
Call to Order – Arkena L. Dailey, PT, DPT, Board President

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Procedures

Public Hearing – 9:35 a.m.

- Public Comment on Proposed Regulations of the Board of Physical Therapy (18VAC112-20-10 et seq.) – Results of Periodic Review

Approval of Minutes

- Board Meeting – November 12, 2019

Ordering of Agenda

Public Comment

The Board will receive public comment at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Agency Report

Staff Reports

- Executive Director’s Report – **Corie E. Tillman Wolf, JD, Executive Director**
- Criminal Background Checks Update – **Sarah Georgen, Licensing and Operations Manager**
- Discipline Report – **Kelley Palmatier, JD, Deputy Executive Director**

Board Counsel Report - Erin Barrett, Assistant Attorney General

Committee and Board Member Reports

- Board of Health Professions Report – **Allen R. Jones, Jr., PT, DPT**

Legislation and Regulatory Actions – Elaine Yeatts, Senior Policy Analyst

- Update on Status of Regulations
- Update on Legislation
- Adoption of Proposed Regulations for Implementation of Physical Therapy Compact (to replace emergency regulations currently in effect)(18VAC112-20-10 et seq.)

New Business

- Discussion - Imaging Referrals by Physical Therapists - **Arkena L. Dailey, PT, DPT**
- Board Representation - Upcoming FSBPT Meetings and Trainings - **Corie E. Tillman Wolf, JD**

Presentation

- The Adversity to Diversity - **Elizabeth Locke, PT, PhD**

Next Meeting - May 12, 2020

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3707 (F).

Public Hearing

Public Hearing

go back | open in word

Project 5968 - Proposed

BOARD OF PHYSICAL THERAPY

Periodic review

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~~ 320 hours of professional practice as a physical therapist or physical therapist assistant within the ~~24-month~~ 48-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~~ CAPTE.

~~"Assessment tool" means option or any other self directed assessment tool approved by FSBPT.~~

"CAPTE" means 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.

"Encounter" means an interaction between a patient and a physical therapist or physical therapist assistant for the purpose of providing health care services or assessing the health and therapeutic status of a patient.

"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.

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

"FSBPT" means the Federation of State Boards of 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.

"Reevaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to determine a patient's response to the treatment plan and care provided.

"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 continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities ~~which~~ that 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.

18VAC112-20-25. Current name and address.

Each licensee shall furnish the board his current name and address of record. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when ~~mailed~~ sent to the latest address of record provided or when served to the licensee. Any change of name or change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

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 FSBPT Coursework Evaluation Tool for Foreign Educated Physical Therapists, ~~based on the year of graduation~~ as required to sit for FSBPT examination, 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~~ the applicant's 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 and based upon the FSBPT coursework tool for physical therapist assistants.

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 1,000-hour traineeship within a two-year period 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, officially declared disasters, 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 consisting of at least 2,500 hours of patient care during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction or Canadian province;
2. The required application, fees, and credentials to the board;
3. A current report from the ~~Healthcare Integrity and Protection Data Bank (HIPDB)~~ 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 Canada, or 60 hours obtained within the past four years;
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 or Canadian province at the time of initial licensure in that state or province; and
6. Documentation of active practice in physical therapy in another U.S. jurisdiction or Canada for at least 320 hours within the four years immediately preceding his application for licensure. A physical therapist who does not meet the active practice requirement shall:

~~a. Successfully successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or~~

~~b. Document that he attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully complete 160 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.~~

C. 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 the 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~~ five 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, provided he has registered to retake the examination. A new traineeship shall not be approved ~~for~~ if more than one year has passed following the receipt of the first examination results. An unlicensed graduate who has passed the examination may be granted a new traineeship for the period between passage of the examination and granting of a license. An unlicensed graduate shall not be granted more than three traineeships within the one year following the receipt of the first examination results.

18VAC112-20-90. General responsibilities.

A. The physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient and shall provide:

1. The initial evaluation for each patient and its documentation in the patient record;
2. Periodic reevaluation, including documentation of the patient's response to therapeutic intervention; and
3. The documented status of the patient at the time of discharge, including the response to therapeutic intervention. If a patient is discharged from a health care facility without the opportunity for the physical therapist to reevaluate the patient, the final note in the patient record may document patient status.

B. The physical therapist shall communicate the overall plan of care to the patient or his legally authorized representative and shall also communicate with a referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery; nurse practitioner; or physician assistant to the extent required by § 54.1-3482 of the Code of Virginia.

C. A physical therapist assistant may assist the physical therapist in performing selected components of physical therapy intervention to include treatment, measurement, and data collection, but not to include the performance of an evaluation as defined in 18VAC112-20-10.

D. A physical therapist assistant's ~~visits to~~ encounters with a patient may be made under general supervision.

E. A physical therapist providing services with a direct access certification as specified in § 54.1-3482 of the Code of Virginia shall utilize the Direct Access Patient Attestation and Medical Release Form prescribed by the board or otherwise include in the patient record the information, attestation and written consent required by subsection B of § 54.1-3482 of the Code of Virginia.

18VAC112-20-100. Supervisory responsibilities.

A. A physical therapist shall be fully responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

B. Support personnel shall only perform routine assigned physical therapy tasks under the direct supervision of a licensed physical therapist or a licensed physical therapist assistant, who shall only assign those tasks or activities that are nondiscretionary and do not require the exercise of professional judgment.

C. A physical therapist shall provide direct supervision to no more than three individual trainees or students at any one time.

D. A physical therapist shall provide direct supervision to a student in an approved program who is satisfying clinical educational requirements in physical therapy. A physical therapist or a physical therapist assistant shall provide direct supervision to a student in an approved program for physical therapist assistants.

E. A physical therapist shall provide direct supervision to a student who is satisfying clinical educational requirements in physical therapy in a nonapproved physical therapist program that has been granted the Candidate for Accreditation status from CAPTE. Either a physical therapist or physical therapist assistant shall provide direct supervision to a student who is satisfying clinical education requirements in a nonapproved physical therapist assistant program that has been granted the Candidate for Accreditation status from CAPTE.

18VAC112-20-120. Responsibilities to patients.

A. The initial patient ~~visit~~ encounter shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

B. The physical therapist assistant's first ~~visit~~ encounter with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of such communication shall be made in the patient's record.

C. Documentation of physical therapy interventions shall be recorded on a patient's record by the physical therapist or physical therapist assistant providing the care.

D. The physical therapist shall reevaluate the patient as needed, but not less than according to the following schedules:

1. For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, it shall be not less than once every seven consecutive days.
2. For patients in other settings, it shall be not less than one of 12 ~~visits~~ encounters made to the patient during a 30-day period, or once every 30 days from the last reevaluation, whichever occurs first.

3. For patients who have been receiving physical therapy care for the same condition or injury for six months or longer, it shall be at least every 90 days from the last reevaluation.

Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

E. The physical therapist shall be responsible for ongoing involvement in the care of the patient to include regular communication with a physical therapist assistant regarding the patient's plan of treatment.

18VAC112-20-130. Biennial renewal of license.

A. A physical therapist ~~and~~ or physical therapist assistant who intends to continue practice shall renew his license biennially by December 31 in each even-numbered year and pay to the board the renewal fee prescribed in 18VAC112-20-27.

B. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18VAC112-20-27.

C. In order to renew an active license, a licensee shall be required to:

1. Complete a minimum of ~~460~~ 320 hours of active practice in the preceding ~~two~~ four years; and
2. Comply with continuing competency requirements set forth in 18VAC112-20-131.

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

E. The board may grant an exemption to the active practice requirement for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disaster, upon a written request from the licensee prior to the renewal date.

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 20 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants shall be in Type 1 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 a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation;
- f. The American Medical Association - Category I Continuing Medical Education course;
- g. The National Athletic Trainers' Association; or
- h. The Federation of State Boards of Physical Therapy;
- i. The National Strength and Conditioning Association; or
- j. Providers approved by other state licensing boards for physical therapy.

One credit hour of a college course shall be considered the equivalent of 15 contact hours of Type 1 continuing education.

2. No more than 10 of the contact hours required for physical therapists and 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. For the purposes of this subdivision, Type 2 activities may include:

~~consultation~~ a. Consultation with colleagues, independent study, and research or writing on subjects related to practice.

~~Up to two of the Type 2 continuing education hours may be satisfied through delivery~~ b. Delivery of physical therapy services, without compensation, to low-income individuals receiving services through a local health department or a free clinic organized in whole or primarily for the delivery of health services for up to two of the Type 2 hours.

~~Up to two of the Type 2 continuing education hours may be satisfied by attendance~~ c. Attendance at a meeting of the board or disciplinary proceeding conducted by the board for up to two of the Type 2 hours.

d. Classroom instruction of workshops or courses.

e. Clinical supervision of students and research and preparation for the clinical supervision experience.

Forty hours of clinical supervision or instruction shall be considered the equivalent of one contact hour of Type 2 activity.

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 attained at least Level 2 on the FSBPT assessment tool may receive five hours of Type 1 credit for the biennium in which the assessment tool was taken. A physical therapist who can document that he attained at least~~

~~Level 3 or 4 on the FSBPT assessment tool may receive 10 hours of Type 1 credit for the biennium in which the assessment tool was taken. Continuing competency credit shall only be granted for the FSBPT assessment tool once every four years.~~

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, upon a written request from the licensee prior to the renewal date.

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, 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;

2. Providing proof of 320 active practice hours in ~~another~~ any jurisdiction in which the physical therapist or physical therapist assistant was licensed for active practice within the four years immediately preceding application for reactivation.

- a. ~~If the inactive physical therapist 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 or documenting that he has attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for reactivation of licensure in Virginia and successfully completing 160 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~~

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 18VAC112-20-27 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 18VAC112-20-27;

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~~ any jurisdiction in which the physical therapist or physical therapist assistant was licensed for active practice 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 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting that he has attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully completing 160 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 approved by the board and served 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 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.

Approval of Minutes

November 12, 2019

The Virginia Board of Physical Therapy convened for a full board meeting on Tuesday, November 12, 2019 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Arkena L. Dailey, PT, DPT, President*
Elizabeth Locke, PT, PhD, Vice-President*
Tracey Adler, PT, DPT, CMTPT*
Rebecca Duff, PTA, DHSc*
Allen R. Jones, Jr., PT, DPT
Mira H. Mariano, PT, PhD, OCS*
Susan Palmer, MLS

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Barbara Allison-Bryan, DHP Deputy Director
Erin Barrett, Assistant Attorney General, Board Counsel
David Brown, DC, DHP Director
Sarah Georgen, Licensing and Operations Manager
Laura Mueller, Program Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director
Elaine Yeatts, Senior Policy Analyst

OTHER GUESTS PRESENT

Trasean Boatwright, Board of Long-Term Care Administrators
TJ Cantwell, Compact Administrator, Physical Therapy Compact Commission
Richard Grossman, Virginia Physical Therapy Association
Tayla Henderson, Hampton University Student
Anne Joseph, Deputy Director, Administrative Proceedings Division
Angela Pearson, Senior Discipline Operations Manager
Heather Wright, Board of Funeral Directors and Embalmers

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Arkena L. Dailey, PT, DPT, Board President, called the meeting to order at 9:33 a.m. and asked the Board members and staff to introduce themselves.

With seven members present at the meeting, a quorum was established.

Dr. Dailey read the mission of the Board, which is also the mission of the Department of Health Professions.

Dr. Dailey provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, attendance for continuing education requirements and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINTUES

Upon a **MOTION** by Dr. Jones, and properly seconded by Dr. Mariano, the Board voted to accept the August 13, 2019 Full Board meeting minutes. The motion passed unanimously.

ORDERING OF THE AGENDA

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Jones, the Board voted to accept the agenda as written. The motion passed unanimously.

PUBLIC COMMENT

Dr. Dailey introduced Ms. Tayla Henderson as a second-year physical therapy student at Hampton University. Ms. Henderson provided a brief statement regarding her background.

AGENCY REPORT

Dr. Allison-Bryan stated that the Department of Health Professions (“DHP”) held an annual Board Member Training event on October 7, 2019, which was well-received by Board members. She thanked the DHP staff and Board Counsel for their participation. She welcomed further feedback from the Board members.

Dr. Allison-Bryan updated the Board regarding the upcoming building security measures. Dr. Allison-Bryan reported that the building tenants have worked with the Henrico County and Virginia State Police to assess the building and have identified several possible changes including the relocation of the security desk, purchasing walk-through metal detectors, bag and wand screening. She stated that she anticipates the implementation of these changes by the end of 2019.

Dr. Allison-Bryan reported on two DHP workgroups, including the Workgroup on Barriers to Licensure for International Medical Graduates (IMGs) and the Workgroup on Telemedicine.

Dr. Allison-Bryan discussed the results of a recent agency financial audit and the importance of timely submission of travel reimbursement requests.

Ms. Tillman Wolf advised Board members that the current use of Board member badges for meetings and hearings only would remain the same. Board members will be asked to provide identification and sign-in to the building for meetings and hearings. Board staff will alert Board members prior to meetings of upcoming changes as they are implemented.

With no questions, Dr. Allison-Bryan concluded her report.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Board Announcements

Ms. Tillman Wolf congratulated Dr. Locke on receiving the *Inside Business* 2019 Women in Business Achievement Award.

Expenditure and Revenue Summary as of September 30, 2019

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of September 30, 2019.

Cash Balance as of June 30, 2019	\$1,897,707
YTD FY20 Revenue	\$ 34,590
Less YTD Direct & In-Direct Expenditures	\$ 154,295
Cash Balance as of September 30, 2019	\$1,778,002

Staff Updates

Ms. Tillman Wolf announced that Board staff was finalizing the continuing education audit, with one case pending. She stated that the audits are a staff intensive process and thanked the Board staff with the quick processing of the audit.

Ms. Tillman Wolf reported on the licensure and discipline presentation that she provided to third-year physical therapy students at Old Dominion University in October 2019. Dr. Locke expressed her appreciation for Ms. Tillman Wolf's time and stated that the presentation received positive feedback.

FSBPT – Updates

Ms. Tillman Wolf reported on the FSBPT Annual Regulatory Training held in August 2019 which was attended by Dr. Duff and Ms. Palmer. She stated that more information would be provided by the attendees later in the agenda.

Ms. Tillman Wolf reported on the FSBPT Annual Meeting and Delegate Assembly held in October 2019, which was attended by Dr. Dailey, Dr. Locke and Ms. Tillman Wolf. She reported that Dr. Dailey participated on the Education Committee and was the Board's Voting Delegate. She reported that Dr. Locke provided a presentation on "The Adversity to Diversity" and was the Board's Alternate Delegate. Ms. Tillman Wolf also reported that she was a co-presenter for a Task Force report at the Compact Board Administrators (CBA) meeting, that she participated on the Teller Committee, and was the Board's Compact Delegate. Ms. Tillman Wolf has been appointed to the Rules and Bylaws Committee for the Compact.

FSBPT Annual Meeting – Updates

Ms. Tillman Wolf reported that Virginia continued to have a 5-star rating for the Enforcement Licensure Discipline Database (ELDD) through the FSBPT. Ms. Wolf discussed the requirements of reporting Board

Orders following the 33-day appeal period, which has prevented the Board from receiving a 5-star rating in the discipline category for FSBPT's ELDD report. Ms. Barrett reminded Board members regarding the possible legal issues surrounding early posting of orders.

Ms. Tillman Wolf reported on the CBA forum discussions and other sessions of interest at the FSBPT Annual Meeting. She also discussed a presentation provided by Nancy Oglesby and Mike Milnor on "An Overview of Trauma's Impact on Boundary Violation Investigations." Ms. Tillman Wolf expressed interest in bringing the training to the Board and possibly the agency at a future date.

FSBPT – Upcoming Dates

Ms. Tillman Wolf provided the following upcoming dates for FSBPT meetings:

- Leadership Issues Forum – July 18-19, 2020
- Annual Regulatory Training for Board members and staff – August 2020
- FSBPT Annual Meeting and Delegate Assembly – October 22-24, 2020

PT Compact Status

Ms. Tillman Wolf updated the Board on the Physical Therapy Compact status. She stated that Board staff is continuing to work on criminal background check (CBC) processes and uploads of data.

PT Compact Status – Staff Implementation

Ms. Tillman Wolf reported that Board staff was scheduled to receive orientation training from the Administrator of the Compact Commission following the Board meeting. She announced that pending applicants would receive email communications from the Board in December regarding the new CBC process. She also announced that she will be working with the Compact Commission to host an informational webinar for licensees in early December. She said that more information would be forthcoming.

Dr. Duff inquired as to providing the PT and PTA programs with an update regarding the PT Compact and CBC requirements. Ms. Tillman Wolf agreed and said that she would prepare an email communication for distribution.

PT Compact – Board Actions

Ms. Tillman Wolf provided an update of the remaining Board actions for the PT Compact to include consideration of revisions to Guidance Document 112-23, to be discussed later in the agenda, as well as updates to the Board's licensure applications, which will be presented at the February 2020 quarterly Board meeting.

Licensing Report

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	November 6, 2019	August 7, 2019	Change +/-
Physical Therapist	8,633	8,379	254
Physical Therapist Assistant	3,678	3,611	67
Total PT's and PTA's	12,311	11,990	321
Direct Access Certification	1,265	1,261	4

Ms. Tillman Wolf presented the PT Exam Statistics from October 24, 2019, which included the following:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	62	49	36	13	13	5	8
Non-CAPTE Applicants	2	1	0	1	1	0	1
Total	64	50	36	14	14	5	9

Ms. Tillman Wolf presented the PTA Exam Statistics from October 3, 2019, which included the following:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	42	27	16	11	15	1	14
Non-CAPTE Applicants	0	0	0	0	0	0	0
Total	42	27	16	11	15	1	14

Ms. Tillman Wolf provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q1 2019 – 97.2%
- Q2 2019 – 94.3%
- Q3 2019 – N/A
- Q4 2019 – 100%
- Q1 2020 – 100%

Ms. Tillman Wolf shared a positive comment received from a licensee and thanked Ms. Mueller and Ms. Georgen, as well as Mr. Boatwright and Ms. Wright for their hard work on behalf of the Board.

Ms. Tillman Wolf announced that the customer satisfaction statistics from the FSBPT show that Virginia's statistics are above the national average at 90.8%.

Ms. Tillman Wolf announced the proposed Board meeting dates for 2020:

- February 13, 2020 – 9:30 a.m.
- May 12, 2020 – 9:30 a.m.
- August 11, 2020 – 9:30 a.m.
- November 17, 2020 – 9:30 a.m.

Notes and Reminders

Ms. Tillman Wolf provided reminders to the Board members to contact Board staff with any changes in contact information. Ms. Tillman Wolf reminded Board members to sign in to obtain continuing education credit for attendance of the Board meeting and thanked Board members for their hard work and dedication.

With no questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of August 2, 2019, Ms. Palmatier reported the following disciplinary statistics:

- 46 total cases
 - 1 in Administrative Proceedings Division
 - 0 in Formal Hearing
 - 2 in Informal Conferences
 - 16 in Investigation
 - 27 in Probable Cause

Ms. Palmatier reported the following Total Cases Received and Closed:

- | | |
|------------------|-------------------|
| • Q4 2017 – 21/9 | • Q1 2019 – 13/15 |
| • Q1 2018 – 6/10 | • Q2 2019 – 10/11 |
| • Q2 2018 – 15/7 | • Q3 2019 – 9/17 |
| • Q3 2018 – 9/2 | • Q4 2019 – 7/12 |
| • Q4 2018 – 4/4 | |

Ms. Palmatier reported the following Virginia Performs statistics for Q3 2019:

- Clearance Rate – 138% Received 8 patient cases and closed 11 cases

- Pending Caseload over 250 days at 19%. That represents 6 cases.
- There were 5 cases closed within 250 days.

Ms. Palmatier reported on all case information within the last six quarters as follows:

Percentage of all cases closed in one year:

	Q3 – 2018	Q4 – 2018	Q1 – 2019	Q2 – 2019	Q3 – 2019	Q4 – 2019
PT	100%	25.0%	46.7%	45.5%	32.7%	54.5%
Agency	87.6%	80.6%	85.5%	84.0%	76.4%	82.3%

Average days to close a case:

	Q3 – 2018	Q4 – 2018	Q1 – 2019	Q2 – 2019	Q3 – 2019	Q4 – 2019
PT	152.5	412.8	389.3	366.5	467	322
Agency	196.4	201.1	173.8	169.2	258	204

Ms. Palmatier announced that she will be updating the probable cause worksheet in the near future. She reminded Board members that questions regarding the review of a probable cause case should be directed to Board staff. She also reminded Board members to take precaution with security measures to keep case information confidential.

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

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett updated the Board members on the status of *Myer v. Northam, et al.*

COMMITTEE AND BOARD MEMBER REPORTS

Report from FSBPT Board Member Training – Rebecca Duff, PTA, DHSc, Susan Palmer, MLS

Dr. Duff and Ms. Palmer provided a report on the FSBPT Board member training. They thanked the Board for the opportunity to attend the training. Dr. Duff and Ms. Palmer reported on the key information shared during the training. Ms. Palmer suggested that DHP more prominently display the mission statement on the website.

Report from FSBPT Annual Meeting – Arkena L. Dailey, PT, DPT, Elizabeth Locke, PT, PhD

Dr. Locke and Dr. Dailey provided a condensed verbal report on the FSBPT Annual Meeting held in Oklahoma City, Oklahoma. They thanked the Board for the opportunity to attend the meeting as voting delegates. Dr. Locke and Dr. Dailey reported takeaways on the key information related to the Virginia Board, which were shared at the meeting. These topics elaborated more on improving and maintaining public trust, foreign credentials evaluation process, future of digital Physical Therapy practice, importance of organizational diversity, regulations for dry needling, and pain management benefits related to CBD oil. Dr. Dailey suggested that Board members visit the FSBPT website to find the lectures and presentations provided during the meeting.

Ms. Tillman Wolf announced that Dr. Locke would provide a presentation on diversity to the Board members at a future quarterly meeting. Dr. Allison-Bryan requested that Ms. Tillman Wolf invite the DHP Committee on Diversity to attend the presentation, as well as any other interested DHP staff.

Board of Health Professions Report – Allen R. Jones, PT, DPT

Dr. Jones stated that the Board of Health Professions met on August 20, 2019 and that the meeting minutes from the meeting are included in the agenda packet. He reported that the Board of Health Professions recommended establishing a regulatory process for licensing music therapists and will be reviewing the DHP mission statement. Dr. Jones reported that more information would be provided throughout the process.

LEGISLATION AND REGULATORY ACTIONS

Update on Status of Regulations

Ms. Yeatts reported the status of regulatory actions for the Board. She stated that the emergency regulations related to the Implementation of the Physical Therapy Compact were in the public comment stage until November 13, 2019, that the periodic review was in the proposed stage at the Secretary's Office, and that the Practice of Dry Needling was in the final stage at the Governor's Office.

Update on Legislation

Ms. Yeatts stated that the legislation previously discussed by the Board related to the authority of the Board to discipline Compact privileges will be included in the Governor's legislative package for the 2020 General Assembly.

Adoption of Revisions to Guidance Document 112-23 – Guidelines for Processing Applications for Licensure

The Board discussed the draft revisions to Guidance Document 112-23.

Upon a **MOTION** by Dr. Jones, and properly seconded by Dr. Adler, the Board voted to adopt the revisions to Guidance Document 112-23: Guidelines for Processing Applications for Licensure as presented. The motion passed by a vote of 6-1 (Nay: Locke). (Attachment A)

Adoption of Fast Track Regulation Related to Handling Fee for Dishonored/Returned Checks or Payments (18VAC112-20-10 et seq.)

Ms. Yeatts provided an overview of the proposed changes to the Board’s regulations related to the handling fee for dishonored/returned checks or payments.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Jones, the Board voted to adopt the Fast Track Regulation Related to Handling Fee for Dishonored/Returned Checks or Payments as presented by Ms. Yeatts. The motion passed unanimously. (Attachment B)

NEW BUSINESS

Approval of Workforce Survey Question – Third Party Payment Acceptance

The Board discussed the addition of workforce survey questions to collect information related to third-party payment acceptance.

Upon a **MOTION** by Dr. Locke, and properly seconded by Ms. Palmer, the Board voted to approve the addition of workforce survey questions to collect information related to third-party payment acceptance. The motion passed unanimously.

BREAK

The Board took a break at 11:14 a.m. and returned at 11:25 a.m.

TRAINING

Dr. Dailey welcomed TJ Cantwell, Compact Administrator with the Physical Therapy Compact Commission to orient the Board to the PT Compact.

Dr. Dailey requested that Ms. Tillman Wolf report on the number of compact privileges issued in Virginia at future quarterly meetings.

NEXT MEETING

The next meeting date is February 13, 2020.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:15 p.m.

Arkena L. Dailey, PT, DPT, President

Corie Tillman Wolf, J.D., Executive Director

Date

Date

Virginia Board of Physical Therapy

Guidelines for Processing Applications for Licensure: Examination, Endorsement and Reinstatement

Applicants for licensure or registration by examination, endorsement and reinstatement who meet the qualifications as set forth in the law and regulations shall be issued a license, registration, or certificate pursuant to authority delegated to the Executive Director of the Board of Physical Therapy as specified in the Bylaws of the Board. (*See* Article V, Bylaws.)

An applicant whose license, registration, or certificate has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure or certification in Virginia unless the credential has been reinstated by the jurisdiction which revoked or suspended it. (Va. Code § 54.1-2408.) A suspension or revocation by another jurisdiction that has been stayed on terms is not considered to be reinstated for purposes of Va. Code § 54.1-2408.

Affirmative responses to any questions on applications for licensure, registration, or certification that might constitute grounds for the Board to refuse to admit a candidate to an examination, refuse to issue a license, registration, or certificate, or impose sanction shall be referred to the Board President for guidance on how to proceed.

[Failure to disclose convictions, past actions or possible impairment may result in disciplinary action by the Board.](#)

A criminal conviction for any felony may cause an applicant to be denied licensure or registration. (Va. Code § 54.1-3480.) Each applicant, however, is considered on an individual basis, and there are no criminal convictions or impairments that are an absolute bar to licensure or registration by the Board of Physical Therapy.

Applications for licensure, registration, and certification include questions about the applicant's history, including:

1. Any and all criminal convictions;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure, certification, or registration in another state or jurisdiction; and
3. Any mental or physical illness or chemical dependency condition that could interfere with the applicant's ability to practice.

Replying "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It simply means more information must be gathered and considered before a decision can be made. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Physical Therapy has the ultimate authority to approve or deny an applicant for licensure, registration, or certification. (Va. Code § 54.1-3480.)

The following information will be requested from an applicant with criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);
- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, evidence of paid fines and restitution, etc.); and
- A letter from the applicant explaining the factual circumstances leading to the criminal offense(s).

The following information will be requested from an applicant with past disciplinary action or licensure/certification/registration denial in another state (unrelated to criminal convictions):

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity;
- A certified copy of any subsequent actions (i.e. reinstatement), if applicable; and
- A letter from the applicant explaining the factual circumstances leading to the action or denial.

The following information may be requested from applicants with a possible impairment:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) describing diagnosis, treatment regimen, compliance with treatment, and an analysis of the applicant's ability to practice safely; and
- A letter from the applicant explaining the factual circumstances of the condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.).

The Executive Director may approve the application without referral to the Board President in the following cases:

1. The applicant's history of a criminal conviction was disclosed on an application for licensure and either:
 - a. Does not constitute grounds for denial ~~(any felony or any misdemeanor involving moral turpitude)~~ or ~~constitute grounds for~~ Board action pursuant to §54.1-3480 of the Code of Virginia. ~~(Article V, Bylaws; Va. Code § 54.1-3480.)~~, or
 - b. The applicant Does constitute grounds for denial or Board action pursuant to § 54.1-3480 of the Code of Virginia, has a history of criminal conviction for felonies or misdemeanors involving moral turpitude (specifically any felony or any misdemeanor involving moral turpitude), but the following criteria are met:
 - Conviction history includes only misdemeanors which are greater than 5 years old, as long as court requirements have been met;
 - If one misdemeanor conviction is less than 5 years old, the court requirements have been met, and the crime was unrelated to the license or registration sought; or
 - If the applicant was convicted of one felony more than 10 years ago, when that one felony was non-violent in nature and all court/probationary/parole requirements have been met;.
- 3 2. The applicant has Rreported juvenile convictions.
- 4 3. The applicant has Applicants with a conviction history previously reviewed and approved by the Board of Physical Therapy, provided no subsequent criminal convictions exist. ~~(Article V, Bylaws.)~~

BOARD OF PHYSICAL THERAPY

Handling Fee

18VAC112-20-27. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due by December 31 in each even-numbered year.

2. The fee for an inactive license renewal for a physical therapist shall be \$70 and for a physical therapist assistant shall be \$35 and shall be due by December 31 in each even-numbered year.

3. A fee of \$50 for a physical therapist and \$25 for a physical therapist assistant for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

4. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000; the fee for an application for reinstatement of a license that has been suspended shall be \$500.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The handling fee for a returned check or a dishonored credit card or debit card shall be ~~\$35~~ \$50.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10.

5. The application fee for direct access certification shall be \$75 for a physical therapist to obtain certification to provide services without a referral.

Staff Reports

Virginia Department of Health Professions
Cash Balance
As of December 31, 2019

	<u>116- Physical Therapy</u>
Board Cash Balance as June 30, 2019	\$ 1,897,707
YTD FY20 Revenue	65,615
Less: YTD FY20 Direct and Allocated Expenditures	<u>301,245</u>
Board Cash Balance as December 31, 2019	<u><u>\$ 1,662,077</u></u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2019 and Ending December 31, 2019

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	52,665.00	190,580.00	137,915.00	27.63%
4002406	License & Renewal Fee	6,750.00	-	(6,750.00)	0.00%
4002407	Dup. License Certificate Fee	600.00	550.00	(50.00)	109.09%
4002409	Board Endorsement - Out	4,530.00	9,600.00	5,070.00	47.19%
4002421	Monetary Penalty & Late Fees	850.00	5,235.00	4,385.00	16.24%
4002432	Misc. Fee (Bad Check Fee)	35.00	35.00	-	100.00%
	Total Fee Revenue	65,430.00	206,000.00	140,570.00	31.76%
4003000	Sales of Prop. & Commodities				
4003020	Misc. Sales-Dishonored Payments	185.00	-	(185.00)	0.00%
	Total Sales of Prop. & Commodities	185.00	-	(185.00)	0.00%
	Total Revenue	65,615.00	206,000.00	140,385.00	31.85%
5011110	Employer Retirement Contrib.	7,537.28	14,858.00	7,320.72	50.73%
5011120	Fed Old-Age Ins- Sal St Emp	4,071.93	8,407.00	4,335.07	48.43%
5011130	Fed Old-Age Ins- Wage Earners	-	1,156.00	1,156.00	0.00%
5011140	Group Insurance	736.74	1,440.00	703.26	51.16%
5011150	Medical/Hospitalization Ins.	17,415.42	39,234.00	21,818.58	44.39%
5011160	Retiree Medical/Hospitalizatn	658.00	1,286.00	628.00	51.17%
5011170	Long term Disability Ins	348.76	682.00	333.24	51.14%
	Total Employee Benefits	30,768.13	67,063.00	36,294.87	45.88%
5011200	Salaries				
5011230	Salaries, Classified	56,436.38	109,891.00	53,454.62	51.36%
5011250	Salaries, Overtime	760.36	-	(760.36)	0.00%
	Total Salaries	57,196.74	109,891.00	52,694.26	52.05%
5011300	Special Payments				
5011340	Specified Per Diem Payment	800.00	3,250.00	2,450.00	24.62%
5011380	Deferred Compnstn Match Pmts	42.00	960.00	918.00	4.38%
	Total Special Payments	842.00	4,210.00	3,368.00	20.00%
5011400	Wages				
5011410	Wages, General	-	15,100.00	15,100.00	0.00%
	Total Wages	-	15,100.00	15,100.00	0.00%
5011600	Terminatn Personal Svce Costs				
5011660	Defined Contribution Match - Hy	66.52	-	(66.52)	0.00%
	Total Terminatn Personal Svce Costs	66.52	-	(66.52)	0.00%
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	88,873.39	196,264.00	107,390.61	45.28%
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	-	50.00	50.00	0.00%
5012140	Postal Services	3,881.04	5,750.00	1,868.96	67.50%
5012150	Printing Services	3.87	600.00	596.13	0.65%
5012160	Telecommunications Svcs (VITA)	133.32	1,000.00	866.68	13.33%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2019 and Ending December 31, 2019

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5012190	Inbound Freight Services	5.98	-	(5.98)	0.00%
	Total Communication Services	4,024.21	7,400.00	3,375.79	54.38%
5012200	Employee Development Services				
5012210	Organization Memberships	2,500.00	2,500.00	-	100.00%
5012240	Employee Training/Workshop/Conf	-	400.00	400.00	0.00%
	Total Employee Development Services	2,500.00	2,900.00	400.00	86.21%
5012300	Health Services				
5012360	X-ray and Laboratory Services	-	300.00	300.00	0.00%
	Total Health Services	-	300.00	300.00	0.00%
5012400	Mgmt and Informational Svcs	-			
5012420	Fiscal Services	93.28	18,000.00	17,906.72	0.52%
5012440	Management Services	736.33	4,000.00	3,263.67	18.41%
5012470	Legal Services	24.29	300.00	275.71	8.10%
	Total Mgmt and Informational Svcs	853.90	22,300.00	21,446.10	3.83%
5012500	Repair and Maintenance Svcs				
5012510	Custodial Services	28.57	-	(28.57)	0.00%
5012520	Electrical Repair & Maint Srvc	-	25.00	25.00	0.00%
5012530	Equipment Repair & Maint Srvc	1,131.64	600.00	(531.64)	188.61%
	Total Repair and Maintenance Svcs	1,160.21	625.00	(535.21)	185.63%
5012600	Support Services				
5012630	Clerical Services	-	19.00	19.00	0.00%
5012640	Food & Dietary Services	448.49	750.00	301.51	59.80%
5012660	Manual Labor Services	95.30	700.00	604.70	13.61%
5012670	Production Services	548.77	2,245.00	1,696.23	24.44%
5012680	Skilled Services	5,036.08	13,000.00	7,963.92	38.74%
	Total Support Services	6,128.64	16,714.00	10,585.36	36.67%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	1,988.24	3,500.00	1,511.76	56.81%
5012840	Travel, State Vehicles	-	500.00	500.00	0.00%
5012850	Travel, Subsistence & Lodging	291.19	1,500.00	1,208.81	19.41%
5012880	Trvl, Meal Reimb- Not Rprtbl	258.75	300.00	41.25	86.25%
	Total Transportation Services	2,538.18	5,800.00	3,261.82	43.76%
	Total Contractual Svcs	17,205.14	56,039.00	38,833.86	30.70%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	976.60	1,000.00	23.40	97.66%
5013130	Stationery and Forms	141.59	-	(141.59)	0.00%
	Total Administrative Supplies	1,118.19	1,000.00	(118.19)	111.82%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	50.00	50.00	0.00%
	Total Manufctrng and Merch Supplies	-	50.00	50.00	0.00%
5013500	Repair and Maint. Supplies				
5013530	Electrcal Repair & Maint Matrl	1.15	15.00	13.85	7.67%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2019 and Ending December 31, 2019

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
	Total Repair and Maint. Supplies	1.15	15.00	13.85	7.67%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	32.37	200.00	167.63	16.19%
5013630	Food Service Supplies	30.52	-	(30.52)	0.00%
5013640	Laundry and Linen Supplies	1.12	-	(1.12)	0.00%
	Total Residential Supplies	64.01	200.00	135.99	32.01%
5013700	Specific Use Supplies				
5013730	Computer Operating Supplies	-	10.00	10.00	0.00%
	Total Specific Use Supplies	-	10.00	10.00	0.00%
	Total Supplies And Materials	1,183.35	1,275.00	91.65	92.81%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	38.44	29.00	(9.44)	132.55%
	Total Insurance-Fixed Assets	38.44	29.00	(9.44)	132.55%
5015300	Operating Lease Payments				
5015340	Equipment Rentals	7.76	-	(7.76)	0.00%
5015350	Building Rentals	2.40	-	(2.40)	0.00%
5015390	Building Rentals - Non State	3,238.72	7,015.00	3,776.28	46.17%
	Total Operating Lease Payments	3,248.88	7,015.00	3,766.12	46.31%
5015500	Insurance-Operations				
5015510	General Liability Insurance	138.09	107.00	(31.09)	129.06%
5015540	Surety Bonds	8.15	7.00	(1.15)	116.43%
	Total Insurance-Operations	146.24	114.00	(32.24)	128.28%
	Total Continuous Charges	3,433.56	7,158.00	3,724.44	47.97%
5022000	Equipment				
5022100	Computer Hrdware & Sftware				
5022170	Other Computer Equipment	11.28	-	(11.28)	0.00%
	Total Computer Hrdware & Sftware	11.28	-	(11.28)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	60.00	60.00	0.00%
	Total Educational & Cultural Equip	-	60.00	60.00	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	35.00	35.00	0.00%
	Total Office Equipment	-	35.00	35.00	0.00%
5022700	Specific Use Equipment				
5022710	Household Equipment	76.88	-	(76.88)	0.00%
	Total Specific Use Equipment	76.88	-	(76.88)	0.00%
	Total Equipment	88.16	95.00	6.84	92.80%
	Total Expenditures	110,783.60	260,831.00	150,047.40	42.47%
	Allocated Expenditures				
20600	Funeral\LTCA\IPT	62,017.72	111,767.95	49,750.23	55.49%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2019 and Ending December 31, 2019

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
30100	Data Center	27,891.31	74,361.84	46,470.53	37.51%
30200	Human Resources	7,666.86	7,042.39	(624.47)	108.87%
30300	Finance	28,171.11	69,511.77	41,340.66	40.53%
30400	Director's Office	12,517.50	27,793.64	15,276.14	45.04%
30500	Enforcement	27,390.93	65,608.63	38,217.70	41.75%
30600	Administrative Proceedings	1,437.99	17,650.00	16,212.01	8.15%
30700	Impaired Practitioners	489.78	1,704.18	1,214.40	28.74%
30800	Attorney General	7,796.90	11,326.78	3,529.88	68.84%
30900	Board of Health Professions	9,050.83	20,223.93	11,173.11	44.75%
31100	Maintenance and Repairs	-	755.35	755.35	0.00%
31300	Emp. Recognition Program	5.67	318.67	313.00	1.78%
31400	Conference Center	41.14	181.02	139.89	22.73%
31500	Pgm Devlpmnt & Implmentn	5,983.46	11,894.80	5,911.34	50.30%
Total Allocated Expenditures		<u>190,461.19</u>	<u>420,140.97</u>	<u>229,679.77</u>	<u>45.33%</u>
Net Revenue in Excess (Shortfall) of Expenditures		<u>\$ (235,629.79)</u>	<u>\$ (474,971.97)</u>	<u>\$ (239,342.17)</u>	<u>49.61%</u>

Physical Therapy Monthly Snapshot for December 2019

Physical Therapy has closed more cases in December than received. Physical Therapy has closed 0 patient care cases and 5 non-patient care cases for a total of 5 cases.

Cases Closed	
Patient Care	0
Non Patient Care	5
Total	5

Physical Therapy has received 1 patient care cases and 0 non-patient care cases for a total of 1 cases.

Cases Received	
Patient Care	1
Non Patient Care	0
Total	1

As of December 30, 2019, there were 37 Patient care cases open and 2 non-patient care cases open for a total of 39 cases.

Cases Open	
Patient Care	37
Non Patient Care	2
Total	39

There were 13666 Physical Therapy licensees as of January 2, 2020. The number of current licenses are broken down by profession in the following chart.

Current Licenses	
Direct Access Certification	1269
Physical Therapist	8706
Physical Therapist Assistant	3691
Total	13666

There were 56 licenses issued for Physical Therapy for the month of December. The number of licenses issued are broken down by profession in the following chart.

Licenses Issued	
Direct Access Certification	3
Physical Therapist	43
Physical Therapist Assistant	10
Total	56

License Information

Full Name: First Last Name
Profession: Physical Therapy
License Type: Physical Therapist
Obtained By Method: Examination

Application Information

If all the information is correct please press the **pay fees button** .
Otherwise please click "Application" and correct any information that is necessary.

Demographics

INSTRUCTIONS:

This is the most current information we have on file for you. Please modify any incorrect information that is displayed.
Required fields are denoted with an asterisk (*).

Personal Information

SSN/Virginia DMV #

ex. 123456789:

Date of Birth (mm/dd/yyyy):

Maiden/Other Name(s) (if applicable) :

Place of Birth (City and State):

Published Address Information

This address is subject to public disclosure under the Freedom of Information Act. You may provide an address other than a residence, such as a Post Office Box or a practice location if you wish.

Is your current address within the United States?

Address Line 1 (ex. 123 Fourth St.):

Address Line 2 (ex. Apt. 100):

Address Line 3:

City:

State:

Zip Code (ex. 02705 or 027051234):

Phone:

Email:

Address of Record

The address information you provide below is your address of record with the Board. Please be advised that all notices from the board, to include renewal notices, licenses, and other legal documents, will be sent to the address of record provided. If you provided a different public address in the Demographics step this address is not subject to public disclosure under the Freedom of Information Act and will not be sold or distributed for any other purpose. Please modify any incorrect information for your mailing address. Required fields are denoted with an asterisk (*).

Is your current address within the United States?

Address Line 1 (ex. 123 Fourth St.):

Address Line 2 (ex. Apt. 100):

Address Line 3:

City:

State:

Zip Code (ex. 02705 or 027051234):

Daytime Phone:

Other Phone:

Email:

Education

I hereby certify that I studied at a physical therapist program and received a degree from the school listed below:

School Name:

City and State:

Date Graduated (mm/dd/yyyy):

Degree Obtained:

If you responded "Other" to the Degree Obtained question please provide your degree here:

Transcripts: You must request that the official transcript be sent to the Virginia Board of Physical Therapy. Transcripts must be official, with the school seal. Transcripts will be accepted if they come directly from the school to the Board or if sent to the Board by the applicant in a sealed envelope.

Did you graduate from an accredited CAPTE education program?

Licensure History

Please enter all jurisdictions in which you have been issued a license to practice as a physical therapist: active, inactive, or expired. Indicate license number and date issued. You will need to provide written verification from the issuing regulatory authority, in all jurisdictions, in which you have ever held a license, including expired, inactive, and active licenses. Contact each State regarding processing fees.

Have you ever been issued a full license to practice as a physical therapist in any jurisdiction? Yes

Licensure History			
State/Jurisdiction	License Number	Issue Date	Status

Licensure Questions

Any supporting documentation related to the questions below should be submitted to the Virginia Board of Physical Therapy at:
Virginia Board of Physical Therapy
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233

1. Have you ever been denied to sit for a physical therapy licensure exam?
2. Have you ever taken the NPTE examination?

You will need to contact the [Federation of State Boards of Physical Therapy](#) (FSBPT) to have your scores transferred to the Virginia Board of Physical Therapy

3. Have you ever been denied a physical therapy license?
4. Have you applied for licensure in another jurisdiction and have not received licensure or are you currently applying for licensure in another jurisdiction?
Please explain in detail (500 character limit) and provide supporting documentation to the Board of Physical Therapy:

5. Have you ever been convicted of a violation of /or pled Nolo Contendere to any federal, state or local statute, regulation, or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor? *Including convictions for driving under the influence; excluding traffic violations.*

6. Have you ever had any of the following disciplinary actions taken against your license to practice PTA or any such actions pending? (a) suspension/revocation (b) probation (c) reprimand/cease and desist (d) had your practice monitored (e) monetary penalty?

7. Have you had any malpractice suits brought against you in the last ten years?

8. By entering your initials, you certify that you have carefully read the laws and regulations related to the practice of your profession, which are available at <http://www.dhp.virginia.gov/PhysicalTherapy> and you fully understand that funds submitted as part of the application process shall not be refunded:

Criminal Background Check

1. By entering your initials, you certify that you understand that a Criminal Background Check (CBC) is required by law for all initial applicants. The CBC requirements and process details are available at www.dhp.virginia.gov/PhysicalTherapy:

2. Please list all previous names used (enter N/A if not applicable):

Testing Accommodation

Do you wish to request an accommodation for taking the NPTE according to the Americans with Disabilities Act (ADA)?

Additional Licensure Questions

1. Within the past five years, have you exhibited any conduct or behavior that could call into question your ability to practice in a competent and professional manner?

2. Within the past five years, have you been disciplined by any entity?

3. Do you currently have any physical condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Physical Therapist Assistant.

4. Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Physical Therapist Assistant.

5. Do you currently have any condition or impairment related to alcohol or other substance use that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing Physical Therapist Assistant.

6. Within the past 5 years, have any conditions or restrictions been imposed upon you or your practice to avoid disciplinary action by any entity?

Military Service

1. Did you relocate with a spouse who is the subject of a military transfer to the Commonwealth of Virginia?

2. Are you active-duty military?

Claims History

If you have had malpractice cases brought against you (pending or closed), please provide a narrative of each case.

Have you had any malpractice suits brought against you in the past ten (10) years?

No

Certification

I certify by entering my electronic signature below: I am the person applying for licensure/certification/registration and meet the qualifications required by Virginia law and regulations. Further, I certify the information provided in this application has been personally provided and reviewed by me, and that statements made on the application are true and complete. I understand that providing false or misleading information, as well as omitting information, in response to information requested in this application or as part of the application process is considered falsification of the application and may be grounds for denial of or taking disciplinary action against an existing license/certificate/registration.

Application Date:

Electronic Signature (Full Legal Name):

I agree to the above certification

Committee and Board Member Reports

DRAFT

In Attendance

Sahil Chaudhary, Citizen Member
Helene Clayton-Jeter, OD, Board of Optometry
Kevin Doyle, EdD, LPC, LSATP, Board of Counseling
Louise Hershkowitz, CRNA, MSHA, Board of Nursing
Allen Jones, Jr., DPT, PT, Board of Physical Therapy
Louis Jones, FSL, Board of Funeral Directors and Embalmers
Derrick Kendall, NHA, Board of Long-Term Care Administrators
Ryan Logan, RPh, Board of Pharmacy
Kevin O'Connor, MD, Board of Medicine
John Salay, MSW, LCSW, Board of Social Work
Herb Stewart, PhD, Board of Psychology
James Watkins, DDS, Board of Dentistry
James Wells, RPh, Citizen Member

Absent

Steve Karras, DVM, Board of Veterinary Medicine
Alison King, PhD, CCC-SLP, Board of Audiology & Speech-Language Pathology
Martha Rackets, PhD, Citizen Member
Maribel Ramos, Citizen Member
Vacant - Citizen Member

DHP Staff

David Brown, DC, Director DHP
Barbara Allison-Bryan, MD, Deputy Director DHP
Elizabeth A. Carter, PhD, Executive Director BHP
Yetty Shobo, PhD, Deputy Executive Director BHP
Laura Jackson, MSHSA, Operations Manager BHP
Charis Mitchell, Assistant Attorney General
Rajana Siva, MBA, Research Analyst BHP
Elaine Yeatts, Senior Policy Analyst DHP

Speakers

No speakers signed-in

Observers

Scott Johnson, Hancock Daniel & Johnson, PC

Emergency Egress

Elizabeth Carter, PhD

Call to Order

Dr. Jones, Jr.
Time: 10:00 a.m.
Quorum: Established

Public Comment

No public comment was provided

Approval of Minutes

Motion

Dr. Jones, Jr.

A motion to accept meeting minutes from the August 29, 2019 Full Board meeting was made and properly seconded. All members were in favor, none opposed.

Director's Report

Dr. Brown announced that the agencies Board Member Training held October 7, 2019 was rated a 4.5 out of 5. He noted that additional information will be made available to board members on the agencies website. Dr. Brown stated that the agency's website upgrade was going well and that several boards have made the transition. He requested that the board members go to the website and look to see if it is more user friendly. Boards will now be able to make their own postings, reducing the need for Data to post the information on their behalf.

Dr. Allison-Bryan reviewed building security changes that have gone into effect and those that are yet to be implemented.

The Council on Licensure, Enforcement and Regulation (CLEAR) is an organization designed to help those in professional regulation have access to resources. At the annual CLEAR meeting in September, DHP's research and analysis into the workload of the Enforcement Division staff was presented by DHP's Enforcement Director Ms. Schmitz and Visual Research, Inc. President Neal Kauder.

Welcome

Dr. Jones, Jr. introduced newly appointed Board of Health Professions board members Louise Herskowitz with the Board of Nursing and Steve Karras with the Board of Veterinary Medicine.

Legislative and Regulatory Report

Ms. Yeatts provided an overview of the regulations distributed during the meeting. She advised that the agency has hired a P-14 law student to assist with the review and analysis of mandated and/or discretionary regulations. A link to the report will be posted on the agencies webpage once it is completed.

Board Chair Report

Dr. Jones, Jr. thanked agency staff for the high level of training provided at the October board member training.

Sanction Reference Points Review

Mr. Kauder with VisualResearch, Inc. provided a PowerPoint presentation discussing the SRP worksheet updates made for the Boards of Funeral Directors and Embalmers, Long-Term Care Administrators, Physical Therapy and Dentistry and that the review for the Board of Nursing is still in progress. (Attachment 1)

Executive Director's Report

Dr. Carter reviewed the Board's budget and provided insight into the agency's statistics and performance.

Dr. Carter provided an overview of the meetings she attended at The National Conference of State Legislatures Multi-State Learning Consortium in Utah and the The Council of State Governments Occupational Licensing Learning Seminar in Kentucky.

Healthcare Workforce Data Center

Dr. Shobo provided an overview of the PowerPoint presentation she presented at the Home Care and Health Medicaid Conference in September. She also provided an update on the status of requests made for the sharing of the agency's workforce data.

Medicaid utilization will be added as a survey item on the 2020 workforce surveys. Discussion ensued on how best to collect the information.

Lunch

12:20 working lunch

Board Member Introductions

Staff and board members in attendance introduced themselves to the newly appointed board members.

Individual Board Reports

Board of Psychology - Dr. Stewart (Attachment 2)

Board of Nursing - Ms. Hershkowitz provided licensure count for the Board of Nursing professions. She stated that the Board is working with VisualResearch Inc. on massage therapy SRP worksheets. The Board is also working on conversion therapy; and identifying ways that board members could better balance personal life/work with the time demands of the Board. Elimination of regulations for nurse practitioner prescriptive authority has been finalized.

Board of Counseling - Dr. Doyle (Attachment 3)

Board of Long-Term Care Administrators - Mr. Kendall (Attachment 4)

Board of Pharmacy - Mr. Logan announced that the Board of Pharmacy has received two new member appointments. The board is implementing a process to cease mailing a hard copy license, registration or permit that bear an expiration date. The Board is very concerned with the use of vape products currently on the market. The Board is in the process of increasing licensure fees.

Board of Optometry - Dr. Clayton-Jeter (Attachment 5)

Board of Physical Therapy - Dr. Jones, Jr. (Attachment 6)

Board of Social Work - Mr. Salay (Attachment 7)

Board of Funeral Directors and Embalmers - Mr. Jones (Attachment 8)

Board of Dentistry - Dr. Watkins (Attachment 9)

Board of Medicine - Dr. O'Connor stated that the Board of Medicine continues to see an increase in complaints. The board is resisting entry into the licensure compact by implementing an expedited licensure process. A new board president has been appointed. The board is also working on conversion therapy for adults and children.

Practitioner Self-Referral

Mr. Salay provided an overview of the Practitioner Self-Referral request made by Telomerix Stem Cell Biobank, LLC and the agency subordinate recommendation to the Full Board. After brief discussion, it was determined that this arrangement does not constitute a self-referral.

Motion The practitioner self-referral request made by Telomerix Stem Cell Biobank, LLC was determined to not be a referral. A motion was made to accept the agency subordinates recommendation. The motion was properly seconded, with all members in favor, none opposed.

Election of Officers The Nominating Committee Chair, Dr. Clayton-Jeter, reported on individuals interested in the position of Board Chair as follows: Dr. Jones, Jr. and Dr. Stewart. Both individuals acknowledged their interest and reasoning for seeking the position. There were no nominations from the floor. Prior to voting, Dr. Stewart withdrew his interest in the Board Chair position, making Dr. Jones, Jr. the only individual seeking the seat.

By acclamation Dr. Jones, Jr. was appointed Chair of the Board of Health Professions for a one year term. All members were in favor, none opposed.

The Nominating Committee Chair, Dr. Clayton-Jeter, reported on individuals interested in the position of Board Vice Chair as follows: Dr. Doyle, Dr. Stewart and Mr. Salay. Prior to voting, Mr. Salay and Dr. Doyle withdrew their interest in the Board Vice Chair position, making Dr. Stewart the only individual seeking the seat.

By acclamation Dr. Stewart was appointed Vice Chair of the Board of Health Professions for a one year term. All members were in favor, none opposed.

Education Committee Report The Education Committee meeting will be rescheduled.

New Business Dr. O'Connor offered to take the discussion of stem cell storage to the Board of Medicine.

Dr. Clayton-Jeter requested that an agenda item be added to the February 27, 2020 Full Board meeting to determine if the Board should consider extending the Chair and Vice Chair term of one year to two years.

Telehealth The boards of Social Work and Psychology provided information regarding the impact of telehealth on their respective boards.

Next Full Board Meeting Dr. Jones, Jr. advised the Board that the next meeting is scheduled for February 27, 2020 at 10:00 a.m.

Adjourned 1:28 p.m.

Chair Allen Jones, Jr., DPT, PT

Signature _____

Board Executive Director Elizabeth A. Carter, PhD

Signature _____

Board of Health Professions attachments can be found at
https://www.dhp.virginia.gov/bhp/bhp_calendar.htm

Legislation and Regulatory Actions

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
(As of January 30, 2020)**

Board		Board of Physical Therapy
Chapter	Action / Stage Information	
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	<u>Implementation of the Physical Therapy Compact</u> [Action 5362] Emergency/NOIRA - Register Date: 10/14/19 Comment on NOIRA closed: 11/13/19
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	<u>Periodic review</u> [Action 5228] Proposed - Register Date: 2/3/20 Comment on proposed: 2/3/20 to 4/3/20
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	<u>Handling fee for returned check</u> [Action 5425] Fast-Track - Register Date: 1/20/20 Effective: 3/5/20
[18 VAC 112 - 20]	Regulations Governing the Practice of Physical Therapy	<u>Practice of dry needling</u> [Action 4375] Final - At Governor's Office for 115 days

Report of the 2020 General Assembly

HB 650 Naloxone or other opioid antagonist; possession and administration.

Chief patron: Hope

Summary as introduced:

Naloxone; possession and administration. Provides that a person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, provided the administration is in good faith and absent gross negligence or willful and wanton misconduct.

HB 1040 Naturopathic doctors; Board of Medicine to license and regulate.

Chief patron: Rasoul

Summary as introduced:

Naturopathic doctors; license required. Requires the Board of Medicine to license and regulate naturopathic doctors, defined in the bill as an individual, other than a doctor of medicine, osteopathy, chiropractic, or podiatry, who may diagnose, treat, and help prevent diseases using a system of practice that is based on the natural healing capacity of individuals, using physiological, psychological, or physical methods, and who may also use natural medicines, prescriptions, legend drugs, foods, herbs, or other natural remedies, including light and air.

HB 1261 Athletic trainers; naloxone or other opioid antagonist.

Chief patron: Hodges

Summary as introduced:

Athletic trainers; naloxone or other opioid antagonist. Authorizes licensed athletic trainers to possess and administer naloxone or other opioid antagonist for overdose reversal pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice.

HB 1506 Pharmacists; prescribing, dispensing, and administration of controlled substances.

Chief patron: Sickles

Summary as introduced:

Pharmacists; prescribing, dispensing, and administration of controlled substances.

Authorizes the prescribing, dispensing, and administration of certain controlled substances by a pharmacist, provided that such pharmacist prescribes, dispenses, or administers such controlled substances in accordance with a statewide protocol developed by the Board of Pharmacy in consultation with the Board of Medicine and set forth in regulations of the Board of Pharmacy. The bill clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be legally performed by a licensed pharmacist shall provide reimbursement for the prescribing, dispensing, or administration of controlled substances by a pharmacist when such prescribing, dispensing, or administration is in accordance with regulations of the Board of Pharmacy.

SB 422 Health regulatory boards; clarifies the meaning of "license."

Chief patron: Petersen

Summary as introduced:

Health regulatory boards. Clarifies the meaning of "license" as used by the Boards of Funeral Directors and Embalmers and Physical Therapy and the conditions under which a license may be denied, suspended, or revoked by the Board of Veterinary Medicine.

SB 540 Health professionals; unprofessional conduct, reporting.

Chief patron: Vogel

Summary as introduced:

Health professionals; unprofessional conduct; reporting. Requires the chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth to report to the Department of Health Professions any information of which he may become aware in his professional capacity that

indicates a reasonable belief that a health care provider is in need of treatment or has been admitted as a patient for treatment of substance abuse or psychiatric illness that may render the health professional a danger to himself, the public or his patients, or that he determines, following review and any necessary investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, indicates that there is a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct. Current law requires information to be reported if the information indicates, after reasonable investigation and consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, a reasonable probability that such health professional may have engaged in unethical, fraudulent, or unprofessional conduct.

SB 757 Medical Excellence Zone Program; VDH to determine establishments.

Chief patron: Favola

Summary as introduced:

Department of Health; Department of Health Professions Medical Excellence Zone Program; telemedicine; reciprocal agreements. Directs the Department of Health to determine the feasibility of the establishment of a Medical Excellence Zone Program and directs the Department of Health Professions to pursue reciprocal agreements with states contiguous with the Commonwealth for licensure for certain primary care practitioners under the Board of Medicine. The Medical Excellence Zone Program would allow citizens of the Commonwealth living in rural underserved areas to receive medical treatment via telemedicine services. The bill requires the Department of Health to set out the criteria that would be required for a locality or group of localities in the Commonwealth to be eligible for the designation as a medical excellence zone and report its findings to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020.

The bill states that reciprocal agreements with states that are contiguous with the Commonwealth for the licensure of doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners shall only require that a person hold a current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on § 54.1-2915. The Department of Health Professions shall report on its progress in establishing such agreements to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2020. The bill provides that applicants for licensure as a doctor of

medicine or osteopathic medicine from such states shall receive priority in processing their applications for licensure by endorsement through a streamlined process with a final determination regarding qualification to be made within 20 days of the receipt of a completed application.

SB 760 Psychologists; licensure, permitted to practice in Psychology Interjurisdictional Compact.

Chief patron: Deeds

Summary as introduced:

Licensure of psychologists; Psychology Interjurisdictional Compact. Authorizes Virginia to become a signatory to the Psychology Interjurisdictional Compact. The Compact permits eligible licensed psychologists to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2021, and directs the Board of Psychology to adopt emergency regulations to implement the provisions of the bill.

Agenda Item: Adoption of Proposed amendments for implementation of Physical Therapy Compact – To replace emergency regulations currently in effect

Staff note:

Emergency regulations became effective on January 1, 2020; they expire on June 30, 2021

There was a 30-day comment period from October 14, 2019 to November 13, 2019; no comment was received

Included in your agenda package are:

A copy of emergency regulations

Board action:

Adoption of proposed regulations (identical to emergency regulations) as presented in the agenda package; or

Adoption of proposed regulations as amended.

Virginia.gov Agencies | Governor



Agency Department of Health Professions

Board Board of Physical Therapy

Chapter Regulations Governing the Practice of Physical Therapy [18 VAC 112 - 20]

Action: Implementation of the Physical Therapy Compact**Emergency/NOIRA Stage** ▶▶

Action 5362 / Stage 8724

 [Edit Stage](#)
 [Go to RIS Project](#)
 [Request Emergency Extension](#)

Documents

<input checked="" type="radio"/> Emergency Text	9/4/2019 4:24 pm	Sync Text with RIS
<input checked="" type="radio"/> Agency Background Document	8/16/2019	Upload / Replace
<input checked="" type="radio"/> Attorney General Certification	8/29/2019	
<input checked="" type="radio"/> Governor's Review Memo	9/18/2019	
<input checked="" type="radio"/> Registrar Transmittal	9/18/2019	

Status

Public Hearing	Will be held at the proposed stage
Emergency Authority	2.2-4011
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
Attorney General Review	Submitted to OAG: 8/16/2019 Review Completed: 8/29/2019 Result: Certified
DPB Review	Submitted on 8/29/2019 Policy Analyst: Jeannine Rose Review Completed: 9/5/2019 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 9/10/2019
Governor's Review	Review Completed: 9/18/2019 Result: Approved
Virginia Registrar	Submitted on 9/18/2019 The Virginia Register of Regulations Publication Date: 10/14/2019 <input checked="" type="checkbox"/> Volume: 36 Issue: 4
Comment Period	Ended 11/13/2019 0 comments
Effective Date	1/1/2020

Expiration Date	6/30/2021
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Contact Information	
Name / Title:	Corie Tillman Wolf / <i>Executive Director</i>
Address:	9960 Mayland Drive Suite 300 Richmond, VA 23233
Email Address:	ptboard@dhp.virginia.gov
Telephone:	(804)367-4674 FAX: (804)527-4413 TDD: (-)

This person is the primary contact for this board.

This stage was created by Elaine J. Yeatts on 08/16/2019

14

Proposed Regulations to Replace Emergency Regulations

BOARD OF PHYSICAL THERAPY

Implementation of the Physical Therapy Compact

Part I

General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 and 54.1-3486 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.

"Assessment tool" means oPTion or any other self-directed assessment tool approved by FSBPT.

"CLEP" means the College Level Examination Program.

"Compact" means the Physical Therapy Licensure Compact (§ 54.1-3485 of the Code of Virginia).

"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.

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

"FSBPT" means the Federation of State Boards of 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.

"Physical Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

"Reevaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to determine a patient's response to the treatment plan and care provided.

"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 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.

18VAC112-20-27. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.
2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$100 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due by December 31 in each even-numbered year.

2. The fee for an inactive license renewal for a physical therapist shall be \$70 and for a physical therapist assistant shall be \$35 and shall be due by December 31 in each even-numbered year.

3. A fee of \$50 for a physical therapist and \$25 for a physical therapist assistant for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

4. The fee for reinstatement of a license that has expired for two or more years shall be \$180 for a physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for an application for reinstatement of a license that has been revoked shall be \$1,000; the fee for an application for reinstatement of a license that has been suspended shall be \$500.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$35.

4. The fee for a letter of good ~~standing/verification~~ standing or verification to another jurisdiction shall be \$10.

5. The application fee for direct access certification shall be \$75 for a physical therapist to obtain certification to provide services without a referral.

6. The state fee for obtaining or renewing a compact privilege to practice in Virginia shall be \$50.

18VAC112-20-60. Requirements for licensure by examination.

Every applicant for initial licensure by examination shall submit:

1. Documentation of having met the educational requirements specified in 18VAC112-20-40 or 18VAC112-20-50;
2. The required application, fees, and credentials to the board, including a criminal history background check as required by § 54.1-3484 of the Code of Virginia; and
3. Documentation of passage of the national examination as prescribed by the board.

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 consisting of at least 2,500 hours of patient care during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. United States jurisdiction;

2. The required application, fees, and credentials to the board, including a criminal history background check as required by § 54.1-3484 of the Code of Virginia;

3. A current report from the Healthcare Integrity and Protection Data Bank (~~HIPDB~~);

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

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

6. Documentation of active practice in physical therapy in another ~~U.S.~~ United States jurisdiction for at least 320 hours within the four years immediately preceding his application for licensure. A physical therapist who does not meet the active practice requirement shall:

a. Successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or

b. Document that he attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully complete 160 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.

C. 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 the requirements in 18VAC112-20-140.

18VAC112-20-82. Requirements for a compact privilege.

To obtain a compact privilege to practice physical therapy in Virginia, a physical therapist or physical therapist assistant licensed in a remote state shall comply with the rules adopted by the Physical Therapy Compact Commission in effect at the time of application to the commission.

18VAC112-20-90. General responsibilities.

A. The physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient and shall provide:

1. The initial evaluation for each patient and its documentation in the patient record;
2. Periodic reevaluation, including documentation of the patient's response to therapeutic intervention; and
3. The documented status of the patient at the time of discharge, including the response to therapeutic intervention. If a patient is discharged from a health care facility without the opportunity for the physical therapist to reevaluate the patient, the final note in the patient record may document patient status.

B. The physical therapist shall communicate the overall plan of care to the patient or his the patient's legally authorized representative and shall also communicate with a referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery; nurse practitioner; or physician assistant to the extent required by § 54.1-3482 of the Code of Virginia.

C. A physical therapist assistant may assist the physical therapist in performing selected components of physical therapy intervention to include treatment, measurement, and data collection, but not to include the performance of an evaluation as defined in 18VAC112-20-10.

D. A physical therapist assistant's visits to a patient may be made under general supervision.

E. A physical therapist providing services with a direct access certification as specified in § 54.1-3482 of the Code of Virginia shall utilize the Direct Access Patient Attestation and Medical Release Form prescribed by the board or otherwise include in the patient record the information, attestation and written consent required by subsection B of § 54.1-3482 of the Code of Virginia.

F. A physical therapist or physical therapist assistant practicing in Virginia on a compact privilege shall comply with all applicable laws and regulations pertaining to physical therapy practice in Virginia.

18VAC112-20-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially by December 31 in each even-numbered year and pay to the board the renewal fee prescribed in 18VAC112-20-27.

B. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18VAC112-20-27.

C. In order to renew an active license, a licensee shall be required to:

1. Complete a minimum of 160 hours of active practice in the preceding two years; and
2. Comply with continuing competency requirements set forth in 18VAC112-20-131.

D. In order to renew a compact privilege to practice in Virginia, the holder shall comply with the rules adopted by the Physical Therapy Compact Commission in effect at the time of the renewal.

18VAC112-20-140. Traineeship requirements.

A. The traineeship shall be approved by the board and 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 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.

D. A traineeship shall not be approved for an applicant who has not completed a criminal background check for initial licensure pursuant to § 54.1-3484 of the Code of Virginia.

18VAC112-20-200. Advertising ethics.

A. Any statement specifying a fee, whether standard, discounted, or free, for professional services that does not include the cost of all related procedures, services, and products which

that, to a substantial likelihood, will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

B. Advertising a discounted or free service, examination, or treatment and charging for any additional service, examination, or treatment that is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bona fide emergency. This provision may not be waived by agreement of the patient and the practitioner.

C. Advertisements of discounts shall disclose the full fee that has been discounted. The practitioner shall maintain documented evidence to substantiate the discounted fees and shall make such information available to a consumer upon request.

D. A licensee or holder of a compact privilege shall not use the term "board certified" or any similar words or phrase calculated to convey the same meaning in any advertising for his practice unless he holds certification in a clinical specialty issued by the American Board of Physical Therapy Specialties.

E. A licensee or holder of a compact privilege of the board shall not advertise information that is false, misleading, or deceptive. For an advertisement for a single practitioner, it shall be presumed that the practitioner is responsible and accountable for the validity and truthfulness of its content. For an advertisement for a practice in which there is more than one practitioner, the name of the practitioner ~~or practitioners~~ responsible and accountable for the content of the advertisement shall be documented and maintained by the practice for at least two years.

F. Documentation, scientific and otherwise, supporting claims made in an advertisement shall be maintained and available for the board's review for at least two years.