

UNAPPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES

The Virginia Board of Physical Therapy convened for a board meeting on Friday, May 1, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Sarah Schmidt, PTA, President
Michael Styron, PT, MBA, Vice-President
Melissa Wolff-Burke, PT, EdD,
Dixie Bowman, PT, DPT, EdD
Dr. Allen R. Jones, Jr., PT, DPT
Steve Lam, Citizen Member

BOARD MEMBERS ABSENT:

Peggy Belmont, PT

DHP STAFF PRESENT FOR THE MEETING:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Missy Currier, Deputy Executive Director
David Brown, D.C., Agency Director
Elaine Yeatts, Senior Policy Analyst

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM:

With 6 members present, a quorum was established.

GUEST PRESENT

Richard Grossman, VPTA
Tom Bohanon, VPTA

CALLED TO ORDER

Ms. Schmidt, President, called the meeting to order at 10:07 a.m.

ORDERING OF THE AGENDA

The agenda was accepted as re-ordered.

ACCEPTANCE OF MINUTES

Upon a motion by Dr. Allen R. Jones, Jr. and properly seconded by Dixie Bowman, the Board voted to accept the minutes of the November 21, 2014 board meeting. The motion passed unanimously.

Upon a motion by Michael Styron and properly seconded by Dr. Allen R. Jones, Jr, the Board voted to accept the November 21, 2014 Formal hearing minutes. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

Regulatory Report – Elaine Yeatts

Ms. Yeatts stated that the board had no regulatory actions pending.

Legislative Report – Elaine Yeatts

Ms. Yeatts gave the members a report of the 2015 General Assembly including the following Bills:

SB776; HB1457; HB1963; and HB2063

Ms. Yeatts explained that **HB2063 (Attachment #1)** referred to Telemedicine services and prescriptions for which the Board of Physical Therapy does not currently prescribe.

Ms. Yeatts reviewed **HB1457 (Attachment #2)** regarding Direct Access to Physical Therapy that will become Law as of July 1, 2015. In summary, Ms. Yeatts stated that as of July 1st, any newly licensed DPT will not require additional certification for Direct Access. Anyone who already holds a Direct Access certification will no longer be required to complete the CE requirement or pay an additional renewal fee for Direct Access.

Following discussion, Ms. Yeatts concluded that the board will have the authority after July 1, 2015 to make the regulations conform to the new Law.

Discussion on Dry Needling – Elaine Yeatts

The Board discussed Dry Needling at length. Upon a motion by Michael Styron and properly seconded by Dr. Allen R. Jones, Jr., the board voted to begin the regulatory process to incorporate the verbiage from Guidance Document 112-9 into regulations. The motion carried unanimously.

AGENCY DIRECTORS REPORT – Dr. David Brown

Dr. Brown began his report welcoming the board members and again inviting each of them to meet with him in order to become better acquainted. He stated they could coordinate through Ms. Hahn or his office for a time that was convenient.

Dr. Brown shared that criminal background checks will be required for RNs and LPNs beginning in 2016. He said Nursing is the first board in DHP to include this requirement for licensure, noting that the Nurse Licensure Compact requires this information. He stated that because the Physical Therapy Board will be working on Compact Licensure, it will be great to have the largest board start the process as future guidance for other boards.

Dr. Brown shared that an external audit of the Health Practitioners Monitoring Program by the Citizen Advocacy Center was completed this winter in order to evaluate the structure and functioning of the program. He expects to receive the completed report sometime in mid-May or June with recommendations on how to make the program even better.

Dr. Brown encourages board members and staff to attend National Association Meetings as he sees it to be a great way to be a great board member and to share our knowledge at the national level. Dr. Brown does ask that anyone who attends a national conference or meeting to send him an email with at least 3 takeaways from the meeting. They can encompass good or not so good takeaways.

Dr. Brown stated that the 'Training for Board Members' was scheduled for September 28th and that he encourages all members new and seasoned to attend. He said that the training will focus on disciplinary side of what board members do; how to be effective; how to chair a meeting; how to write Orders; and will include involvement from the Office of the Attorney General.

This concluded the Agency Directors Report.

BREAK

The Board took a recess at 11:05 a.m. and reconvened at 11:20 a.m.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn

Expenditure and Revenue Summary

Ms. Hahn began her report by reviewing the expenditure and revenue summary.

Cash Balance as of June 30, 2014	\$288,153
YTD FY15 Revenue	1,124,500
Direct and allocated expenditures	< <u>349,825</u> >
 Cash Balance as of 01/31/15	 \$1,062,828

She explained that each year the law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures of each regulatory board are more than 10% apart, the board is required by law to adjust fees so that the fees are sufficient, but not excessive to cover expenses. The adjustment can be either an increase or decrease in fees. Ms. Hahn indicated that she did not foresee any changes but reminded the board that we should be receiving the letter from the Director based upon this analysis in the near future.

Licensee Statistics (as of May 9 th)	May 2013	vs.	May 2015
PT	6,218		6,835
PTA	<u>2,529</u>		<u>2,812</u>
Total	8,747		9,647
 DAccess	 722		 990

Discipline Statistics (as of May 9th)

Investigations	13
Probable Cause	7
APD	0
Informal Stage	3
Formal Hearing Stage	1
Total Cases	24

During May 2013 we had 19 open cases

Cases being monitored for compliance	15
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Detailed Case Offenses

July 1, 2014 through March 31, 2015; 7 cases resulted in Orders:

- 3 resulted from out of state orders

- 1 for breach of confidentiality
- 1 for failure to meet CE requirements
- 1 failing to comply with a previous Order
- 1 for patient records fraud

Virginia Performs (Q3 2015)

- Clearance Rate was 40 %
- Age of Pending Caseload (10%) percent of patient care cases over 250 days (target is no more than 20%)
- Time to Disposition – 100% closed within 250 days (target >90%)
- Licensing Standard less than 30 days – 100%
- Customer Satisfaction – 100%
- Q3 Caseloads: Received =10, Closed =4
- Pending cases over 250 days =2; Closed cases within 250 days=4

Ms. Hahn attributed the high customer satisfaction rating to the licensing staff as well as Missy Currier, the Deputy Director of Licensing. She stated that their professionalism, dedication and knowledge of all three of her boards do not go unnoticed.

January 2015 Exam Results:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test takers
US Applicants	38	30	24	6	8	4	4
Foreign Applicants	4	2	1	1	2	1	1
Total	42	32	25	7	10	5	5

2015 YTD PT Exam Stats:

- 76.2% pass rate/23.8% fail
- Total of 38 US Applicants have taken exam–
- (30/passed – 8/failed) = 78.95% pass rate
- Total of 4 Foreign Applicants have taken exam – (2/passed – 2/failed) = 50% pass rate

January 2015 PTA Exam Results:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test takers
US Applicants	21	9	7	2	12	7	5
Foreign Applicants	0	0	0	0	0	0	0
Total	21	9	7	2	12	7	5

2015 YTD PTA Exam Stats:

- 42.9% pass rate/57.14% failure rate
- Total of 21 US Applicants have taken exam
- (9/passed – 12/failed)
- No Foreign Applicants took the January exam

Board Committee's:

Ms. Hahn stated that Sarah Schmidt would be putting together the new 2015 Committee List. Ms. Hahn requested that the members email her if they had a particular interest to serve on any of the committee's.

CE Audits:

Ms. Hahn indicated that Continuing Education Audits were done for the January 1, 2013 thru December 31, 2014 renewal cycle.

FSBPT:

Ms. Hahn shared that a letter (**Attachment #3**) was emailed to licensees informing them about **aPTitude**– Tracking Continuing Competence and that the letter has also been posted on the website. As of the day of the meeting, the following Virginia licensees have signed up for **aPTitude**:

- 396 total have signed up
 - 286 elected to share tracking with Virginia (72%)
 - 110 elected not to share tracking (28%)

Physical Therapy Licensure Compact:

Ms. Hahn reported on the timeline and status of the Licensure Compact

- **Advisory Phase** – January 2014 – July 2014
- Advisory Task Force Consisting of:
 - Licensing Board Members & Administrators
 - APTA representatives
 - Health Policy and Administration representative
 - Public Members
 - FSBPT representatives
 - Consultants
- Recommended moving forward with a compact
- Recommended a Compact Model

- **Drafting Phase** – November 2014 – April 2015
- Drafting Task Force
 - Licensing Board Members & Administrators
 - APTA representatives
 - Public Members
 - FSBPT representatives
 - Consultants
- Developed draft compact language based on model recommended by Advisory Task Force
- Will present to the membership during the FSBPT October Annual Meeting.

Telehealth:

Ms. Hahn discussed pulling information together and to possibly establish a committee to develop a Telehealth policy for the Board of Physical Therapy.

Ms. Hahn also shared that just “Hot off the Press” we received the April 2015 Telehealth in Physical Therapy Policy Recommendations for Appropriate Regulation (just approved by the FSBPT Board of Directors). She also stated that we also have the following information for a committee to review:

- National Council of State Board of Nursing Position Paper on Telehealth Nursing Practice
- Virginia’s new law regarding Telemedicine BOM GD 85-12
- BOM Ad Hoc Committee Report on Telemedicine

Board Business:

Ms. Hahn reiterated what Dr. Brown reported earlier about the Board of Nursing being successful during the general assembly for approval on legislation that will require fingerprint based criminal history checks.

She stated that during the November board meeting, the board discussed the addition of a criminal history question to be added to the renewal form. Ms. Hahn spoke to the IT staff who agreed that could certainly make that happen hopefully by the board’s next renewal cycle.

Calendar

Ms. Hahn provided the members with the remaining 2015 meetings:

n August 11th and November 13th

Ms. Hahn also indicated that there was potential for holding a formal hearing prior to the August meeting and that she would inform the members as soon as a date was established.

With no further questions, Ms. Hahn concluded her report.

NEW BUSINESS

Guidance Document for Auditing CE/Active Practice – Lisa Hahn

Ms. Hahn provided draft verbiage for a Guidance Document related to auditing procedures for continuing education and active practice requirements. Following discussion, Ms. Hahn

indicated that she would reword some of the verbiage to conform to the regulations and she will bring it back for approval during the August 2015 meeting.

NC Dental Board vs. FTC Supreme Court Decision – Erin Barrett, Asst. Attorney General

Ms. Barrett provided an update regarding *North Carolina Dental Board Examiners v. FTC*.

ADJOURNMENT

Upon a motion by Michael Styron and properly seconded by Dixie Bowman, the board voted to adjourn the meeting at 12:15 p.m.

Sarah Schmidt, PTA, President

Lisa R. Hahn, MPA, Executive Director

Date

Date

ATTACHMENT #1

HB 2063 Telemedicine services; provision of health care services.

Chief patron: Kilgore

Summary as passed House:

Telemedicine services; prescriptions. Amends the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment. The measure also provides that for the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when certain conditions are met. This bill is identical to SB 1227.

03/16/15 Governor: Acts of Assembly Chapter text (CHAP0115)

ATTACHMENT #2

HB 1457 Direct access to physical therapy.

Chief Patron: John M. O'Bannon, III

SUMMARY AS INTRODUCED:

Direct access to physical therapy. Provides that a physical therapist who has completed a doctor of physical therapy program approved by the Commission on Accreditation of Physical Therapy Education or who has obtained a certificate of authorization may evaluate and treat patients for up to 30 days after an initial evaluation without a referral if (i) the patient is not receiving care from a licensed health care provider for the symptoms giving rise to the presentation at the time of his presentation to the physical therapist for physical therapy services or (ii) the patient is receiving care from a licensed health care provider at the time of his presentation to the physical therapist for the symptoms giving rise to the presentation for physical therapy services and (a) the patient identifies a health care provider from whom he is currently receiving care, (b) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner, and (c) the physical therapist notifies the identified practitioner no later than 14 days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill allows a physical therapist who has not completed a doctor of physical therapy program approved by the American Physical Therapy Association or received a certificate of authorization to conduct a one-time evaluation of a patient who has not met the criteria for evaluation and treatment without a referral and direction, provided the physical therapist does not provide treatment. The bill eliminates the requirement for continuing education for physical therapists who have received a certificate of authorization and eliminates the advisory committee established to consult with the Board of Physical Therapy in promulgating regulations for minimum education, training, and experience criteria. This bill is identical to SB 776.

ATTACHMENT #3

Dear Licensees;

We want to inform all Physical Therapists and Physical Therapist Assistants about the Federation of State Boards of Physical Therapy (FSBPT) **aPTitude** System and how it can help you store and track continuing education (CE) activities. This new option is available to all licensees and the best news is that usage of aPTitude is **free** for licensees.

You can access aPTitude at <https://pt.fsbpt.net/aPTitude>. After creating a user account, you can start recording and tracking your CE activities in the system. After you record the activity, you must also upload the completion certificate. You can accomplish this by simply scanning or taking a picture of your completion certificate and uploading to aPTitude.

This is a great way to keep your CE certificates in one place and it can certainly help you if you are ever selected for a continuing education audit.

If you have any questions, please contact FSBPT at 703 299-3100.

Sincerely,

Lisa R. Hahn

Lisa R. Hahn, MPA, Executive Director
Board of Physical Therapy