

**APPROVED**  
**BOARD OF PHYSICAL THERAPY MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a Board meeting on Tuesday, August 22, 2017 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #4, 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

**BOARD MEMBERS ABSENT:**

Susan Szasz Palmer

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:**

Corie Tillman Wolf, J.D., Executive Director  
Lynne Helmick, Deputy Executive Director, Discipline  
Lisa R. Hahn, Agency Chief Deputy Director  
Elaine Yeatts, Senior Policy Analyst  
Laura Mueller, Program Manager

**BOARD COUNSEL PRESENT:**

Erin Barrett, Assistant Attorney General

**QUORUM:**

With 6 members present, a quorum was established.

**GUESTS PRESENT**

Josh Bailey, Virginia Physical Therapy Association (VPTA)  
Richard Grossman, VPTA  
Arthur Fan, McLean Center for Complimentary & Alternative Medicine  
Janet Borges, L.Ac.  
Dixie Bowman, PT, DPT, Ed.D., Former Board member  
Aubry Fisher, ASVA  
Stephanie Pina, ASVA  
Steven Lam, Former Board member  
Yan Fan, ASVA  
Mathew Stanley, ASVA

## **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 6 Board members present, a quorum was established.

Dr. Jones stated the following:

Computers were 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.

Ms. Tillman Wolf read the Emergency Egress Procedures.

Dr. Jones introduced the new Board Members:

- Dr. Elizabeth Locke, PT, PhD – Director of Clinical Education for the School of Physical Therapy and Athletic Training at Old Dominion University
- Dr. Mira Mariano, PT, PhD – Senior Lecturer and DPT Admission Co-Director for the School of Physical Therapy and Athletic Training at Old Dominion University
- Susan “Suzy” Palmer, MLS – Citizen Member – Recently retired from her role as Dean of the Longwood University Library. Ms. Palmer was unable to attend the meeting.

Dr. Jones recognized the following former Board Members and presented them with plaques of appreciation:

- Dr. Dixie Bowman, PT, DPT, EdD – Assistant Professor at Virginia Commonwealth University – Served on Board from 2013-2017
- Steve Lam, Citizen Member, served on Board from 2012-2017
- Dr. Melissa Wolff-Burke, PT, EdD – Associate Professor at Shenandoah University – served on Board from 2009-2017. Dr. Wolff-Burke was unable to attend the meeting.

## **ACCEPTANCE OF MINUTES:**

Ms. Tillman Wolf provided Board members with the proposed language of two requested amendments to the unapproved meeting minutes for the Regulatory Advisory Panel on the Proposed Dry Needling Regulations, which convened on June 29, 2017. One requested amendment was received from Janet Borges, L.Ac.; a second requested amendment was received from Robert Hoffman, L.Ac.

Upon a motion by Dr. Dailey, and properly seconded by Dr. Locke, the Board voted to accept the following meeting minutes, with the amendments proposed by Ms. Tillman Wolf to the meeting minutes from the Regulatory Advisory Panel:

- Board Meeting – March 29, 2017
- Formal Hearing – March 29, 2017
- Legislative/Regulatory Committee – June 29, 2017
- Regulatory Advisory Panel on Proposed Dry Needling Regulations – June 29, 2017

The motion carried unanimously.

The Board held three Informal Conferences on May 11, 2017. These minutes do not require approval by the Board.

### **ORDERING OF AGENDA:**

Changes to the agenda were made to add a Board Counsel Report, to change the presenter of the Regulatory Advisory Panel (RAP) meeting report to Sarah Schmidt, PTA, and to change to presenter of the Agency Report to Lisa Hahn, Deputy Agency Director.

Upon a motion by Ms. Schmidt, properly seconded by Dr. Locke, the Board voted to accept the revised agenda.

### **PUBLIC COMMENT:**

Dr. Jones reminded everyone that the Board cannot accept comment on regulatory actions or petitions for rulemaking for which the public comment period is closed nor can it accept comment on any pending disciplinary matter, therefore, the Board will not accept any further public comment on the proposed regulations for the practice of Dry Needling, as the comment period has passed.

Arthur Fan began his comments with comments about dry needling. He was reminded by Dr. Jones that the Board would not accept comment on this topic. Mr. Fan did not make any further comment.

Matthew Stanley, ASVA, thanked the Board for including an acupuncturist on the RAP committee.

Yan Fan began his comments with comments about dry needling. He was reminded by Dr. Jones that the Board would not accept comment on this topic. Mr. Fan did not make any further comment.

### **AGENCY DIRECTOR'S REPORT – LISA HAHN**

Ms. Hahn welcomed the new Board members. She provided information on the per diem payments to members attending Board meetings. Ms. Hahn explained new procedures regarding Administrative Proceedings Division staff attending the closed session of informal conferences.

### **STAFF REPORTS:**

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

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

<b>Board Cash Balance as of June 30, 2016</b>	\$ 712,466
<b>FY17 Revenue</b>	1,301,350
<b>Less FY17 Direct and In-Direct Expenditures</b>	556,499
<b>Board Cash Balance as June 30, 2017</b>	<b>\$ 1,457,317</b>

Ms. Tillman Wolf reported that the projected revenue for 2016-2018 biennium will exceed expenditures by approximately \$189,466. The Board’s projected cash balance on June 30, 2018 will be \$901,932 (\$712,466 + 189,466). It is recommended that no action to change license fees be taken at this time.

Ms. Tillman Wolf provided the following updates from FSBPT:

- The Regulatory Training for Board Members was held June 9-11, 2017, in Alexandria, VA. Ms. Tillman Wolf and former Board member Steve Lam were in attendance.
- The Leadership Issues Forum was held July 29-30, 2017 in Alexandria, VA. Ms. Tillman Wolf and Dr. Jones were in attendance.
- She has been asked to participate in panel presentation on Continuing Competency at the Annual Meeting in November. She has also been asked to participate in a Task Force on Re-entry into Practice.
- 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 (OR, TN, AZ, MO, MT, MS, ND, KY, UT, TX, NC, WA, NH, CO). Colorado’s status is currently suspended due to passage of the Compact with noncompliant statutory language. The initial Rules and Bylaws of Commission will be adopted at the November meeting in New Mexico.

A Board News Brief was sent to all licensees in June 2017.

Ms. Tillman Wolf provided the following information on Licensing:

**CURRENT LICENSURE STATISTICS**

	<b>March 2017</b>	<b>August 2017</b>	<b>Difference</b>
PT	7,389	7,883	+494
PTA	3,101	3,317	+216
<b>Total</b>	<b>10,490</b>	<b>11,200</b>	<b>+710</b>
Direct Access	1,151	1,170	+19

Since the beginning of the 2017, 635 PT and 260 PTA licenses have been issued.

Ms. Tillman Wolf advised that new and revised reinstatement applications have been created and have been shared with Board members in the agenda materials.

Customer satisfaction ratings continue to be high.

- The NPTE candidate satisfaction survey asks all examination candidates “How satisfied were you with the processing of your application by the state in which you applied for licensure?” The average for all jurisdictions was 89.5%; for Virginia, the satisfaction rate was 94.9% for Q1 CY 17 and 93.1% for Q2 CY 17.
- The DHP Customer Satisfaction Survey rate for the fourth quarter of FY2017 was 98.9%, which gave an overall satisfaction rate for FY 2017 of 99.1%. This is reported as part of the Virginia Performs Key Performance Measures. Ms. Tillman Wolf thanked the licensing staff for their hard work.

Ms. Tillman Wolf provided the following information on examinations (NPTE) for PTs and PTAs:

**PT**

- July 18-19, 2017 PT Exam Results: 88.9% VA pass rate /11.06% VA fail rate
- YTD in 2017, 516 VA Applicants have taken exam
  - 474/passed – 42/failed
  - 91.86% pass rate
- 18 Non-CAPTE Applicants took exam
  - 6/passed - 12/failed
  - 33.33% pass rate

**PTA**

- July 6, 2017 PTA Exam Results: 83.2% VA pass rate / 16.79% VA fail
- YTD in 2017, 257 VA Applicants have taken exam
  - 211/passed – 46/failed
  - 192 first time test takers
  - 82.10% pass rate
  - 17.90% fail rate

Ms. Tillman Wolf provided the following information:

- In May 2017, CAPTE fully accredited Mary Baldwin’s PT program and Germanna Community College’s PTA program.
- The two-year exam passage rates for PT and PTA graduates of Virginia schools continues to be strong.

Ms. Tillman Wolf provided an overview of the per diem reimbursements for Board members.

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.

- 42 Total Cases
  - 13 in APD
  - 6 in Investigation
  - 22 in Probable Cause
  - 4 Compliance Cases
  
- Virginia Performs Q3 FY2017
  - Clearance Rate – 60%. We received 5 cases and closed 3 cases.
  - Pending Caseload over 250 days was at 8%. That represents 2 cases.
  - Cases closed within 250 days was at 100%. All those closed were under 250 business days.
  
- Virginia Performs Q4 FY2017
  - Clearance Rate – at 57% We received 7 cases and closed 4 cases
  - Pending Caseload over 250 days was at 13%. That represents 3 cases.
  - Cases closed within 250 days was at 50%. The goal is 90%. 2 of the 4 cases closed were not closed within 250 days.

Ms. Helmick provided an overview of some of the reasons for aging cases. Ms. Helmick also provided a summary of the case types adjudicated in FY 2016 and FY 2017.

With no further questions, Ms. Helmick concluded her report.

#### **Board Counsel Report – Erin Barrett, Assistant Attorney General**

Ms. Barrett introduced herself to new Board members and discussed her role as Board counsel.

Dr. Dailey made a motion, properly seconded by Dr. Locke, to enter into closed session pursuant to Virginia Code § 2.2-3711(A)(7) for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Upon a unanimous vote by the Board members, the Board entered into closed session at 10:25 a.m.

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session at 10:45 a.m.

Dr. Jones called for a break at 10:44 a.m. The Board meeting reconvened at 10:55 a.m.

#### **BOARD AND COMMITTEE REPORTS:**

##### **Board President’s Report – FSBPT Leadership Issues Forum - Allen R. Jones, Jr., PT, DPT**

Dr. Jones provided information on the following subjects discussed at the FSBPT Leadership Issues Forum:

- Risk based regulations – they coined a new term, “dyscompetent.” This refers to someone who showed competency through licensure, but whose competence has waned.
- Anti-trust issues regarding licensure and discipline.
- PT Licensure Compact.

Dr. Locke moved to accept Dr. Jones’ report and Dr. Adler seconded the motion. The motion passed unanimously.

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

Dr. Jones reported the Board of Health Professions (BHP) discussed the following at their last Board meeting:

- The opioid epidemic - Lisa Hahn provided a presentation to the BHP on the subject.
- The crisis with Hepatitis C.

Ms. Schmidt moved to accept Dr. Jones’ report and Dr. Dailey seconded the motion. The motion passed unanimously.

### **Legislative/Regulatory Committee** - Sarah Schmidt, PTA, MPH, Committee Member/Current Committee Chair

Ms. Schmidt stated the committee met on June 29, 2017, to discuss the regulatory proposal from Peggy Belmont, PT, requesting the inclusion of the Virginia Occupational Therapy Association (VOTA) and the American Occupational Therapy Association (AOTA) as approved sponsors for continuing education courses for PTs. After reviewing pertinent information, the committee found there is a lack of consistency in credentialing the OT courses, therefore, the committee recommended no action. The committee discussed the ability of VPTA and VOTA to work together on a non-regulatory solution to this issue.

The minutes of the meeting were previously accepted by the Board.

Dr. Dailey moved to accept Ms. Schmidt’s report and the committee recommendation that action be taken. Dr. Locke seconded the motion. The motion passed unanimously.

### **Regulatory Advisory Panel (RAP) – Proposed Regulations on the Practice of Dry Needling** – Sarah Schmidt, PTA, MPH, Panel Member

Ms. Schmidt presented a report on the Dry Needling RAP, as Dr. Wolff-Burke was unable to attend the Board meeting. Dr. Wolfe-Burke submitted her notes on the RAP meeting.

The committee identified seven areas of discussion:

- Number of training hours – clinical and didactic
- Face to face hours
- Training course approval
- Years of practice
- Informed consent
- Delegation of duties



- Definition of dry needling

The RAP made a number of recommendations reflected in the minutes regarding no delegation of dry needling to PTAs, inclusion of informed consent, approved course sponsors, and the requirement for training to include face-to-face and didactic hours. The RAP further discussed whether a definition of dry needling should be included, however, that motion failed. The RAP made no recommendations regarding the minimum number of training hours and/or competency level, as the RAP was unable to complete its discussion of this issue.

The minutes of the meeting were previously accepted by Board.

Dr. Dailey moved to accept the verbal report provided by Ms. Schmidt and the written notes by Dr. Wolff-Burke. Dr. Locke seconded the motion and the motion passed unanimously.

### **Legislative and Regulatory Actions – Elaine Yeatts**

Ms. Yeatts discussed the options the Board has regarding the public comment to the proposed regulations on the practice of dry needling. She stated that at this point the Board can either accept the regulations as stated; open the public comment for an additional 30 days; or, reconvene the RAP and have the committee revisit the requirements and report back to the Board in November. Dr. Dailey moved to reconvene the RAP and Ms. Schmidt seconded the motion. The motion passed unanimously.

Ms. Yeatts reported that the public comment period on the proposed regulation changes that would recognize the oPTion assessment tool starts on August 23, 2017.

Ms. Yeatts suggested that the Board consider a Notice of Intended Regulatory Action (NOIRA) to include FSBPT as one of the approved approvers for continuing education courses. She said this process may be fast-tracked, as it was not likely to be controversial. Dr. Adler moved to approve the NOIRA to include FSBPT as an approved approver for continuing education courses; Dr. Locke seconded the motion. The motion passed unanimously.

### **OLD BUSINESS**

#### **Sanctioning Reference Points (SRPs)– Neal Kauder, Kim Small**

Mr. Kauder and Ms. Small provided an update to the Board regarding revision of the SRPs. They provided a summary of information collected through interviews conducted with staff and Board members, as well as the review of closed cases and orders. Board members discussed the categorization of cases and range of sanctions.

Dr. Locke moved to accept the report of Mr. Kauder and Ms. Small with recommended edits to the case categories and sanction range, as discussed. Dr. Adler seconded the motion. The motion passed unanimously.



### Alternate Delegate Designation for FSBPT Annual Meeting

Board members discussed the need for the Board to elect an alternate delegate for the FSBPT Annual Meeting in November. Dr. Adler moved to name Dr. Locke as the alternate delegate to the FSBPT annual meeting. Dr. Dailey seconded the motion. The motion passed unanimously.

### NEW BUSINESS

#### Election of Officers

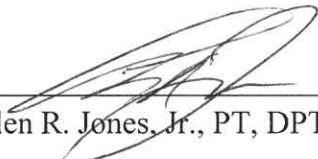
The Board members received nomination forms - from Dr. Allen R. Jones, Jr., PT, DPT, for the position of President, and Dr. Arkena Dailey, PT, DPT, for the position of Vice President.

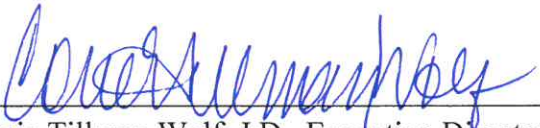
With no additional nominations from the floor, Sarah Schmidt moved that Dr. Allen R. Jones, Jr., PT, DPT, be elected as President of the Board. The motion was seconded by Dr. Dailey. The motion passed unanimously.

Dr. Jones moved that Dr. Arkena Dailey, PT, DPT, be elected as Vice-President of the Board. The motion was seconded by Dr. Adler. The motion passed unanimously.

#### NEXT MEETING - November 17, 2017

The meeting was adjourned at 12:40 p.m.

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

  
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Corie Tillman Wolf, J.D., Executive Director

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