

**APPROVED  
BOARD OF PHYSICAL THERAPY  
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Thursday, August 26, 2010 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #2, Henrico, Virginia.

**The following members were present:**

George Maihafer, P.T., PhD, President  
Maureen E. Lyons, P.T., Vice-President  
Damien Howell, P.T.  
Peggy H. Belmont, P.T.  
J.R. Locke

**The following members were absent for part of the meeting:**

Lorraine C. Quinn, P.T.A.  
Melissa Wolff-Burke, P.T., EdD

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

Lisa R. Hahn, Executive Director  
Dr. Dianne Reynolds-Cane, Agency Director  
Arne W. Owens, Agency Deputy Director  
Elaine Yeatts, Senior Policy Analyst  
Missy Currier, Administrative Assistant

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

Amy Marschean, Senior Assistant Attorney General

**Quorum:**

With 5 members present, a quorum was established.

**GUESTS PRESENT**

Mark Lane, FSBPT  
Nancy Kirsch, FSBPT  
Dennis Light, Global Healthcare Resources  
Kim Langston, Research Analyst, VisualResearch, Inc.

**CALLED TO ORDER**

Dr. Maihafer, President, called the board meeting to order at 2:10 p.m.

**ORDERING OF THE AGENDA**

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to approve the agenda as amended.

The motion passed unanimously.

### **ACCEPTANCE OF MINUTES**

- Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to accept the minutes of the February 12, 2010 Board meeting. The motion passed unanimously.
- Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board voted to accept the minutes of the March 23, 2010 Special Conference Committee Minutes. The motion passed unanimously.
- Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to accept the minutes of the July 2, 2010 Telephonic Conference. The motion passed unanimously.

Ms. Wolff-Burke and Ms. Quinn had not yet arrived.

### **PUBLIC COMMENT**

Mr. Light from Global Healthcare Resources gave a summary regarding the American Association of International Healthcare Recruitment's (AAIHR) response to recent actions taken by the Federation of State Boards of Physical Therapy (FSBPT).

### **EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn**

Ms. Hahn began her report by thanking everyone for their flexibility in re-arranging their schedules to meet the needs of the formal and informal hearings. She also thanked Ms. Quinn for her service and dedication to the board and extended an invitation for lunch at the next meeting. Ms. Hahn introduced Dr. Dianne Reynolds-Cane, the new agency Director and Arne Owens, the new agency Deputy Director and provided handouts of their Bio's. She expressed the wonderful support that they have already given to the agency. Ms. Hahn also mentioned that the Richmond Times Dispatch will be publishing an article on Dr. Reynolds-Cane on September 6, 2010.

### **Budget**

Ms. Hahn reported that the cash balance as of June 30, 2009 was \$629,365; the revenue for Fiscal Year 10 was \$122,644; direct and allocated expenditures were \$390,462; a one time cash transfer for FY10 Caboose Bill was \$10,671; a one time cash transfer for FY10

Administration Reduction was \$15,011; the ending cash balance as of June 30, 2010 was \$335,865.

Ms. Hahn indicated that although the board has been living within its budget, VITA costs are expected to increase substantially. She stated that the July 2010 bill was 125% higher than normal and expects an 80% increase in 2011. She added that Dr. Reynolds-Cane, the Secretary's Office, the Budget Director and the IT Director have been working on the issue and are looking into areas that may reduce or remedy the increase costs.

### **Virginia Performs**

Ms. Hahn reported the clearance rate for the Quarter ending June 30, 2010 was 50%; she reported that 4 cases were opened and 2 cases were closed. The age of our pending case load over 250 days is at 20% which is within our goal of less than 25%. The time to disposition is at 100% of cases closed within 250 days. The licensing standard of less than 30 days for issuance has been met 100% of the time. The customer satisfaction rating achieved was 97% which meets the two year goal.

### **Licensee and Certification Statistics**

Ms. Hahn reported there are currently 5,704 active licensed physical therapists; 2,232 physical therapist assistants and 450 Direct Access Certifications issued. She also shared that the number of PT licensees has increased 20% since fiscal year 2007.

### **Discipline Statistics**

Ms. Hahn reported there are currently 9 open cases, 3 cases in Investigations, 2 cases at the probable cause level, 1 case at the informal stage, and 3 at the formal stage.

Melissa Wolff-Burke arrived at 2:30 p.m.

### **Board Meeting Calendar**

The next full board meeting has been re-scheduled from November 12<sup>th</sup> to November 19, 2010.

### **Other Notes**

Ms. Hahn & Dr. Maihafer will be attending the October FSBPT Conference in Denver, Colorado. Both will be presenting on the Sanction Reference Guidelines and Ms. Hahn will also be presenting on Virginia's Re-Entry Requirements.

Ms. Hahn and Mr. Owens held a meeting with Julie Gifford from the Department of Defense regarding barriers for military spouses wanting to re-enter the Physical Therapy profession. Ms. Hahn stated that she had made contact with the Virginia Physical Therapy Association

(VPTA) and the American Physical Therapy Association (APTA) as well as other States to see if anyone had addressed this matter. Ms. Gifford indicated that she would like to propose legislation in the states that would allow military spouses the same privilege that we offer our military when deployed.

Ms. Hahn shared survey results from those individuals that took the NPTE last quarter. She pointed out that according to the Comment Summary Report and Candidate Satisfaction Survey Virginia scored much higher than the national average on satisfaction with our licensing process.

Ms. Hahn included information regarding the ProBE Program (Professional problem based Ethics program that CPEP has been working with FSBPT to offer) in order to familiarize the members with the program and recommend appropriate individuals to the program.

Ms. Hahn shared an article regarding hospital based outpatient direct access to Physical Therapy services.

Ms. Hahn announced that the New Board Member Orientation will be held on October 27, 2010. Ms. Wolff-Burke will be invited to attend in addition to Ms. Quinn's replacement if the Secretary's office has announced a new appointment by then.

## **NEW BUSINESS**

### **FSBPT Presentation – Mark Lane and Nancy Kirsch**

Ms. Kirsch thanked the board for inviting them to the meeting and stated that the decisions made by FSBPT were based on credible evidence and although many applicants have been affected, it is their goal to ensure the safety of the public.

Mr. Lane followed with a detailed PowerPoint presentation explaining the reasons for their recent decision to not allow candidates who received their education in particular countries from testing until a new psychometrically sound examination is developed.

Ms. Quinn arrived at 2:45 p.m.

Following the presentation was a brief question and answer period.

## **BREAK**

The Board took a recess at 3:30 p.m. and reconvened at 3:45 p.m.

### **Regulatory Report – Lisa Hahn**

Ms. Hahn explained that the proposed regulations remain at the Governor's office. She also shared a copy of the Governor's Executive Order Number 14 regarding streamlining the

regulatory process. Currently, typical legislation can take 18 – 24 months before it is finalized.

### **Guidance Document 112-16**

If initials designating an educational degree are used in connection with your name, they should be written in addition to and ~~not instead of~~ following your licensure designation of PT or PTA.

Professional designations are set forth in § 54.1-3481 of the Code of Virginia, as follows:

A. It shall be unlawful for any person who is not licensed under this chapter, or whose license has been suspended or revoked or who licensure has lapsed and has not been renewed, to use in conjunction with his name the letters or words "R.P.T.," "Registered Physical Therapist," "L.P.T.," "Licensed Physical Therapist," "P.T.," "Physical Therapist," "Physio-therapist," "P.T.T.," "Physical Therapy Technician," "P.T.A.," "Physical Therapist Assistant," "Licensed Physical Therapist Assistant," or to otherwise by letters, words, representations or insignias assert or imply that he is a licensed physical therapist. The title to designate a licensed physical therapist shall be "P.T." The title to designate a physical therapist assistant shall show such fact plainly on its face.

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board opened discussion regarding Guidance Document 112-16 relating to the use of a professional degree in conjunction with licensure designation.

Following a suggested change in the wording by Ms. Lyons, the board upon a second motion, voted to accept Guidance Document 112-16 as amended. The motion passed unanimously. All board members were present.

### **Guidance Document 112-9**

A letter was received asking if the board would consider amending Guidance Document 112-9 in order to be clear and consistent with the Code of Virginia. The following amendment to the fourth bullet in the Guidance Document was proposed.

- Dry needling is an invasive procedure and, ~~in accordance with § 54.1-3482 of the Code of Virginia~~ requires ~~physician~~ referral and direction, in accordance with § 54.1-3482 of the Code of Virginia. ~~Physician~~ Referral should be in writing and specific for dry needling; if the initial referral is received orally, it must be followed up with a written referral.

Upon a motion by Mr. Howell and properly seconded by Ms. Quinn, the board voted to accept the revision of Guidance Document 112-9. The motion passed unanimously.

### **Renewal Fees**

Ms. Hahn reviewed the projected revenue and expenditure reports with the members and explained that a decision would have to be made regarding a one time reduced renewal fee. Ms. Hahn recommended that they consider in their decision, the increased costs expected from VITA, and the already increasing costs associated with enforcement, investigations and administrative proceedings.

After reviewing the information, a motion was made by Mr. Howell and properly seconded by Ms. Lyons to approve Option III for the one time renewal fee reduction for the upcoming December 2010 renewals. This projected option leaves an estimated cash balance of \$309,521 in FY end 2012.

### **Clinical Supervision of LPTA's**

Ms. Hahn shared an e-mail from a PTA requesting clarification regarding supervisory responsibilities for PTA's. The PTA questioned why a licensed PTA is allowed to supervise a student who is completing a PTA program, yet not allowed to supervise a graduate PTA who is waiting to take the exam.

The board reviewed regulations 18VAC112-20-100 (D); and 18VAC112-20-70(A) and stated that the PTA who has fulfilled the graduation requirement and is waiting to take the exam, has increased potential to receive more unsupervised direction and therefore, the regulation should not be amended.

### **Practice of Physical Therapists in Acute Care Settings**

The board reviewed an e-mail received by Ms. Hahn from the VCU Health System requesting clarification on the definition of *direction* in Acute Care settings. Mr. Howell recommended referring the article he provided in the agenda package titled "Pursuit and Implementation of Hospital-Based Outpatient Direct Access to Physical Therapy Services: an Administrative Case Report. Mr. Howell mentioned that perhaps PT's in Acute Care settings may want to consider Virginia's Direct Access Certification. Ms. Hahn will respond to the email and cite both § 54.1-3482.1 of the Code of Virginia and 18VAC 112-20-10 of the regulations.

### **Discussion on NPTE**

Ms. Hahn brought to the board's attention that she had received several letters from applicants affected by the recent suspension of testing by FSBPT. She shared that we do have a few applicants that have completed the requirements for licensure and were ready to test, but their progress has suddenly been halted by their ineligibility to take the exam. The board agreed that they will allow the President to use his authority to approve the extension of traineeships on a case by case basis. The board will re-evaluate the situation when they meet again in November.

### **Sanction Reference Group Exercise – Kim Langston**

At the request of Dr. Maihafer and Ms. Hahn, board members and staff participated in a sample case group exercise utilizing the Sanction Reference Guidelines as a measure in the reliability in scoring. Ms. Langston from VisualResearch assisted with the process and answered questions from the members.

**Board of Health Profession Report – Damien Howell, President**

Mr. Howell shared that the DHP Board has held various public meetings regarding whether or not Surgical Assistants; Clinical Lab Technologists; Kinesiotherapists; and Medication Aides; should be regulated by the Department of Health Professions.

**Election of Officers**

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the board nominated the re-election of Dr. George Maihafer as President. The motion passed unanimously.

Upon a motion by Mr. Locke and properly seconded by Mr. Howell, the board nominated the election of Ms. Belmont as Vice-President. The motion passed unanimously.

**ADJOURNMENT**

With all business concluded the meeting was adjourned at 5:25 p.m.

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George Maihafer, PT, Ph.D., Chair

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Lisa R. Hahn, MPA, Executive Director

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Date

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Date