



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

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New Mexico Board of Physical Therapy
REGULAR BOARD MEETING
Thursday, November 05, 2009
Las Cruces, NM

MEETING MINUTES

1. CALL TO ORDER

At 11:11 a.m. the Board Vice-Chair, Alfred Cata called the November 05, 2009 meeting of the New Mexico Physical Therapy Board to order.

ROLL CALL

MEMBERS PRESENT: Alfred (Al) Cata, Vice-Chair, Public Member
Dr. David Valentine, Professional Member
Jetta Reynolds, Public Member
Kim Osborne, Professional Member (via telephone)

MEMBERS EXCUSED Robert Romero, Chair, Professional Member

BOARD COUNSEL: Mona Valicenti, Assistant Attorney General (Excused)

STAFF PRESENT: Velma Rodriguez, Board Administrator

Roll Call was taken by administrator and a quorum was determined present.

2. APPROVAL OF AGENDA

Ms. Jetta Reynolds made a **MOTION** to approve the agenda as written. Dr. David Valentine **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

3. APPROVAL OF MEETING MINUTES

Dr. David Valentine made a **MOTION** to approve the minutes of the August 18, 2009 regular meeting as written. Ms. Jetta Reynolds **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

4. ADMINISTRATORS REPORT

The administrator reported on the upcoming renewal cycle noting the transition to biennial renewal. It was also noted that licenses ending in an even number will renew for two years expiring in 2012, while licenses ending in an odd number will renew for one year until 2011 and biennially thereafter. Material on the requirements for transitioning into biennial renewal was disseminated to all active licensees by regular mail in August 2009, by newsletter through the American Physical Therapy Association (APTA) New Mexico Chapter, and by posting the information on the New Mexico physical therapy website. It was reported that renewal notices will be sent out no later than December 15 as per the rules and regulations. Renewal notices will contain information on the transition to biennial renewal.

5. **NEW BUSINESS**

A. Election of Officers

1. Chair

Mr. Alfred Cata made a **MOTION** to re-elect Mr. Robert Romero, P.T., as Board Chair. Dr. David Valentine **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

2. Vice-Chair

Ms. Kim Osborne made a **MOTION** to re-elect Mr. Alfred Cata as Vice-Chair. Dr. David Valentine **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

3. Secretary/Treasurer

Ms. Kim Osborne made a **MOTION** to elect Dr. David Valentine as Secretary/Treasurer of the Board. Mr. Alfred Cata **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

B. Committee Assignments

The following members were designated to the committees listed below in order to assist the Board staff with routine tasks:

1. Compliance Committee: Mr. Alfred Cata
2. Rules Committee: Mr. Robert Romero, Chair, P.T., Dr. David Valentine, & Board Administrator
3. Continuing Education: Dr. David Valentine, Ms. Kim Osborne & Ms. Jetta Reynolds
4. Application Committee: Ms. Kim Osborne and Ms. Jetta Reynolds

C. Continuing Education Inquiries

1. Visceral Manipulation Coursework (Appeal)

After a lengthy discussion surrounding the denial of the continuing education application of the above-referenced course, the Board determined that this course does not meet the evidence-based criteria of the APTA (NM Chapter). Consequently, it was the decision of the Board to support the decision of APTA (NM Chapter) and deny the appeal of the Visceral Manipulation Coursework. The Board also noted that it supports continuing education criteria practiced by the Federation of State Board of Physical Therapy (FSBPT), national associations and other national licensing boards in order carry out the high standards set forth in the NM Physical Therapy Act.

2. Published Article for CEUs

The Board awarded 30 contact hours for the published article.

3. CEU Request/Approval of University Courses

The Board reviewed and recognized the entire courses submitted for approval. All submitted courses are applicable towards the licensee's doctorate degree. The Board awarded the maximum of 30 contact hours for this continuing education request.

4. Craniosacral: Basic Course

The Board was unable to determine the validity of this course, as supporting documentation was not included with this request. Furthermore, the Board reported that per Rules and Regulations, all continuing education applications and coursework must be approved by the APTA (NM Chapter). This request was rejected for continuing education units.

D. Ratification of Licenses Issued: PTs and PTAs

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

6. **OLD BUSINESS**

The Administrator reported that the Board office received copyright permission from the American Physical Therapy Association (APTA) to publish material in Part 6 of the Rules and Regulations that is incorporated by reference. Since the Board adopted the proposed changes to Part 6 of the Rules at the June 2009 Rule Hearing, the Board office will now file the adopted rule with the State Records Center and Archives for publication.

The Board will discuss and consider the proposed changes that are included in today's packet at a future board meeting. A rule hearing is anticipated prior to the end of Fiscal Year 2010.

7. **PUBLIC COMMENT**

Kim Parker, APTA (NM Chapter), announced that they are enthusiastic about working with the licensing board on issues surrounding continuing education practices and beyond.

8. **EXECUTIVE SESSION**

Dr. 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. Ms. Jetta Reynolds **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Roll Call Vote:

| | |
|---|---------|
| Robert Romero, Chair, Professional Member | Excused |
| Alfred Cata, Vice-Chair, Public Member | Aye |
| David Valentine, Professional Member | Aye |
| Jetta Reynolds, Public Member | Aye |
| Kim Osborne, Professional Member | Aye |

Let the record show that at 12:35 a.m. the Board entered into closed session and the recorder has been turned off.

- A. Case PT 02, 05-06
- B. Case PT 05, 07-09
- C. Maureen Dizon
- D. Michael O'Connor, #931
- E. Jesse Stuhr, Applicant

Back in Open Session

Let the record show that the recorder was turned back on at 1:19 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 items listed in the motion.

9. BOARD ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

A. Case PT 02, 05-06

MOTION was made by Mr. Alfred Cata to withdraw the motion to close Case PT 02, 05-06 which was made at the April 23, 2009 board meeting and to follow the Default Order dated January 18, 2008. Ms. Jetta Reynolds **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

B. Case PT 05, 07-09

MOTION was made by Dr. David Valentine to dismiss this case as this is outside the jurisdiction of the Board. Ms. Kim Osborne **SECONDED** the motion, which was **PASSED** with Mr. Alfred Cata abstaining.

C. Maureen Dizon Applicant

MOTION was made by Ms. Kim Osborne to approve Ms. Dizon's request to sit for the Physical Therapy Assistant national examination. Dr. David Valentine **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

D. Michael O'Connor, P.T. License # 931

MOTION was made by Ms. Jetta Reynolds that the Board continue to approve his license with conditions surrounding consumer protection. The Board requested that Board Counsel assist with formally writing a written agreement/letter to the licensee outlining conditions to include that the Board office receive letters every six months from the licensee's employer, judge and probation officer. Mr. Alfred Cata **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

E. Jesse Stuhr, Applicant

MOTION was made by Ms. Jetta Reynolds that the Board approve his application without conditions. Mr. Alfred Cata **SECONDED** the motion, which was **PASSED** with Ms. Kim Osborne abstaining.

10. NEXT BOARD MEETING

March 11, 2010, 11:00 a.m. in Albuquerque, NM.

11. ADJOURNMENT

Meeting adjourned at 1:35 p.m.

Submitted by: _____
Velma Rodriguez, Board Administrator

Date: _____

Approved by: _____
Alfred Cata, Vice-Chair

Date: _____