



NEW MEXICO PHYSICAL THERAPY BOARD

New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4880 ▪ Fax (505) 476-4645 ▪ www.RLD.state.nm.us/physicaltherapy

MEETING MINUTES - JUNE 25, 2009 RULE AND REGULAR BOARD MEETING

Santa Fe, NM

I. CALL TO ORDER

At 9:07 a.m. the Board Chair, Robert Romero, PT, called the June 25, 2009 meeting of the New Mexico Board of Physical Therapy to order.

ROLL CALL

MEMBERS PRESENT: Robert Romero, Chair, Professional Member
Alfred (Al) Cata, Vice-Chair, Public Member
Harold Melnick, Secretary/Treasurer, Public Member
Michelle Gutierrez, Professional Member
Kim Osborne, Profession Member

BOARD COUNSEL: Mona Valicenti, Assistant Attorney General

STAFF PRESENT: Velma Rodriguez, Board Administrator
Teresa Ortega, Administrative Assistant

Roll Call was taken by Ms. Velma Rodriguez and a quorum was determined present.
(Refer to sign-in Sheet for Other Guests)

DISCUSSION AND ACTION ON PROPOSED RULES

The Court Reporter, Connie Jurado, recorded the complete discussion of the rule hearing and proposed changes to the following parts of the rules:

- A. Part 3 – Issuance of Licenses
- B. Part 4 – Temporary Licenses
- C. Part 5 – Schedule of Fees
- D. Part 6 – Physical Therapy Assistants
- E. Part 7 – Supervision
- F. Part 8 – Renewal Requirements and Continuing Education
- G. Part 10 – Direct Care Requirements

A summary of the action taken by the Board on the proposed rules is listed under New Business of the regular board meeting.

RECESSED THE MEETING AT 10:15 AND WILL RECONVENE THE REGULAR MEETING IMMEDIATELY FOLLOWING THE RECESS.

AT 10:38 A.M. THE REGULAR BOARD MEETING RECONVENED.

II. APPROVAL OF AGENDA

Mr. Harold Melnick made a **MOTION** to approve the agenda as written. Mr. Al Cata **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

III. APPROVAL OF MEETING MINUTES

Mr. Harold Melnick made a **MOTION** to approve the minutes of the April 23, 2009 regular meeting as written. Mr. Al Cata **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

IV. NEW BUSINESS

A. Adoption of the Open Meetings Resolution

Ms. Michelle Gutierrez made a **MOTION** to adopt the Open Meetings Resolution. Ms. Kim Osborne **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

B. Adoption of the Proposed Rules

1. Part 3 – Issuance of Licenses

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 3 the following action was taken by the Board.

Ms. Kim Osborne made a **MOTION** to adopt the proposed changes to Part 3, Issuance of Licenses, with grammatical changes under Section 16.20.3.8(B)(2) that the word “twenty” be changed to “fifteen” so that it is in congruence with the number “15”. Also, in Section 16.20.3.10(B)(1), (C)(1) and (D)(1) the correct language should read “complete the initial application”. Ms. Gutierrez **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

2. Part 4 – Temporary Licenses

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 4 the following action was taken by the Board.

Ms. Michelle Gutierrez made a **MOTION** to adopt the proposed changes to Part 4, Temporary Licenses as proposed. Mr. Harold Melnick **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

3. Part 5 – Schedule of Fees

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 5 the following action was taken by the Board.

Ms. Michelle Gutierrez made a **MOTION** to adopt the proposed changes to Part 5, Schedule of Fees with changes under Section 16.20.5.8(K) Continuing Education Approval for Course Provider. The Board determined that the Board will not assign the fee for approving continuing education application for course providers. The Board determined that the proposed fee be removed and the language should read “to be determined by board designee”. Mr. Al Cata **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

4. Part 6 – Physical Therapy Assistants

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 6 the following action was taken by the Board.

Ms. Michelle Gutierrez made a **MOTION** to adopt the proposed changes to Part 6, Physical Therapy Assistants as proposed. However, because of a split issue on the proposed changes, Mr. Robert Romero, Chair, suggested a roll call vote. With the exception of Ms. Kim Osborne who was “against” the proposed changes, the majority of the members were “for” the proposed changes. Mr. Al Cata **SECONDED** the motion which was **PASSED** by a vote of 4/1.

5. Part 7 - Supervision

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 7 the following action was taken by the Board.

Ms. Michelle Gutierrez made a **MOTION** to adopt the proposed changes to Part 7, Supervision after the removal of the last sentence of Section 16.20.7.9. Also in Section 16.20.7.9 of the first sentence, remove the language “Each licensed physical therapist may only supervise unlicensed aides working as care-giving assistive personnel, provided their total combined full time equivalencies do not exceed 80 hours per week” and replace with the new language “ A licensed physical therapist may only supervise unlicensed aides working as care-giving assistive personnel, provided the assistive personnel’s combined full time equivalency does not exceed 80 hours per week”. Mr. Harold Melnick **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

6. Part 8 – Renewal Requirements and Continuing Education

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 8 the following action was taken by the Board.

Ms. Michelle Gutierrez made a **MOTION** to adopt the proposed changes to Part 8, Renewal Requirements and Continuing Education with the following changes to the proposed language:

In Section 16.20.8.8(A)(1), on the first sentence, remove the word “Each” and replace with “A”. Also in Section 16.20.8.8(A)(2), remove “renew according” and replace with “be renewed according”.

In Section 16.20.8.9, the language that starts with, “Continuation of education” should be changed to “Continuing education”. The correct language of this sentence should read “Continuing education is required for license renewal of physical therapists and physical therapist assistants in order to ensure that New Mexico licensees are providing the highest quality professional services.”

In Section 16.20.8.9(A), remove the word “thru” and replace with “through”.

In Section 16.20.8.9(C)(1), after the word “notice” add “the licensee must submit” and in the same sentence, after the word “cycle”, remove the language “must be submitted”.

In Section 16.20.8.9(D)(1), after the word “who” remove the word “do” and replace with “does”.

In Section 16.20.8.9(D)(2), after the word “guard” remove “are” and replace with “is”.

Mr. Al Cata **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

7. Part 10 – Direct Care Requirements

A discussion was held regarding the comments received during the rule hearing and following further input from the Board members and the audience on Part 10 the following action was taken by the Board.

Ms. Kim Osborne made a **MOTION** to table Part 10, Direct Care Requirements due to incongruence’s in the language. Ms. Michelle Gutierrez **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

C. Ratification of Licenses Issued to PT’s and PTA’s

Ms. Michelle Gutierrez made a **MOTION** to ratify the licenses of all individuals listed on the agenda as PT’s and PTA’s. Ms. Kim Osborne **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

D. Email Inquiry regarding Wound Care

The Board received an inquiry from a licensed PT asking if an occupational therapist can resume the responsibilities of the PT when the PT leaves the premises. After some discussion, the Board determined that this needs to be addressed by the OT Board. If this situation was reversed, the Board agrees that the PT would have to perform an evaluation.

V. EXECUTIVE SESSION

Ms. Michelle Gutierrez made a **MOTION** to close the New Mexico Board of Physical Therapy meeting in order to enter into Executive Session pursuant to the Open Meetings Act, NMSA 1978, Section 10-15-1-H.1 authorizing closed sessions for discussion of matters pertaining to licensing, renewal, suspension or revocation of a license. Mr. Al Cata **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Roll Call Vote:

Robert Romero, Chair, Professional Member	Aye
Alfred Cata, Vice-Chair, Public Member	Aye
Harold Melnick, Secretary/Treasurer, Public Member	Aye
Michelle Gutierrez, Professional Member	Aye
Kim Osborne, Professional Member	Aye

Let the record show that at 11:15 a.m. the Board entered into closed session and the recorder has been turned off.

A. Application Review of J. Fiedacan

Back in Open Session

Let the record show that the recorder was turned back on at 11:26 p.m. and the New Mexico Board of Physical Therapy returned to open session. Pursuant to 10-15-1-H.1 of the Open Meetings Act, the matter discussed in the closed session was limited to the item listed in the motion.

VI. BOARD ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

Ms. Michelle Gutierrez made a **MOTION** that Ms. Velma Rodriguez contact the applicant and request that he contact the credentialing agency and ascertain that his credentials were compared and evaluated to the year that he graduated before his application is considered for licensing. Mr. Al Cata **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

VII. PUBLIC COMMENT

Ms. Kim Parker-Guerrero with the American Physical Therapy Association (APTA) expressed her appreciation to the Board for working with her on issues that were discussed at today's meeting, and requested that she be re-added to the distribution list for receiving meeting notifications.

On behalf of (APTA), Ms. Parker-Guerrero offered two registrations to the upcoming APTA State Government Affairs Forum scheduled in Phoenix, Arizona in September 13-15, a two-day forum. The hotel and travel will not be covered.

Ms. Kim Osborne expressed concern on verification of licensure when using the online feature of the NM Board of Physical Therapy website. Ms. Osborne stated that licensure verifications do not contain the "State of New Mexico". Ms. Velma Rodriguez reported that the IT Department at Regulation and Licensing will be notified of the lack of information in hopes of improving this feature.

VIII. ADMINISTRATORS REPORT

Ms. Velma Rodriguez announced that the 2009 Federation of State Boards of Physical Therapy Annual Conference is scheduled for October 1-3 and out-of-state approval is required. Ms. Rodriguez asked if members were interested in attending the conference. Mr. Robert Romero, Mr. Al Cata and Ms. Velma Rodriguez expressed interest in attending the conference; however, out-of-state travel is being reviewed thoroughly per the November 2008 Governor's directive to cut back on budget including travel. Ms. Rodriguez reported that FSBPT is paying for a voting delegate and administrator; however, an alternate delegate will be considered if the voting delegate is unable to attend. Out-of-state travel forms will be submitted for review and consideration.

Board Member Manuals were assembled and distributed to the board members as a reference guide.

Ms. Kim Osborne asked if the Board office has been informed of new board appointments. Ms. Rodriguez reported that the Board office continues to make inquiries; however, at this time there are no new appointments. Ms. Michelle Gutierrez announced that she is resigning as she is actively working on her doctorate degree and cannot continue as a member of the Board.

Mr. Robert Romero expressed huge appreciation to Ms. Michelle Gutierrez for her enormous contributions as a board member.

IX. NEXT BOARD MEETING

Tuesday, August 18th, 2009, at the Presbyterian Healthplex in Albuquerque, NM.

X. ADJOURNMENT

Meeting adjourned at 11:47 a.m.

Submitted by: _____
Velma Rodriguez, Board Administrator

Date: _____

Approved by: _____
Robert Romero, Chair

Date: _____