

**APPROVED
BOARD OF PHYSICAL THERAPY
MINUTES OF GENERAL BOARD MEETING**

**Friday, April 22, 2005
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 4**

Department of Health Professions

CALL TO ORDER: A meeting of the Virginia Board of Physical Therapy was called to order at 10:49 a.m.

PRESIDING: W. Gayle Garnett, P.T., President

MEMBERS PRESENT: Damien Howell, P.T., Vice-President
Joe Gieck, P.T.
Maureen Lyons, P.T.
Lorraine Quinn, P.T.A.
Lisa Shoaf, Ph.D., P.T.
J. R. Locke, Citizen Member

STAFF PRESENT: Elizabeth Young, Executive Director
Annie B. Artis, Operations Manager
Pam Horner, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst

COUNSEL PRESENT: Jack Kotvas, Assistant Attorney General

GUESTS: Heidi Zander, P.T.

QUORUM: With seven members of the Board present, a quorum was established.

AGENDA: The agenda was accepted with amendments.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: Mr. Howell made a motion, which was seconded by Dr. Shoaf that the Board approve the minutes, with amendments, of the General Board Meeting on January 12, 2005. It was voted unanimously.

Dr. Shoaf made a motion, which was seconded by Mr. Howell that the Board approve the minutes of the Public Hearing on January 28, 2005. It was voted unanimously.

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NEW BUSINESS:

2005 VIRGINIA GENERAL ASSEMBLY UPDATE

Ms. Yeatts gave an update regarding actions that were taken during the 2005 General Assembly:

HB #2237 – Practitioner Self-Referral Act; exemption.

Ms. Yeatts stated the law does not change for physical therapists: Physical therapists are not allowed to refer to immediate family members.

HB #2429 – Prescription Monitoring Program; includes reporting by out-of-state dispensers.

This is a major new initiative; however, North Carolina currently does not have a program for prescription monitoring, but West Virginia and Kentucky do.

HB #2512 – Assisted living facilities; requires administrators to be licensed.

This bill created the Board of Long Term Care Administrators. The Board will regulate nursing home administrators and assisted living facility administrators.

HB #2526 Athletic trainers; allows administration of certain topical drugs.

This bill allows licensed athletic trainers to possess and administer certain Schedule VI topical drugs. These drugs are routinely used in their practice. Also the bill allows for the administration of epinephrine for anaphylactic shock.

HB #2804 – Health care practitioners; immunity for making voluntary report regarding conduct or competency.

This bill grants immunity to practitioners who make complaints against others who may be incompetent.

The Legislative/Regulatory Committee met at 9:00 a.m. on today. It examined other foreign credentialing firms and licensure by endorsement of foreign educated graduates.

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**LEGISLATIVE
REGULATORY
COMMITTEE**

Mr. Howell made a motion for the Board to adopt the final regulations for delegation to a subordinate at an informal hearing. Dr. Shoaf seconded the motion and the Board passed it unanimously.

Mr. Howell gave a brief overview of the meeting of the Board of Health Professions that met on April 13, 2005:

**BOARD OF HEALTH
PROFESSIONS BOARD
MEETING OF APRIL 13,
2005**

- The Chairman of the Board of Health Professions (“the BHP”) asked that when recording our minutes, we would list those members present, as well as those absent.
- There was also a suggestion that each board include a list of frequently asked questions and answers on our website. Ms. Lyons made a motion that the Board post a list of frequently asked questions and answers our website. The motion was properly seconded by Mr. Howell and carried unanimously. Ms. Young stated she would compile a list of questions and e-mail each board member for their review and input.
- The new Board of Long Term Care Administrators may affect current DHP staffing and assignments of the executive directors.
- The BHP will be conducting a study on tele-health and licensure of naturopaths.
- The Education Committee of the BHP will be hosting an educational conference in early October entitled “Up to the Job”.
- The Education Committee of the BHP has finalized the brochure describing the informal conference process.

Dr. Shoaf informed the Board that she has been appointed to serve as an APTA member on the Liaison panel with the Federation of State Boards of Physical Therapy. The panel spoke via conference telephone call in December and the first meeting will be held next week. Members of the Federation have been invited to express their concerns regarding the national examination. Dr. Shoaf stated that twelve people were appointed to the panel to review the pass rates. She also stated that an outside psychometrician has been hired. The panel is a good mix of prominent physical

FSBPT

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therapists in the profession.

NEWS BRIEFS–
APRIL 2005

Ms. Young stated that the April issue of Board Briefs for the Federation of State Boards of Physical Therapy indicated that the TOEFL test was changing to include the test for spoken English.

Ms. Young informed the Board that the FSBPT conference is being held from September 10-12, 2005 Austin, Texas. She informed the Board that two members could attend the conference if they were interested. Ms. Garnett, Ms. Lyons and Ms. Quinn expressed interest in attending the conference. Ms. Young stated that she would ask Mr. Nebiker if we could possibly send three board members to the conference.

Ms. Young explained that Ms. Senora Simpson, the Board's FSBPT liaison was unable to attend today's meeting, but will try to attend the meeting in August. Also, the Board has not heard from Mo Miskell of the D.C. Board regarding its proposal to host the next Tri-State Forum.

REPORT FROM VPTA
ANNUAL RETREAT

Ms. Garnett gave a brief report on the Virginia Physical Therapy Association annual retreat of April 8, 2005 at Smith Mountain Lake. She stated the board approved a request by the Southwest District to separate into two districts. However, this split required a change in the by-laws, which will require approval of all VPTA members. The next annual meeting will be held in October, 2005. Ms. Garnett also stated that the BEB Cash Award, (clinical excellence) is seeking nominations.

TOWNHALL
MEETING UPDATE

Ms. Garnett stated that if the Board seeks to hold town hall meetings, it might be most appropriate to make the presentations at VPTA district meetings. Also, she believes that a brief (10-15 minute) Power Point presentation about the Board's activities would be most appropriate. Ms. Garnett asked Ms. Young to draft an outline of a presentation for review of the board and contact the VPTA District Chairmen. Dr. Shoaf made a motion to have the Board give presentations at district

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meetings. The motion was seconded by Ms. Lyons and carried unanimously by the Board. Ms. Young will contact the District Chairs and provide an outline to the Board for the Power Point presentation.

The Board reviewed the current regulations for athletic trainers. Ms. Young will attend their next Advisory Board meeting.

**ATHLETIC TRAINER
REGULATIONS**

Ms. Young provided information regarding CAPTE for Board review. CAPTE adopted revised evaluative criteria for physical therapist education programs. The revised criteria will become effective on January 1, 2006.

CAPTE

MEDICAL MASSAGE

Ms. Garnett presented an advertisement of a medical massage therapist for the board's review. The article listed functions that were typically performed by a physical therapist. The Board asked Ms. Young to refer the advertisement to the Board of Nursing, which licenses massage therapists for a possible violation. It will also be docketed for an unlicensed activity case with the Board.

**INTERPRETATION:
SUPERVISING PHYSICIAN
AND PHYSICAL
THERAPIST**

Ms. Young presented a copy of an e-mail that was directed to the Board regarding physical therapy and a supervising physician. The board stated that a physician does supervise a physical therapist because they operate under a referral, as indicated in §54.1-3482 (A).

BY-LAWS

There was some discussion regarding the amendment of the by-laws. Ms. Garnett recommended that the by-laws be amended for election of officers in April, which will allow old and new board members to vote. This is important because of the need for officers to have a working knowledge of the Board. Ms. Lyons made a motion to amend the by-laws to reflect April elections. The motion was seconded by Mr. Gieck and carried unanimously. Ms. Garnett suggested that the board review the by-laws and discuss them at the next board meeting in August.

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OLD BUSINESS

Ms. Young provided a report of the 2004 renewal audit process:

**CONTINUING
COMPETENCY**

- Licensees who failed to attest to continuing competency requirements: 70 total (31 – attested, 28 – granted extensions, 11 – no response)
- Licensees who stated no to active practice: 50 total (8 failed to respond = .16% of total licensees)
- Licensees who were audited: 132 total (22 failed to respond with 2 expirations and 2 inactive, 1 – granted a continuance, 17 failed to respond = 17% of licensees audited)

**EXECUTIVE DIRECTOR'S
REPORT**

Ms. Young stated that cases would be docketed against those licensees who have not responded. Ms. Young stated that she would offer Pre-Hearing Consent Orders in lieu of an Informal conference.

LICENSEE STATISTICS

Ms. Young stated that there are currently 6, 078 physical therapists and physical therapist assistants in the state of Virginia.

DISCIPLINARY CASES

Ms. Young reported that there are currently forty-one disciplinary cases.

CALENDAR

Ms. Young stated that there was an addition to the calendar. The Legislative/Regulatory Committee scheduled a meeting for June 17, 2005 at 9:00 a.m.

BUDGET

Ms. Young stated that the current balance of the budget is \$611,659. She also stated that if we continued to have an excess of funds, the agency might suggest that we lower our fees.

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CASE STANDARDS

Ms. Young gave a brief overview and clarification of the case standards. The current standard for probable cause is 36.36 %. Ms. Young stated that the standard is low due to time leniency in allowing licensees to respond to inquiries about renewal audit questions.

PLAQUES PRESENTED

Ms. Garnett, Board President, presented plaques to Joe Gieck and Lisa Shoaf, who have been with the Board since its inception, for their years of dedicated service.

ADJOURNMENT

With all business concluded, the Board adjourned at 12:10 p.m.

Gayle Garnett, P.T., Chair

Elizabeth Young, Executive Director

Date

Date