



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

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

New Mexico Board of Physical Therapy
REGULAR BOARD MEETING
Tuesday, August 18, 2009
Albuquerque, NM

MEETING MINUTES

I. CALL TO ORDER

At 11:04 a.m. the Board Chair, Robert Romero, PT, called the August 18, 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
David Valentine, Professional Member
Jetta Reynolds, Public Member

MEMBERS EXCUSED Kim Osborne, Professional Member

BOARD COUNSEL: Mona Valicenti, Assistant Attorney General

STAFF PRESENT: Velma Rodriguez, Board Administrator
Teresa Ortega, Administrative Assistant
Vadra Baca, Acting Deputy Director

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

II. APPROVAL OF AGENDA

Mr. Alfred Cata made a **MOTION** to approve the agenda as written. Ms. Jetta Reynolds **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

III. APPROVAL OF MEETING MINUTES

Mr. Al Cata made a **MOTION** to approve the minutes of the June 25, 2009 rule hearing and regular meeting as written. Mr. David Valentine **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

IV. ADMINISTRATORS REPORT

The board administrator announced the reappointment of the Board Chair, Robert Romero, and also announced the resignation of Ms. Michelle Gutierrez and the expiration term of Mr. Harold Melnick. The Governor's Office appointed the following two new members to serve on the Board: Mr. David Valentine, Professional Member and Ms. Jetta Reynolds, Public Member.

Mr. Valentine and Ms. Reynolds were introduced and both expressed their gratitude for their appointment on this Board. Mr. Valentine holds a doctorate degree in physical therapy, and he has actively participated in all Board meetings for nearly two years. Ms. Reynolds background is in industrial hygiene and occupational health and safety. Ms. Reynolds has served on the national boards of the National Hygiene Association.

Date 8/2009

V. **OLD BUSINESS**

A. **Part 6 – pending copyright permission from APTA**

The administrator reported that the rule changes adopted at the June 2009 rule hearing were filed and effective August 1, 2008 with the exception of Part 6 – Physical Therapy Assistants (PTAs). Proposed changes to Part 6 contained published material by the American Physical Therapy Association (APTA). At the recommendation of John Martinez, Division Director at State Center Records and Archives, incorporation by reference, which is the method of including the contents of a document in a legal document, will require permission from APTA to incorporate the material and publish in the physical therapy rules and regulations.

Ms. Valicenti announced that a request to incorporate by reference was submitted to APTA, but is pending. However, Ms. Valicenti recommended that the Board hold another rule hearing to address Part 6 and incorporate specific language into the rule thereby eliminating the “incorporation by reference” rule.

Chairman Romero stated that a rule hearing will be necessary to address Part 6 and incorporate specific language into the rules as well as proposed language to other areas of this part as presented by Mr. Valentine nearly one year ago. Mr. Valentine gathered information directly from licensees and members of the APTA NM Chapter related to the ethical use of PTAs. Mr. Valentine will present the proposed language for reconsideration of incorporating this material into the rules, which was originally developed by the rules committee.

In addition, Vadra Baca, Acting Deputy Director, reported that the Board should consider establishing a rule surrounding the expiration of initial applications that remain incomplete. The Board continues to hold on to numerous pending applications that have not been pursued by applicants, and with specific retention/disposition rules, the Board staff can properly archive old applications. This item will be considered along with the other proposed changes.

VI. **EXECUTIVE SESSION**

Mr. David Valentine 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
David Valentine, Professional Member	Aye
Jetta Reynolds, Public Member	Aye
Kim Osborne, Professional Member	Excused

Let the record show that at 11:25 a.m. the Board entered into closed session and the recorder has been turned off.

A. **Brenda Harvey – Renewal Application**

B. **Case PT 03, 07-09**

Back in Open Session

Let the record show that the recorder was turned back on at 11:50 a.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

Application Review: Brenda Harvey

Mr. David Valentine made a **MOTION** that the Board request a Notice of Contemplated Action (NCA) from the Attorney General's Office to issue to Ms. Brenda Harvey and to withhold renewal license until the matters surrounding the renewal application is resolved. Ms. Jetta Reynolds **SECONDED** the motion which was **PASSED** with Mr. Al Cata abstaining.

Case PT 03, 07-09

Ms. Jetta Reynolds made a **MOTION** that the Board request a Notice of Contemplated Action (NCA) from the Attorney General's Office for issuance to respondent. Mr. David Valentine **SECONDED** the motion which was **PASSED** with Mr. Al Cata abstaining.

For the record, Chairman Romero announced that he or Mr. Kim Osborne will act as hearing officer in the event a hearing is requested by either respondent in the above referenced cases.

VII. PUBLIC COMMENT

Ms. Eileen Ross expressed concern about the elimination of CEs that took place at the last rule hearing, June 2009. After some discussion, Ms. Ross reported that the Board reconsider the adopted rule on the elimination of carry-over hours and reinstate carry-over hours with biennial renewal.

VIII. NEW BUSINESS

A. SpanTran Education Services

SpanTran Educational Services is a member the National Association of Credential Evaluation Services (NACES) and performs educational evaluations specifically for foreign-educated students. Evaluations are then submitted to state boards and government agencies on behalf of the applicant. SpanTran specializes in reviewing, comparing, authenticating, and evaluating nearly all educations systems.

The Board determined that this credentialing agency contact the Federation of State Boards of Physical Therapy for consideration of this request.

B. Ratification of Licenses Issued: PTs and PTA

Mr. David Valentine made a **MOTION** to ratify the licenses of all individuals listed on the agenda as PTs and PTAs. Al Cata **SECONDED** the motion, which was **PASSED** by unanimous approval.

IX. NEXT BOARD MEETING

November 5, 2009, 11:00 a.m. in Las Cruces, NM. Exact location to be determined.

X. ADJOURNMENT

Meeting adjourned at 12:12 p.m.

Submitted by: _____
Velma Rodriguez, Board Administrator

Date: _____

Approved by: _____
Robert Romero, Chair

Date: _____