UNAPPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES

The Virginia Board of Physical Therapy convened for a board meeting on Friday, February 11, 2011 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

The following members were present:

George Maihafer, P.T., PhD, President
Maureen E. Lyons, P.T., Vice-President
Damien Howell, P.T.
Robert Maroon, P.T.
Sarah Schmidt, P.T.A.
J.R. Locke

The following member was absent for the meeting:

Melissa Wolff-Burke, P.T., EdD

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 6 members present, a quorum was established.

GUESTS PRESENT

There were no guests present.

CALLED TO ORDER

Dr. Maihafer, President, called the board meeting to order at 9:40 a.m.

ORDERING OF THE AGENDA

The agenda was accepted as ordered.

ACCEPTANCE OF MINUTES

- Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to accept the minutes of the August 26, 2010 Board meeting as amended. The motion passed unanimously.

- Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the board voted to accept the minutes of the March 23, 2010 Special Conference Committee Minutes. The motion passed unanimously.

- Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to accept the minutes of the August 27, 2010 Formal Conference. The motion passed unanimously.

- Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to accept the minutes of the August 27, 2010 Informal Conference. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn

FY11 Budget

Ms. Hahn reported that the cash balance as of June 30, 2010 was $335,865; the revenue as of December 31, 2010 was $641,620; direct and allocated expenditures were $227,510; the ending cash balance as of December 31, 2010 was $749,975.

Discipline Statistics

Ms. Hahn reported there are currently 11 open cases; 5 cases in Investigations; and 6 cases at the probable cause level.

Virginia Performs

Ms. Hahn reported the clearance rate for the Quarter ending September 30, 2010 was 200%; which means that we closed twice as many cases as we received. The age of our pending case load over 250 days is at 33% which increased 20% from a year ago. The time to disposition is at 100% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. The customer satisfaction rating achieved was 94.2%.

Probable Cause Review Sheet

Ms. Hahn provided the members with a copy of the new probable cause review sheet that she revised in an effort to streamline the process. Ms. Hahn stated that the revised form includes

more detailed information including previous case history, priority level of the case, investigative hours already spent on case, and key questions for board members to ask themselves while reviewing the case.

Ms. Lyons commented that she liked the new format and thinks it will be more helpful when reviewing cases.

Licensee Statistics

Ms. Hahn referred to the licensure count report included in the agenda packages and pointed out that the number of licensees fluctuate each year (increase and decrease) but no trend could be identified looking at the past five years.

Other Notes

Ms. Hahn shared the most recent CBT Comment Summary and Candidate Satisfaction Survey Report and noted that Virginia continued to score higher than the national average with our licensing process. Ms. Hahn indicated that she had placed a call to discuss some negative comments received about site conditions. Ms. Hahn stated that she would follow up and stress the importance of providing an environment conducive to examination testing.

New Board members Robert Maroon and Sarah Schmidt responded with positive feedback from their experience while attending the DHP's fall New Board Member Orientation. Ms. Hahn shared that she presented two of the sessions; Probable Cause Review and Top Ways to Become an Effective Board Member.

Online Renewals

Ms. Hahn was pleased to announce that "going green" this year for the board's renewal process was very successful. She stated that out of the 6172 emails sent, 52% of PT's, 38% of PTA's and 54% of Direct Access renewed online without the need to mail out paper forms. Overall, the PT board received the highest percentage of responsiveness for renewing online and had an approximate savings in postage of $1,960.00.

Other Board Business

Ms. Hahn updated the board regarding last years FSBPT security breach and shared that they are now accepting foreign trained students for the NPTE-i exam twice per year. May 25th is the first test date with 2100 students already registered for the exam. The second exam is scheduled for December 5, 2011. Ms. Hahn also noted that NPTE authorizations to test letters are back to a daily basis rather than weekly.

FSBPT Conference

Ms. Hahn shared that she attended the October 2010 FSBPT Conference in Denver, Colorado and gave two presentations; one session was on Sanction Reference Guidelines and the other was on Virginia's Re-entry Requirements.

Board Meeting Calendar

The next full board meetings are scheduled for May 13th, August 19th, and November 18, 2011.

Public Hearing

Ms. Hahn thanked Damien Howell for agreeing to Chair the Public Meeting being held at the Department of Health Professions on March 8th at 10:00 a.m. The meeting is regarding the proposed regulations on traineeship changes and continuing education. Ms. Hahn stated that it is not a requirement for the full board to attend and that all comments would be reviewed during the May board meeting.

Conclusion

Ms. Hahn shared that she had plaques made for both Peggy Belmont and Lorraine Quinn in appreciation for their past hard work, dedication, and service to the board. Ms. Hahn invited both members to join for lunch and although Ms. Belmont was unable to attend, she was delighted to share that Ms. Quinn would be attending.

Ms. Hahn concluded her report by stating she thought the PT's and PTA's were delighted to receive a fee decrease during this year's renewal.

NEW BUSINESS

Legislative & Regulatory Reports – Elaine Yeatts

Ms. Yeatts gave a brief overview of the following 2011 General Assembly Bills and indicated that none were related directly to Physical Therapy; **HB 1459, HB 1535, HB 1862, HB 1968, HB 2216, HB 2487, SB 1029, SB 1147, SB 1151, SB 1463.**

Ms. Yeatts reviewed the proposed regulations currently in Public Comment from January 14, 2011 through April 15, 2011 and stated that a Public Hearing was scheduled for March 8, 2011 at 10:00 a.m. The proposed regulations will be included as an addendum to the minutes.

BREAK

The Board took a recess at 10:35 a.m. and reconvened at 10:55 a.m.

Board of Health Profession Report – Damien Howell, President

Dr. Maihafer congratulated Mr. Howell on his election as President on the Board of Health Professions. Mr. Howell shared his appreciation and mentioned that his tenures for both the Board of Physical Therapy and the Board of Health Professions will end June 30, 2011 and encouraged other members to consider a position on the Board of Health Professions.

Mr. Howell reported that the board continues to study emerging health professions and was now getting into the study of whether Phlebotomists and Genetic Counselors should be regulated. Additionally, he reported that the board is continuing to study and evaluate Sanction Reference Programs.

In response to Mr. Howell's mention of BOHP's studies, Ms. Hahn spoke positively about the BOHP accomplishments but explained that the costs of doing business and completing studies gets charged back to the boards and those boards who may be operating in the "red", can't necessarily afford the additional costs.

Foreign Internships

Ms Hahn asked for the board members expertise regarding what instrument we should be using to evaluate the foreign educated trainee. Ms. Hahn shared an older version that the board used when the Physical Therapy was under the direction of the Board of Medicine. Following discussion, it was decided that Ms. Hahn and her staff, with the assistance of Ms. Wolff-Burke, would work on amending and updating the evaluation form and bring a draft to the May meeting for review. It was also suggested by Ms. Lyons that we query other states through the FSBPT website.

Fall FSBPT Conference

Dr. Maihafer was pleased to share that he and Ms. Hahn gave a joint presentation on Sanction Reference Guidelines which received the highest satisfaction rating from the entire conference. Ms. Lyons commented that due to the positive feedback received from conference presentation, she was asked to present on Virginia's Sanction Reference at the Ethics and Legislative Committee meeting in March.

Dr. Maihafer also announced that Margaret Donohue, PT from New Hampshire was elected as the new President on the FSBPT Board of Directors.

Fall CAC Conference

J. R. Locke thanked Ms. Hahn and the board for allowing him to attend the November 2010 Citizen Advocacy Center (CAC) conference in Washington, DC. He was pleased to learn that Virginia stands out front on many issues including the public need for more diversity serving on boards, and for standing strong as a regulatory state.

Election of Officer

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board nominated Maureen Lyons as Vice-President. The motion passed unanimously.

ADJOURNMENT

With all business concluded the meeting was adjourned at 11:35 a.m.

George Maihafer, PT, Ph.D., Chair	Lisa R. Hahn, MPA, Executive Director
Date	Date

Proposed Regulations – Comment period from 1/14/11 to 4/15/11
Public hearing 3/8/11 at 10:00 in Board Room 3

BOARD OF PHYSICAL THERAPY

Traineeship changes; continuing education

Part I

General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Approved program" means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist or a physical therapist assistant is physically present and immediately available and is fully responsible for the physical therapy tasks or activities being performed.

"Discharge" means the discontinuation of interventions in an episode of care that have been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

"Evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to plan and implement a treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.

~~"Face-to-face" means learning activities or courses obtained in a group setting or through interactive, real-time technology.~~

"FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

"General supervision" means a physical therapist shall be available for consultation.

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

"PRT" means the Practice Review Tool for competency assessment given by the Federation of State Boards of Physical Therapy.

"Support personnel" means a person who is performing designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person seeking licensure as a physical therapist or physical therapist assistant who is undergoing a traineeship.

"Traineeship" means a period of active clinical practice during which an applicant for licensure as a physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means ~~face-to-face~~ continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning.

18VAC112-20-50. Education requirements: graduates of schools not approved by an accrediting agency approved by the board.

A. An applicant for initial licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency approved by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by a report from the FCCPT or of the physical therapist eligibility for licensure as verified by a report from any other credentialing agency approved by the board that substantiates that the physical therapist has been evaluated in accordance with requirements of subsection B of this section.

B. The board shall only approve a credentialing agency that:

1. Utilizes the Coursework Evaluation Tool for Foreign Educated Physical Therapists of the Federation of State Boards of Physical Therapy and utilizes original source documents to establish substantial equivalency to an approved physical therapy program;

2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted or was unrestricted at the time it expired or was lapsed; and

3. Verifies English language proficiency by passage of the TOEFL and TSE examination or the TOEFL iBT, the Internet-based tests of listening, reading, speaking and writing or by review of evidence that the applicant's physical therapy program was taught in English or that the native tongue of the applicant's nationality is English.

C. An applicant for licensure as a physical therapist assistant who is a graduate of a school not approved by the board shall submit with the required application and fee the following:

1. Proof of proficiency in the English language by passing TOEFL and TSE or the TOEFL iBT, the Internet-based

tests of listening, reading, speaking and writing by a score determined by the board or an equivalent examination

approved by the board. TOEFL iBT or TOEFL and TSE may be waived upon evidence that the applicant's physical therapist assistant program was taught in English or that the native tongue of the applicant's nationality is English.

2. A copy of the original certificate or diploma that has been certified as a true copy of the original by a notary public, verifying his graduation from a physical therapy curriculum.

If the certificate or diploma is not in the English language, submit either:

a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or

b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education to the educational requirements of an approved program for physical therapist assistants from a scholastic credentials service approved by the board.

D. An applicant for initial licensure as a physical therapist or a physical therapist assistant who is not a graduate of an approved program shall also submit verification of having successfully completed a ~~full-time~~ 1,000-hour traineeship <u>within a two-year period</u> under the

direct supervision of a licensed physical therapist. The board may grant an extension beyond two years for circumstances beyond the control of the applicant, such as temporary disability or mandatory military service.

1. The traineeship shall be in accordance with requirements in 18VAC112-20-140.

2. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

18VAC112-20-65. Requirements for licensure by endorsement.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction;

2. The required application, fees, and credentials to the board;

3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB) and a current report from the National Practitioner Data Bank (NPDB);

4. Evidence of completion of 15 hours of continuing education for each year in which the applicant held a license in another U.S. jurisdiction, or 60 hours obtained within the past four years; and

5. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state and active, clinical practice with a current, unrestricted license for at least five years prior to applying for licensure in Virginia.

For the purpose of this subsection, active, clinical practice shall mean at least 2,500 hours of patient care over a five-year period.

C. A physical therapist ~~or physical therapist assistant~~ seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall ~~first successfully~~:

1. Successfully complete 480 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or

2. Document passage of the PRT within the two years preceding application for licensure in Virginia and successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

D. A physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

18VAC112-20-70. Traineeship for unlicensed graduate scheduled to sit for the national examination.

A. Upon approval of the president of the board or his designee, an unlicensed graduate who is registered with the Federation of State Boards of Physical Therapy to sit for the national examination may be employed as a trainee under the direct supervision of a licensed physical therapist until the results of the national examination are received.

B. The traineeship, which shall be in accordance with requirements in 18VAC112-20-140, shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination. A new traineeship shall not be approved for more than one year following the receipt of the first examination results.

18VAC112-20-131. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially, a physical therapist or a physical therapist assistant shall complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. In choosing continuing learning activities or courses, the licensee shall consider the following: (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

B. To document the required hours, the licensee shall maintain the Continued Competency Activity and Assessment Form that is provided by the board and that shall indicate completion of the following:

1. A minimum of ~~15~~ 20 of the contact hours required for physical therapists and ~~10~~ 15 of the contact hours required for physical therapist assistants shall be in Type 1 ~~face-to-face~~ courses. For the purpose of this section, "course" means an organized program of study, classroom experience or similar educational experience that is directly related to the clinical practice of physical therapy and approved or provided by one of the following organizations or any of its components:

a. The Virginia Physical Therapy Association;

b. The American Physical Therapy Association;

c. Local, state or federal government agencies;

d. Regionally accredited colleges and universities;

e. Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

f. The American Medical Association - Category I Continuing Medical Education course; and

g. The National Athletic Trainers Association.

2. No more than ~~15~~ 10 of the contact hours required for physical therapists and ~~20~~ 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses, which may or may not be offered by an approved organization but which shall be related to the clinical practice of physical therapy. Type 2 activities may include but not be limited to consultation with colleagues, independent study, and research or writing on subjects related to practice.

3. Documentation of specialty certification by the American Physical Therapy Association may be provided as evidence of completion of continuing competency requirements for the biennium in which initial certification or recertification occurs.

4. Documentation of graduation from a transitional doctor of physical therapy program may be provided as evidence of completion of continuing competency requirements for the biennium in which the physical therapist was awarded the degree.

5. A physical therapist who can document that he has taken the PRT may receive 10 hours of Type 1 credit for the biennium in which the assessment examination was taken. A physical therapist who can document that he has passed the PRT may receive 20 hours of Type 1 credit for the biennium in which the assessment examination was passed.

C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure by examination in Virginia.

D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.

E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

F. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

G. The board may grant an extension of the deadline for continuing competency requirements for up to one year for good cause shown upon a written request from the licensee prior to the renewal date.

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

I. Physical therapists holding certification to provide direct access without a referral shall include four contact hours as part of the required 30 contact hours of continuing education in courses related to clinical practice in a direct access setting.

18VAC112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of $70 for a physical therapist and $35 for a physical therapist assistant, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.

2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; ~~and~~

2. Providing proof of~~: a. Active~~ active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive.

a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 480 hours in a traineeship

that meets the requirements prescribed in 18VAC112-20-140 or documenting passage of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and

~~b. Completion of~~ 3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate

his license by payment of the renewal and late fees as set forth in 18VAC112-20-150 and completion of continued competency requirements as set forth in 18VAC112-20-131.

B. A physical therapist or physical therapist assistant whose Virginia license is lapsed for more than two years and who is seeking reinstatement shall:

1. Apply for reinstatement and pay the fee specified in 18VAC112-20-150; ~~Practice physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement or successfully complete 480 hours as specified in 18VAC112-20-140; and~~

2. Complete the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years; and

3. Have actively practiced physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement.

a. If a physical therapist licensee does not meet the requirement for active practice, the license may be reinstated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting passage of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If a physical therapist assistant licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140.

18VAC112-20-140. Traineeship requirements.

A. The traineeship shall be: (i) ~~shall be~~ in a facility that serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) ~~is~~ approved by the board, and (iii) ~~is~~ under the direction and supervision of a licensed physical therapist.

B. Supervision and identification of trainees:

1. There shall be a limit of two physical therapists assigned to provide supervision for each trainee.

2. The supervising physical therapist shall countersign patient documentation (i.e., notes, records, charts) for services provided by a trainee.

3. The trainee shall wear identification designating them as a "physical therapist trainee" or a "physical therapist assistant trainee."

C. Completion of traineeship.

1. The physical therapist supervising the ~~inactive practice~~ trainee shall submit a report to the board at the end of the required number of hours on forms supplied by the board.

2. If the traineeship is not successfully completed at the end of the required hours, as determined by the supervising physical therapist, the president of the board or his designee shall determine if a new traineeship shall commence. If the president of the board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.