive Director Report

Part 1

- Providing better or clearer instructions and directions to licensees about how to renew, such as not using iPads, tablets, or cellular devices as they are not compatible with iGov.
- How licensees could access their certificate by registering on the Board's website and create a profile that will allow them access to a copy of their licenses.
- Informing licensees to make sure they check their emails for certificates and print as a PDF; also check their SPAM or junk folders for the renewal confirmations that contain their renewed licenses.
- Discussion was had regarding how to better educate licensees on this process.
- Files that have been marked "in process" for months or years that have not been addressed.

Part 2

- Executive Director would like to train Angela Warr to handle the day-to-day issuing of licenses and other office related items.
- Claire DiLaura will handle financial matters, organization of a newsletter, and organization of the computer files that are utilized by staff as they are currently scattered and disorderly.
- Executive Director will run the office, oversee everything, and address any other matters.
- Discussion was held about the office going "paperless" or as paperless as possible.
- Executive Director discussed Alabama Buys, the State's new procurement system, and that Claire DiLaura will attend training in December and will train Kathy on its usage.