



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

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BOARD MEETING MINUTES – APRIL 23, 2009

The New Mexico Board of Physical Therapy held a regular meeting on April 23, 2009
Presbyterian Health Plex, 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 11:08 a.m. Roll call was taken and a quorum was determined present. Chairman Romero welcomed the guests in the audience.

MEMBERS PRESENT:

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

MEMBER'S EXCUSED:

Kim Osborne, Professional Member

BOARD COUNSEL:

Mona Valicenti, Assistant Attorney General

STAFF PRESENT:

Velma Rodriguez, Board Administrator

2. REVIEW AND APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES FROM FEBRUARY 26, 2009

MOTION was made by Harold Melnick to approve the minutes from February 26, 2009 as amended. **SECONDED** by Al Cata. **MOTION CARRIED** with Michelle Gutierrez abstaining.

4. ADMINISTRATOR REPORT

The administrator announced that Stephen Oliver, Team Leader, Boards and Commissions Division (B&C) is no longer with the division. During the 2008 Federation of State Boards of Physical Therapy (FSBPT) Annual Conference, Mr. Oliver was appointed by FSBPT to chair the 2009 FSBPT Counsel of Board Administrators Conference in San Diego. FSBPT will be notified that Mr. Oliver is no longer available to fulfill the appointment. The administrator also reported that the Board is doing well on budget and recently retained a court reporter for the rule hearing/board meeting scheduled for June 2009.

5. EXECUTIVE SESSION

Chairman Romero stated: "I will hear a motion for closure of the meeting of the Board in order to enter into Executive Session".

MOTION was made by Michelle Gutierrez that the Board enter into Executive Session pursuant to the Open Meetings Act, NMSA 1978, Section 10-15-1 (H) (1) to discuss matters pertaining to licensing,

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renewal, suspension or revocation of a license as listed on the agenda under Executive Session.
SECONDED by Al Cata. **MOTION CARRIED** unanimously.

Chairman Romero stated: “The motion to enter into Executive Session to discuss the items listed on the agenda under executive session has been made by Michelle Gutierrez and seconded by Al Cata”. Will the Board Administrator take a roll call vote of the Board?

Roll call vote was taken:

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

The motion is approved, and the board is now in Executive Session.

Chairman Romero stated: “Let the record show that at 11:14 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 12:26 p.m. and the New Mexico Board of Physical Therapy went back into open session. For the record, the only matters discussed in executive session were those listed in the motion to close”.

6. BOARD ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

Case 02, 05-06:

MOTION was made by Michelle Gutierrez to close this case as the statute of limitations has expired. **SECONDED** by Harold Melnick. **MOTION CARRIED** with Al Cata abstaining.

Case 05, 09-08 and Case 02, 04-09:

MOTION was made by Michelle Gutierrez to consolidate Case 05, 09-08 and Case 02, 04-09 and issue an NCA for practicing without a valid license. Additionally, the Board would like to hear the case if the respondent requests a hearing. **SECONDED** by Harold Melnick. **MOTION CARRIED** with Al Cata abstaining.

Case 01, 02-09:

MOTION was made by Michelle Gutierrez that this case is not a board matter and that the complainant be informed by letter to consult an attorney for guidance on this matter, and to regularly monitor their financial records to avoid such occurrences. This case is dismissed. **SECONDED** by Harold Melnick. **MOTION CARRIED** with Al Cata abstaining.

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

MOTION was made by Michelle Gutierrez to ratify all individuals listed on the agenda as PT’s and PTA’s and be licensed as physical therapist’s and physical therapy assistants. **SECONDED** by Harold Melnick. **MOTION CARRIED** unanimously

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7. PUBLIC COMMENT

No report.

8. OLD BUSINESS

A. Proposed Rule Changes

The following parts are considered for proposed changes:

- Part 3: Issuance of Licenses
- Part 4: Temporary Licenses
- Part 5: Schedule of Fees
- Part 6: Physical Therapist Assistants
- Part 7: Supervision
- Part 8: Continuing Education
- Part 10: Direct Care Requirements

After review of the proposed changes, it was determined that board counsel will work on editing the changes according to today's discussion as well as the editing the current rules to correct only the grammatical inconsistencies. Upon completion, the edited parts will be forwarded to the administrator for proper style and formatting as required by the New Mexico Administrative Code (NMAC).

9. NEW BUSINESS

A. Licensee Inquiry from NMAPTA

Representatives from NMAPTA were not present for discussion. No report.

B. Unlicensed Healthcare Act

House Bill 664 sponsored by Representative Ken Martinez and relating to healthcare and enacting the unlicensed healthcare act was passed at the 49th Legislative Session. The superintendent of regulation and licensing is expressly authorized to promulgate rules as necessary to implement the provisions of the Unlicensed Health Care Practice Act. The effective date of the provisions of this act is July 1, 2009.

C. Sunset Act

House Bill 286 sponsored by Representative Jeannette O. Wallace relating to the extension of the Sunset date was passed at the 49th Legislative Session. The physical therapy board shall continue to operate according to the provisions of the Physical Therapy Act until July 1, 2016. The effective date of the provisions of this act is July 1, 2009.

D. Licensee Inquiry: Patient Admissions to Home Health Agency

Physical therapist and assistants have expressed concerns about a home health agency who is requesting that they perform a thorough Patient Admissions evaluation which includes a form that must be filled out with the current medications the patient is taking. Licensed therapist and assistants both feel this requisition is outside the scope of practice of the physical therapy practice act. After some discussion, the

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Board determined that medication reconciliation is a requirement in home health agencies; however, this issue is a Medicare and administration issue and is not within the Boards jurisdiction to regulate.

10. NEXT BOARD MEETING

June 25, 2009: Board Meeting/Rule Hearing
RLD at Toney Anaya Building, Santa Fe, NM at 9:00 a.m.

11. ADJOURNED

Meeting adjourned at 2:40 p.m.

Submitted by: _____
Velma Rodriguez, Board Administrator

Date: _____

Approved by: _____
Robert Romero, Chair

Date: _____