

The Virginia Board of Physical Therapy convened for a full Board meeting on Thursday, August 10, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Mira H. Mariano, PT, PhD, President
Rebecca Duff, PTA, DHSc
Melissa Fox, PT, DPT
Susan Szasz Palmer, MLS

BOARD MEMBERS NOT PRESENT:

Tracey Adler, PT, DPT
Arkena L. Dailey, PT, DPT, Vice-President
Elizabeth Locke, PT, PhD

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Director of Legislative and Regulatory Affairs
Sarah Georgen, Licensing and Operations Supervisor
Laura Mueller, Senior Licensing Program Coordinator
Matt Novak, Policy and Economic Analyst
Melanie Pagano, Deputy Executive Director
M. Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

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

OTHER GUESTS PRESENT:

Jamie Arkin
Glaur Barber
Edie Curry, Richard Knapp & Associates, PC
Robert Dodson, Jr.
Frances Duty
Joseph Gianfortoni
Tyrone Harper
Ken Hutcheson
Dianna Rife
Paige Roberts
Scott Roberts
Melissa Wyatt

CALL TO ORDER

Dr. Mariano called the meeting to order at 10:01 a.m. and asked the Board members and staff to introduce themselves.

With four Board members present at the meeting, a quorum was established.

Dr. Mariano read the mission of the Board, which is also the mission of the Department of Health Professions.

Dr. Mariano reminded the Board members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Dr. Mariano opened the floor to any edits or corrections regarding the draft minutes for meetings held between May 11, 2023, and June 26, 2023, including a Board meeting and Formal Hearing held on May 11, 2023, and a Special Meeting on June 26, 2023.

Ms. Szasz Palmer requested an edit to the Special Meeting minutes held on June 26, 2023. A correction was necessary on page two of the minutes under "Closed Session" to reflect her name as "Ms. Szasz Palmer" rather than "Dr. Szasz Palmer."

Upon a **MOTION** by Dr. Fox and properly seconded by Dr. Duff, the Board voted to accept the minutes as amended. The motion carried unanimously (4-0).

ORDERING OF THE AGENDA

Dr. Mariano opened the floor to any additional items to add to the agenda.

Ms. Tillman Wolf noted that Ms. Barrett would provide the Agency Report.

Upon a **MOTION** by Ms. Szasz Palmer and properly seconded by Dr. Fox, the Board voted to accept the agenda as amended. The motion carried unanimously (4-0).

PUBLIC COMMENT

The Board did not receive any public comment.

AGENCY REPORT

Erin Barrett, Director of Legislative and Regulatory Affairs, provided the agency report on behalf of agency Director Arne Owens. She spoke to the 2023 General Assembly Session and stated that DHP was preparing for the next session, focusing on the budget for the Fiscal Year 2024 to 2026 biennial years.

With no questions, Ms. Barrett concluded her report.

STAFF REPORTS

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

Board Updates

Ms. Tillman Wolf provided an update regarding actions taken as a result of the direct access legislation passed during the 2023 General Assembly Session and which became effective July 1, 2023. She reported that a notification of the statute change was emailed to licensees on June 23, 2023, an updated Direct Access Medical Authorization form was posted online, and the Board's Frequently Asked Questions were updated to reflect questions received from licensees about the legislative changes.

FSBPT Updates

Ms. Tillman Wolf reported that she and Dr. Mariano attended the Leadership Issues Forum (LIF) meeting held on July 14-16, 2023, in Arlington, Virginia.

Ms. Tillman Wolf also reported on the upcoming FSBPT 2023 Annual Meeting scheduled for October 19-21, 2023, in Jacksonville, Florida. She provided a reminder that the Board's President and Vice President typically attend as the voting delegate and alternate delegate.

Leadership Issues Forum (LIF) Update

Ms. Tillman Wolf reported on the Leadership Issues Forum (LIF) meeting. She provided an update on information from the Commission on Accreditation in Physical Therapy Education (CAPTE), including CAPTE's plan to discuss licensure requirements for faculty members in the context of accreditation, as well as updates to the site review process for accreditation and reaccreditation of programs. She noted that more information regarding CAPTE's discussion of the licensure status of faculty members would be provided at a future meeting and that depending on the changes made, the Board may wish to revisit Guidance Document 112-4, "Board guidance on requirement for licensure for instructors in a physical therapy program" as needed.

Ms. Tillman Wolf also reported that more information about topics of interest will be provided by FSBPT at the Annual Meeting, including digital practice, artificial intelligence and apps, telehealth, and the creation of a Healthy Practice Self-Assessment Tool.

NPTE Updates

Ms. Tillman Wolf reported on the trends identified by FSBPT and noted at the LIF meeting related to the overall national passage rates for the National Physical Therapy Examination (NPTE). FSBPT had reported

that yearly passage rates declined by 5-10% since 2018 related to first-time test takers, and that the overall decline could be attributable to the impact of COVID-19, virtual education, and mental health concerns. She stated that FSBPT expects these rates to level out over time.

Ms. Tillman Wolf also reported that FSBPT will be conducting upcoming research on exam-related items including determinants of passage and pathways to success. She reported that there will be more video and scenario-based questions added to the NPTE over time, with the aim of providing exam candidates with a more holistic view of patient cases in clinical practice and more complex medical scenarios to test knowledge, but with less lengthy text descriptions of movements.

PT Compact Updates

Ms. Tillman Wolf reported on the national status of the Physical Therapy Compact, including new states that have enacted legislation or have begun issuing privileges. She reported that thirty-seven jurisdictions have passed legislation to join the Compact and that thirty jurisdictions are currently issuing privileges.

Ms. Tillman Wolf provided a copy of the PT Compact Rules and Bylaws amendments from the June 27, 2023, Special Meeting of the Compact Commission.

Ms. Tillman Wolf reported on the revenue generated by PT Compact privilege purchases to the Board since its enactment on January 1, 2020. She reported that as of August 7, 2023, 1,339 privileges (new and renewal) had been obtained for Virginia by 999 practitioners. She reported that 14,582 practitioners had joined the Compact nationwide since its implementation in 2018.

Ms. Tillman Wolf also noted that there were 644 active privileges in Virginia from other jurisdictions (518 PT and 126 PTA). She reported that practitioners from Maryland, North Carolina, Texas, Tennessee, and West Virginia held the highest number of privileges. She noted that several privileges have recently been issued to practitioners from New Jersey.

2023 Board Meetings

Ms. Tillman Wolf noted the remaining 2023 Board meeting dates.

- November 9, 2023

Ms. Tillman Wolf announced the 2024 Board meeting dates.

- February 22, 2024
- May 16, 2024
- August 13, 2024
- November 13, 2024

Notes and Reminders

Ms. Tillman Wolf provided reminders to Board Members to keep board staff informed of participation in committees or workgroups and any travel needs for FBSPT participation, as travel authorization is required.

Ms. Tillman Wolf thanked the Board Members for their hard work and dedication.

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

Discipline Report

As of July 28, 2023, Ms. Pagano reported the following disciplinary statistics:

- 35 Open cases
 - 5 at Enforcement
 - 26 at Probable Cause
 - 4 at APD

Ms. Pagano reported the following Total Cases Received and Closed:

- | | |
|-------------------|-------------------|
| • Q2 2021 – 12/19 | • Q4 2022 – 3/10 |
| • Q3 2021 – 12/8 | • Q1 2023 – 15/21 |
| • Q4 2021 – 20/7 | • Q2 2023 – 13/18 |
| • Q1 2022 – 11/12 | • Q3 2023 – 10/8 |
| • Q2 2022 – 9/8 | • Q4 2023 – 4/5 |
| • Q3 2022 – 15/18 | |

With no questions, Ms. Pagano concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

Ms. Georgen presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics that included the following information and trends in license count:

| License | Q3 2023 | Q4 2023 | Change +/- |
|------------------------------|---------|---------|------------|
| Physical Therapist | 8,878 | 9,146 | +268 |
| Physical Therapist Assistant | 3,615 | 3,676 | +61 |
| Total PT’s and PTA.’s | 12,493 | 12,822 | +329 |
| Direct Access Certification | 1,437 | 1,448 | +11 |

Examination Statistics

Ms. Georgen presented the Physical Therapist and Physical Therapist Assistant examination statistics from July 2023 administrations and provided information on the examination trends.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on the existing policy regarding compliance with the 30-day requirement to submit Expense Reimbursement Vouchers. She stated that all agencies were required to adhere to these regulations, and there would be no exceptions to this policy in the future.

Board Applications and Forms

Ms. Georgen stated that changes were recently made to the paper and online applications to include formatting, conciseness, and clarity and to make them more user-friendly for the applicants. Ms. Georgen provided draft forms for review and requested any feedback from Board members.

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT

Mr. Saunders provided an update on a pending court case involving the Board.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Rebecca Duff, PTA, DHSc

Dr. Duff stated that the Board of Health Professions has yet to meet since the last meeting, but a meeting was being prepared for the near future.

With no questions, Dr. Duff concluded her report.

FSBPT Leadership Issues Forum (LIF) Report – Mira Mariano, PT, PhD

Dr. Mariano reported on the LIF discussion of digital health apps and telehealth. She stated that further resources would be provided by the American Physical Therapy Association (APTA). She also stated that the Organization for the Review of Care and Health Apps (ORCHA) will also provide resources for digital health apps.

Dr. Mariano reported on the discussion of physical therapy title protection and concerns related to the use of “DPT” by “Dynamic Personal Training.”

Dr. Mariano reported that the Sexual Misconduct and Boundary Violations Committee reported on resources developed for state jurisdictions for practitioners and the public.

With no questions, Dr. Mariano concluded her report.

LEGISLATIVE AND REGULATORY REPORT

Ms. Barrett provided an update on the regulatory actions currently in process.

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Repeal of Guidance Document, 112-7, Board Guidance on Physical Therapists and Individualized Educational Plans in Public Schools

Ms. Barrett provided an overview of the suggested repeal to Guidance Document 112-7. She stated that changes made during the 2023 General Assembly regarding Virginia Code § 54.1-3482 addressed the information outlined in the guidance document, making it obsolete.

Upon a **MOTION** by Ms. Szasz Palmer, properly seconded by Dr. Duff, the Board voted to repeal Guidance Document 112-7, Board Guidance on Physical Therapists and Individualized Educational Plans in Public Schools, as presented. The motion carried unanimously (4-0).

Adoption of Revisions to the Electronic Meeting Policy (Virginia Code § 2.2-3708.3)

Ms. Barrett provided an overview of the revisions to the Electronic Meeting Policy to reflect changes to the underlying Code section that became effective in September 2022. Ms. Barrett reminded Board members that, although this policy exists to outline electronic participation by Board members in certain circumstances, technology limitations may limit the Board members' actual ability to participate electronically.

Upon a **MOTION** by Dr. Fox, properly seconded by Ms. Szasz Palmer, the Board voted to accept the adoption of revisions to the Electronic Meeting Policy under § 2.2-3708.3 as presented. The motion passed unanimously (4-0).

Consideration of Petition for Rulemaking (Giafortoni)

Ms. Barrett explained that a petition for rulemaking allows any member of the public to request that the Board consider promulgation of a new regulation or consider the amendment or repeal of an existing regulation. Ms. Barrett reviewed the process for a petition for rulemaking and stated that Virginia Regulatory Town Hall provides the public with notice of the petition and an opportunity for comment. She explained that the Board must issue a written decision granting or denying the request. The decision must include the reasons for the Board's decision, and it must appear in Town Hall and be published in the Register.

Ms. Barrett noted that 91 comments were received on Town Hall during the open comment period from May 8, 2023, to June 7, 2023. She stated that 43 comments were redacted as they contained improper comments on disciplinary matters before the Board, improper references to specific practitioners, or contained ad hominem attacks on the Board members and staff. The remaining 47 comments were in support of the petition.

Upon a **MOTION** by Dr. Fox, properly seconded by Ms. Szasz Palmer, the Board voted to take no action on the petition at this time but to refer this matter to the Board's regulatory committee to consider potential future action. The motion carried unanimously (4-0).

Review and Affirm Approval of Credentialing Agencies for Graduates of Non-Accredited Schools (18VAC112-20-50)

Ms. Tillman Wolf provided information to the Board regarding the approval process for agencies that provide credentialing evaluation services for graduates of non-accredited programs. Upon review of the FSBPT Credentialing Organizations, it was noted that the University of Texas at Austin was no longer approved to use the FSBPT Coursework tools.

Upon a **MOTION** by Dr. Duff, properly seconded by Dr. Fox, the Board voted to reaffirm approval of the three credentialing agencies, Foreign Credentialing Commission on Physical Therapy (FCCPT), International Consultants of Delaware (ICD), and International Education Research Foundation, Inc. (IERF) and to remove the University of Texas at Austin as an approved agency. The motion carried unanimously (4-0).

BREAK

The Board took a break at 10:46 a.m. and reconvened at 10:51 a.m.

NEW BUSINESS

Physical Therapy Apps – Licensee Question

Ms. Tillman Wolf provided an overview of questions raised by a licensee regarding the licensee's participation in the development of a physical therapy app for use by members of the public. Ms. Tillman Wolf requested feedback from the Board on potential next steps for consideration and noted that this was an area where there are emerging questions about the potential implications for practice. Upon discussion by the Board, it was determined that this item should be referred to the legislative and regulatory committee for further consideration with a report back to the Board in the calendar year 2024.

ELECTIONS

President

Dr. Mariano stated that in accordance with the Bylaws, at the first regularly scheduled meeting of the organizational year, the Board shall elect its officers.

Ms. Tillman Wolf stated that Dr. Mariano had submitted an Interest Nomination Form for consideration as President of the Board, which had been electronically distributed.

Dr. Mariano opened the floor for any further nominations for President of the Board of Physical Therapy.

Dr. Mariano called for a motion and voice vote for the election of the one nominee, Dr. Mariano, for the position of President of the Board of Physical Therapy.

Upon a **MOTION** by Dr. Fox and properly seconded by Dr. Duff, the Board voted to elect Dr. Mariano as President of the Board of Physical Therapy. The motion passed unanimously (4-0).

Vice-President

Dr. Mariano stated that Ms. Szasz Palmer had submitted an Interest Nomination Form for consideration as Vice-President of the Board, which had been electronically distributed.

Dr. Mariano opened the floor for any further nominations for Vice-President of the Board of Physical Therapy.

Dr. Mariano called for a motion and voice vote for the election of the one nominee, Ms. Szasz Palmer, for the position of Vice-President of the Board of Physical Therapy.

Upon a **MOTION** by Dr. Duff and properly seconded by Dr. Fox, the Board voted to elect Ms. Szasz Palmer as Vice-President of the Board of Physical Therapy. The motion passed unanimously (4-0).

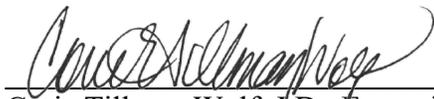
NEXT MEETING

The next meeting date is November 9, 2023.

ADJOURNMENT

Dr. Mariano asked the Board Members to participate in probable cause case review following the adjournment of the business meeting.

Dr. Mariano called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 11:08 a.m.



Corie Tillman Wolf, J.D., Executive Director

3/4/2024

Date