

BOARD OF PHYSICAL THERAPY MEETING MINUTES

The Virginia Board of Physical Therapy convened for a Board meeting on Friday, November 17, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Allen R. Jones, Jr., PT, DPT, President
Arkena Dailey, PT, DPT, Vice President
Sarah Schmidt, PTA
Tracey Adler, PT, DPT
Elizabeth Locke, PT, PhD
Mira Mariano, PT, PhD
Susan Szasz Palmer, MLS, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Corie Tillman Wolf, J.D., Executive Director
Lynne Helmick, Deputy Executive Director, Discipline
David Brown, D.C., Agency Director
Elaine Yeatts, Senior Policy Analyst
Laura Mueller, Program Manager

BOARD COUNSEL PRESENT:

Erin Barrett, Assistant Attorney General

QUORUM:

With 7 members present, a quorum was established.

GUESTS PRESENT:

Richard Grossman, Virginia Physical Therapy Association (VPTA)
Tom Bohanon, DPT, VPTA

CALL TO ORDER

Dr. Allen R. Jones, Jr., President, called the meeting to order at 9:30 a.m. and asked the Board members and staff to introduce themselves. With 7 Board members present, a quorum was established.

Dr. Jones stated the following:

Sign in sheets are available for audience members and those wishing to make public comment. Computers are provided to the Board members for the purpose of the meeting only and have no connection to the internet. The material that they are able to review on the computer is the same material that has been made available to the public. During breaks, audience members are asked

to refrain or discuss Board-related business with members of the Board. Audience members may make comments for the Board members' consideration during the public comment period.

Ms. Tillman Wolf read the Emergency Egress Procedures.

Dr. Jones introduced new Board Member Susan "Suzy" Palmer, MLS.

APPROVAL OF MINUTES:

Upon a motion by Dr. Locke, properly seconded by Dr. Dailey, the Board voted to approve the following meeting minutes:

- Board Meeting – August 22, 2017
- Public Hearing – October 13, 2017
- Regulatory Advisory Panel on Proposed Dry Needling Regulations – November 15, 2017

The vote was unanimous.

Dr. Jones advised that the Board held two Informal Conferences on September 28, 2017, however these minutes do not require approval by the Board.

ORDERING OF AGENDA:

Ms. Tillman Wolf proposed changes to the agenda to remove the presentation from the Division of Risk Management, which will be rescheduled for the Board's February 2018 meeting, and to remove "Questions from Licensees" under New Business, as this topic will be covered by Ms. Tillman Wolf during her Executive Director's Report.

Upon a motion by Ms. Palmer, properly seconded by Ms. Schmidt, the Board voted to accept the revised agenda. The vote was unanimous.

PUBLIC COMMENT:

No public comment was received.

AGENCY DIRECTOR'S REPORT – David Brown, D.C.

Dr. Brown welcomed Ms. Palmer to the Board. Dr. Brown provided information on the planned move of agency resources and personnel including IT, the copy center, and reception to new space on the first floor of the current building. Dr. Brown discussed the development of training videos for Board members, the first of which on probable cause will be completed in a few weeks.

Dr. Brown provided an overview of the status of the opioid curricula workgroup which was convened by Dr. Hazel and led by DHP with the task of developing curricula for health professional schools on opioids. The workgroup included committees on prescribing, addiction, and pain management. Dr. Brown reported that the workgroup has developed a document of core competencies for prescribers and dispensers. A second phase of the workgroup will be

starting to bring in input from other non-prescriber health professional groups that are impacted by the opioid epidemic, including physical therapists. A meeting of representatives from schools for the non-prescriber health professions across the Commonwealth will be held on December 5, 2017, at DHP.

STAFF REPORTS:

Executive Director's Report – Corie Tillman Wolf, Executive Director

Ms. Tillman Wolf welcomed new Board member Susan Palmer, as well as new staff member Candace Carey, Discipline Assistant.

Ms. Tillman Wolf then began her report with the Expenditure and Revenue Summary.

Board Cash Balance as of June 30, 2017	\$ 1,457,317
YTD FY18 Revenue	43,780
Less YTD FY18 Direct and In-Direct Expenditures	193,582
Board Cash Balance as September 30, 2017	<u>\$ 1,307,514</u>

Ms. Tillman Wolf provided the following updates from FSBPT:

- Ms. Tillman Wolf participated in two conference calls for the Task Force on Re-Entry to Practice.
- The FSBPT Annual Meeting was held November 1-5, 2017, in Santa Ana Pueblo, NM:
 - Ms. Tillman Wolf participated in panel presentation on Continuing Competency and the aPTitude program.
 - There were a number of updates to the National Physical Therapy Exam (NPTE):
 - The proposed fee increase to \$485 was deferred until at least January 2019
 - Content outlines have been revised
 - A higher standard will be in effect in 2018 for both PT and PTA exams
 - Eligibility requirements for the exam will be changing in the future for non-CAPTE educated students as they related to proof of TOEFL passage (English proficiency examination) and proof of educational equivalence using the coursework tools in effect for PTs (CWT 6) and PTAs (PTA tool).
 - FSBPT discussed a number of products and programs at the annual meeting including the Alternate Approval Process, updates to the Jurisdiction Reference Guide, Model Disciplinary Guidelines, and the Minimum Data Set. Ms. Tillman Wolf noted that Virginia does already employ Model Disciplinary Guidelines in the form of the Sanctioning Reference Points tool and the Minimum Data Set in the form of the workforce data surveys. Ms. Tillman Wolf will provide additional information regarding the Alternate Approval Process later in the agenda.
 - The PT Licensure Compact was enacted April 25, 2017, with passage of legislation in the 10th state. There are 14 states that have passed/enacted the Compact as of July 1, 2017. The initial Rules and Bylaws of Commission were adopted on November 5, 2017, a copy of which was provided to Board members. A new website has been launched – www.ptcompact.org. The first compact privileges are to be issued in mid-

2018. Ms. Tillman Wolf noted that the rules and bylaws adopted further define “home state;” require that criminal background checks be implemented within 6 months of the effective date of Compact legislation; that the Commission will be charging a \$45 fee for the privilege; and that the initial annual assessment for Compact members will be \$0.

- Virginia continues to have a 5-star rating for the Exam, Licensure, and Discipline Database (ELDD).
- The upcoming regulatory training for Board members will be June 9-11, 2018, in Alexandria, Virginia; the next Annual Meeting is scheduled for October 25-27, 2018, in Reston, Virginia.

Board members asked that FSBPT staff be invited to present additional information about the Compact at our next Board meeting.

Ms. Tillman Wolf provided the following information on Licensing:

CURRENT LICENSURE STATISTICS

	August 2017	November 2017	Difference
PT	7,883	8,111	+228
PTA	3,317	3,401	+84
Total	11,200	11,512	+312
Direct Access	1,170	1,183	+13

Ms. Tillman Wolf reported that customer satisfaction ratings continue to be high, with a 99.1% overall customer satisfaction rating for FY17, and a 97.3% rating for the first quarter of FY18. Ms. Tillman Wolf thanked Laura Mueller, PT Program Manager, and Heather Wright, who is cross-trained, for their work.

Ms. Tillman Wolf provided the following information on examination passage rates:

2017 YTD PT Exam Stats:

- 558 VA Applicants have taken exam
 - 506/passed – 52/failed
 - 486 first time test takers
 - 90.68% pass rate
- 26 Non-CAPTE Applicants took exam
 - 9/passed - 17/failed
 - 34.62% pass rate

2017 PTA Exam Stats:

- 311 VA Applicants have taken exam
 - 253/passed – 58/failed
- 222 first time test takers
 - 81.35% pass rate
 - 18.65% fail rate

Ms. Tillman Wolf reported that Board staff receive a number of calls from licensees, with the most calls regarding the following categories – school-based physical therapy; home health practice and the practice of PTAs; documentation, including transcription of orders and countersignatures; and general scope of practice – modalities. Ms. Tillman Wolf hopes to address some of these repeat questions as FAQs in upcoming newsletters.

Ms. Tillman Wolf reported that she made two presentations to DPT students in October 2017 at Shenandoah University and Old Dominion University.

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

Discipline Report – Lynne Helmick, Deputy Executive Director

Ms. Helmick reported on the current number of open cases, discipline statistics, and Key Performance Measures.

- 35 Total Cases
 - 9 in APD
 - 12 in Investigation
 - 15 in Probable Cause
 - 5 Compliance Cases
- Virginia Performs Q1 FY2018
 - Clearance Rate – at 67% - The Board received 3 cases and closed 2 cases.
 - Pending Caseload over 250 days was at 8%. That represents 1 case.
 - Cases closed within 250 days was at 100%. The goal is 90%.
- In Q1 FY 2018, the Board received 23 cases and closed 16 cases. A total of 13 continuing education audit cases were docketed in Q4 FY 2017.

Ms. Helmick provided a summary of the case types adjudicated in FY 2017 and Q1 FY 2018. With no further questions, Ms. Helmick concluded her report.

BOARD AND COMMITTEE REPORTS:

Report from the FSBPT Annual Meeting - Allen R. Jones, Jr., PT, DPT, Arkena L. Dailey, PT, DPT, Sarah Schmidt, PTA, Elizabeth R. Locke, PT, PhD

Dr. Jones, Dr. Dailey, Dr. Locke, and Ms. Schmidt each shared their takeaways from the Annual Meeting with Board members and voiced their appreciation for the opportunity to attend the meeting.

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

Dr. Jones stated that his report and the meeting minutes were provided for Board members' review in the additional meeting materials.

Dr. Jones called for a break at 10:51 a.m. The Board meeting reconvened at 11:00 a.m.

Regulatory Advisory Panel (RAP) – Proposed Regulations on the Practice of Dry Needling
– Allen R. Jones, PT, DPT

Dr. Jones deferred his report on the RAP to Elaine Yeatts for discussion of the recommendations from the RAP.

Legislative and Regulatory Actions – Elaine Yeatts

Consideration of Recommendations of the RAP – Response to Public Comment and Proposed Regulations on the Practice of Dry Needling/Consideration of Regulations

Ms. Yeatts explained that the Board would not be considering the adoption of final regulations on the practice of dry needling, but rather, due to the substantive changes proposed, the Board would consider re-proposed regulations at this time. Ms. Yeatts provided an overview of the second meeting of the RAP, which discussed the training issue not fully discussed at the first RAP meeting. Ms. Yeatts provided an overview of recommended changes from both RAP meetings to the current proposed stage language. Upon a motion by Ms. Schmidt, properly seconded by Dr. Adler, the Board voted to move the presented draft language changes forward and adopt those changes as re-proposed regulations. The vote was unanimous. (Attachment A)

Adoption of Final Regulations on the Recognition of the oPTion Assessment Tool

Ms. Yeatts provided an overview of the proposed regulations and stated that no public comments were received. Upon a motion by Dr. Dailey, properly seconded by Ms. Schmidt, the Board voted to adopt final regulations on the recognition of the oPTion assessment tool. The vote was unanimous. (Attachment B)

Consideration of Revisions to Bylaws

Ms. Yeatts provided an overview of proposed revisions to the Board's bylaws related to delegation to the Executive Director the authority to provide investigatory information to other agencies pursuant to the provisions of 54.1-2400.2(D) and (F), and to changing the timing of elections to the first meeting of the organizational year. Upon a motion by Ms. Schmidt, properly seconded by Ms. Palmer, the Board voted to adopt the revisions to the bylaws as presented. The vote was unanimous. (Attachment C)

OLD BUSINESS

Update - Sanctioning Reference Points (SRPs)– Neal Kauder, VisualResearch, Inc.

Mr. Kauder provided an update to the Board regarding revision of the SRPs. Mr. Kauder provided an overview of proposed changes to the current SRP worksheet in the point ranges and the scoring factors, as well as proposed changes to the wording of the instructions, which will be further reviewed by Board staff.

Upon a motion by Dr. Dailey, properly seconded by Ms. Schmidt, the Board voted to move forward with the proposed changes to the SRP worksheet. The vote was unanimous.

NEW BUSINESS

Consideration of Continuing Education Credit for Attendance of Board Meetings – Elizabeth Locke, PT, PhD

Dr. Locke asked the Board to consider permitting Board members to obtain Type 2 CE hours for attendance of Board meetings and hearings. Board members discussed broadening the attendance to all licensees who attend Board meetings or hearings, which would be an opportunity for licensees to see how the Board works and makes decisions. Ms. Yeatts discussed regulatory options and language in the current regulation that limits Type 2 hours to hours related to “clinical” practice that could be stricken to accomplish the objective. Ms. Yeatts explained that the proposed change could be a fast-track regulatory action, as it would not likely be controversial.

Upon a motion by Dr. Mariano, properly seconded by Dr. Dailey, the Board voted to move forward with promulgating a fast-track regulation to permit licensees to obtain up to two hours of Type 2 CE hours per renewal cycle for attendance of Board meetings and hearings. The motion carried unanimously.

Practitioner Response to Opioid Epidemic – Tracey Adler, PT, DPT

Dr. Adler explained that one of the methods her practice has used to address the use of opioid prescriptions by patients is through a brochure to patients. Dr. Adler explained that there are current initiatives through the GetPTfirst campaign and the American Physical Therapy Association to promote the use of physical therapy as an alternative to opioid prescriptions. The leading group of patients who become opiate-dependent are those who have sought back pain treatment.

Ms. Barrett commented that the regulations promulgated by the Board of Medicine also incorporate the practice of encouraging patients to seek alternate modalities of treatment (e.g. physical therapy) prior to starting treatment with opioid prescriptions.

Alternate Approval Process – Corie E. Tillman Wolf

Ms. Tillman Wolf provided an overview of the Alternate Approval Process (AAP) which has been proposed by FSBPT as a service to boards. Through the APP, FSBPT would make graduates from CAPTE-accredited schools eligible to sit for the national exam and would process ADA requests for accommodations. The candidate’s score would then be reported to the state(s) of choice; the candidate would then go through the license application process. This was a process that was created at boards’ request and is currently in use in Texas.

Ms. Tillman Wolf explained the current licensure process for Board staff and some of the perceived “pros” and “cons” to instituting the AAP process. The three options for the Board’s

consideration were (1) whether or not to consider the AAP process; (2) whether to defer consideration of the process until a later time; or (3) obtain more information from FSBPT regarding the program.

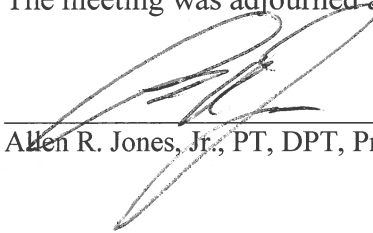
Board members discussed the proposed options and the notion of where the current licensure process is not broken, then there is no real need to institute a new process. Board members further discussed the merit of having a presentation by FSBPT staff sometime in 2018, but that the process would be taken under advisement at this time. Ms. Tillman Wolf stated that, for efficiency, it may be possible to have a presentation by FSBPT staff on the AAP at the same time as the PT Compact.

NEXT MEETING – February 13, 2018

Prior to adjourning the meeting, Dr. Jones thanked members of the RAP as well as Board staff for their work on the proposed regulations for dry needling. Dr. Adler also thanked members of the RAP for their work.

ADJOURNMENT

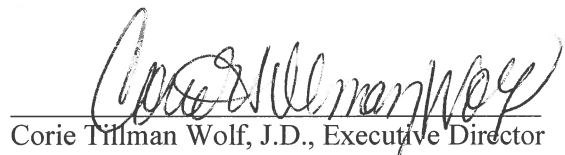
The meeting was adjourned at 12:25 p.m.



Allen R. Jones, Jr., PT, DPT, President

Date

2-13-18



Corie Tillman Wolf, J.D., Executive Director

Date

2/15/18