



South Dakota Board of Physical Therapy

Mailing Address:
810 North Main Street, Suite 298
Spearfish, SD 57783

Phone: (605) 642-1600
E-Mail: office@sdlicensing.com

Draft-Video Conference BOARD MEETING AGENDA

TO: All Board Members
FROM: Brooke Tellinghuisen Geddes
DATE: February 26, 2024
MEETING DATE: March 19, 2024
LOCATION: Video Conference

The public is invited to attend the meeting via Microsoft Teams at the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWMxZTkxMzktZjE3OS00Y2IzLTk1YjQtYWE2NTkxZGQzNWRi%40thread.v2/0?context=%7b%22Tid%22%3a%22e69efb98-56ef-4797-a76b-e1ec658a639c%22%2c%22Oid%22%3a%22ee0a24e7-6d2c-4495-ade5-4377098865d2%22%7d

If members of the public would like to be sent the Microsoft Teams invitation to the meeting instead of using the above link, please contact the board office prior to the meeting at office@sdlicensing.com. If you are having issues accessing the link, please contact the board office at 605-642-1600.

MEETING TIME: 11:00AM MST / 12:00PM CST

Agenda Item Number

1. Call to Order/Welcome
2. Roll Call
3. Approval of the Agenda

4. Public Comment at 12:05PM CST
5. Approval of the Minutes from December 13, 2023
6. Financial Update
7. Renewal Update/CEU Audit Update
8. CEU Workgroup Update
9. Scope-of-Practice Flow Chart/Vote
10. FSBPT Voting Delegate(s)
11. Compact Privilege Fee Increase
12. Application Process/Vote
13. CEU Waiver Committee and Process/Vote
14. Workforce Data Collection Update
15. Schedule Next Meeting(s)
16. Executive Session pursuant to SDCL 1-25-2
 - a. Complaints/Investigations
 - i. #102
 - b. Executive Secretary Contract Renewal
17. Vote on Complaints/Investigations
18. Vote on Executive Secretary Contract Renewal
19. Any other Business
20. Adjourn

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OFFICIAL BOARD MINUTES FOR DECEMBER 13, 2023 VIDEO CONFERENCE

MEMBERS PRESENT: Patti Berg-Poppe, President
Leonard Suel, Vice-President
Rebeca Schmitz, Secretary
Matthew Weigel, Member
Janelle Toman, Lay Member
Linda Ahrendt, Lay Member

MEMBERS ABSENT: Brad Thuringer, Member

OTHERS PRESENT: Brooke Tellinghuisen Geddes, Executive Director
Katie Funke, Executive Assistant
Howard Pallotta, Legal Counsel, SD Dept. of Health
Joy Karges, SDAPTA (joined at 12:04 PM CST)

CALL TO ORDER/WELCOME AND INTRODUCTIONS: Berg-Poppe called the meeting to order at 12:01 PM CST.

ROLL CALL: Tellinghuisen Geddes called the roll. Berg-Poppe, yes; Suel, yes; Schmitz, yes; Thuringer, absent; Toman, yes; Ahrendt, yes; Weigel, yes. A quorum was present.

APPROVAL OF THE AGENDA: Schmitz made a motion to approve the agenda. Weigel seconded the motion. **MOTION PASSED** by unanimous voice vote.

PUBLIC COMMENT PERIOD: None.

APPROVAL OF THE MINUTES FROM OCTOBER 24, 2023: Toman made a motion to approve the minutes from October 24, 2023, with one correction to the time Schmitz joined the meeting. Weigel seconded the motion. **MOTION PASSED** by unanimous voice vote.

FINANCIAL UPDATE: Tellinghuisen-Geddes reported year-to-date financials as of October 31, 2023: Revenue of \$43,200.00 and expenses of \$42,409.61. It was reported that an updated cash balance is not

available from BFM at this time as they have been experiencing issues with the reports. A verbal cash balance was reported as \$1,159,566.40.

ADMINISTRATIVE RULES UPDATE: Tellinghuisen-Geddes reported that she and attorney, Howard Pallotta, presented the rules to the IRRC November 7, 2023. The rules passed and were provisionally effective December 3, 2023.

CEU WORKGROUP UPDATE: Berg-Poppe provided an update on the continuing education workgroup that was recently established. The work group membership was established as Patti Berg-Poppe, Brady Harr, Joy Karges-Brown, Mark Petersen, Lynn Simon, Jordan Tesch, and Brad Thuringer. Work group objectives include:

- Studying and depicting the types of continuing education reported through the SDBPT via audit sample.
- Generating examples of and deliberate professional development and continued competence activities not technically meeting licensure expectations but that enhance professional competence.
- Developing concise and unambiguous guidelines for continuing education that align with licensure requirements.
- Developing a FAQ resource to support individuals in understanding and meeting continuing education expectations.
- Conducting a final evaluation to assess the overall success of the work group's efforts in establishing clarity around continuing education expectations.
- Establishing a process for ongoing refinement of continuing education guidelines to adapt to evolving industry standards and any changing licensure requirements.
- Final deliverables include guiding documents that may take the form of a FAQ doc, algorithm, etc.

Questions that may inform decision-making were formed and assigned as:

- How do neighboring states (ND, MN, IA, NE, WY, MT) define CEU units and activities? Are these definitions established as administrative rules? Do any of these states have guiding documents for understanding if an activity meets expectations for CEUs in their state?
- How do neighboring states (ND, MN, IA, NE, WY, MT) delegate the approval of CEUs? Is this happening at a Board level? If so, is there a specific group that vets courses? Does vetting/credentialing happen within professional organizations for any of these states?
- Is there an administrative benefit to using CEU locker? What alternative similar CEU vetting options exist?
- What are examples of common (or uncommon CEUs) that we can expect will be reported by licensees? Do these common (or uncommon) examples match the criteria established in the administrative rules? Are there any examples that we might generate that may be considered legitimate forms of competency enhancement that are not matched by administrative rules? (Note: the actual audit will give us an opportunity for a practical exercise that answers this question; this is a theoretical question).

Discussion followed regarding continuing education waivers as allowed by SDCL 36-10-51 and ARSD 20:66:03:04. The Board agreed that continuing education should not be waived multiple renewal periods in a

row. The Board has agreed to set a soft precedent for denying requests to waive continuing education if the licensee had been granted a waiver in the previous renewal period.

RE-ENTRY TO PRACTICE DISCUSSION: Tellinghuisen-Geddes advised that there are not clear requirements in statute or administrative rules for applicants to get re-licensed who have let their license lapse. It has become an emerging issue with applications. It was recommended that if the SD-APTA is bringing a bill in 2025 to update the practice act to be more consistent with the Model Practice Act, the Board should consider working with the Association on updating those regulations related to re-entry to practice. The Board would first need authority in Statute to further define what is required for re-entry in Administrative Rules.

WORKFORCE DATA COLLECTION UPDATE: Berg-Poppe reported following the last board meeting, the board was contacted by Senator Jean Hunhoff to develop a South Dakota Health Workforce Coalition to gather workforce metrics. The goal of the workforce would be to study workforce trends within various South Dakota health professions. The information would likely be collected by the various licensure boards at renewal. Raw data may be housed within each board and reported to the Department of Health for the purpose of disseminating the reports and data to the public. Senator Hunhoff plans to draft a bill with the coalition intent and purpose. Both Hunhoff and Secretary Magstadt will be looking for grant opportunities and/or legislative dollars to use towards funding the project.

SCHEDULE NEXT MEETING(S): The next meeting is scheduled for Tuesday, March 19, 2024 at 11:00 AM MST/ 12:00 PM CST via Microsoft Teams. The following meeting is scheduled for May 14, 2024 at 11 AM MST/12:00 PM CST via Microsoft Teams.

ANY OTHER BUSINESS: There was no other business to discuss.

EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2: Toman made a motion to enter Executive Session. Ahrendt seconded the motion. **MOTION PASSED** by unanimous voice vote. All others exited the meeting. The Board entered Executive Session at 12:41 pm CST to discuss complaints/investigations. The board exited Executive Session at 12:48 pm CST.

Complaint/Investigations- It was reported there is one pending complaint/investigation.

COMPLAINT DISMISSAL-STANDING AUTHORITY (SDCL 36-1C-4): Schmitz made a motion to grant the investigative committee standing authority to dismiss complaints and report the dismissal via e-mail. Ahrendt seconded the motion. **MOTION PASSED** by unanimous voice vote.

Weigel made a motion to adjourn at 12:50 PM CST. Toman seconded the motion. **MOTION PASSED** by unanimous voice vote.



Respectfully submitted,
Brooke Tellinghuisen Geddes

Executive Director

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

DRAFT

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 01/31/2024

AGENCY	BUDGET UNIT	CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
09	09214	09214	6503		HEALTH		
					PHYSICAL THERAPY BOARD		
					PHYSICAL THERAPY BOARD		
COMPANY NO			6503		PROFESSIONAL & LICENSING BOARDS		
COMPANY NAME							
092140066701	6503	5101	5101	5101	BOARD & COMM MBR'S FEES	360.00	1,920.00
ACCT: 5101							
092140066701	6503	5102	5102	5102	EMPLOYEE SALARIES	360.00	1,920.00
ACCT: 5102							
092140066701	6503	5102	5102	5102	EMPLOYEE BENEFITS	27.54	151.16
ACCT: 5102							
092140066701	6503	5102	5102	5102	PERSONAL SERVICES	387.54	2,071.16
ACCT: 5102							
092140066701	6503	5203	5203	5203	TRAVEL	.00	1,409.89
ACCT: 5203							
092140066701	6503	5203	5203	5203	DUES & MEMBERSHIP FEES	.00	1,757.75
ACCT: 5203							
092140066701	6503	5203	5203	5203	COMPUTER CONSULTANT	801.25	5,001.25
ACCT: 5203							
092140066701	6503	5203	5203	5203	MANAGEMENT CONSULTANT	10,876.52	70,105.80
ACCT: 5203							
092140066701	6503	5203	5203	5203	CENTRAL SERVICES	.00	290.61
ACCT: 5203							
092140066701	6503	5203	5203	5203	PURCHASING CENTRAL SERV	1.12	470.24
ACCT: 5203							
092140066701	6503	5203	5203	5203	HUMAN RESOURCES SERVICES	.00	169.57
ACCT: 5203							
092140066701	6503	5203	5203	5203	PUBLISHING	.00	50.00
ACCT: 5203							
092140066701	6503	5203	5203	5203	EQUIPMENT RENTAL	.00	518.31
ACCT: 5203							
092140066701	6503	5203	5203	5203	RENTS-OTHER	.00	3,109.40
ACCT: 5203							
092140066701	6503	5203	5203	5203	OTHER CONTRACTUAL SERVICE	1,253.17	3,109.40
ACCT: 5204							
092140066701	6503	5204	5204	5204	CONTRACTUAL SERVICES	12,932.06	81,474.05
ACCT: 5204							
092140066701	6503	5204	5204	5204	FOOD STUFFS	.00	207.25
ACCT: 5205							
092140066701	6503	5205	5205	5205	SUPPLIES & MATERIALS	12,932.06	83,091.19
ACCT: 52							
092140066701	6503	52	52	52	OPERATING EXPENSES	.00	207.25
ACCT: 52							
COMP: 6503					PROFESSIONAL & LICENSING BOARDS	13,319.60	85,162.35
CENTER: 092140066701						13,319.60	85,162.35
B UNIT: 09214						13,319.60	85,162.35
AGENCY: 09						26,094,949.17	115,977,666.79

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 01/31/2024

AGENCY	BUDGET UNIT	09	HEALTH	PHYSICAL THERAPY BOARD					
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE				
COMPANY NO 6503 COMPANY NAME PROFESSIONAL & LICENSING BOARDS									
092140066701	6503	4293881	PT APPLICATION	360.00	1,980.00				
092140066701	6503	4293882	PTA APPLICATION	240.00	900.00				
092140066701	6503	4293883	PT RENEWAL	1,440.00	178,800.00				
092140066701	6503	4293884	PTA RENEWAL	5,280.00	7,560.00				
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	7,320.00	189,240.00	*			
ACCT: 42			LICENSES, PERMITS & FEES	7,320.00	189,240.00	**			
092140066701	6503	4599806	MISC SALES & SERVICE	1,380.00	2,520.00	*			
ACCT: 4599			OTHER CHARGES (NON-GOVERNMENTAL)	1,380.00	2,520.00	*			
ACCT: 45			CHARGES FOR SALES & SERVICES	1,380.00	2,520.00	**			
CNTR: 092140066701				8,700.00	191,760.00	***			
CNTR: 092140066				8,700.00	191,760.00	****			
CNTR: 0921400				8,700.00	191,760.00	*****			
COMP: 6503				8,700.00	191,760.00	*****			
B UNIT: 09214				8,700.00	191,760.00	*****			
AGENCY: 09				20,898,771.48	92,634,599.68	*****			

PT/PTA Scope of Practice Decision-making Algorithm

An individual physical therapist's scope of practice is influenced by professional, jurisdictional, and personal scopes of practice.

Over the course of the physical therapist's career, scope of practice evolves based on considerations including, but not limited to, societal needs; progressive professional development activities of the physical therapist; modifications to jurisdictional laws and regulations; advancements in knowledge, research, clinical skills, and technology; and the evolving health delivery system.

The professional scope of physical therapist practice is grounded in basic, behavioral, and clinical sciences. It is supported by education, based on a body of evidence, and linked to existing and emerging practice frameworks. The professional scope of practice evolves in response to innovation, research, collaboration, and changes in societal needs.

The professional scope of practice consists of patient and client management, which includes diagnosis and prognosis, to optimize physical function, movement, performance, health, quality of life, and well-being across the lifespan. In addition, the professional scope of practice includes contributions to public health services aimed at improving population health and the human experience.

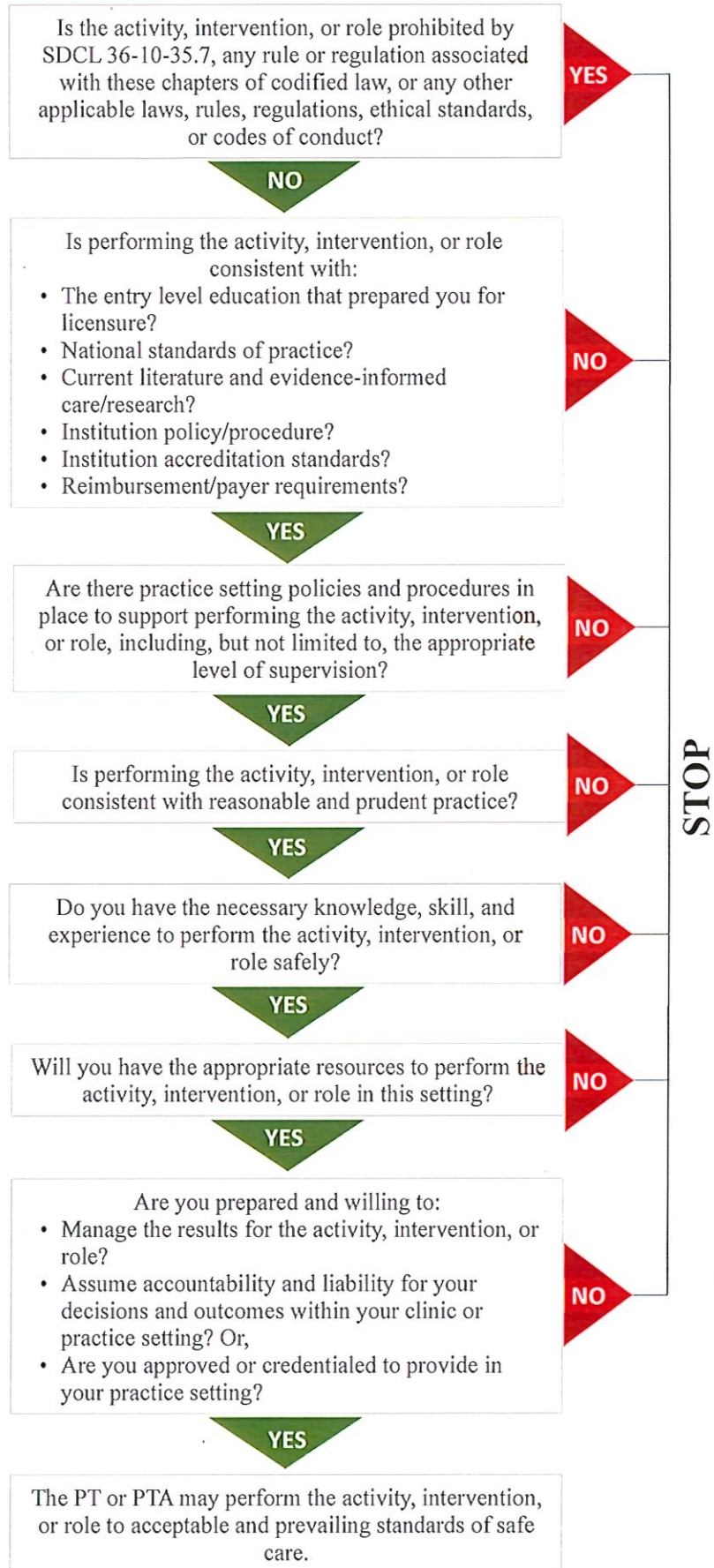
The jurisdictional scope of physical therapist practice is established by the practice act governing the specific physical therapist's license and the rules adopted pursuant to that act.

The personal scope of physical therapist practice consists of activities for which an individual physical therapist is educated, trained, and is competent to perform.

**Position of the American Physical Therapy Association House of Delegates
HOD P06-17-09-16/HOD P06-17-08-07**

This decision-making algorithm is for educational purposes only. The guidelines do not purport to establish a standard of care or advise on a course of action for patient care in any particular situation. PT's and PTA's are encouraged to read the Practice Act found at SDCL 36-10, ARSD 20:66.

Framework adopted by the South Dakota Board of Physical Therapy on **XX.XX.XXX**



The PT or PTA may perform the activity, intervention, or role to acceptable and prevailing standards of safe care.

Brooke Tellinghuisen Geddes

From:
Sent: Tuesday, January 2, 2024 6:55 AM
To: Brooke Tellinghuisen Geddes
Subject: Delegate Selection

Follow Up Flag: Follow up
Flag Status: Flagged

Brooke,

It's time to select your Voting Delegate, Alternate Delegate, and Funded Administrator!

These positions will be funded to attend the following events, and your Voting Delegate will represent your board by voting for candidates and motions.

Leadership Issues Forum, July 13-14, Arlington, Virginia

- Voting Delegate
- Board Administrator

Annual Education Meeting, October 31-November 1, Cedar Rapids, Iowa

- Voting Delegate
- Funded Alternate Delegate
- Board Administrator

You can learn more about these events on the [FSBPT Website](#).

Instructions

Please use these instructions for selecting your delegates and administrator and for making any subsequent changes. You will receive a system-generated email shortly alerting you to ownership of your delegation so that you can make changes. Only one person can "own" a delegation. If you would like another member of your staff to make these updates instead, please let me know and I can make them the "owner."

This is also a great time to look at your board and make sure that it is up to date. Here are instructions on how to do that:

- [FSBPT Portal User Guide: Board Roster](#)
- [FSBPT Portal Video: Board Roster](#) (6 min)

The official deadline for delegate selection is May 1, but we ask that you please make them before April 10 if possible. If

Brooke Tellinghuisen Geddes

From: [redacted]
Sent: Friday, January 5, 2024 1:11 PM
To: Brooke Tellinghuisen Geddes
Subject: RE: Compact Privilege

The expiration date of the privilege is tied to the home state license. As a result, some people must renew the CP every year, while others renew every two years.

Jeff

From: Brooke Tellinghuisen Geddes <brooke@sdlicensing.com>
Sent: Friday, January 5, 2024 2:58 PM
To: Jeff Rosa <JRosa@aon.fsbpt.org>
Subject: Re: Compact Privilege

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for this information Jeff. I will discuss this with the Board. How often is someone required to update their privilege? I was under the assumption it was based off their home state expiration as that is what we are notified with.

Thanks,
Brooke

From: [redacted]
Sent: Friday, January 5, 2024 10:50:33 AM
To: Brooke Tellinghuisen Geddes <brooke@sdlicensing.com>
Subject: RE: Compact Privilege

Brooke,

Each state uses its own methodology to set their state CP fee, so your assumption that SDBMOE chose \$60 based on the application fee is probably accurate.

Here's what policy 1.6 says about updating the state's CP fee:

the state fees required to obtain a compact privilege in that state must notify

Procedure:

1. A member state may set the state fee to purchase a compact privilege in that any amount.
2. A member state must send electronic or written notification to the Compact Administrator of a change to the state fee amount.
3. The PTCC will have up to thirty (30) days from the date the Compact Administrator notified to implement any state fee changes in the PTCC system. The Compact Administrator will notify the member state once the change is made.

You aren't required to adjust your fee, but if the board want to modify it, you just need to send me an email identifying the new state fee.

Jeff

From:
Sent: Friday, January 5, 2024 10:17 AM
To:
Subject: Compact Privilege

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeff,

As I wasn't part of this Board/profession when they joined the PT Compact, do you have any information on how the compact privilege fee of \$60 was set? I am assuming it was based on our application fee. Are these subject to change? SD has went to a 2 year license and our fee is now \$120 instead of \$60 so I am just wondering if we need to adjust our privilege fee and what that would look like?

Brooke Tellinghuisen Geddes
Executive Director
810 N. Main St. #298
Spearfish, SD 57783
Ph: 605-642-1600
Fax: 605-722-1006

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This memorandum outlines the process for considering applications made to the SD Board of Physical Therapy.

1. **Clean Applications (initial and renewal):** Applicants who answer “no” to all legal questions, no criminal history on background check, no action on other licenses from other states or prior action on South Dakota licenses. These applicants also meet all other requirements for licensure or renewal.

Recommendation: Executive director issues license.

2. **Other Applications (initial and renewal):** Applicants who answer “yes” to legal questions, have criminal history on DCI or FBI background check, action on a license from another state or former South Dakota license, or other problematic issues.

Recommendation: Review by board president, legal counsel, and executive director. May choose to 1) approve application or renewal or 2) bring to full board for consideration of conditions or denial at next regularly scheduled meeting (board president must abstain from voting).

3. **Reinstatement Applications:** Applicants who were formerly licensed in South Dakota or another state but who do not hold current licensure and forfeited their license consistent with SDCL 36-10-33 (i.e., 6 months past expiration date).

Recommendation: Review by board president and executive director, who will make recommendation on number of CEU’s needed and/or PEAT exam requirements. The decision is brought to the full board for ratification at next regularly scheduled meeting. Any recommendation beyond additional CEU’s or evidence of PEAT exam results (e.g., re-testing, supervision, etc.) will be brought to the full board for consideration at the next regularly scheduled meeting.

36-10-46. Appeal from decision of board.

Any party feeling aggrieved by any acts, rulings, or decisions of the State Board of Physical Therapy, relating to the refusal to grant a license or to the cancellation, revocation, or suspension of a license may appeal the decision, pursuant to chapter [1-26](#).

The State Board of Physical Therapy adopted this process for considering applications at its meeting on [XX.XX.XXXX](#).

This memorandum outlines the process for considering a Waiver of Continuing Education Requirements Request.

RELEVANT LEGISLATION

SDCL 36-10-51 and SDAR 20:66:03:04 pertain to waiver requests for continuing education requirements.

36-10-51. Continuing education--Requirements--Waiver.

In order to renew a license, a person shall submit evidence, satisfactory to the State Board of Physical Therapy, indicating compliance with the continuing education requirements established by the board. The board may waive the continuing education requirements if the applicant submits evidence satisfactory to the board that the applicant was unable to comply because of illness, disability, military service, or financial hardship.

Source: SL 2017, ch 173, § 17; SL 2023, ch 136, § 32.

20:66:03:04. Waiver of continuing education requirements.

The State Board of Physical Therapy may waive the continuing education requirements if the applicant submits an affidavit to the board stating that the applicant was prevented from completing the requirements because of the circumstances listed in SDCL 36-10-51. A physical therapist or physical therapist assistant must submit the affidavit for a waiver to the board at least thirty days prior to the expiration of two-year period referenced in § 20:66:03:01.

Source: 44 SDR 95, effective December 7, 2017; 50 SDR 66, effective December 3, 2023.

General Authority: SDCL 36-10-36.

Law Implemented: SDCL 36-10-51.

PROCESS

I. Designated Subcommittee

The responsibility for decisions related to continued competence has been delegated to a subcommittee comprising 2 members of the SD Board of Physical Therapy who have been appointed by the SD Board of Physical Therapy.

II. Decision Process

All waiver requests will be received by Board staff and forwarded for decision to the subcommittee. The subcommittee may request additional information by working with staff to communicate with the applicant. The subcommittee will agree on a “waiver approved” or “waiver not approved” decision with justification held in internal documentation files. Should members of the subcommittee disagree, **the President of the Board of Physical Therapy will referee the decision.**

Commented [PB1]: Can we involve a 3rd person, or is this a violation of board meeting rules? Trying to move the decision along in a timely way.

III. Notification and Appeals Processes

The applicant will be notified of the subcommittee’s decision by the SD Board of Physical Therapy Executive Director. If the applicant challenges the outcome of subcommittee deliberations, the applicant will provide a formal letter to appeal the decision. The appeal will be taken to the full SD Board of Physical Therapy for a vote to reverse or uphold the subcommittee’s decision.

BOARD MEMBER TIPS

1. Remember, specific details about Board-related cases may not be shared with anyone outside the subcommittee.
2. If board members who are not on the subcommittee are contacted by a licensee, or other individuals seeking information about the case specifics, they should be immediately referred to board staff. Do not engage in conversations and be sure to report the interaction to board staff as soon as possible.
3. Similarly, you must keep confidential information acquired during the course of your duties as a board member, including all board discussions held during executive session. If you have questions about sharing information, first speak with counsel or board staff.
4. If you have questions about whether you need to recuse yourself from actions or conversations after participating in an investigation, discuss with prosecuting counsel and board staff.
5. Keep good notes throughout your decision-making process, making sure you note relevant conversations and dates.
6. If you have questions while working on a request, reach out to your prosecuting attorney or board staff.

*This document is not intended to constitute legal advice and is provided for general informational purposes only. Readers should contact their attorney to obtain advice with respect to any legal matters.