

May 16, 2019

The Virginia Board of Physical Therapy convened for a full board meeting on Thursday, May 16, 2019 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd 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

BOARD MEMBERS ABSENT:

Rebecca Duff, PTA, DHSc

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, DHP Deputy Director
Erin Barrett, Assistant Attorney General, Board Counsel
David Brown, DC, DHP Director
Elizabeth Carter, PhD, Director Healthcare Workforce Data Center
Sarah Georgen, Licensing and Operations Manager
Yetty Shobo, PhD, Deputy Director, Healthcare Workforce Data Center
Michelle Schmitz, Director of Enforcement
Corie Tillman Wolf, Executive Director

OTHER GUESTS PRESENT

Trasean Boatwright, Board of Long-Term Care Administrators
Richard Grossman, Virginia Physical Therapy Association (VPTA)

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

CALL TO ORDER

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 six 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 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 February 19, 2019 Full Board meeting minutes. The motion passed unanimously.

ORDERING OF THE AGENDA

Ms. Tillman Wolf stated that Yetty Shobo, PhD and Elizabeth Carter, PhD, Director of the Healthcare Workforce Data Center were present for the 2018 Workforce Reports. She also stated that Dr. Brown would assist her with the legislative report further in the agenda.

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

PUBLIC COMMENT

There was no public comment.

AGENCY REPORT

Dr. Brown announced that the Department of Health Professions (DHP) recently held an annual all agency training. He stated that the training was a success and said that the focus of the training was on a panel discussion on diversity and bias.

Dr. Brown announced updates to the DHP website, including the Board of Nursing webpage and homepage. He stated that the updates included a new format and will allow for easier use by the public and practitioners.

Dr. Brown requested that the Board members hold October 7, 2019 on the calendar for Board member training.

Dr. Brown announced that Dr. Carter with the Healthcare Workforce Data Center has hired a new Data Analyst, Rajana Siva, to help analyze performance and strategic measures to ensure a more data driven agency. He welcomed Ms. Siva to the agency.

Dr. Brown stated that the agency has been asked to give a presentation at the Council on Licensure, Enforcement & Regulation (CLEAR) conference later in the year on the Enforcement Division's caseload calculator.

Dr. Brown provided a brief overview of the Board of Pharmacy's approval of five vertical processors for CBD Oil and THC-A Oil.

Dr. Brown spoke about the enactment of regulations in regards to conversion therapy and noted that five DHP Boards were making progress to implement regulations, including the Boards of Counseling, Psychology, Social Work, Medicine, and Nursing.

Dr. Brown provided an update on the 2019 General Assembly, and briefly spoke about telemedicine. Dr. Brown spoke about the possible barriers of foreign applicants obtaining medical licensure in Virginia and stated that DHP was convening a workgroup to review regulations.

Dr. Brown stated that a workgroup has been formed to make recommendations on telemedicine and more information would be forthcoming. Dr. Locke and Dr. Dailey asked if other social media outlets are also being discussed in anticipation for future use towards providing patient care.

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Trasean Boatwright to DHP as the Licensing Specialist for the Board of Long-Term Care Administrators. She also announced that Ms. Helmick would retire as the Deputy Executive Director effective June 1, 2019.

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

Cash Balance as of June 30, 2018	\$1,101,620
YTD FY19 Revenue	\$1,326,980
Less YTD Direct & In-Direct Expenditures	\$468,873
Cash Balance as of March 31, 2019	\$1,959,727

Ms. Tillman Wolf updated the Board on the Physical Therapy Compact bill (SB 1006) that was signed by Governor Northam on March 8, 2019. She announced that the provisions for this bill would become effective on January 1, 2020. Ms. Tillman Wolf provided the status of the PT Licensure Compact nationwide. She stated that Board staff would be working on criminal background check (CBC) processes, would be working with the Compact Administrator on next steps, and continuing outreach to the VPTA for a webinar/training topic in the future.

Ms. Tillman Wolf announced that The Federation of State Boards of Physical Therapy (FSBPT) Board of Directors had decided to discontinue the aPTitude, oPTion, and ProCert products related to continuing competence with a plan to refocus resources. She said that an end date had not yet been announced. She stated that these changes would impact the Board's regulations for the self-assessment tool and changes to the regulations would be needed.

Ms. Tillman Wolf reminded Board members of upcoming FSBPT meeting dates to include the Leadership Issues Forum in Alexandria, Virginia from July 13-14, 2019; the Annual Regulatory Training for Board members and staff in Alexandria, Virginia from August 16-18, 2019; and the FSBPT Annual Meeting and Delegate Assembly in Oklahoma City, OK from October 24-26, 2019.

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

Licensure Statistics – All Licenses

License	February 13, 2019	May 14, 2019	Change +/-
Physical Therapist	7,877	8,024	+147
Physical Therapist Assistant	3,402	3,467	+65
Total PT's and PTA's	11,279	11,491	+212
Direct Access Certification	1,238	1,249	+11

Ms. Tillman Wolf presented the PT Exam Statistics from April 23, 2019 which included the following:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	223	204	197	7	19	15	4
Non-CAPTE Applicants	3	0	0	0	3	1	2
Total	226	204	197	7	22	16	6

Ms. Tillman Wolf presented the PTA Exam Statistics from April 4, 2019 which included the following:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	92	75	75	0	17	7	10
Non-CAPTE Applicants	0	0	0	0	0	0	0
Total	92	75	75	0	17	7	10

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

- Q1 2019 – 97.2%
- Q2 2019 – 94.3%
- Q3 2019 – N/A

Ms. Tillman Wolf announced that the customer satisfaction statistics from the FSBPT show that Virginia's statistics are above the national average at 97.7%.

The remaining Board meeting dates for 2019 are:

- 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.

Dr. Jones inquired regarding if interest was incurred on the available cash balance of the Board's revenue. Ms. Tillman Wolf stated that she would consult with Charles Giles, Budget Manager, regarding the answer to this question.

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

Discipline Report – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf provided the Discipline report in Ms. Helmick's absence.

As of May 6, 2019, Ms. Tillman Wolf reported the following disciplinary statistics:

- 37 total cases
 - 1 in Administrative Proceedings Division
 - 2 in Formal Hearing
 - 2 in Informal Conferences
 - 7 in Investigation
 - 24 in Probable Cause (6 are ready for Board member review)
 - 7 in Compliance

Ms. Tillman Wolf reported the following Virginia Performs statistics for Q1 2019:

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

Ms. Tillman Wolf reported the following Virginia Performs statistics for Q2 2019:

- Clearance Rate – 63% Received 8 patient cases and closed 5 cases
- Cases older than 1 year – 36% which represents 14 cases

Ms. Tillman Wolf reported the following Total Cases Received and Closed:

- Q2 2017 – 9/9
- Q3 2017 – 7/5

- Q4 2017 – 21/9
- Q1 2018 – 6/10
- Q2 2018 – 15/7
- Q3 2018 – 9/2
- Q4 2018 – 4/4
- Q1 2019 – 13/15
- Q2 2019 – 10/11

With no further questions, Ms. Tillman Wolf 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 announced that he was elected as the Chair of the Board of Health Professions. Dr. Jones stated that the Board of Health Professions met on May 14, 2019 and that the meeting minutes from the February meeting were included in the agenda packet.

LEGISLATION AND REGULATORY ACTIONS

Update on Legislation – 2019 General Assembly

Dr. Brown updated the Board on the 2019 General Assembly legislation.

Update on Status of Regulations

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

BREAK

The Board took a break at 11:14 a.m. and returned at 11:20 a.m.

BOARD DISCUSSION AND ACTION

Discussion and Possible Action on Guidance Document – Receipt of Verbal Orders for Drugs and Devices by Physical Therapists – Corie Tillman Wolf

Ms. Tillman Wolf provided an overview of the draft guidance document. The Board discussed the proposed information. Dr. Brown suggested adding the most pertinent information to the beginning of the guidance document, moving the reference to subsection (E) of 54.1-3408 to the beginning of the document, and to consider adding language that verbal orders should be directed to the appropriate practitioner. The Board members suggested removing "Home Health Setting" to simplify the verbal order language for all areas of practice.

Upon a **MOTION** by Dr. Jones, which was properly seconded by Dr. Mariano, the Board tabled the discussion of this document to the next meeting to allow time for structural and content changes. The motion passed unanimously.

Discussion and Initial Actions to Begin Implementation of Physical Therapy Licensure Compact – Corie Tillman Wolf

Ms. Tillman Wolf presented information to the Board of the discussion and initial actions to begin implementation of the Physical Therapy Licensure Compact. She recommended to the Board that the delegate should be the Executive Director of the Board.

Upon a **MOTION** by Dr. Locke, which was properly seconded by Dr. Jones, the Board designated the Executive Director as the Board designee representative for Virginia to serve on the Physical Therapy Compact Commission. The motion passed unanimously.

Upon a **MOTION** by Dr. Locke, which was properly seconded by Dr. Jones, the Board delegated authority to the Executive Director to make decisions on behalf of the Board as a representative authority through the Physical Therapy Compact Commission. The motion passed unanimously.

Ms. Tillman Wolf announced that Stephanie Willinger, Deputy Executive Director for the Board of Nursing, Licensing, would present information to the Board regarding the Criminal Background Checks (CBC) at the August 2019 Board meeting.

Ms. Tillman Wolf announced that, at the next Board meeting, the Board will consider emergency regulations regarding the fee to be charged for Compact Privilege; consider whether to permit a waiver of fee for active duty military, spouse, and veterans; consider whether to required Compact Privilege holders to notify the Board of their physical location where the individual is providing Physical Therapy services within the state; and consider administrative revisions regarding the definitions, incorporation of rules, and CBC for licensure applications.

Ms. Tillman Wolf also stated that revisions to the Bylaws would be necessary at the next Board meeting, as necessary, to ensure appropriate delegations of authority for implementation of the Physical Therapy Compact; delegation to the Executive Director of authority to carry out provisions of the Compact and serve as the Board delegate to the Compact Commission; and incorporate compliance with the policies and procedures of the Physical Therapy Licensure Compact as outlined in the current manual.

Ms. Tillman Wolf provided an overview of the staff implementation items necessary.

NEW BUSINESS

*2018 Workforce Reports – Physical Therapist and Physical Therapist Assistant – Elizabeth A. Carter, PhD.
And Yetty Shobo*

Dr. Carter introduced the workforce report included in the agenda packet.

Dr. Shobo provided a presentation on the Physical Therapist and Physical Therapist Assistant workforce.

Dr. Carter reviewed the Virginia Workforce Connection information that was distributed at the meeting.

Upon a **MOTION** by Dr. Locke, which was properly seconded by Dr. Mariano, the Board voted to accept the 2018 workforce reports for Physical Therapist and Physical Therapist Assistants. The motion passed unanimously.

Overview of the DHP Enforcement Division – Michelle Schmitz, Director of Enforcement

Ms. Schmitz provided a presentation on the DHP Enforcement Division.

Designation of Delegates – FSBPT Annual Meeting – Corie E. Tillman Wolf

Ms. Tillman Wolf stated that the Board was required to designate an Alternate Delegate for the FSBPT Annual Meeting in Oklahoma City, Oklahoma from October 24-26, 2019.

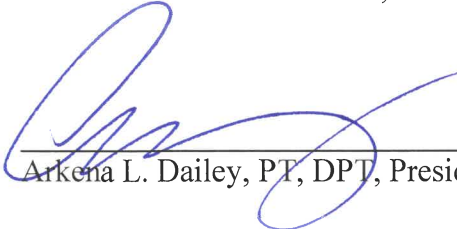
Upon a **MOTION** by Dr. Jones, which was properly seconded by Dr. Mariano, the Board voted to designate the sitting President and Vice-President to be the voting delegate and alternate delegate at the upcoming annual meeting in Oklahoma City, Oklahoma. The motion passed unanimously.

NEXT MEETING

The next meeting date is August 13, 2019.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:58 p.m.



Arkenia L. Dailey, PT, DPT, President



Corie Tillman Wolf, J.D., Executive Director

08/13/2019

Date

August 14, 2019

Date