

APPROVED

**BOARD OF PHYSICAL THERAPY
MINUTES OF BOARD MEETING**

Friday, August 18, 2006
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
Conference Room 1

Department of Health Professions

CALLED TO ORDER

Dr. George Maihafer, P.T., President, called the quarterly meeting of the Board of Physical Therapy to order at 9:06 a.m., on Friday, August 18, 2006 in Board Room #4, at 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING

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

MEMBERS PRESENT

Damien Howell, P.T.
Robert Izzo, P.T.
Maureen Lyons, P.T.
J. R. Locke, Citizen Member
Lorraine Quinn, P.T.A.

STAFF PRESENT

Elizabeth Young, Executive Director
Annie B. Artis, Operations Manager
Elaine Yeatts, Senior Policy Analyst
Sandra Ryals, Deputy Executive Director
Delange Fells, Administrative Assistant

COUNSEL PRESENT

Jack E. Kotvas, Assistant Attorney General

GUESTS PRESENT

Ann Furniss, Acupuncture Society of Virginia
Douglas A. Wayne, M.D., Advanced Orthopaedic Centers
Lisa Shoaf, Virginia Physical Therapy Association
Jeff Buthe, Medical Society of Virginia

QUORUM OF THE BOARD

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

ORDERING OF THE AGENDA

Ms. Quinn made a motion to accept agenda with amendments. The motion was properly seconded by Mr. Locke. The vote carried unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

ACCEPTANCE OF MINUTES

Mr. Howell made a motion to accept the Board meeting minutes of April 28, 2006. The motion was properly seconded by Mr. Izzo. The vote carried unanimously.

The minutes of the July 28, 2006 Legislative/Regulatory Committee were deferred to the Board meeting of October 27, 2006.

NEW BUSINESS

Dry Needling

Ms. Young gave a brief overview regarding dry needling and stated that since the Board's inception, the procedure has not been defined. Ms. Yeatts stated there is no public information regarding dry needling. She further stated that in six years the Board has not taken a true position on dry needling.

Dr. Douglas Wayne

Dr. Wayne is Board certified and has been for over 25 years. He stated he has taken an acupuncturist certification course at Harvard Medical School. Dr. Wayne stated that he received extensive training to include 300 classroom hours and 50 hours of direct supervision. His concern is that physical therapists are performing dry needling on his patients without a referral and they are not qualified to do so. Dr. Wayne stated that in order to use acupuncturist needles; proper training must be obtained. He further stated that the physical therapists are taking intramuscular stimulation courses that use acupuncturist needles that go directly into the muscles and break up tissue. Dr. Wayne stated that even with his extensive training and usage of needles, in which he does every day within his practice, acupuncturist needles are difficult to use. He stated that dry needling is an invasive procedure and should not be performed by physical therapists unless the therapist has had extensive training. Dr. Wayne stated he contacted the Bureau of Insurance and they stated that a physical therapist would not be covered for malpractice insurance unless dry needling is within their scope of practice and they are properly trained.

Dr. Maihafer stated that it appears that the Board is looking at two issues: 1) physical therapists operating outside their scope of practice without a referral and 2) is it within the scope of practice to physical therapist to perform dry needling. He stated that dry needling is a form of acupuncture. Dr. Wayne stated that there is a recognized training program

Ann Furniss, Acupuncture Society of Virginia

Ms. Furniss is a licensed acupuncturist and registered nurse with the Acupuncture Society of Virginia. She stated that she has had extensive training. The training requirement is 1,800 hours; however, she received 3,000 hours of training. Ms. Furniss stated that acupuncture is not just sticking with needles; it is the stimulation of specific points. She stated that there are 365 points. Ms. Furniss stated that the problem is there are points that are forbidden during pregnancy. An incorrectly placed needle could cause a miscarriage. She stated that physical therapists should not be allowed to perform acupuncture. Ms. Furniss stated that a national examination is required. She further stated that acupuncturists have a great relationship with physical therapists; however, her concern is that if a patient is treated by a physical therapist that performs dry needling, the patient believes they do not need to see an acupuncturist. She believes the public is being deceived.

Dr. Norris Royston

Mr. Buthe from the Medical Society of Virginia, who appeared on behalf of Dr. Royston, stated that there is a correlation between dry needling and acupuncture.

Dr. Shoaf asked if there were any physical therapists who are also licensed acupuncturists. Ms. Young stated she would research this and present the findings at the October 27, 2006 board meeting. Dr. Maihafer stated that the issue of dry needling will be further discussed in October.

**BOARD OF HEALTH PROFESSION - EDUCATION COMMITTEE MEETING
OF JULY 18, 2006**

Education Committee

Mr. Howell gave a brief overview of the meeting of the education meeting held on July 18, 2006.

FEDERATION OF STATE BOARD OF PHYSICAL THERAPY (FSBPT)

Motions for the 2006 Delegate Assembly

DEL-06-01

Ms. Lyons made a motion to accept in favor of DEL- 06-01. Mr. Howell amended the motion to accept in favor of the motion; however, if additional information is received, the Board grants the authority to change the recommendation. The motion was properly seconded by Ms. Quinn. The vote carried unanimously.

DEL-06-02

Mr. Howell made a motion to accept in favor of DEL-06-02; however, if additional information is received, the Board grants the authority to change the recommendation. The motion was properly seconded by Ms. Quinn. The voted carried unanimously.

DEL-06-03

Mr. Howell made a motion to accept in favor of DEL-06-03; however, if additional information is received, the Board grants the authority to change the

recommendation. The motion was properly seconded by Mr. Locke. The vote was 5-1. Ms. Lyons was not in favor of the motion.

NEWS FROM THE STATE OF DELAWARE

Ms. Young provided the news regarding the state of Delaware as general information.

NEW SCORE REPORTS

Ms. Young provided the information regarding the Federation of State Boards of Physical Therapy score reports as general information for the Board's review.

QUARTERLY LIASION LETTER

Ms. Young stated this information was provided as general information.

FEDERATION NEWS BRIEFS OF JULY 2006

Ms. Young provided the June, 2006 News Briefs for review and general information.

REAPPOINTMENT AND NEW BOARD MEMBER APPOINTMENT

Ms. Young stated that Ms. Quinn, P.T.A., was reappointed to the Board. She also stated that Ms. Peggy Belmont, P.T., of Fairfax Station was appointed to the Board of Physical Therapy.

NEW BOARD MEMBER TRAINING BY THE FEDERATION

Mr. Izzo attended the new board member training offered by the Federation and gave an overview of the information that was shared. He has been selected as an item writer for the Federation of State Boards of Physical Therapy.

NPTE

Quarterly Faculty Newsletter

Ms. Young provided the quarterly faculty newsletter for general informational purposes.

2005-2006 Annual Report

Ms. Young provided the annual report for general informational purposes.

ADOPTION OF NOIRA FOR PPG REGULATIONS

Ms. Yeatts stated that the Public Participation Guideline regulations are the same for every Board throughout the department. She stated that a committee of board executives is convened to review the regulations. Ms. Yeatts stated the Board will not be adopting these regulations today; however, the NOIRA must be adopted. Mr. Howell made a motion to adopt the NOIRA as submitted. The motion was properly seconded by Ms. Lyons. Mr. Locke had a concern regarding 18VAC112-10-100 Periodic Review of Regulations that it does not clearly define the period of time for review. He stated that listing the period of time adds clarity and better understanding rather than saying "consistent with an executive order issued by the Governor." Mr. Kotvas added that finding the Governor's executive orders is quite a chore; he would agree with Mr. Locke to leave the language as it is currently. Ms. Yeatts stated that both options can be noted in the NOIRA.

REQUEST FOR INTERPRETATION

Letter from Nancy O'Donnell

The Board recommended that the following regulations be cited in response to Ms. O'Donnell's letter:

- §18VAC112-20-90(2) General responsibilities – Periodic evaluations prior to patient discharge, including documentation of the patient's response to therapeutic intervention.
- §18VAC112-20-100(A) Supervisory responsibilities – A physical therapist shall be fully responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.
- §18VAC112-20-120(A) Responsibilities to patients – The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.
- §18VAC112-20-130 does not specify location.

Oxygen Use in Physical Therapy Practice

Ms. Young received e-mail correspondence from Kellie Kluver, P.T., of Dubuque, Iowa asking about the use of oxygen in the physical therapy practice setting. Ms. Young stated that the use of oxygen is not addressed in the practice act. The Board decided to take the issue under advisement.

Permanent Partial Impairment Rating

Ms. Young received a letter from Ms. Brandt, P.T., requesting a ruling regarding whether or not physical therapists could perform a permanent partial impairment rating. Ms. Young stated she would research the matter and contact DMAS and Worker's Compensation regarding PPI ratings.

Continuing Competency Requirements

Ms. Artis stated that numerous physical therapists have requested that the hours received for continuing competency be allowed to be carried over to the next renewal cycle. Ms. Young stated that the purpose of continuing competency is to maintain current levels of competency in practice. Ms. Young stated that continuing competency is required as a method to ensure quality of care delivered by our licensees. Ms. Lyons made a motion for the Board to prohibit the carrying over of continuing competency from one renewal period to the next. The motion was seconded by Ms. Quinn. The vote carried unanimously.

ADVISORY LETTERS

Ms. Yeatts advised the Board of new sanction available effective July 1, 2006. An advisory letter may be issued to regulant if the action does not equate to a disciplinary action. The letter is clearly advice regarding the action within the practice of the occupation.

OLD BUSINESS

Guidance Documents Determination of Board Interpretations

Ms. Yeatts gave a brief overview regarding guidance documents. She stated that the Board of Nursing has recently reviewed their interpretations and have restated and revised them in some instances. Ms. Young stated that she has pulled information from the minutes so that the Board could review them and perhaps prepare them as a guidance document. Ms. Yeatts suggested that this Board may want to have staff review each issue and perhaps revise and restate the interpretations. Ms. Lyons suggested that this issue be referred to the

Legislative/Regulatory Committee. Ms. Young agreed to prepare a guidance document for review by the committee. She has asked that the document be reviewed and returned to her with comments by September 14, 2006.

Legislative/Regulatory Committee

Final Amended Proposed Regulations

Ms. Yeatts stated that the proposed regulations will become effective August 23, 2006.

CEU Assessment Form Revision

Ms. Young stated the current continuing education assessment needs to be reviewed. Ms. Lyons stated that the current form is too cumbersome. Ms. Young stated she will review the Federation of State Boards of Physical Therapy website for compliance and content. The Board recommended that the form be referred to the Continuing Education Committee for review. Ms. Young provided a copy of the continuing education form used by Virginia Commonwealth University.

EXECUTIVE DIRECTOR'S REPORT

Licensee Statistics

Ms. Young stated there are currently 4,999 physical therapists and 1,837 physical therapist assistants licensed in the state of Virginia. She also stated that the new executive director position is currently under recruitment and the position will close on August 29, 2006. Ms. Young stated the new board will consist of physical therapy, audiology/speech-language pathology and long-term care. She stated that it is possible that the new executive director will be here in October; possibly at the next board meeting.

Disciplinary Cases

Ms. Young stated that there are 36 open disciplinary cases for the Board.

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General Board Meeting
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Calendar**

Ms. Young prepared the board calendar of activities through August 17, 2007

Budget

Ms. Young stated that there is currently a surplus in the budget. She stated she would discuss a second one-time fee reduction with Mr. Giles, the Budget Director of DHP.

Case Standards

Ms. Young stated that the case standard for the Board is 100% as of the end of the fiscal year.

Deputy Executive Director

Ms. Ryals, Deputy Executive Director, Department of Health Professions, introduced herself to the board. She briefly discussed public health, teaching and the new executive director position.

ADJOURNMENT

With all business concluded, Mr. Locke made a motion to adjourn. The motion was seconded by Ms. Lyons. The vote carried unanimously. The meeting was adjourned at 12:51 p.m.

George Maihafer, Ph.D., PT.
President

Elizabeth Young, Executive Director

Date

Date