

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

The Virginia Board of Physical Therapy Legislative/Regulatory Committee met on Friday, March 9, 2007 at the Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. The following members were present:

Peggy H. Belmont, P.T.
Damien Howell, P.T.
Robert Izzo, P.T.
Lorraine C. Quinn, P.T.A.

The following member was absent:

Maureen E. Lyons, P.T.

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

Lisa R. Hahn, Executive Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager
Rashaun K. Minor, Discipline Operations Manager

Representative from the Office of the Attorney General was present for the meeting:

Amy Marschean, Assistant Attorney General

Guests Present:

W. Gayle Garnett, Richmond Memorial Hospital Rehabilitative
Richard K. Grossman, The Vectre Corporation
Lisa Shoaf, Virginia Physical Therapy Association
Cal Whitehead, Virginia Orthopaedic Society
Heidi Zander, Richmond Memorial Hospital Rehabilitative

CALLED TO ORDER

Mr. Damien Howell, P.T., called the Legislative/Regulatory Committee meeting to order at 9:00a.m.

PRESIDING

Damien Howell, P.T.

ORDERING OF THE AGENDA

The agenda was accepted as ordered.

PUBLIC COMMENT PERIOD

Mr. Howell asked for public comment.

W. Gayle Garnett stated she represents a concerned group of physical therapists regarding House Bill 2087 that was recently signed by the Governor granting “Direct Access”. Ms. Garnett stated that the Bill has taken the physical therapy profession a step back and is not in the best interest of the profession. Although the Bill has passed and been signed by the Governor, Ms. Garnett asked the Board to consider the following in developing the regulations:

- (1) the burden of the process, certification, and meeting the requirements to the letter of the law;
- (2) the consequences - the Bill is convoluted in the physical therapy evaluations, understanding the needs before the therapy is completed, and consequences of not meeting the stipulations; and
- (3) expense- requirements for meetings and the frequency of meetings.

Ms. Garnett thanked the Board for their time and for hearing her comments.

NEW BUSINESS

2007 Session – Direct Access to Physical Therapists

Ms. Yeatts advised the Committee that the “Direct Access” Bill was signed by the Governor on February 19, 2007.

Ms. Yeatts stated the enactment requires the regulations to be in place within 280 days of approval; therefore, the effective date of the regulations is November 26, 2007. Ms. Yeatts stated with such a tight schedule the Board will need to begin immediately promulgating regulations. Because of the short time frame, the Board will need to promulgate Emergency Regulations in order to comply with the Code requirements. The Emergency Regulations will allow the Board a year to develop permanent regulations.

Ms. Yeatts also advised the Committee that the Code requires an Advisory Committee to meet; composed of three members of the Medical Society and three members of the Virginia Physical Therapy Association. The Code further requires that the Advisory Committee prepare a report of its recommendations and shall submit this report to the Board of Medicine for comment prior to the promulgation of draft regulations by the Board of Physical Therapy.

Ms. Yeatts recommended that the Committee request, Ms. Hahn, Executive Director, to begin the process of contacting the Medical Society and the Virginia Physical Therapy Association for recommendations to serve on the Advisory Committee.

Ms. Hahn advised the Committee she will also include information regarding the rigid time frame and the importance of flexibility in scheduling meetings to comply with Code requirements for instituting the regulations.

Ms. Yeatts stated that the Advisory Committee will need to meet at least twice in order to stay within the parameters of the regulatory process - that process requiring approval from the Department of Planning and Budget (DPB), the Secretary of Health and Human Services, and the Governor's Office. Ms. Yeatts suggested that the meetings convene in April and May.

Ms. Yeatts stated that the Board of Medicine's next scheduled board meeting is June 21, 2007 and at that time the Board of Medicine may review the report from the Advisory Committee. Ms. Yeatts also stated that the Board of Physical Therapy may wish to move their August meeting to July for the Board of Physical Therapy's review of the report and to complete the promulgation process.

Mr. Howell recommended that the Legislative/Regulatory Committee attend the Advisory Committee meeting as part of the public for informational purposes.

Upon a motion by Ms. Quinn and seconded by Mr. Izzo the Committee voted to request the Executive Director, Ms. Hahn, to begin the process of contacting the Medical Society and the Virginia Physical Therapy Association for recommendations to serve on the Advisory Committee.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

OLD BUSINESS

Review DRAFT Proposed Regulations and NOIRA

The Committee reviewed the regulations.

Upon a motion by Ms. Quinn and seconded by Mr. Izzo the Committee voted to include in the NOIRA regulations:

§18 VAC 112-20-10
§18 VAC 112-20-40
§18 VAC 112-20-50
§18 VAC 112-20-60
§18 VAC 112-20-65

§18 VAC 112-20-70
§18 VAC 112-20-90
§18 VAC 112-20-100
§18 VAC 112-20-120
§18 VAC 112-20-130

§18 VAC 112-20-131
§18 VAC 112-20-135
§18 VAC 112-20-136

§18 VAC 112-20-140
§18 VAC 112-20-150

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

Review Regulations Regarding Discharge Summaries and Evaluation - §18VAC-112-20-90, 100, 120

The Committee reviewed the regulations regarding discharge summaries. There was discussion as to who should perform the discharge. Ms. Yeatts recommended that the Committee discuss the issue further in order to develop clarifying language.

Review Guidance Document – Applicants Who Have Taken Examination Three Times

Upon a motion by Ms. Belmont and seconded by Mr. Izzo the Committee voted to accept 'Guidance Document – Applicants Who Have Taken the Examination Three Times'

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

Review Guidance Document 112-9: Invasive Procedures

By consensus the Committee tabled this topic; however, the Committee asked that Invasive Procedures be placed on the agenda for the next meeting.

Review Enabling Statute §54.1-3480 and §54.1-3483 Regarding Ethics and Standards of Conduct

Ms. Yeatts stated that when the Board of Physical Therapy went from an Advisory Board under the Board of Medicine to an independent Board, the same language that was used for Medicine was used for the Board of Physical Therapy.

Ms. Yeatts stated that the Board of Medicine has since completed a process of combining their unprofessional conduct and grounds for refusal or disciplinary actions into one inclusive statute. Ms. Yeatts also stated that Medicine reviewed their regulations and Code of Ethics to ensure the regulations were all-encompassing of what the statutes stated and supported.

Ms. Yeatts also cited the Board of Pharmacy's statutes as an example.

Ms. Yeatts stated if the Committee decided to propose a Bill to combine the statutes, the Committee would need to have the Bill completed before September 1, 2007 for the next

General Assembly session. Ms. Yeatts suggested that the Committee develop a time frame for completing the task.

BREAK

The Committee recessed at 10:12 a.m. and reconvened at 10:20 a.m.

Ms. Hahn advised the Committee that their statutes did not require licensees to report disciplinary actions taken by another state regulatory authority and the Committee may wish to include language to address failure to report.

Ms. Hahn stated that the board office does receive disciplinary action reports from FSBPT, but in many instances the licensee has already been disciplined by the other regulatory authority and the license has been reinstated in good standing.

Upon a motion by Mr. Izzo and seconded by Ms. Belmont, the Committee voted to ask staff to develop language to combine §54.1-3480 and §54.1-3483 and to include failure to report disciplinary actions taken by another state regulatory authority.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

Review and Consider Amending Regulations Regarding Ethics and Standards of Conduct

Mr. Howell stated that the Committee will review the Board of Medicine and the Board of Pharmacy statutes regarding Ethics and Standards of Conduct.

ADJOURNMENT

Upon a motion by Ms. Belmont and seconded by Mr. Izzo the Committee voted to adjourn.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, and Ms. Quinn. There were no negative votes. The motion passed unanimously.

The meeting was adjourned at 10:40 a.m.

Damien Howell, PT., Chair

Lisa R. Hahn, Executive Director

Date

Date