

APPROVED MINUTES
BOARD OF PHYSICAL THERAPY
MINUTES OF BOARD MEETING

Friday, October 27, 2006
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
Conference Room 1

Department of Health Professions

CALLED TO ORDER

Dr. George Maihafer, P.T., President, called the quarterly meeting of the Board of Physical Therapy to order at 9:10 a.m., on Friday, October 27, 2006 in Board Room #1, at 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING

George Maihafer, Ph.D., P.T.

MEMBERS PRESENT

Damien Howell, P.T.
Robert Izzo, P.T.
J. R. Locke, Citizen Member
Peggy H. Belmont, P.T.

MEMBERS ABSENT

Maureen Lyons, P.T.
Lorraine Quinn, P.T.A.

STAFF PRESENT

Elizabeth Young, Executive Director
Sandra Whitley Ryals, Director, Department of Health Professions
Annie B. Artis, Operations Manager
Elaine Yeatts, Senior Policy Analyst

Lisa R. Hahn, Executive Director

COUNSEL PRESENT

Jack E. Kotvas, Assistant Attorney General

GUESTS PRESENT

Lydia Morris, P.T.
Jeff Buthe, Medical Society of Virginia
Jody Formon, L.AC
Kathryn Langley, P.T.
Mila Zimmerman
Lisa Shoaf, Ph.D., Virginia Physical Therapy Association
Timothy Taylor, M.D.
Chinh Le
Dave Bullock
Debi Farley, L.AC

QUORUM OF THE BOARD

With five members of the Board present, a quorum was established.

ORDERING OF THE AGENDA

Ms. Young added the review of the Continuing Competency form to the agenda. The agenda was accepted as amended.

PUBLIC COMMENT PERIOD

Dr. Timothy Taylor addressed the Board to acknowledge his support of physical therapists performing dry needling of myofascial trigger points. He asked that the Board support and promote dry needling of trigger points by physical therapists.

Ms. Debra Farley, Vice President of the Acupuncture Society of Virginia addressed the Board to acknowledge her opposition to physical therapists performing dry needling of myofascial trigger points. She cited an incident of a physical therapist performing dry needling on a patient which caused unfavorable results and the patient reported that the physical therapist called the treatment acupuncture. Ms. Farley stated that one of her concerns was public misconception of dry needling as acupuncture.

Ms. Jody Formon, Acupuncture Society of Virginia, addressed the Board to acknowledge her opposition to physical therapists performing dry needling of myofascial trigger points. She stated she has a warm relationship with physical therapists; however, she feels that they only receive days of training in this area and acupuncturists are required to have very extensive training.

Ms. Formon stated a significant concern was acupuncture points and the ignorance is troubling because improper trigger points can cause miscarriage in pregnant women and can also raise blood pressure. She stated dryneedling resembles acupuncture and the trigger points are numerous and she is concerned that in the training given to physical therapists may not be comprehensive.

Mr. Jeff Buthe, Medical Society of Virginia addressed the Board in opposition of physical therapists performing dry needling of myofascial trigger points. Mr. Buthe came before the Board at the August 18, 2006 board meeting along with Dr. Douglas A. Wayne.

Lisa Shoaf, Ph.D., President, Virginia Physical Therapy Association, asked if the board could consider such courses as Type I CEU D.P.T. on-line programs because they were university courses even though they are taken on line. Ms. Young stated, unfortunately, such courses are currently Type II courses because the requirement of Type I courses is that they must be face-to-face.

Mr. David Bullock, P.T., from Maryland, stated that he has taken the course in dryneedling and he is available for questions.

Ms. Kathy Langley, P.T., stated that she received training in Bethesda, Maryland approximately four and a half years ago. She stated she has had tremendous success and her patients have benefited from dryneedling. Ms. Langley stated she has also treated medical doctors and she is very competent in performing the technique. She stated that if the ability to perform dryneedling was taken away from her, it would restrict her practice.

Timothy Taylor, M.D., stated that it is an error to state that physical therapists only receive several days of training to learn dryneedling techniques. He stated the training includes approximately 21 days of training; to include five days of dryneedling techniques, fifteen days of trigger point training and two days to take the examination.

Ms. Lydia Morris, P.T., stated she took the dryneedling course and has been practicing for a number of years. She provided letters to the board from patients in support of the dry needling treatment. Ms. Morris personally invited everyone who would like to, to come by and observe her while practicing.

Mr. Scott Roberts, P.T., stated that he is currently practicing dryneedling. He provided letters from patients who have received dryneedling treatment.

ACCEPTANCE OF MINUTES

Mr. Howell made a motion to accept the meeting minutes of July 28, 2006 Legislative/Regulatory Committee meeting. The motion was properly seconded by Mr. Izzo. The vote carried unanimously.

Mr. Howell made a motion to accept the minutes of the August 19, 2006 Board Meeting. The motion was properly seconded by Mr. Locke. The vote carried unanimously.

The minutes of the October 13, 2006 Legislative/Regulatory Committee meeting was deferred to the Board meeting scheduled for January 19, 2007.

NEW BUSINESS

Introduction of New Executive Director

Ms. Ryals introduced herself to the Board and guests. She stated that she was previously Deputy Director of the Department of Health Professions and was appointed Director of the Agency in October, 2006 after the retirement of the Robert A. Nebiker.

Ms. Ryals introduced Lisa R. Hahn who has recently been hired as the new Executive Director of the Boards of Audiology and Speech-Language Pathology, Long Term Care and Physical Therapy. She stated that Ms. Hahn will begin her new position on October 30, 2006. Ms. Ryals stated that Ms. Hahn was formerly an Executive Director with the Department of Health Professions for eight years and she is delighted to welcome her back to the department. She stated that Ms. Hahn is currently the Chief of Private Security Services and has held that position for the past six years.

Ms. Ryals commended Ms. Young for providing support and for her commitment to providing a smooth transition in assisting Ms. Hahn.

Dry Needling

Mr. Jan Dommerholt, P.T., MPS, FAAPM, President/CEO, Bethesda Physiocare, gave a powerpoint presentation regarding Trigger Point Dry Needling and Physical Therapy. He informed the Board that he has been teaching for over ten years. He has taught over 100 continuing education courses to dentists, medical doctors and physical therapists. He provided the Board with a brief best evidence-informed review of the current scientific understanding of Myofascial Trigger Points and the technique of Trigger Points

and Dry Needling. He commented that there are basically two schools offering training in these procedures: The Radiculopathy Model (Gunn) Intramuscular Stimulation (IMS) and the Trigger Point Model (Travell/Simons) Trigger Point Dry Needling (TRP-DN). He further stated that in comparison he felt that the course offered by Gunn was not as intensive and provided as much course work as the course designed by Travell/Simons. He stated that there are probably fewer than ten physical therapists in the state of Virginia that perform dryneedling. He stated that approximately eight states are performing dryneedling; however, Tennessee has rejected the practice of dryneedling for physical therapists. Mr. Dommerholt stated that substantial training is given in dryneedling with approximately 124 classroom hours in addition to the requirement of having to be licensed as a physical therapist. He recommended that physical therapists be allowed to perform dry needling because it does fall within their scope of practice.

Mr. Dommerholt stated that the practicum exam consists of two parts; however, it does not include all of the muscles. He stated that the exam is administered by two examiners and it is rated on 14 different points.

Mr. Howell commented that he would be interested in the summary recommendation from the state of Colorado. He asked Mr. Dommerholt if he could identify the appropriate certification standards for Colorado. Mr. Dommerholt stated that he felt Gunn's program was extremely easy and the exam did not meet qualifications. Dr. Maihafer asked Mr. Dommerholt if his program was endorsed by anyone else. Mr. Dommerholt stated that his program is endorsed in Ireland. He stated that he has tried to have his program endorsed in the United States; however, there is reluctance to certify anyone; therefore, he has given up on trying to get his program certified in the U.S. Dr. Maihafer asked Mr. Dommerholt if his course was considered Type II continuing education. Mr. Dommerholt answered yes, the course is Type II.

Mr. Locke asked if there were any type of serious complications reported. Mr. Dommerholt stated there were such things reported as post-needle soreness because dryneedling causes tissue destruction, but the muscle can regenerate within two weeks; and also hematomas. Mr. Locke asked what types of cases have been reported. Mr. Dommerholt replied that serious complications resulting from pneumothorax have been reported. Ms. Belmont asked if there was any refresher course recommended. Mr. Dommerholt stated he travels to Spain twice a year to offer advanced courses. He stated his program is only 4 years old and the only new technology is shock wave therapy currently in Germany and Switzerland.

Mr. Howell requested that staff provide the Colorado study and the medical doctors licensure of acupuncturists. Ms. Yeatts stated that the Board may wish to review the 2000 EMG study. Dr. Maihafer suggested that a task force may need to be developed. Ms. Yeatts suggested that she and staff will compile data at its next meeting on January 19, 2007. Dr. Maihafer asked that Mr. Dommerholt e-mail additional information to him. Mr. Locke asked why Tennessee rejected his program. He stated that Tennessee argued that there was not enough evidence to support his request and further stated that it was not a workable concept. Tennessee also commented that the final ruling was not taught in the U.S. academic program.

BOARD OF HEALTH PROFESSIONS MEETING OF SEPTEMBER 19, 2006

Mr. Howell provided a brief report of the September 19, 2006 and October 19, 2006 Board of Health Professions Meetings. He commented that the State Police checks on criminal backgrounds.

FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY (FSBPT)

Dr. Maihafer reported on the Federation of State Boards of Physical Therapy (FSBPT) conference that was held September 8-11, 2006 in Portland, Oregon. He stated that he enjoyed the conference and it was very informative. He commented that the entire conference was available on disc and also on the website. Dr. Maihafer stated that he was proud to see how the profession has really moved into the 21st Century. He stated that there was a discussion called "Twelve Ways To Lose Your License." He stated that the Foreign Commission on Physical Therapy (FCCPT) was also present at the conference.

Dr. Maihafer stated that at the 2006 Delegate Assembly the motion was withdrawn regarding South Carolina and Alabama. He stated that the motion was also defeated to change the terms of office; however he stated that all other motions were voted on and passed as recommended. Dr. Maihafer further stated that the lawsuit with the American Physical Therapy Association has been resolved.

Dr. Shoaf commented that the American Physical Therapy Association will be releasing their model online regarding core values which will be available in 2007. She stated that this may be a helpful tool to the board and would provide assistance regarding ethical challenges.

NEWS FLASHES AND NEW BRIEFS

Ms. Young stated the news flashes and news briefs were provided for review purposes only.

PROFESSIONAL IN PHYSICAL THERAPY: CORE VALUES (SELF-ASSESSMENT)

Ms. Young stated this information was provided for review purposes only.

OLD BUSINESS

Legislative/Regulatory Committee

Guidance Documents Determination of Board

Mr. Howell made a motion to defer the review of the legislative/regulatory committee and guidance documents to the next board meeting. The motion was properly seconded by Mr. Locke. The motion passed unanimously. Ms. Yeatts advised that each guidance document should deal with one subject at a time. She further stated that there should be multiple interpretations and be dealt with by topic.

CONTINUING COMPETENCY ASSESSMENT FORM

Ms. Young asked that the Board review the continuing competency assessment form. Ms. Artis suggested that the license number be requested on the form. Mr. Howell made a motion to add the license number to the assessment form. The motion was properly seconded by Mr. Locke. The motion carried unanimously. Mr. Howell made a motion to add "Optional" under Parts B and C of the assessment form. The motion was properly seconded by Ms. Belmont. The motion carried unanimously.

INTERNATIONAL CONSULTANTS OF DELAWARE, INC.

Ms. Young stated the information provided regarding the International Consultants of Delaware, Inc. was for review and informational purposes.

EXECUTIVE DIRECTOR'S REPORT

Licensee Statistics

Ms. Young stated that a continuing education audit of 3% of the licensees for the Board of Physical Therapy is currently being performed by our Data department.

Disciplinary Cases

Ms. Young stated there are approximately 40 disciplinary cases. She thanked Mr. Howell and Ms. Quinn for expeditiously responding to cases that are forwarded to them.

Calendar

Ms. Young provided the calendar for Board review. She commented that Ms. Hahn was concerned that the Physical Therapy calendar may conflict with the Long-Term Care Administrators calendar; therefore, changes may be necessary.

Mr. Howell asked Ms. Young if she could address the transition of the board. Ms. Young thanked Ms. Artis for her work done with the board. She further stated that Ms. Horner will continue to work with the board during the transition to assist with licensure until someone is hired for the position. She stated that she will continue her work with the board until Ms. Hahn becomes fully acclimated. Ms. Young said Ms. Meade will continue to work with discipline during the transition also. Ms. Howell requested that Ms. Young attend the next Board of Physical Therapy board meeting on January 19, 2007.

Ms. Young commented that the agency has grown so much, that we are looking at a move to another location within the very near future. She thanked the board members for all of their hard work during her tenure.

Budget

Ms. Young stated the fees are going to revert back to pre 2004 and are going to increase after the renewal on 12/31/06. She stated she will ask Finance to review the budget for another fee reduction next year.

Case Standards

Ms. Young informed the board that she will be working with Ms. Hahn regarding concerns she has with the time delay in investigations not placing cases in probable cause in a more timely manner; because this is lowering the board's standards. Mr. Locke commented that this was also one of his concerns.

ADJOURNMENT

With all business concluded, Mr. Howell made a motion to adjourn. The motion was seconded by Ms. Belmont. The vote carried unanimously. The meeting was adjourned at 12:00 p.m.

George Maihafer, Ph.D., PT.
President

Elizabeth Young, Executive Director

Date

Date