

Virginia Department of  
**Health Professions**  
Board of Physical Therapy

**Full Board Meeting**

**February 19, 2019**

The Virginia Board of Physical Therapy convened for a full board meeting on Tuesday, February 19, 2019 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**BOARD MEMBERS PRESENT:**

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

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Erin Barrett, Assistant Attorney General, Board Counsel  
David Brown, DC, DHP Director  
Sarah Georgen, Licensing and Operations Manager  
Lynne Helmick, Deputy Director  
Laura Mueller, Program Manager  
Angela Pearson, Senior Discipline Operations Manager  
Corie Tillman Wolf, Executive Director  
Elaine Yeatts, Sr. Policy Analyst

**OTHER GUESTS PRESENT**

Josh Bailey, Virginia Physical Therapy Association

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

**CALL TO ORDER**

Dr. Arkena L. Dailey, PT, DPT, Board President, called the meeting to order at 10:00 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 congratulated Dr. Rebecca Duff on recently obtaining her Doctorate in Health Sciences.

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. Locke, the Board voted to accept the following meeting minutes:

- November 13, 2018 Full Board meeting
- December 4, 2018 Telephonic Conference
- February 11, 2019 Legislative/Regulatory Committee meeting

The motion passed unanimously.

**ORDERING OF THE AGENDA**

Ms. Tillman Wolf noted that Dr. Brown and Ms. Yeatts will be in attendance later in the meeting and asked for flexibility in the agenda to accommodate dual meeting obligations. A potential settlement proposal may be received for the Board’s consideration, which may be added to the end of the agenda.

Upon a **MOTION** by Dr. Duff, and properly seconded by Dr. Adler, the Board voted to accept the agenda with the proposed changes to order. The motion passed unanimously.

**PUBLIC COMMENT**

There was no public comment.

**STAFF REPORTS**

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

Ms. Tillman Wolf offered congratulations to Dr. Duff on her recent doctoral degree. Ms. Tillman Wolf also congratulated Ms. Palmer on her appointment to the Board of Trustees for the Virginia Museum of Fine Arts.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of January 31, 2019.

Cash Balance as of June 30, 2018	\$1,101,620
YTD FY19 Revenue	\$1,278,265
<u>Less YTD Direct &amp; In-Direct Expenditures</u>	<u>\$356,271</u>
<b>Cash Balance as of September 30, 2018</b>	<b>\$2,023,614</b>

Ms. Tillman Wolf provided a brief update of the Physical Therapy Compact, noting that the bill passed the Senate and the House and is awaiting the Governor’s signature. The effective date would be January 1, 2020.

Ms. Tillman Wolf reminded Board members of upcoming FSBPT meeting dates to include the Annual Regulatory Training for Board members and staff in Alexandria, Virginia in June 2019; the Leadership Issues Forum in Alexandria, Virginia from July 13-14, 2019; and the FSBPT Annual Meeting and Delegate Assembly in Oklahoma City, OK from October 24-26, 2019.

Ms. Tillman Wolf stated that the biennial renewals ended on December 31, 2019. She also noted that the December newsletter has been accessed over 1,000 times on the DHP website.

Ms. Tillman Wolf shared with the Board staff planning objectives for 2019 to include implementation of the PT licensure compact, the periodic review of regulations, completion of audits from the renewal cycle, updates to the PT website, and the continued dissemination of information to licensees in the form of newsletters and e-mails.

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

Licensure Statistics – All Licenses

License	February 13, 2019	November 5, 2018	Change +/-
Physical Therapist	7,877	9,022	(1,145)
Physical Therapist Assistant	3,402	3,718	(316)
<b>Total PT’s and PTA’s</b>	<b>11,279</b>	<b>12,740</b>	<b>(1,461)</b>
Direct Access Certification	1,238	1,223	15

Ms. Tillman Wolf presented the PT Exam Statistics from January 29, 2019 which included the following:

	# who took exam	# Passed	1 <sup>st</sup> time test takers	Repeat test takers	# Failed	1 <sup>st</sup> time testers	Repeat Test Takers
US Applicants	30	19	11	8	11	5	6
Non-CAPTE Applicants	1	0	0	0	1	0	1
<b>Total</b>	<b>31</b>	<b>19</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>5</b>	<b>7</b>

Ms. Tillman Wolf presented the PTA Exam Statistics from January 9, 2019 which included the following:

	# who took exam	# Passed	1 <sup>st</sup> time test takers	Repeat test takers	# Failed	1 <sup>st</sup> time testers	Repeat Test Takers
US Applicants	11	6	1	0	5	0	5
Non-CAPTE Applicants	0	0	0	0	0	0	0
<b>Total</b>	11	6	1	0	5	0	5

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

- Q3 2017 – 100%
- Q4 2017 – 98.9%
- Q1 2018 – 97.3%
- Q2 2018 – 100%
- Q3 2018 – 86.8%
- Q4 2018 – 100%
- Q1 2019 – 97.2%

Ms. Tillman Wolf announced that the customer satisfaction statistics from the FSBPT show that Virginia’s statistics are above the national average at 93.7%.

The remaining Board meeting dates for 2019 are:

- May 16, 2019 – 9:30 a.m.
- August 13, 2019 – 9:30 a.m.
- November 12, 2019 – 9:30 a.m.

Ms. Tillman Wolf provided reminders to the Board members changes in contact information. Ms. Tillman Wolf explained the new process for obtaining continuing education credit for attendance of Board meetings.

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

*Discipline Report – Lynne Helmick, Deputy Executive Director*

As of February 1, 2019, Ms. Helmick reported the following disciplinary statistics:

- 43 total cases
  - 4 in Administrative Proceedings Division

- 3 in Formal Hearing
- 4 in Informal Conferences
- 18 in Investigation
- 14 in Probable Cause (6 are ready for Board member review)
- 9 in Compliance

Ms. Helmick reported the following Virginia Performs statistics for Q4 2018:

- Clearance Rate – 88% Received 8 patient cases and closed 7 cases
- Cases older than 1 year – 23% which represents 8 cases

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

- |                  |                   |
|------------------|-------------------|
| ● Q1 2017 – 8/4  | ● Q2 2018 – 15/7  |
| ● Q2 2017 – 9/9  | ● Q3 2018 – 9/2   |
| ● Q3 2017 – 7/5  | ● Q4 2018 – 4/4   |
| ● Q4 2017 – 21/9 | ● Q1 2019 – 13/15 |
| ● Q1 2018 – 6/10 |                   |

With no further questions, Ms. Helmick 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**

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

Dr. Jones stated that the Board of Health Professions met on December 4, 2018. He noted that the meeting minutes from the meeting were included in the agenda packet.

#### **BOARD TRAINING**

Ms. Barrett provided a presentation on the Disciplinary Process.

#### **BREAK**

The Board took a break at 10:55 a.m. and returned at 11:09 a.m.

#### **AGENCY REPORT – Dr. David Brown, DC, DHP Director**

Dr. Brown provided a brief summary of the General Assembly bills that could affect the agency in 2019. He also reported on the progress of a new DHP website which will make information easy to find and will be user friendly for licensees and applicants.

#### **LEGISLATION AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst**

*Report on Regulatory Actions*

Ms. Yeatts provided a brief overview of the status of the current regulations and bills at the Secretary's office.

*Update on Legislation for Physical Therapy Licensure Compact*

Ms. Yeatts provided a brief status update on the legislation for Physical Therapy Licensure Compact.

*Response to Petition for Rulemaking (Curley)*

Ms. Yeatts provided a brief overview of a Petition for Rulemaking that was submitted to the Board. The Board discussed the petition. Ms. Yeatts stated that the Board had three options: to deny the petition, to initiate rulemaking, or to include consideration of the request as a possible change in the NOIRA resulting from the Periodic Review.

Upon a **MOTION** by Dr. Adler, and properly seconded by Dr. Mariano, the Board voted to add the proposed change to the NOIRA for consideration as part of the periodic review process.

Per the request of Dr. Dailey, Ms. Yeatts paused her report to allow Dr. Adler to provide Board members the report of the Legislative/Regulatory Committee, which made recommendations for the periodic review of the Board's regulations.

*Legislative/Regulatory Committee Report – Tracey Adler, PT, DPT*

Dr. Adler stated that the draft minutes were provided for the Board members and public to review.

**LEGISLATION AND REGULATORY ACTIONS – Elaine Yeatts, Senior Policy Analyst (continued)**

*Review Recommendations from Legislative/Regulatory Committee*

Ms. Yeatts provided an overview of the changes recommended by the Legislative/Regulatory Committee.

Following Board member discussion, the Board requested to include an additional amendment to 18VAC120-20-100(A) to read "A physical therapist shall be fully responsible for any action of persons performing physical therapy functions under the physical therapist's ~~supervision or direction~~ *direct supervision*."

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Adler, the Board voted to adopt a NOIRA with the changes recommended by the Legislative/Regulatory Committee meeting from the Periodic Review of the Regulations (18VAC120-20-10 et seq.) and with the amendment discussed. The motion passed unanimously.

*Revisions to Guidance Document 112-10*

Ms. Tillman Wolf noted that the Legislative/Regulatory Committee did not make any changes to the Guidance document and no revisions were required.

### CONSIDERATION OF PROPOSED CONSENT ORDER (CLOSED SESSION)

Upon a **MOTION** by Dr. Locke, which was properly seconded by Dr. Jones, the Board convened in a closed meeting pursuant to §2.2-3711(A)(27) of the Code of Virginia for the purpose of consideration of a settlement proposal in a pending disciplinary action. Additionally, she moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Helmick, Ms. Georgen, Ms. Pearson, and Ms. Mueller attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its consideration of this topic.

Upon a **MOTION**, Dr. Locke moved to reopen the meeting and certified that the matters discussed or considered only public business matters lawfully exempted from open meeting requirements, under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

Upon a **MOTION** by Dr. Jones, and properly seconded by Ms. Palmer, the Board accepted the consent order of Paul Choi, PT. The motion was unanimous.

### BOARD TRAINING

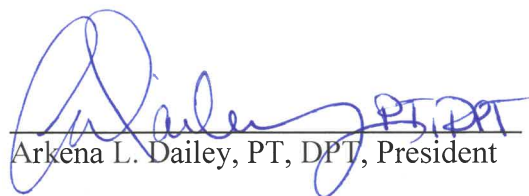
Ms. Tillman Wolf provided a video on Probable Cause.

### NEXT MEETING

The next meeting date is May 16, 2019.

### ADJOURNMENT

With all business concluded, the meeting adjourned at 12:29 p.m.

  
Arkena L. Dailey, PT, DPT, President

  
Corie Tillman Wolf, J.D., Executive Director

05/16/2019  
Date

May 17, 2019  
Date