



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

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BOARD MEETING MINUTES - DECEMBER 4, 2008

Presbyterian HealthPlex, 6301 Forest Hills Drive, NE, Albuquerque, NM.

1. CALL TO ORDER/ROLL CALL/INTRODUCTION OF GUESTS

Chairman Robert Romero called the meeting to order at 11:10 a.m. Roll call was taken and a quorum was determined present. Chairman Romero welcomed all of the guests in the audience

MEMBERS PRESENT:

Robert Romero, Chair, Professional Member
Alfred (Al) Cata, Vice-Chair, Public Member
Michelle Gutierrez, Professional Member
Harold Melnick, Secretary/Treasurer, Public Member

MEMBER'S EXCUSED:

Kim Osborne, Professional Member

BOARD COUNSEL:

Mona Valicenti, Assistant Attorney General (Excused)

STAFF PRESENT:

Velma Rodriguez, Board Administrator

2. REVIEW AND APPROVAL OF AGENDA

MOTION was made by Al Cata to accept the agenda as written. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

3. APPROVAL OF MINUTES FROM SEPTEMBER 19, 2008

MOTION was made by Harold Melnick to approve the minutes from September 19, 2008 as written. **SECONDED** by Al Cata. **MOTION CARRIED** unanimously.

4. ADMINISTRATOR UPDATE

The administrator announced that the Board office conducted interviews for the vacant administrative assistant position and selected Teresa Ortega. Ms. Ortega joins this Board from the Board of Barber's and Cosmetologist. The administrator also reported that Boards and Commissions (B&C) is aware of the importance of hiring additional compliance officers, and B&C is in the final stages of hiring another compliance officer.

5. EXECUTIVE SESSION

Chairman Romero stated "The Board will go into Executive Session pursuant to Section 10-15-1 (H) (1) and (3) of the Open Meetings Act, to discuss matters listed on the agenda under Executive Session.

MOTION was made by Alfred Cata to close the New Mexico Board of Physical Therapy meeting while the Board enters into Executive Session to discuss licensing matters as listed in the agenda under Executive Session pursuant to §10-15-1 (H) (1) and (3) of the Open Meetings Act. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

New Mexico Board of Physical Therapy
Regular Board Meeting – 12/04/08

Roll call vote was taken:

Robert Romero, present
Alfred Cata, present
Harold Melnick, present
Michelle Gutierrez, present
Kim Osborne, excused

Chairman Romero stated “Let the record show that at 11:17 a.m. the board entered into executive session and the recorder was turned off”.

Back in Open Session

Chairman Romero stated “Let the record show that the recorder was turned back on at 12:37 p.m. and the New Mexico Board of Physical Therapy went back into open session. During Executive Session, the Board reviewed and discussed only matters related to the items as listed on the agenda under Executive Session as specified in the motion”.

6. BOARD ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

Case 01, 04-08:

MOTION was made by Al Cata to continue with Case 01, 04-08 until case paperwork on the adjudication and closures are received by the Board. The complainant attorney will be contacted by the Board. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

Case 02, 07-08:

MOTION was made by Al Cata to send a second letter to the complainant and respondent by the Board administrative staff. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

Case 05, 09-08:

MOTION was made by Al Cata that this case be closed as this case has been referred to the District Attorney’s office for investigation and/or prosecution. The Board requests updates on this case from the District Attorney’s Office. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

Case 06, 09-08:

MOTION was made by Alfred Cata that this case be closed and recommendations by the Board Counsel be implemented in the case of further licensure requests by the respondent. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

Case 07, 08-07: No motion – tabled pending the advice of Board Counsel.

Application review of Angela Kristine Quiambao-Malig

New Mexico Board of Physical Therapy

Regular Board Meeting – 12/04/08

MOTION was made by Harold Melnick that a second credentialing evaluation be completed upon completion of her required courses. **SECONDED** by Al Cata. **MOTION CARRIED** unanimously.

Application review of the following candidates:

Ignacio Garcia
Joulys Vento
Roger Bosch

MOTION was made by Harold Melnick that the applications for licensure do not provide satisfactory evidence that his/her education is in substantial compliance equivalent to the requirements of physical therapist educated in accredited educational programs in the United States, and that the above-stated applicants have not taken courses in accordance with the Physical Therapy Practice Act nor have these applicants been credentialed by a Board-approved credentialing agency. **SECONDED** by Al Cata. **MOTION CARRIED** unanimously.

Ratification of Licenses Issued: PT's/PTA's

MOTION was made by Al Cata that all the PT's and PTA's whose license numbers are listed on the agenda be licensed as physical therapist's and physical therapy assistants. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously.

7. PUBLIC COMMENT

A. Dotty Ratcliff and Michelle Bunzel, P.T.

Dotty Ratcliff joins the meeting today and is the Director of Advantage Home Healthcare in Albuquerque. Ms. Ratcliff and Michelle Bunzel, P.T., are here for clarification on the reasoning for the recent changes on the language related to PTA supervision requirements (*NMAC* Section 16.20.6.8 (D) (3)) specifically the reassessment of the patient and the periodic review of the plan of care. After some discussion, the board announced that the change in language was primarily to meet the Medicare and Medicaid guidelines; however, the board also stated that supervisory forms have been eliminated. As a result, PTA's completing daily treatment notes in a patient's record must always include the name of the referring physical therapist. In addition, PTA's are required to keep the supervising PT informed of acute changes in the patient's physiological state at all times.

B. Peter Lane, Chairman, NM Board of Massage Therapy (NMBMT)

Mr. Lane, Chair, NMBMT, and neuromuscular therapist and trainer, is here today to inform the Board of Physical Therapy on future changes to the Massage Therapy Practice Act. Mr. Lane reported that in the recent years the NMBMT has had only a single licensure designation - licensed massage therapist, which has resulted in some unethical practice issues in the community, particularly with unlicensed activity and violations of the Practice Act. As a result, NMBMT is exploring the possibility of offering additional quality healthcare services to patients by working towards a second-tier licensure called a licensed medical massage therapist - a degree program of approximately 2200 hours focusing on a pathology-directed program versus the traditional relaxation massage. Mr. Lane announced that at the completion of the required hours, this program would lead to a licensed medical massage therapist. The NMBMT is currently working with accreditation and certification bodies for setting standards and the recognition of this program. Upon approval and acceptance of the second-tier licensure, Mr. Lane stated that New

New Mexico Board of Physical Therapy

Regular Board Meeting – 12/04/08

Mexico would be the first state offering an additional level of licensure and invites other health professionals to get involved with the rule writing process.

C. Sahreem Luergan, P.T., NMAPTA

Ms. Luergan is here today as a representative from NMAPTA and is here primarily as a resource to the Board regarding the Physical Therapy Practice Act. Ms. Luergan announced that neither the Desert States nor NMAPTA recommended changes to the Practice Act during the Sunset Review Committee Hearing. Ms. Luergan also reported that Senator Mary Kay Papen is available for sponsoring any related legislative bills during the upcoming legislative session. Robert Romero, Board Chair, interjected and reported that the Legislative Finance Committee (LFC) was made aware of the extreme importance of hiring additional compliance officers at Regulation and Licensing.

D. David Valentine, P.T.

Mr. Valentine also joins the meeting today primarily for observations purposes and to keep abreast on the function of the Board.

8. OLD BUSINESS

A. Report on Jurisprudence Exam

The Board office continues to work with Federation of State Boards of Physical Therapy Exam Services to determine an estimated annual fee for service and the process for administering the NM Jurisprudence Exam online. Additional information will be reported during an upcoming meeting.

B. Board Membership Appointment

The Board office continues to work with the Governor's Office regarding the Board's vacant position. This position remains vacant until further notice

C. Update on omitted filing of Part 3: Issuance of Licenses

Section 16.20.3.13 *NMAC* – Inactive License – was omitted during the 2008 rule filing; however, this part was retrieved and will be filed with the NM State Records Center and Archives the early part of 2009.

9. NEW BUSINESS

A. Licensee Inquiry: PTA Supervision – This item was addressed during public comment.

B. Licensee Inquiry: CEU Question

An inquiry was made by a licensed P.T. on whether the Board would consider awarding CE's for a directed course on Serbain language. The licensed P.T. is currently performing ministry work in Kosovo and working closely with patients. According to rules, each program must have a specific written learning outcome based on identified needs. After some discussion, the Board determined that credit will be awarded provided that the licensee provides valid documentation that this course adheres to the APTA definition for continuing professional education (Section 16.20.8.9 *NMAC*) and that the licensee must provide proof that this program has specific written learning outcomes (objectives) based on identified needs. This item will be placed on the agenda and be heard at next meeting.

MOTION was made by Al Cata that the inquiring therapist must provide documentation that CEU's are taken in accordance with rules of Section 16.20.8.9 (A) *NMAC* at which time the Board will consider awarding 20 contact hours. **SECONDED** by Harold Melnick.

New Mexico Regulation and Licensing Department
BOARDS AND COMMISSION DIVISION

New Mexico Board of Physical Therapy
Regular Board Meeting – 12/04/08

10. NEXT BOARD MEETING

February 26, 2009: Presbyterian Health Plex in Albuquerque, NM at 11:00 a.m.

11. ADJOURNED

MOTION was made by Harold Melnick to adjourn. **SECONDED** by Al Cata. **MOTION CARRIED** unanimously.

Meeting adjourned at 2:32 p.m.

Submitted by: _____
Velma Rodriguez, Board Administrator

Date: _____

Approved by: _____
Robert Romero, Chair

Date: _____