

**APPROVED
BOARD OF PHYSICAL THERAPY
LEGISLATIVE/REGULATORY COMMITTEE
MEETING MINUTES**

The Virginia Board of Physical Therapy's Legislative/Regulatory Committee met on Tuesday, April 10, 2018 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Training Room 1, Henrico, Virginia.

COMMITTEE MEMBERS PRESENT:

Sarah Schmidt, PTA, MPA Committee Chair
Tracey Adler, PT, DPT
Elizabeth Locke, PT, DPT
Susan Szasz Palmer, Citizen Member

DHP STAFF PRESENT:

Corie E. Tillman Wolf, Executive Director
Elaine Yeatts, Senior Policy Analyst
Erin Barrett, Assistant Attorney General, Board Counsel
Lynne Helmick, Deputy Executive Director
Laura Mueller, Program Manager, Board of Physical Therapy

GUEST PRESENT:

Richard Grossman, VPTA

CALL TO ORDER:

The Legislative/Regulatory Committee was called to order at 9:30 a.m.

AGENDA:

Upon a Motion by Dr. Adler, and properly seconded by Dr. Locke, the Committee voted to accept the Agenda.

PUBLIC COMMENT:

There was no public comment.

DISCUSSION:

The Committee discussed the following questions from licensees:

- Can a school-based PT provide PT services to a student with a 504 disability plan without referral from a physician? Can a DPT or PT with Direct Access Certification evaluate and treat a student with a 504 disability plan under direct access?

The Committee discussed that §54.1-3482 (G) states that students with IEPs do not need a referral prior to provision of physical therapy services. 504 disability plans are not the same as IEPs. A student with a 504 plan may be provided services under the direct access provisions of the statute, as there is no differentiation made regarding who can access physical therapy through direct access.

Dr. Adler recommended that Guidance Document 112-7 be updated for presentation to the full Board. The Committee members agreed. Draft revised language will be prepared by Board staff.

- Is there a limit on the number of students a PT can supervise in a clinical setting?

The Committee reviewed the Board's regulations, including 18VAC112-20-100(C), which provides for direct supervision of no more than three trainees, and 18VAC112-20-100(D), which states that a PT or PTA must provide direct supervision to "a student" in an approved PT or PTA program. The Board's regulations do not define "student." The definition of "direct supervision" in 18VAC112-20-10 does not provide a limit to the number of supervisees. The Committee further reiterated that students cannot have independent caseloads.

The Committee recommended that a Guidance Document be drafted by Board staff with the recommendation that a supervisor should supervise no more than three students at one time in a clinical setting. The Guidance Document should refer to the definition for "direct supervision."

- Direct Access Attestation Form

The original question related to the wording of the attestation form if the patient is not under the care of a medical provider. The Committee discussed reorganization of the form. The Committee tasked Board Staff with revising the form with recommendations regarding formatting, consolidating and reorganizing information, adding an expiration date, and keeping the form to one page.

BREAK:

Ms. Schmidt called for a break at 10:40 a.m. The meeting reconvened at 10:49 a.m.

DISCUSSION CONTINUED:

- Can a PTA perform certain tasks while treating patients in a home health setting, for example, removal of staples?

The Committee's discussion included what a PT could do in home health and what is within the scope of physical therapy practice. For example, wound care, including sharp debridement, is

within the scope of practice for a PT. For invasive procedures, there must be a medical practitioner referral and the PT must have the skill to perform the service. This question also relates to Guidance Document 112-12. The Committee recommended adding a third paragraph to the Guidance Document to include reference to wording on invasive procedures from §54.1-3482 (D).

The Committee then reviewed and discussed the following Guidance Documents for the Board of Physical Therapy:

- Guidance Document 112-3, Board Guidance for Conduct of an Informal Conference by an Agency Subordinate. The Committee recommended repeal.
- Guidance Document 112-4, Board guidance on requirement for licensure for instructors in a physical therapy program, adopted July 11, 2003, readopted January 19, 2007. The Committee recommended readoption.
- Guidance Document 112-5, Board guidance on acceptance of TOEFL iBT as equivalent to TOEFL and TSE examinations, adopted October 28, 2005, readopted January 19, 2007. The Committee recommended repeal.
- Guidance Document 112-6, Board guidance on licensure of kinesiotherapists as physical therapists, adopted July 11, 2003, readopted January 19, 2007. The Committee recommended repeal.
- Guidance Document 112-7, Board guidance on physical therapists and Individualized Educational Plans in public schools, November 15, 2002. The Committee recommended revision of the document based on the Committee's discussion of the first licensee question.
- Guidance Document 112-8, Board guidance on review of non-routine applications from non-approved schools, adopted March 7, 2003, readopted January 19, 2007. The Committee recommended repeal.
- Guidance Document 112-10, Board guidance on credit for continuing education, revised November 16, 2012. The Committee recommended wording changes for clarification.
- Guidance Document 112-11, Board guidance on functional capacity evaluations, adopted August 20, 2004, readopted January 19, 2007. The Committee recommended that the wording be revised to make the document concise.
- Guidance Document 112-12, Physical therapy services in home health, Decision of the Board on August 20, 2004, readopted January 19, 2007. The Committee recommended revision of the document based on the Committee's discussion of the fourth licensee question regarding home health services.
- Guidance Document 112-14, Electromyography (EMG) and Sharp Debridement in Practice of Physical Therapy, adopted October 26, 2007. The Committee recommended readoption.
- Guidance Document 112-15, Supervision of unlicensed support personnel in any setting, adopted April 3, 2009. The Committee recommended readoption.

- Guidance Document 112-16, Guidance on the Use of Your Professional Degree in Conjunction with Your Licensure Designation, revised August 26, 2010. The Committee recommended readoption.
- Guidance Document 112-18, Disposition of Disciplinary Cases for Practicing on Expired Licenses, February 17, 2012. The Committee recommended that the document be revised to provide that a second offense be referred for an informal conference.

BREAK:

Ms. Schmidt called for a break at 12:06 p.m. The meeting reconvened at 12:11 p.m.

DISCUSSION CONTINUED:

- Guidance Document 112-19, Physical Therapists performance of the prothrombin time and international normalized ratio (INR) tests in home health settings, adopted February 17, 2012. The Committee recommended adding “by a practitioner licensed by the Board of Medicine” to clarify who may delegate this procedure.
- Guidance Document 112-20, Guidance on Supervising Students in Non-Approved Programs, adopted November 16, 2012. The Committee recommended readoption.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Adler, the Committee voted unanimously to recommend to the Board that the following Guidance Documents (GD) be repealed:

- GD 112-3, Board Guidance for Conduct of an Informal Conference by an Agency Subordinate.
- GD 112-5, Board guidance on acceptance of TOEFL iBT as equivalent to TOEFL and TSE examinations.
- GD 112-6, Board guidance on licensure of kinesiotherapists as physical therapists.
- GD 112-8, Board guidance on review of non-routine applications form non-approved schools.

Upon a **MOTION** by Dr. Adler, and duly seconded by Ms. Palmer, the Committee voted unanimously to recommend to the Board that the following Guidance Documents be revised:

- GD 112-7, Board guidance on physical therapists and Individualized Educational Plans in public schools.
- GD 112-10, Board guidance on credit for continuing education.
- GD 112-11, Board guidance on functional capacity evaluations.
- GD 112-12, Physical therapy services in home health.
- GD 112-18, Disposition of Disciplinary Cases for Practicing on Expired Licenses.
- GD 112-19, Physical Therapists performance of the prothrombin time and international normalized ration (INR) tests in home health settings.


Upon a **MOTION** by Dr. Adler, and properly seconded by Dr. Locke, the Committee voted unanimously to recommend to the Board that the following Guidance Documents be readopted:

- GD 112-4, Board guidance on requirement for licensure for instructors in a physical therapy program.
- GD 112-14, Electromyography (EMG) and Sharp Debridement in Practice of Physical Therapy.

- GD 112-15, Supervision of unlicensed support personnel in any setting.
- GD 112-16, Guidance on the use of your Professional Degree in Conjunction with Your Licensure Designation.
- GD 112-20, Guidance on Supervising Students in Non-Approved Programs.

ADJOURNMENT:

The Committee meeting was adjourned at 12:16 p.m.



Sarah Schmidt, PTA, MPA, Chair

Date 5/1/18



Corie Tillman Wolf, J.D., Executive Director

Date 5/1/18