

## **APPROVED MINUTES**

### **BOARD OF PHYSICAL THERAPY MEETING MINUTES**

The Virginia Board of Physical Therapy met on Friday, January 19, 2007 at the Department of Health Professions, 6603 West Broad Street, 5<sup>th</sup> Floor, Conference Room #4, Richmond, Virginia. The following members were present:

Peggy H. Belmont, P.T.  
Damien Howell, P.T.  
Robert Izzo, P.T.  
Maureen E. Lyons, P.T.  
George Maihafer, Ph.D, P.T.  
Lorraine C. Quinn, P.T.A.

The following member was absent:

J. R. Locke, Citizen

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

Lisa R. Hahn, Executive Director  
Sandra Whitley Ryals, Director  
Elaine Yeatts, Senior Policy Analyst  
Elizabeth Young, Executive Director  
Annie B. Artis, Licensure Operations Manager  
Rashaun K. Minor, Discipline Operations Manager  
Pam Horner, Administrative Assistant

Representatives from the Office of the Attorney General were present for the meeting:

Amy Marschean, Assistant Attorney General  
Jack E. Kotvas, Assistant Attorney General

#### **CALLED TO ORDER**

Dr. George Maihafer, P.T., President, called the quarterly meeting of the Board of Physical Therapy to order at 9:10 a.m.

#### **ORDERING OF THE AGENDA**

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to re-order the agenda moving item #6 to item #1. The motion carried unanimously.

## **PUBLIC COMMENT PERIOD**

Dr. Maihafer asked for public comment.

Ms. Shawne Soper, with Sheltering Arms of Richmond, Virginia, addressed the Board regarding traineeships. Ms. Soper's concerns are with an employee who has had three unsuccessful attempts on the exam and is scheduled to sit for the exam a fourth time on August 8, 2007. Ms. Soper stated the regulations are unclear as to whether a candidate can continue a traineeship after failing the exam three times.

Ms. Soper asked the Board if the employee can continue with the traineeship after failing three times on the exam.

Ms. Soper stated she has discussed this employee's evaluations and competencies with those that work close with her and has received positive feedback regarding the employee's knowledge of patient care. Ms. Soper stated it would not benefit the employee's proficiency to terminate her and have her leave her chosen field of study. Ms. Soper stated she would like to retain this employee and continue the traineeship.

Ann Furniss, with Acupuncture Society of Virginia, addressed the Board regarding dry needling. Ms. Furniss requested that the Board make a clear decision as to whether the practice of dry needling is in the scope of practice of physical therapy.

Tracey Adler, with the Virginia Physical Therapy Association and Orthopedic PT, Inc. addressed the Board regarding dry needling. Ms. Adler asked the Board to allow physical therapists, who are properly educated and trained, to practice dry needling and provide this service to their patients.

Ms. Adler stated dry needling is not acupuncture.

Dr. Maihafer thanked the public for their comments.

## **ACCEPTANCE OF MINUTES**

### **Legislative/Regulatory Committee – October 13, 2006**

Upon a motion by Mr. Howell and seconded by Mr. Izzo the Board voted to approve the October 13, 2006 Legislative/Regulatory Committee meeting minutes. The motion carried unanimously.

**Board Meeting – October 27, 2006**

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to approve the October 27, 2006 Board meeting minutes. The motion carried unanimously.

**Special Conference Committee – December 1, 2006**

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to approve the December 1, 2006 Special Conference Committee meeting minutes. The motion carried unanimously.

**NEW BUSINESS**

**Recognition of Elizabeth Young, Former Executive Director**

Dr. Maihafer and the Board of Physical Therapy recognized Ms. Young for her outstanding service and dedication to the Board. Dr. Maihafer commended Ms. Young on her leadership, expertise, and hard work as the Board's Executive Director.

Ms. Young was presented a token of gratitude for her seven years of service as the Board of Physical Therapy's Executive Director.

Ms. Young thanked the Board and gave a special thanks to Ms. Horner for her tremendous help with taking care of the physical therapy applicants and her administrative support to the licensees during the transition of the Board. Ms. Young stated she enjoyed her time with the Board and that the Board is in very good hands with its new Executive Director, Ms. Lisa Hahn.

**Traineeships**

The Board discussed the regulations' current requirements for a traineeship. After a review of the regulations and the application process, Dr. Maihafer recommended that the Board continue to process and approve traineeship that involve special circumstances on an individual case-by-case basis. It was further agreed that applicants who had failed the examination three times, could work the traineeship in tandem with meeting the additional requirements before sitting for the exam.

**VPTA Proposed 2007 Legislative Draft 54.1-3482**

Ms. Yeatts provided the Board with the proposed amendments to §54.1-3482 of the *Code of Virginia*. Ms. Ryals stated that if the Board wishes to take a position on the amendments they may.

The Board had concerns over the 90 day time frame in which to comply with the statute and was informed that it has not been decided if the 90 days were calendar days or business days.

Upon a motion by Mr. Howell and seconded by Mr. Maihafer, the Board voted to support the draft proposed legislation with strong encouragement to change the current recommended time from 90 days to 180 days.

The members voting 'yes' were Mr. Howell, Mr. Izzo, Mr. Maihafer and Ms. Quinn.

The members voting 'no' were Ms. Belmont and Ms. Lyons.

The motion passed by majority.

The Board reviewed the section regarding continuing education in the proposed legislation and had concerns of what type of continuing education would qualify as acceptable.

Dr. Maihafer recommended that the Board develop a subcommittee to review the course work for continuing education for meeting §54.1-3482.1 certification requirements.

#### **Agency Director's Report – Sandra Whitley Ryals**

Ms. Ryals distributed and reported on Governor Kaine's Initiatives. Ms. Ryals highlighted the Governor's comments regarding Health Reform. Ms. Ryals reported that the Governor's five key components of his administration for health reform are:

1. Improving access to care;
2. Strengthening long-term care;
3. Improving the quality and safety of health care;
4. Encouraging healthier lifestyles; and
5. Growing our health care workforce.

Ms. Ryals ended her report by fielding questions from board members.

#### **Break**

The Board recessed at 10:38 a.m. and reconvened at 10:52 a.m.

#### **Foreign Credential Review regarding Non-Immigrant Visa**

It has come to the Board's attention that foreign trained applicants coming from the Philippines are not allowed to obtain a Visa to work unless they have successfully passed the National Physical Therapy Examination. A request has been made to allow students coming from the Philippines or foreign trained applicants to take the NPTE exam prior to performing the 1,000 traineeship.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the members voted to refer foreign credential reviews to the Credentials Committee. The motion carried unanimously.

### **TOEFL and TSE**

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to accept recommendations provided by Ms. Hahn as acceptable scores of TOEFL iBT and TSE. These proposed passing scores are the same for the Virginia Board of Pharmacy. The motion carried unanimously.

The acceptable scores are as follows:

The Internet Based Test of English as a Foreign Language (TOEFL iBT) with a minimum passing score for each component as follows: Writing 24, Speaking 26, Listening 18, and Reading 21; or

Both the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) with minimum scores of at least 550 for the paper TOEFL or 213 for the computer-based TOEFL, and 50 for the TSE.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to continue to accept the TOEFL and TSE as acceptable examinations of English proficiency and to create a guidance document that would include the board's accepted examinations and passing scores. The motion carried unanimously.

### **Proposed Federal Legislation HR5688**

The Board reviewed the Proposed Federal Legislation HR5688 for informational purposes.

### **Federation of State Boards of Physical Therapy (FSBPT) 2007 Budget Document**

The Board reviewed the FSBPT 2007 budget for informational purposes. The next conference will be held in Memphis, TN during the third week of September, 2007.

## **Board of Health Professions**

Mr. Howell gave a brief report regarding the Board of Health Professions meeting that was held on January 18, 2007. He stated there were no committee meetings.

## **OLD BUSINESS**

### **Dry Needling**

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to form a task force to research the practice of dry needling and come back to the Board within two meetings from today with recommendations. The motion carried unanimously.

Recommendations from the Board regarding who should be on the Task Force, included an acupuncturist, a physician from the Board of Medicine, someone in academics, a practitioner who practices dry needling, and a member from the Board of Physical Therapy. Specific recommendations included Tracy Adler, P.T., Ann Furniss and George Maihafer.

### **Break**

The Board recessed at 12:05 p.m. and reconvened at 12:15 p.m.

### **Legislative/Regulatory Committee**

Ms. Yeatts reviewed proposed legislation in the 2007 General Assembly that may be of interest to the Board and the Department.

### **Guidance Documents**

Ms. Yeatts reviewed the Board's current Guidance Documents. Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to re-adopt Guidance Document 112-4, Requirement for License for Instructors in Physical Therapy Program. The motion carried unanimously.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to re-adopt Guidance Document 112-5, Acceptance of TOEFL iBT as Equivalent. The motion carried unanimously.

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to re-adopt Guidance Document 112-6, Licensure of Kinesiotherapists. The motion carried unanimously.

Ms. Yeatts recommended that Board counsel review Guidance Document 112-7 before re-adopted. It was deferred to the next board meeting.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to re-adopt Guidance Document 112-8, Credential Committee to Review Non-routine Applications from Non-approval Schools. The motion carried unanimously.

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to remove Guidance Document 112-9. The motion carried unanimously.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to defer Guidance Document 112-12 to the next board meeting. The motion carried unanimously.

### **Regulatory Review & NOIRA**

Upon a motion by Mr. Howell and seconded by Ms. Belmont the Board voted to proceed with the NOIRA and consider changes to the regulations to include but not be limited to consolidating, clarify, traineeship, licensure by endorsement, requirements of reporting to HIPPA, reinstatement requirements, renewal period, and other pending issues. The motion carried unanimously.

### **Adoption of proposed PPG regulations**

Ms. Yeatts reported the amendments to the Public Participation Guidelines and highlighted that the guidelines will include electronic communication. She further stated that failure to receive notice does not affect the validity of any regulation adopted, periodic review of its regulations consistent with an executive order issued by the Governor. The Board will have the option to extend review from 12 months to 18 months.

Upon a motion by Mr. Howell and seconded by Ms. Lyons the Board voted to adopt the Public Participation Guidelines. The motion carried unanimously.

## **EXECUTIVE DIRECTOR**

### **Introduction of New Employee**

Ms. Hahn introduced to the Board Rashaun Minor as the Discipline Operations Manager. Ms. Hahn stated that Ms. Minor is not new to the Agency; she previously worked with the Agency four years ago. Ms. Hahn stated Ms. Minor is a graduate of Hampton University and has ample experience in both licensure and discipline. Ms. Hahn stated she is delighted to welcome her back to the department and to have Ms. Minor as part of the team.

Ms. Hahn also formally thanked Ann Artis for her dedication, hardwork and commitment to excellence during this transition period.

### **Licensee Statistics**

Ms. Hahn provided the Licensee Statistics report for informational purposes.

### **Disciplinary Cases**

Ms. Hahn reported that the board has 37 open disciplinary cases.

### **Case Standards**

Ms. Hahn provided the Case Standard Report for informational purposes.

### **Budget**

Ms. Hahn provided the Revenue and Expenditure summary for the months of September, October and November 2006. She also referred the Board to the letter dated December 14, 2006 from Ms. Ryals regarding the analysis of revenues and expenditures recommending that no action to reduce licensure fees be taken at this time.

### **Fee Structure as of January 1, 2007**

The Board reviewed the Fee Structure for informational purposes.

### **Calendar**

Ms. Hahn stated that the formal administrative hearing scheduled for January 19, 2007 was continued to Friday, April 27, 2007 at 1:00 p.m., at the request of the respondent.

The Legislative/Regulatory Committee scheduled its next meeting for Friday, March 9, 2007 at 9:00 a.m. at the Department of Health Professions.

### **ADJOURNMENT**

With all business concluded, Mr. Howell made a motion to adjourn. The motion was seconded by Ms. Lyons. The motion carried unanimously.

The meeting was adjourned at 2:00 p.m.

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George Maihafer, Ph.D., PT.  
President

Lisa R. Hahn, Executive Director

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Date

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