

**DRAFT UNAPPROVED
BOARD OF PHYSICAL THERAPY
MINUTES OF GENERAL BOARD MEETING**

**Friday, August 19, 2005
6603 West Broad Street
Richmond, Virginia 23230-1712
Conference Room 4**

Department of Health Professions

- CALL TO ORDER:** A meeting of the Virginia Board of Physical Therapy was called to order at 9:05 a.m.
- PRESIDING:** W. Gayle Garnett, P.T., President
- MEMBERS PRESENT:** Damien Howell, P.T., Vice President
George Maihafer, Ph.D., P.T.
Maureen Lyons, P.T.
Lorraine Quinn, P.T.A.
Robert Izzo, P.T.
J. R. Locke, Citizen Member
- STAFF PRESENT:** Elizabeth Young, Executive Director
Annie B. Artis, Operations Manager
Pamela Horner, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst
- COUNSEL PRESENT:** Jack Kotvas, Assistant Attorney General
- GUESTS:** Terry Izzo, P.T., V.P.T.A.
Linda Merat, P.T.A., Central Health
Lori Sirois, P.T.A., Central Health
Stan Shank, P.T.A., Central Health
- QUORUM:** With seven members of the Board present, a quorum was established.
- AGENDA:** The agenda was accepted with amendments.
- INTRODUCTION OF NEW BOARD MEMBERS** Board President, Ms. Garnett welcomed the new board members. The new members, current members and staff introduced themselves.

PUBLIC COMMENT:

Terry Izzo informed the Board that the Virginia Physical Therapy (VPTA) Legislative Initiative would be presented in October, 2005.

NEW BUSINESS

**BOARD OF HEALTH
PROFESSIONS BOARD
MEETING**

Mr. Howell gave a brief overview of the Board of Health Professions meeting. BHP plans to host a symposium entitled "Up to the Job." He stated there was a public hearing regarding naturopaths and that the Board will proceed with their plans to review the profession. BHP will review all public comment.

**CONSENT ORDER FOR
SETH MEYERS, PT
APPLICANT**

Ms. Young informed the Board that Mr. Howell conducted a hearing a subordinate. Mr. Seth Meyers, a PT applicant requested licensure consideration due to a past criminal conviction. A motion was made by Ms. Lyons to accept the recommendation of Mr. Howell to approve the request for licensure and place the licensee on probation for two years requiring random drug screens. The motion was properly seconded by Dr. Maihafer. The vote passed unanimously.

**REQUEST FOR
INTERPRETATION:
SHARP DEBRIDEMENT
BY P.T.A.S**

Lori Sirois, LPTA spoke to the Board about the performing of sharp debridement by She a physical therapist assistant. She requested the Board's interpretation. A lengthy discuss ensued with the Board members.
Ms. Young reviewed the regulations under 18 VAC 112-20-90. Ms. Garnett also gave a brief overview of section 54.1-3482 (C) of the Code.

Ms. Sirois informed the board that there were Level 3 LPTAs who are considered to be the “go to persons” who have 75 hours of clinical research and five years of experience and collaborate with the physical therapists and work very closely with them. Ms. Quinn stated that there was nothing in the regulations or code that clearly stated that physical therapists assistants are not allowed to perform sharp debridement. Ms. Garnett gave a brief synopsis of a previous case that involved a physical therapist assistant performing sharp debridement. Dr. Maihafer commented that the pta educational curriculum changed in 2002 to no longer teach sharp debridement.

Ms. Garnett informed Ms. Sirois that the Board of Physical Therapy’s responsibility is to protect the public, not the physical therapist or not the physical therapist assistant. Dr. Maihafer stated that the regulations clearly state that one must use and exercise professional judgment. He further stated that the APTA Guide to Physical Therapist Practice was strictly a guideline, not a policy. Dr. Maihafer suggested that the Board not take a position today, but encouraged Ms. Sirois to use the regulations and code and follow them. Ms. Garnett mirrored Dr. Maihafer’s statement and informed Ms. Sirois that the APTA Guide to Physical Therapist Practice was considered a viable guideline. Ms. Young informed Ms. Sirois that the Board would answer her petition in writing, reiterating 54.1-3482 (C) of the Code.

**RENEWAL REQUIREMENTS
FOR PT INVESTIGATOR:
LAURA BALDWIN, P.T.**

Laura Baldwin, P.T., Investigator with the Enforcement Division spoke with the Board by speaker phone. Ms. Baldwin petitioned the Board of Physical Therapy to allow her job as an investigator to fulfill her active practice hour's requirement for the renewal of her physical therapy license.

A motion was made by Ms. Lyons to grant the petition of Ms. Baldwin and accept her investigative work as active practice. The motion was properly seconded by Mr. Howell. The vote passed unanimously.

Recess:

The Board recessed at 10:09 a.m., and reconvened at 10:24 a.m.

**DRAFT OF FREQUENTLY
ASKED QUESTIONS FOR
AGENCY WEBSITE**

A motion was made by Mr. Howell to accept the questions presented and asked staff to draft the answers for review by board members prior to posting them on the agency website. The motion was properly seconded by Ms. Quinn. The vote passed unanimously.

**ACCEPTANCE OF CERTIFIED
TRANSCRIPTS OR FORM #L**

Ms. Young reported that of the states that responded to a FSBPT: twelve states request official transcripts and fifteen states accept letters from the Dean of the Physical Therapy department.

Ms. Garnett gave a brief overview of the history of receiving Form #Ls instead of official transcripts. She stated that some Form #Ls were being received with only the signature of the school Dean and not providing a stamped seal from the Registrar's office. Ms. Young stated she spoke with Mr. Nebiker regarding

the situation and it was his opinion that anyone signing the letters verifying graduation other than the Registrar may have been considered committing fraud.

A motion was made by Ms. Lyons to require that the registrar's seal be included on the Form #L prior to applicants sitting for the physical therapy exam. The motion was properly seconded by Dr. Maihafer. The vote passed unanimously.

There was an amended motion by Ms. Lyons to accept the Form #L prior to sitting for the examination with the registrar's seal. It is to be noted on the instruction sheet that this is a requirement of the Board, prior to taking the national examination. The motion was properly seconded by Dr. Maihafer. The vote passed unanimously.

There was a second amended motion made by Ms. Lyons to accept Form #L with the registrar's seal; and an official transcript to be received prior to the issuance of the license. The motion was properly seconded by Mr. Locke. The vote passed unanimously.

FSBPT

Ms. Garnett reported that she and Ms. Lyons will be attending the Federation of State Boards of Physical Therapy annual conference Austin, Texas from September 10-12, 2005. Ms. Garnett asked if the Board had any concerns or issues they would like to have addressed by the Federation. Dr. Maihafer stated he was concerned regarding the fact that 25-50 additional questions were added to the pretest examination; however, no additional break time was given during the examination period. He stated the examination is approximately two and a half hours in length and only one break is given.

Dr. Maihafer stated the additional pretest questions have negatively impacted student scores. He stated that he supports DEL-05-05.

OLD BUSINESS

LEGISLATIVE REGULATORY COMMITTEE

Ms. Yeatts first wanted to confirm that the petition from Ms. Sirois was no longer necessary. Ms. Yeatts informed the Board that the decision regarding the petition should be presented as a guidance document.

ADOPTION OF PROPOSED REGULATIONS: FOREIGN CREDENTIAL EVALUATION

Ms. Yeatts stated that the Notice of Intended Regulatory Action (NOIRA) was published and there was no public comment. She gave an overview of the recommendations from the Legislative/Regulatory Committee:

18 VAC112-20-50. Education requirements: graduates of schools not approved by an accrediting agency approved by the board.

A. An applicant for initial licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency approved by the Board shall submit the required application and fee and

provide documentation of the physical therapist's certification by a report from the FCCPT or of the physical therapist eligibility for licensure as verified by a report from any other credentialing agency approved by the board that substantiates that the physical therapist has been evaluated in accordance with requirements of subsection B.

- B. The Board shall only approve a credentialing agency that:
1. Utilizes the Coursework Evaluation Tool for Foreign Educated Physical Therapists of the Federation of State Boards of Physical Therapy and utilizes original source documents to establish substantial equivalency to an approved physical therapy program;
 2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted at the time it expired or was lapsed; and
 3. Verifies English language proficiency by passage of the TOEFL and TSE examination or by review of other evidence of English proficiency.

18 VAC112-20-65. Requirements for licensure by endorsement.

- B. An Applicant for licensure by endorsement shall submit:
1. Documentation of having met the educational requirements prescribed in 18 VAC112-20-40 or 18 VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction.

3. Documentation of passage of examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state and active, clinical practice with a current, unrestricted license for at least ~~seven~~ five years prior to applying for licensure in Virginia.

4. For the purpose of this subsection, active, clinical practice shall mean at least 2,500 hours of patient care over a five-year period.

A motion was made by Mr. Locke to accept the recommended changes as submitted by the Legislative/Regulatory committee. The motion was properly seconded by Mr. Howell. The vote passed unanimously.

ADOPTION OF FEE REDUCTION

Ms. Yeatts discussed the memo from Mr. Robert Nebiker, Director of DHP regarding reduction of fees. She suggested that the Board consider a temporary reduction in fees. The recommendation also included making renewals and continuing competency hours all due in the month of December and eliminating the birth month renewals.

A motion was made by Mr. Howell to accept the recommendation to temporarily reduce the fees and have all renewals and continuing competency hours due in the month of December. The motion was properly seconded by Ms. Lyons.

DISCIPLINARY CASES

Ms. Young reported that the Board currently has thirty-eight disciplinary cases and three are related to continuing education matters.

CALENDAR

Ms. Young stated that she will establish dates for the 2006 calendar and forward them to the board members.

BUDGET

Ms. Young gave a brief report on the status of the budget.

CASE STANDARDS

Ms. Young gave a brief report regarding case standards. She reported that adjudication of cases referred to the amount of time that it takes to investigate physical therapy cases. She stated that the cases were not being adjudicated as quickly due to the retirement of a number of investigators. Ms. Young further stated that probable cause cases referred to informal conferences. Four recent cases have been docketed; three requested continuances. She stated the percentage of cases that have not been investigated and no probable cause is currently at 37.50%. Ms. Young stated that the board has done all that we can do in terms of trying to juggle and expedite cases.

**BOARD COMMITTEE
ASSIGNMENTS**

Ms. Garnett asked that the Board take a look at the current committee assignments and ensure that there was equitable distribution. She further stated that she would like to see board members participate in areas that they have a particular interest in. Ms. Garnett also stated that she would like to see members who were returning next term on key committees now so that there would not only be new board members on the committees in 2006.

Changes were made to the following committees:

Credentials Committee

Gayle Garnett, Chair
Lorraine Quinn
George Maihafer

Continuing Competency Committee

Maureen Lyons, Chair
Lorraine Quinn
~~George Maihafer~~
Robert Izzo

Special Conference Committee

Damien Howell, Chair
George Maihafer
Lorraine Quinn (Alternate)
J. R. Locke (Alternate)

Regulatory/Legislative Committee

J. R. Locke, Chair
Damien Howell
Maureen Lyons
Robert Izzo
George Maihafer

ADJOURNMENT

With all business concluded, the Board adjourned at 11:45 a.m.

W. Gayle Garnett, P.T., Chair

Elizabeth Young, Executive Director

Date

Date

