

**APPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Monday, March 24, 2014 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Peggy Belmont, PT, President
Melissa Wolff-Burke, PT, EdD, Vice-President
Robert Maroon, PT
Sarah Schmidt, PTA
Michael Styron, PT, MBA
Dixie Bowman, PT, DPT, EdD
Steve Lam, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Dr. David Brown, Agency Director
Elaine Yeatts, Senior Policy Analyst
Missy Currier, Board Operations Manager

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM:

With 7 members present, a quorum was established.

GUEST PRESENT

Ruth Maher, PT, PhD, DPT, Shenandoah University

CALLED TO ORDER

Ms. Belmont, President, gave welcome to David Brown, the new Agency Director and Steve Lam, the newest citizen board member to the meeting. Ms. Belmont asked everyone to introduce themselves.

ORDERING OF THE AGENDA

The agenda was accepted as ordered.

ACCEPTANCE OF MINUTES

Upon a motion by Mr. Maroon and properly seconded by Ms. Schmidt, the Board voted to accept the minutes of the August 9, 2013 board meeting; the August 9, 2013 formal hearing; and the October 2, 2013 formal hearing. The motion passed unanimously.

PUBLIC COMMENT

Ruth Maher, PT, PhD, DPT, faculty member of Shenandoah University referred to a letter she had addressed to the board in February 2014. Ms. Maher requested that the board consider amending the language in the Law or in the Guidance Document regarding the research of Dry Needling. Ms. Maher stated that the law as currently written requires her to obtain a referral prior to administering Dry Needling for research purposes.

Ms. Belmont thanked Ms. Maher for her comment and stated that the topic was on the agenda for board discussion later in the meeting.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn

Ms. Hahn welcomed Steve Lam as the newest citizen member to the board.

FY13 Budget

Ms. Hahn stated that January 2014 budget report was included in the agenda, however she had just received the following report for February 2014; the cash balance as of June 30, 2013 was \$609,403; the revenue for FY14 was \$106,185; the direct and allocated expenditures were \$364,285; the ending cash balance as of February 28, 2014 was \$351,302.

Licensee Statistics

Ms. Hahn reported that as of March 10, 2014, there were 6,888 active physical therapists; 2,761 active physical therapist assistants, and 863 with Direct Access Certification.

Discipline Statistics

Ms. Hahn reported that as of March 10th, there were 19 open cases; 7 were in Investigations; 9 were at the probable cause level; 0 cases were at the APD level; 3 cases were at the Informal Conference level which would be heard following the meeting; and there were no cases at the Formal level. Ms. Hahn reported that 21 cases are being monitored on probation.

Ms. Hahn reported that in FY11 the board received 28 cases; in FY12, 38 cases and in FY13 the board received 47 cases which was a sizeable increase. Ms. Hahn attributed the 67% increase in cases to fraudulent billing practices and suggested that the board closely monitor the trend.

Discussion followed regarding how to prevent the practice of fraudulent billing by licensees and how to best keep the public informed.

Ms. Hahn was pleased to share that she just recently made improvements to the board's website in an effort to increase public awareness by providing them with easy access to information.

Virginia Performs

Ms. Hahn reported the clearance rate for the 2nd Quarter 2014 was 140%. The age of our pending case load over 250 days was at 6%; the time to disposition is at 86% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. Ms. Hahn was pleased to report that the customer satisfaction rating was 98.6%. Ms. Hahn attributed the high satisfaction rating to the great job of her staff.

Board Business

New Regulations

Ms. Hahn shared that the regulations the board approved as part of the Governor's Regulatory Reform Act became effective on February 27, 2014 and that the specific changes were posted on the website.

Share Point

Ms. Hahn shared that her boards were participants in the pilot software called Share Point which is a board portal for exchanging information securely through the internet. She explained that each board member would need to register with VCC for a unique password and also complete an online security awareness course. Ms. Hahn stated the portal would be used primarily for disciplinary cases and that information would follow regarding the process.

National Governor's Association (NGA) Policy Academy

Ms. Hahn shared that she had attended meetings with the NGA Policy Academy regarding Virginia Veterans licensing and certification regarding physical therapist assistants. NGA is focusing on streamlining the process by which veterans, transitioning from the military can convert the skills they have acquired in the military into various civilian occupations.

FSBPT

Ms. Hahn shared the following information with the board:

- n Ms. Hahn, Peggy Belmont and Sarah Schmidt all attended the 2013 FSBPT Annual Meeting in San Antonio, Texas October 10th -12th.
- n FSBPT and APTA are collaborating with the National Center for Health Work Force Analysis and Ms. Hahn has been providing guidance to FSBPT regarding the study. DHP has shared their completed workforce study with the board.

- n FSBPT has completed the pilot program for the Supervised Clinical Practice Performance Evaluation Tool and we are now the first state to pilot the tool. Ms. Hahn agreed to share the tool during the next board meeting.
- n Ms. Hahn was invited to serve on the FSBPT Exam Administration Committee (EAC); and the FSBPT Nominating Committee and is looking forward to working on both.
- n Ms. Hahn was appointed to the Physical Therapy Licensure Compact Advisory Task Force. Their first meeting was cancelled due to a snow storm but they are scheduled to meet over the weekend of April 26th and 27th.

Board Meeting Calendar

May 9th, August 15th; & November 21st

NEW BUSINESS

Health Practitioners Monitoring Program (HPMP) – Peggy Wood

Ms. Wood explained to the board how the Health Practitioners Monitoring Program (HPMP) works including who is eligible to enroll in the program, the costs involved; number of persons enrolled by profession; and data on success and failure. Ms. Wood indicated that she would forward a sample blank contract to Ms. Hahn to share with the board.

BREAK

The Board took a recess at 10:30 a.m. and reconvened at 10:45 a.m.

Regulatory Report – Elaine Yeatts

Ms. Yeatts reviewed the changes in the Regulations of the Board of Physical Therapy that became effective on February 27, 2014.

Legislative Report – Elaine Yeatts

Ms. Yeatts shared the 2014 Final Report of the General Assembly to include:

HB190; HB191; HB505; HB611; HB612; HB661; HB855; HB874; HB891; HB923; HB1247; SB203; and SB328.

Direct Access, Dry Needling & Research – Lisa R. Hahn

Ruth Maher, PT, PhD, DPT, faculty member of Shenandoah University sent a letter to the board in February 2014 explaining that she just moved into Virginia and would like to continue her research efforts regarding the pathophysiology surrounding trigger points and the effects of dry needling on muscle and fascia. She would like to know if she would need a referral prior to administering dry needling on research subjects. Ms. Hahn responded to Dr. Maher and explained that the law specifies when a PT can evaluate and treat a patient without a referral and pointed out that research is not one of the conditions. Dr. Maher requested that the board consider amending the language in the Law or in the related Guidance Document. Ms. Hahn explained that a legislative change would be necessary and that it could not be accomplished by amending the Guidance Document.

The matter was put on the board's agenda. The board discussed Dr. Maher's request and agreed that a change in the law specifically addressing research and invasive procedures would be necessary however the board does not wish to pursue this legislative change. The board suggested that she could certainly pursue a legislative change individually or with the assistance of the University and or associations.

Medicaid Requirements for School Based PT's – Lisa R. Hahn & Peggy Belmont

Ms. Belmont shared that the board received a letter of concern from a physical therapy provider practice regarding school based physical therapist being asked to certify for Medicaid medical necessity without physician involvement. The letter referenced the October 2013 Medicaid and Schools Training regarding OT, PT, SLP and Audiology Services. There were a few concerns expressed in the letter but one that she was most concerned was that physical therapists are possibly being asked to exceed their scope of practice.

Ms. Hahn reported that she arranged a meeting with members of the Department of Education (DOE) and the Department of Medical Assistance Services (DMAS) in January of 2014. Both agencies understood the concerns from the board standpoint. Both DOE and DMAS agree to make revisions to the training manuals and documents/forms used in the schools. The forms/documents have been revised and the DOE is making the same revisions to the Training Manual. Both agencies believe that the amended forms and the manual will be in use by the fall.

FSBPT 2013 Annual Meeting - Lisa R. Hahn & Peggy Belmont

Ms. Belmont reported that the meeting held in San Antonio was very productive. She expressed her appreciation for Ms. Hahn's participation on several FSBPT Committees.

OUTGOING BOARD MEMBER APPRECIATION

Ms. Belmont gave special recognition to J.R. Locke, a Citizen Member on the board who served two full terms. Ms. Belmont presented a plaque of appreciation to J.R. for his hard work and dedication to the board and to the Commonwealth of Virginia.

J.R. Locke gave his thanks for the great experience and wonderful opportunity it was to work with all the board members and staff.

CLOSING COMMENTS

Motion was made by Robert Maroon and properly seconded by Michael Styron to adjourn the meeting. The motion passed unanimously.

ADJOURNMENT

With all business concluded the meeting was adjourned at 11:55 a.m.

Peggy H. Belmont, PT, Chair

Lisa R. Hahn, MPA, Executive Director

Date

Date