

**APPROVED  
BOARD OF PHYSICAL THERAPY  
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Friday, February 17, 2012 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #1, Henrico, Virginia.

**The following members were present:**

George Maihafer, PT, Ph.D., President  
Peggy Belmont, PT, Vice-President  
Melissa Wolff-Burke, PT, EdD  
Sarah Schmidt, P.T.A.  
J.R. Locke  
Michael Styron, PT, MBA

**The following member was absent for part of the meeting:**

Robert Maroon, PT

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

Lisa R. Hahn, Executive Director  
Lynne Helmick, Deputy Executive Director  
Missy Currier, Board Operations Manager

**Quorum:**

With 6 members present, a quorum was established.

**GUEST PRESENT**

Tawny Chamberlain, South University, Glen Allen/Richmond, Virginia

**CALLED TO ORDER**

Dr. Maihafer, President, called the board meeting to order at 9:10 a.m.

**ORDERING OF THE AGENDA**

The agenda was accepted as ordered.

**ACCEPTANCE OF MINUTES**

- Upon a motion by Ms. Belmont and properly seconded by Mr. Locke, the Board voted to accept the minutes of the August 19, 2011 board meeting. The motion passed unanimously.
- Upon a motion by Ms. Belmont and properly seconded by Ms. Wolff-Burke, the board voted to accept the Adhoc Committee on Foreign Traineeship Evaluation minutes on August 19, 2011. The motion passed unanimously.

## **PUBLIC COMMENT**

Ms. Tawny Chamberlain for South University introduced herself and stated that she was the person responsible for getting the University's PTA program fully accredited.

## **EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn**

### **FY11 Budget**

Ms. Hahn reported that the cash balance as of June 30, 2011 was \$603,980; the revenue as of December 31, 2011 was \$59,430; direct and allocated expenditures were \$236,249; the ending cash balance as of December 31, 2011 was \$427,161. Ms. Hahn reminded the members that the revenue was low because 2011 was a non-renewal year.

### **Discipline Statistics**

Ms. Hahn reported there are currently 18 open cases compared to 13 in 2011 and 11 in 2010; 11 cases in Investigations; and 7 cases at the probable cause level. She added that Ms. Currier had been given the responsibility of Compliance Case Manager in addition to Board Operations Manager for all three of Ms. Hahn's boards. Ms. Hahn concluded that there were 26 total compliance cases being monitored at this time inclusive of all three boards and that 7 of them were PT cases.

Mr. Locke asked Ms. Hahn if the increase in case load was a result of the increase in licensees and if the board was seeing any trends. Ms. Hahn responded in the affirmative that with a larger number of licensees you would assume a greater number of cases but she stated that she would take a closer look at the cases and report back on her findings.

### **Virginia Performs**

Ms. Hahn reported the clearance rate for the 2<sup>nd</sup> Quarter ending December 31, 2011 was 50%. The age of our pending case load over 250 days is at 0%; the time to disposition is at 100% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. The customer satisfaction rating achieved was 95.2% which consisted of 28 surveys. Ms. Hahn did add that she discovered an error regarding pending case load over 250

days on the VA Performs Report which should reflect 0%. She requested a correction to be made on the most recent published report.

### **Licensee Statistics**

Ms. Hahn reported that as of February 2012 there were 6,129 active physical therapists vs. 5,454 in February 2011 and 5,606 in 2010. The active physical therapist assistants as of February 2012 were 2,388 vs. 2,092 in February 2011 and 2,106 in 2010.

### **NPTE Results**

Ms. Hahn shared the following Virginia NPTE exam results for PT's:

#### **December 5, 2011**

- n Virginia applicants (13% passage rate)
  - n 15 applicants took exam
  - n 13 applicants failed (10 non approved programs and 7 were repeats)
  - n 2 applicants passed
  - n First time candidates (4)(1) 25% pass rate
  - n Repeat candidates (11)(1) 9% pass rate
- n US Pass Rates
  - n First time candidates 80.0%
  - n Repeat candidates 42.2%
  - n All Candidates 61.1%

#### **January 30, 2012**

- n Virginia Applicants (68% passage)
  - n 16 applicants took the exam
  - n 5 applicants failed (3 non approved programs/2 repeats)
  - n 11 applicants passed
  - n First time candidates (9)(8) 88% passage
  - n Repeat candidates (7)(3) 43% passage
- n US Pass Rates
  - n First time candidates 92.06%
  - n Repeat candidates 42.74
  - n All Candidates 79.43%

Mr. Maroon arrived at 9:40 a.m.

### **PT NPTE Testing**

Ms. Hahn reiterated to the board that registration for the exam closes 30 days prior to every test date. The board has up to 14 days prior to the exam to make a registered applicant eligible to sit for the exam. She gave the remaining 2012 test dates; March 29<sup>th</sup>, July 2<sup>nd</sup>, July 31<sup>st</sup>, and October 23<sup>rd</sup>, and concluded that there would be 4 test dates in 2013.

### **PTA NPTE Testing**

Ms. Hahn stated that the tests will remain continuous through February 29, 2012 and that candidates had to be registered by January 31, 2012. Ms. Currier shared that the PTA fixed test dates for 2012 were April 26<sup>th</sup>, July 17<sup>th</sup>, and October 20<sup>th</sup>.

### **FSBPT**

Ms. Hahn stated that she included in the agenda packages was a copy of the letter she sent in November to Christine Sousa, Managing Director, Examination Services. Ms. Hahn gave the following bullet points from her letter regarding the process with the new fixed date testing and the following concerns from her staff:

- n pressure on staff to process scores quickly enough to give applicants enough time to time to re-register .
- n staffing resources are limited during the registration period because the focus is primarily devoted to the registration and eligibility process and not on other board responsibilities.
- n that FSBPT take into consideration the graduation dates of Virginia approved PT schools.

### **Evaluation for Foreign Educated Trainees**

Ms. Hahn stated that Melissa Wolff-Burke, Chair of the Adhoc Committee on the Evaluation for Foreign Educated Trainees would report later in the meeting.

### **VPTA**

During their Annual Association meeting in Roanoke, The Virginia Physical Therapy Association voted not to extend the contract with the APTA for services. They were unable to justify the sizeable increase in the costs associated with using APTA. VPTA elected to go with a private firm in Alexandria whose contact information Ms. Belmont will provide back to Ms. Hahn.

### **FSBPT Annual Conference**

Ms. Hahn shared that George Maihafer, Melissa Wolff-Burke, and Lynne Helmick attended the FSBPT Annual Conference in Charlotte September 22 -24<sup>th</sup>. Ms. Wolff-Burke added that it was the first FSBPT meeting for her and that she found it very informative and gave her a much better understanding of the profession.

Ms. Hahn announced that the 2012 meeting will be held in Indianapolis from September 20 – 22<sup>nd</sup> and concluded that although the meetings are very beneficial to the board, the Governor has banned most non reimbursed out of state travel making it impossible to send everyone.

### **Scanning Project – a Cost Saving Initiative**

Ms. Hahn was pleased to share that her three boards halted using the copy center and put forth a process where cases are scanned and sent electronically to board members for probable cause review rather than mailing and sending paper copies. Ms. Hahn added that she had just completed a fiscal analysis and found that production costs had been reduced by **81%** for the PT Board and **86%** for all three boards!

### **Going Green**

At the request of the board during the last meeting, Ms. Hahn stated this is our first board meeting going green. She added that although the costs savings would be minimal, it is equally important to do our part for the environment and to utilize our resources responsibly.

### **Board Meeting Calendar**

The next full board meetings are scheduled for May 18<sup>th</sup>, August 17<sup>th</sup> and November 16<sup>th</sup>. Ms. Hahn noted that a couple of members have conflicts for May 18<sup>th</sup> and that she would look for alternative dates but knows that that may be impossible to find during that time of year. She also reminded the board that a meeting would also be cancelled due to light agenda's or fiscal reasons.

### **NEW BUSINESS**

#### **Legislative/Regulatory Report – Elaine Yeatts**

Ms. Yeatts reviewed the status of regulations pertaining to **18VAC112-20**:

- Traineeship changes, continuing education – Final – At Secretary's Office for 169 days. She added this will become effective 30 days following approval and being published.

Ms. Yeatts gave an overview of the following bills submitted before the 2012 General Assembly that may directly or indirectly affect the Board of Physical Therapy or the Agency: HB 98; HB 195, HB 265, HB 266, HB 268, HB 337, HB 346, HB 543, HB 937, HB 938, HB 1106, HB 1107; SB 106 & SB 584.

### **BREAK**

The Board took a recess at 10:20 a.m. and reconvened at 10:35 a.m.

### **Electronic Medical Records/Impact on the Practice of PT – Robert Maroon**

Mr. Maroon led discussion on a concern that healthcare organizations are referring patients to “in house” physicians or facilities that they have a financial interest. He added that without proper disclosure, patients are uninformed and unaware that they have the right to choose any physician.

After much discussion, a motion was made by Mr. Locke, and properly seconded by Ms. Wolff-Burke to have Dr. Maihafer request that VPTA address this concern.

### **Temporary Exemptions for Declared Disaster or Emergency – Lisa R. Hahn**

Ms. Hahn explained that Virginia does not have a current law that provides a temporary exemption for declared disasters or emergency. She explained if the Governor declares a disaster or emergency, the Governor will typically issue an Executive Order that will address the temporary licensure exemptions.

### **Foreign Traineeship Evaluations – Melissa Wolff-Burke**

Ms. Wolff-Burke shared that it would not be feasible for the PT board to utilize the PT CPI tool from the APTA for several reasons including exorbitant costs. Following discussion, a decision was made to have the board members review the current tool used and forward any changes or recommendations to the board staff.

### **INR Testing in Home Health Settings – George Maihafer**

Dr. Maihafer led discussion on recent concerns by PT’s about performing INR’s in home health settings and whether or not it was within the scope of Physical Therapy. The board agreed that INR’s are not within the scope of physical therapy, but can be performed by a PT or PTA that has proper training and certification for the procedure. Additionally, they wanted to ensure that the licensees are aware that they cannot charge a fee for performing INR’s.

Following much discussion, a motion was made by Mr. Locke, and properly seconded by Dr. Maihafer, the board voted to have staff draft a Guidance Document regarding PT’s and PTA’s performing INR’s testing in home health settings. The motion passed unanimously.

### **“Continued Competency” vs. “Continued Maintenance” – George Maihafer**

The question of whether or not the board needed to change the use of “continued competency” was discussed. The board agreed that changing the term would be a step backwards in the level of certification. Ms. Hahn added that the numbers show that the board was in good shape with well behaved licensees and that Virginia holds good CE and practice requirements. No changes were recommended.

### **Practicing with an Expired License**

Upon a motion by J.R. Locke and properly seconded by Peggy Belmont, the board voted to adopt the following guidelines for resolution of cases of practicing with an expired license:

**Guidance Document 112-18**

The Board of Physical Therapy delegates to the Executive Director for the Board the authority to offer a prehearing consent order to resolve disciplinary cases in which a Physical Therapist or Physical Therapist Assistant has been found to be practicing with an expired license.

Cause	Possible Action
First offense; 90 days or less	Confidential Consent Agreement
First offense; 91 days to 6 months	Consent Order; Monetary Penalty of \$1000
First offense; 6 months to one year	Consent Order; Monetary Penalty of \$1500
First offense; over 1 year	Consent Order; Monetary Penalty of \$2500
Second offense	Consent Order; Monetary Penalty of \$2500

**ANNOUNCEMENTS**

Ms. Belmont extended congratulations to J.R. Locke on his engagement to Elizabeth Giles, PT, PhD.

Ms. Hahn announced that Amy Marschean has resigned with the Office of the Attorney General and is now employed by the Virginia Department of Rehabilitation Services as a Senior Policy Analyst.

**ADJOURNMENT**

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

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George Maihafer, PT, Ph.D., Chair

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Lisa R. Hahn, MPA, Executive Director

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Date

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Date