



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
New Mexico Physical Therapy Board

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REGULAR BOARD MEETING - JUNE 19, 2008—10:30 A.M.

Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico

MINUTES

I. Call to Order:

Michelle Gutierrez, PT, Chair, called the Regular Meeting of the New Mexico Physical Therapy Board to order at 10:34 a.m. Stephen Oliver, Boards and Commissions Team Leader, took roll call and a quorum was determined present.

Roll Call:

- Michelle Gutierrez, Chairman
- Kim Osborne, Vice-Chair
- Robert P. Romero, Professional Member
- Harold Melnick, Public Member
- Alfred Cata, Public Member
- Mona Valicenti, Assistant Attorney General

Others Present:

- Stephen L. Oliver, Team Leader
- Vicky DeAguero, Administrative Assistant
- Nicole Ortiz, Compliance Liaison

II. Approval of the Board Meeting Agenda:

MOTION was made by Alfred Cata to approve the Board Meeting Agenda as written/amended.

SECONDED by Robert Romero. **MOTION PASSES.**

III. Approval of Minutes

MOTION was made by Alfred Cata to approve the minutes from February 28, 2008 Board Meeting Minutes as written/amended.

SECONDED by Robert Romero. **MOTION PASSES.**

IV. Executive Session (closed to the public)

Chair Gutierrez stated for the record

“The Board will go into Executive Session Pursuant to section 10-15-1 of the Open Meetings Act, to discuss matters pertaining to the following agenda items”:

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Motion: I, Robert Romero, move that the meeting of Physical Therapy Board be closed while the Board enters into Executive Session to discuss licensing matters, specifically the items as listed on the Agenda under Executive Session with the authority for closure being § 10-15-1.H (1) and (3).

Seconded by Harold Melnick

Roll Call is Unanimous

Chair: The motion is approved. Let the record show that the Board entered into Executive Session at 10:40 a.m.

Executive Session was held.

MOTION was made by Alfred Cata to Close Executive Session. **SECONDED** by Robert Romero. **MOTION PASSES UNANIMOUSLY.**

Chair Gutierrez reconvened to Open Session and stated for the record, “Only those items listed on the Agenda as written/amended were discussed in Executive Session.”

V. Decisions on Complaints and Licensing Matters discussed during Executive Session

A. Applicants:

Motion was made by Harold Melnick to approve the recommendations and approve applications: **As listed on Agenda.**

Seconded by Robert Romero. **Motion Passes**

B. Complaints and Malpractices:

As Complaint Committee chair, Kim Osborne abstained from voting on these motions.

New Complaint: Motion was made by Robert Romero to refer case PT-1-04-08 for investigation by the Board’s compliance liaison. Seconded by Harold Melnick. Motion passes unanimously.

Old Complaint follow-up:

1. Motion was made by Robert Romero to dismiss case PT-01-04-07 because there was no violation of the Act. Seconded by Harold Melnick. Motion passes unanimously.

2. Motion was made by Robert Romero to close case PT-05-08-07 because the respondent has complied with the Board’s requests. Seconded by Al Cata. Motion passes unanimously.

3. Motion was made by Robert Romero in case PT-07-08-07 for the compliance liaison to follow-up on CEU audit of both complainant and respondent. Seconded by Al Cata. Motion passes unanimously.

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4. Motion was made by Robert Romero in case PT-04-09-07 to refer to Medicaid Fraud Unit of the State of New Mexico. Seconded by Al Cata. Motion passes unanimously.
5. Motion was made by Robert Romero in case PT 05, 12-12-05 to dismiss based on dismissal from the Attorney General's Office. Seconded by Al Cata. Motion passes unanimously.

VI. Old Business:

A. Jurisprudence Exam Update

The Administrator reported on the combined efforts of the board members and the assistant attorney general to update the jurisprudence exam. The administrator will compile the new questions and publish them on the board's website and begin issuing the test to new applicants.

SECONDED by _____ . **MOTION PASSES.**

B. FSBPT Dues

The Administrator reported that the dues for the Federation of the State Boards of Physical Therapy have been paid in full.

VII. New Business

A. Update from Boards and Commissions

The Administrator updated the Board on recent developments at Regulation and Licensing, including the continuing excellent leadership of the new Superintendent, Kelly O'Donnell, and the new and revitalizing leadership of Director Andrew Vallejos. The Administrator, Stephen Oliver, is now also a Staff Manager/Team Leader at Boards and Commissions, and has oversight over several boards, including Physical Therapy. He has selected a new full-time administrator for Physical Therapy, who will begin their appointment in the near future. This new administrator will report directly to him, as will a newly appointed compliance liaison.

B. FSBPT: NPTE Policies, Delegate Selection

The Board reviewed the FSBPT's new policies concerning the National Physical Therapy Exam (NPTE), and made decisions regarding delegate selection for the FSBPT's annual meeting in Minneapolis, Minnesota in September.

MOTION was made by Michelle Gutierrez to authorize Administrator/Team Leader Stephen Oliver to attend the FSBPT's annual meeting along with Alfred Cata as the primary delegate and Robert Romero as the second delegate .

SECONDED by Kim Osborne. **MOTION PASSES**

C. Board Membership Update

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The Administrator noted that the Governor's office is aware of the upcoming vacancy on the Board.

D. E-Mail Question from Public: CoaguCheck

The Board was satisfied with the Administrator's e-mail response to a member of the public on this issue.

E. E-mail Question from Public: California Board Staff

The Board was satisfied with the Administrator's e-mail response to this question from the California Board.

F. Open Meetings Act Resolution

A brief discussion was held on the importance of the Open Meetings Act.

MOTION was made by Harold Melnick to again adopt the Open Meetings Act Resolution as presented.

SECONDED by Al Cata. **MOTION PASSES UNANIMOUSLY.**

G. New Legislation possibilities

A brief discussion was held on new legislation possibilities in the context of the Sunset Review. An audience member, David Valentine, also a member of the National Association, participated in the discussion.

H. Sunset Review Questionnaire for Legislature

The Board was reminded of the upcoming Sunset Review and was asked to prepare for a hearing before the State of New Mexico Legislature in October.

X. Future Meeting Dates and Locations

A brief discussion was held to note that the outgoing member and Vice Chair, Kim Osborne, should be honored for her work by the board attempting to hold its next meeting in Ruidoso, closer to Ms. Osborne's home.

MOTION was made Al Cata to hold the next board's meeting in Ruidoso, New Mexico on Friday, September 19, 2008.

SECONDED by Harold Melnick. **MOTION PASSES**

XI. Adjourn Meeting

MOTION was made by Al Cata to adjourn the meeting at 12:30 p.m. **SECONDED** by Harold Melnick. **MOTION PASSES.**