



November 17, 2017
Board Room 2
9:30 a.m.

Agenda

Virginia Board of Physical Therapy Full Board Meeting

Call to Order - Allen R. Jones, Jr., PT, DPT, Board President

- Welcome and Introductions
 - Emergency Egress Procedures
-

Approval of Minutes

Pages 1-19

- Board Meeting – August 22, 2017
 - Public Hearing – October 13, 2017
 - Regulatory Advisory Panel Meeting – November 15, 2017
-

Ordering of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter. PLEASE NOTE: No additional comment will be received regarding the Proposed Regulations on the Practice of Dry Needling, as the comment period has closed.

Agency Director's Report - David Brown, DC

Presentation – Division of Risk Management, Virginia Department of the Treasury

Staff Reports

- Executive Director's Report – Corie E. Tillman Wolf, J.D., Executive Director **Pages 20-24**
 - Discipline Report – Lynne Helmick, Deputy Executive Director
-

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 Locke, PT, PhD
 - Board of Health Professions Report – Allen R. Jones, Jr., PT, DPT
 - Regulatory Advisory Panel – Proposed Regulations on the Practice of Dry Needling – Allen R. Jones, Jr., PT, DPT, Panel Chair
-

Legislative and Regulatory Actions – Elaine Yeatts, Senior Policy Analyst

Pages 25-42

- Consideration of Recommendations of the Regulatory Advisory Panel – Response to Public Comment and Proposed Regulations on the Practice of Dry Needling
 - Consideration of Adoption of Final Regulations on the Practice of Dry Needling
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- Adoption of Final Regulations on the Recognition of the oPTion Assessment Tool
 - Consideration of Revisions to Bylaws
-
-

Old Business

- Update - Sanctioning Reference Points - **Neal Kauder, Kim Small, VisualResearch, Inc.**
-
-

New Business

- Consideration of Continuing Education Credit for Attendance of Board Meetings - **Elizabeth Locke, PT, PhD**
 - Practitioner Response to the Opioid Epidemic - **Tracey Adler, PT, DPT**
 - Alternate Approval Pathway - **Corie Tillman Wolf**
 - Questions from Licensees - **Corie Tillman Wolf**
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-

Next Meeting - February 13, 2018

Meeting Adjournment

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3708(D).

Board Minutes

**UNAPPROVED
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, 2nd 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.

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

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

	March 2017	August 2017	Difference
PT	7,389	7,883	+494
PTA	3,101	3,317	+216
Total	10,490	11,200	+710
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.

**UNAPPROVED
BOARD OF PHYSICAL THERAPY
PUBLIC HEARING**

MEETING MINUTES

The Virginia Board of Physical Therapy convened a Public Hearing on Friday, October 13, 2017 at 9:00 a.m. at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia.

BOARD MEMBERS PRESENT:

No Board members were in attendance.

DHP STAFF PRESENT:

Corie E. Tillman Wolf, Executive Director

GUESTS PRESENT:

No guests were present.

CALLED TO ORDER

The Public Hearing was called to order at 9:15 a.m. in order for the Board of Physical Therapy to receive comment on the proposed regulations to recognize the oPTion assessment tool.

COMMENTS:

No public comments were received.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:19 a.m.

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

Corie Tillman Wolf, J.D., Executive Director

Date

Date

**VIRGINIA BOARD OF PHYSICAL THERAPY
SPECIAL CONFERENCE COMMITTEE
May 11, 2017 – 9:30 a.m.**

**Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233**

- CALL TO ORDER:** A Special Conference Committee of the Board of Physical Therapy was called to order at 9:37 a.m.
- MEMBERS PRESENT:** Dixie Bowman, PT, EdD, Chair
Tracey Adler, PT, DPT
- DHP STAFF PRESENT:** Kathy Petersen, Discipline Operations Manager
Mykl Egan, Adjudication Specialist, APD
- MATTER:** **Lucille Ouellette Daigle, PT**
License No.: 2305-002095
Case No.: 173550
- DISCUSSION:** Ms. Daigle appeared before the Committee in accordance with the Amended Notice of the Board dated April 17, 2017. Ms. Daigle was present and was not represented by counsel.
- The Committee fully discussed the allegations with Ms. Daigle, as outlined in the Amended Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Dr. Adler, and duly seconded by Dr. Bowman, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Lucille O. Daigle, P.T. Additionally, she moved that Ms. Petersen and Mr. Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 10:46 a.m.
- RECONVENE:** 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 11:00 a.m.

DECISION: Upon a motion by Dr. Adler and duly seconded by Dr. Bowman, the Committee moved to reprimand Ms. Daigle. Motion carried.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 11:04 a.m.

Dixie Bowman, PT, EdD, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date

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**VIRGINIA BOARD OF PHYSICAL THERAPY
SPECIAL CONFERENCE COMMITTEE
May 11, 2017 - 11:00 a.m.**

**Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233**

- CALL TO ORDER:** A Special Conference Committee of the Board of Physical Therapy was called to order at 11:15 a.m.
- MEMBERS PRESENT:** Dixie Bowman, PT, EdD, Chair
Tracey Adler, PT, DPT
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Mykl Egan, Adjudication Specialist, APD
- MATTER:** **Joseph Anthony Cooper, Jr., PTA**
License No.: 2306-603807
Case No.: 172653
- DISCUSSION:** Mr. Cooper did not appear before the Committee in accordance with the Amended Notice of the Board dated April 17, 2017. Mr. Cooper was not present and was not represented by counsel.
- The Committee fully discussed the allegations, as outlined in the Amended Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Dr. Adler, and duly seconded by Dr. Bowman, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Joseph A. Cooper, Jr., P.T.A. Additionally, she moved that Ms. Helmick and Mr. Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 11:21 a.m.
- RECONVENE:** 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 11:45 a.m.

DECISION: Upon a motion by Dr. Adler and duly seconded by Dr. Bowman, the Committee moved to reprimand Mr. Cooper, ordered him to pay a \$500 monetary penalty and successfully complete five hours of continuing education. Motion carried.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 11:47 a.m.

Dixie Bowman, PT, EdD, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date



**VIRGINIA BOARD OF PHYSICAL THERAPY
SPECIAL CONFERENCE COMMITTEE
September 28, 2017 - 9:30 a.m.**

Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233

- CALL TO ORDER:** A Special Conference Committee of the Board of Physical Therapy was called to order at 9:39 a.m.
- MEMBERS PRESENT:** Sarah Schmidt, PTA, Chair
Arkena Dailey, PT, DPT
- DHP STAFF PRESENT:** Kathy Petersen, Discipline Operations Manager
Candace Carey, Discipline Operations Assistant
Mykl Egan, Adjudication Specialist, APD
- MATTER:** **Robert M. Ament, III, PT**
License No.: 2305-004273
Case No.: 147058 & 178886
- DISCUSSION:** Mr. Ament appeared before the Committee in accordance with the Notice of the Board dated August 28, 2017. Mr. Ament was present and was not represented by counsel.
- The Committee fully discussed the allegations with Mr. Ament, as outlined in the Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Dr. Dailey, and duly seconded by Ms. Schmidt, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Robert M. Ament, III, P.T. Additionally, she moved that Ms. Petersen and Ms. Carey attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 10:41 a.m.

RECONVENE: 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 11:50 a.m.

DECISION: Upon a motion by Dr. Dailey and duly seconded by Ms. Schmidt, the Committee placed Mr. Ament on probation for no less than two years with terms and conditions. Motion carried.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 11:54 a.m.

Sarah Schmidt, PTA, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date



**VIRGINIA BOARD OF PHYSICAL THERAPY
SPECIAL CONFERENCE COMMITTEE
September 28, 2017 - 11:00 a.m.**

Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233

- CALL TO ORDER:** A Special Conference Committee of the Board of Physical Therapy was called to order at 12:50 p.m.
- MEMBERS PRESENT:** Sarah Schmidt, PTA, Chair
Arkena Dailey, PT, DPT
- DHP STAFF PRESENT:** Lynne Helmick, Deputy Executive Director
Mykl Egan, Adjudication Specialist, APD
- MATTER:** **Walter M. Ward, PT Reinstatement Applicant**
License No.: 2305-006157
Case No.: 180174
- DISCUSSION:** Mr. Ward appeared before the Committee in accordance with the Notice of the Board dated August 28, 2017. Mr. Ward was present and was not represented by counsel.
- The Committee fully discussed the allegations with Mr. Ward, as outlined in the Notice of Informal Conference.
- CLOSED SESSION:** Upon a motion by Dr. Dailey, and duly seconded by Ms. Schmidt, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Walter M. Ward. Additionally, she moved that Ms. Helmick attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its discussions. The Committee entered into closed session at 1:55 p.m.
- RECONVENE:** 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 2:50 p.m.

DECISION:

Upon a motion by Dr. Dailey and duly seconded by Ms. Schmidt, the Committee denied Mr. Ward's application for reinstatement. Motion carried.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 2:55 p.m.

Sarah Schmidt, PTA, Chair

Corie E. Tillman Wolf, Executive Director

Date

Date



Executive Director's Report

Virginia Department of Health Professions
Cash Balance
As of September 30, 2017

	116- Physical Therapy
Board Cash Balance as June 30, 2017	\$ 1,457,317
YTD FY18 Revenue	36,395
Less: YTD FY18 Direct and Allocated Expenditures	150,918
Board Cash Balance as September 30, 2017	<u>\$ 1,342,794</u>

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2017 and Ending September 30, 2017

Account Number	Account Description	Amount	Budget	Amount Under/(Over) Budget	% of Budget
4002400	Fee Revenue				
4002401	Application Fee	29,655.00	154,250.00	124,595.00	19.23%
4002406	License & Renewal Fee	3,250.00	10,000.00	6,750.00	32.50%
4002407	Dup. License Certificate Fee	290.00	550.00	260.00	52.73%
4002409	Board Endorsement - Out	2,875.00	5,900.00	3,025.00	48.73%
4002421	Monetary Penalty & Late Fees	325.00	5,235.00	4,910.00	6.21%
4002432	Misc. Fee (Bad Check Fee)	-	35.00	35.00	0.00%
	Total Fee Revenue	<u>36,395.00</u>	<u>175,970.00</u>	<u>139,575.00</u>	<u>20.68%</u>
	Total Revenue	36,395.00	175,970.00	139,575.00	20.68%
5011110	Employer Retirement Contrib.	2,699.35	11,610.00	8,910.65	23.25%
5011120	Fed Old-Age Ins- Sal St Emp	1,435.82	6,584.00	5,148.18	21.81%
5011130	Fed Old-Age Ins- Wage Earners	225.55	796.00	570.45	28.34%
5011140	Group Insurance	262.11	1,128.00	865.89	23.24%
5011150	Medical/Hospitalization Ins.	7,641.98	33,274.00	25,632.02	22.97%
5011160	Retiree Medical/Hospitalizatn	236.16	1,016.00	779.84	23.24%
5011170	Long term Disability Ins	132.08	568.00	435.92	23.25%
	Total Employee Benefits	<u>12,633.05</u>	<u>54,976.00</u>	<u>42,342.95</u>	<u>22.98%</u>
5011200	Salaries				
5011230	Salaries, Classified	20,655.48	86,060.00	65,404.52	24.00%
5011250	Salaries, Overtime	116.97	-	(116.97)	0.00%
	Total Salaries	<u>20,772.45</u>	<u>86,060.00</u>	<u>65,287.55</u>	<u>24.14%</u>
5011300	Special Payments				
5011310	Bonuses and Incentives	450.00	-	(450.00)	0.00%
5011340	Specified Per Diem Payment	200.00	3,250.00	3,050.00	6.15%
5011380	Deferred Compnstn Match Pmts	42.00	768.00	726.00	5.47%
	Total Special Payments	<u>692.00</u>	<u>4,018.00</u>	<u>3,326.00</u>	<u>17.22%</u>
5011400	Wages				
5011410	Wages, General	2,948.40	10,395.00	7,446.60	28.36%
	Total Wages	<u>2,948.40</u>	<u>10,395.00</u>	<u>7,446.60</u>	<u>28.36%</u>
5011930	Turnover/Vacancy Benefits				
	Total Personal Services	<u>37,045.90</u>	<u>155,449.00</u>	<u>118,403.10</u>	<u>23.83%</u>
5012000	Contractual Svcs				
5012100	Communication Services				
5012110	Express Services	-	5.00	5.00	0.00%
5012140	Postal Services	918.90	10,000.00	9,081.10	9.19%
5012150	Printing Services	126.28	600.00	473.72	21.05%
5012160	Telecommunications Svcs (VITA)	44.21	1,000.00	955.79	4.42%
5012170	Telecomm. Svcs (Non-State)	47.18	-	(47.18)	0.00%
	Total Communication Services	<u>1,136.57</u>	<u>11,605.00</u>	<u>10,468.43</u>	<u>9.79%</u>
5012200	Employee Development Services				
5012210	Organization Memberships	-	2,500.00	2,500.00	0.00%
5012240	Employee Trainng/Workshop/Conf	-	1,000.00	1,000.00	0.00%
	Total Employee Development Services	<u>-</u>	<u>3,500.00</u>	<u>3,500.00</u>	<u>0.00%</u>
5012300	Health Services				

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2017 and Ending September 30, 2017

Account Number	Account Description	Amount	Budget	Amount Under/(Over)	
				Budget	% of Budget
5012360	X-ray and Laboratory Services	-	300.00	300.00	0.00%
	Total Health Services	-	300.00	300.00	0.00%
5012400	Mgmnt and Informational Svcs	-			
5012420	Fiscal Services	13.98	18,000.00	17,986.02	0.08%
5012440	Management Services	278.74	4,000.00	3,721.26	6.97%
5012470	Legal Services	-	300.00	300.00	0.00%
	Total Mgmnt and Informational Svcs	292.72	22,300.00	22,007.28	1.31%
5012500	Repair and Maintenance Svcs				
5012520	Electrical Repair & Maint Srvc	-	25.00	25.00	0.00%
	Total Repair and Maintenance Svcs	-	25.00	25.00	0.00%
5012600	Support Services				
5012630	Clerical Services	-	19.00	19.00	0.00%
5012640	Food & Dietary Services	-	750.00	750.00	0.00%
5012660	Manual Labor Services	31.08	700.00	668.92	4.44%
5012670	Production Services	373.96	2,245.00	1,871.04	16.66%
5012680	Skilled Services	3,871.95	13,000.00	9,128.05	29.78%
	Total Support Services	4,276.99	16,714.00	12,437.01	25.59%
5012800	Transportation Services				
5012820	Travel, Personal Vehicle	929.86	3,000.00	2,070.14	31.00%
5012840	Travel, State Vehicles	-	1,500.00	1,500.00	0.00%
5012850	Travel, Subsistence & Lodging	-	1,500.00	1,500.00	0.00%
5012880	Trvl, Meal Reimb- Not Rprtble	-	300.00	300.00	0.00%
	Total Transportation Services	929.86	6,300.00	5,370.14	14.76%
	Total Contractual Svcs	6,636.14	60,744.00	54,107.86	10.92%
5013000	Supplies And Materials				
5013100	Administrative Supplies				
5013120	Office Supplies	125.47	1,000.00	874.53	12.55%
	Total Administrative Supplies	125.47	1,000.00	874.53	12.55%
5013300	Manufctrng and Merch Supplies				
5013350	Packaging & Shipping Supplies	-	50.00	50.00	0.00%
	Total Manufctrng and Merch Supplies	-	50.00	50.00	0.00%
5013500	Repair and Maint. Supplies				
5013530	Electrcal Repair & Maint Matr	-	15.00	15.00	0.00%
	Total Repair and Maint. Supplies	-	15.00	15.00	0.00%
5013600	Residential Supplies				
5013620	Food and Dietary Supplies	-	200.00	200.00	0.00%
	Total Residential Supplies	-	200.00	200.00	0.00%
5013700	Specific Use Supplies				
5013730	Computer Operatlng Supplies	-	10.00	10.00	0.00%
	Total Specific Use Supplies	-	10.00	10.00	0.00%
	Total Supplies And Materials	125.47	1,275.00	1,149.53	9.84%
5014000	Transfer Payments				
5014100	Awards, Contrib., and Claims				
5014130	Premiums	195.00	-	(195.00)	0.00%

Virginia Department of Health Professions
Revenue and Expenditures Summary
Department 11600 - Physical Therapy
For the Period Beginning July 1, 2017 and Ending September 30, 2017

Account Number	Account Description	Amount			% of Budget
		Amount	Budget	Under/(Over) Budget	
	Total Awards, Contrib., and Claims	195.00	-	(195.00)	0.00%
	Total Transfer Payments	195.00	-	(195.00)	0.00%
5015000	Continuous Charges				
5015100	Insurance-Fixed Assets				
5015160	Property Insurance	-	29.00	29.00	0.00%
	Total Insurance-Fixed Assets	-	29.00	29.00	0.00%
5015300	Operating Lease Payments				
5015350	Building Rentals	0.81	-	(0.81)	0.00%
5015390	Building Rentals - Non State	1,770.16	8,275.00	6,504.84	21.39%
	Total Operating Lease Payments	1,770.97	8,275.00	6,504.03	21.40%
5015500	Insurance-Operations				
5015510	General Liability Insurance	-	107.00	107.00	0.00%
5015540	Surety Bonds	-	7.00	7.00	0.00%
	Total Insurance-Operations	-	114.00	114.00	0.00%
	Total Continuous Charges	1,770.97	8,418.00	6,647.03	21.04%
5022000	Equipment				
5022100	Computer Hardware & Software				
5022180	Computer Software Purchases	67.29	-	(67.29)	0.00%
	Total Computer Hardware & Software	67.29	-	(67.29)	0.00%
5022200	Educational & Cultural Equip				
5022240	Reference Equipment	-	60.00	60.00	0.00%
	Total Educational & Cultural Equip	-	60.00	60.00	0.00%
5022600	Office Equipment				
5022610	Office Appurtenances	-	35.00	35.00	0.00%
	Total Office Equipment	-	35.00	35.00	0.00%
	Total Equipment	67.29	95.00	27.71	70.83%
	Total Expenditures	45,840.77	225,981.00	180,140.23	20.29%
	Allocated Expenditures				
20600	Funeral/TCA/PT	29,410.28	105,923.30	76,513.02	27.77%
30100	Data Center	14,542.78	97,524.86	82,982.08	14.91%
30200	Human Resources	155.68	20,028.75	19,873.07	0.78%
30300	Finance	18,487.68	53,585.86	35,098.17	34.50%
30400	Director's Office	7,437.50	27,065.42	19,627.91	27.48%
30500	Enforcement	9,197.97	69,844.86	60,646.88	13.17%
30600	Administrative Proceedings	4,848.49	21,567.32	16,718.83	22.48%
30700	Impaired Practitioners	351.50	1,150.78	799.28	30.54%
30800	Attorney General	2,066.67	27,362.82	25,296.15	7.55%
30900	Board of Health Professions	4,013.57	15,383.21	11,369.63	26.09%
31100	Maintenance and Repairs	-	434.88	434.88	0.00%
31300	Emp. Recognition Program	-	322.04	322.04	0.00%
31400	Conference Center	10,977.89	6,063.70	(4,914.20)	181.04%
31500	Pgm Developmnt & Implmentn	3,586.81	15,100.56	11,513.75	23.75%
	Total Allocated Expenditures	105,076.83	461,358.35	356,281.52	22.78%
	Net Revenue in Excess (Shortfall) of Expenditures	\$ (114,522.60)	\$ (511,369.35)	\$ (396,846.75)	22.40%

Legislation and Regulatory Actions

**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
(As of October 31, 2017)**

Board		Board of Physical Therapy
Chapter		Action / Stage Information
<u>[18 VAC 112 - 20]</u>	Regulations Governing the Practice of Physical Therapy	<u>Practice of dry needling [Action 4375]</u> <u>Proposed - Register Date: 12/26/16</u> <u>Re-proposed regulation to be adopted</u>
<u>[18 VAC 112 - 20]</u>	Regulations Governing the Practice of Physical Therapy	<u>Recognition of oPTion assessment tool [Action 4722]</u> <u>Proposed - Register Date: 8/23/17</u> <u>Final Regulation to be adopted</u>
<u>[18 VAC 112 - 20]</u>	Regulations Governing the Practice of Physical Therapy	<u>Addition of FSBPT for approval of CE [Action 4899]</u> <u>Fast-Track - At Secretary's Office</u>

Agenda Item: Board Action on Regulations for recognition of the oPTion assessment tool

Included in your agenda package are:

A copy of the Notice of Proposed Regulation
(There were no comments on the Proposed Regulation)

A copy of proposed regulations

Board action:

Adoption of final regulations as presented in the attached or as amended.

Virginia.gov Agencies | Governor



Logged in as

Elaine J. Yeatts

Department of Health Professions

Board of Physical Therapy

Regulations Governing the Practice of Physical Therapy [18 VAC 112 – 20]

Action: Recognition of oPTion assessment tool

Action 4722 / Stage 7895

Proposed Stage

- [Edit Stage](#)
- [Withdraw Stage](#)
- [Go to RIS Project](#)

Documents		
Proposed Text	8/7/2017 8:37 am	Sync Text with RIS
Agency Statement	3/31/2017	Upload / Replace
Attorney General Certification	4/12/2017	
DPB Economic Impact Analysis	5/25/2017	
Agency Response to EIA	7/20/2017	Upload / Replace
Governor's Approval Memo	7/20/2017	
Registrar Transmittal	7/20/2017	

Status	
Incorporation by Reference	No
Exempt from APA	No, this stage/action is subject to article 2 of the <i>Administrative Process Act</i> and the standard executive branch review process.
Attorney General Review	Submitted on 3/31/2017 Review Completed: 4/12/2017 Result: Certified
DPB Review	Submitted on 4/12/2017 Economist: Amy Hunter Policy Analyst: Melanie West Review Completed: 5/25/2017 <i>DPB's policy memo is "Governor's Confidential Working Papers"</i>
Secretary Review	Secretary of Health and Human Resources Review Completed: 6/6/2017

Governor's Review	Review Completed: 7/20/2017 Result: Approved
Virginia Registrar	Submitted on 7/20/2017 <u>The Virginia Register of Regulations</u> Publication Date: 8/23/2017  <u>Volume: 33 Issue: 26</u>
Public Hearings	<u>08/22/2017 9:35 AM</u> canceled <u>10/13/2017 9:00 AM</u>
Comment Period	Ended 10/22/2017 0 comments

Contact Information	
Name / Title:	Corie Tillman Wolf / <i>Executive Director</i>
Address:	9960 Mayland Drive Suite 300 Richmond, VA 23233
Email Address:	ptboard@dhp.virginia.gov
Telephone:	(804)367-4674 FAX: (804)527-4413 TDD: (-)

This person is the primary contact for this board.

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BOARD OF PHYSICAL THERAPY

Recognition of oPTion assessment tool

Part I

General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Approved program" means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist or a physical therapist assistant is physically present and immediately available and is fully responsible for the physical therapy tasks or activities being performed.

"Discharge" means the discontinuation of interventions in an episode of care that have been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

"Evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to plan and implement a treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.

"FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

"FSBPT" means the Federation of State Boards of Physical Therapy.

"General supervision" means a physical therapist shall be available for consultation.

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

"Assessment tool" means oPTion or any other competency assessment tool developed or approved by FSBPT.

~~"PRT" means the Practice Review Tool for competency assessment developed and administered by FSBPT.~~

"Reevaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to determine a patient's response to the treatment plan and care provided.

"Support personnel" means a person who is performing designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person seeking licensure as a physical therapist or physical therapist assistant who is undergoing a traineeship.

"Traineeship" means a period of active clinical practice during which an applicant for licensure as a physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning.

18VAC112-20-65. Requirements for licensure by endorsement.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice consisting of at least 2,500 hours of patient care during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction;
2. The required application, fees, and credentials to the board;

3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB);
4. Evidence of completion of 15 hours of continuing education for each year in which the applicant held a license in another U.S. jurisdiction, or 60 hours obtained within the past four years;
5. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state; and
6. Documentation of active practice in physical therapy in another U.S. jurisdiction for at least 320 hours within the four years immediately preceding his application for licensure.

A physical therapist who does not meet the active practice requirement shall:

- a. Successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or
- b. Document that he ~~meets the standard of the PRT~~ attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully complete 160 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.

C. A physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall successfully complete 320 hours in a traineeship in accordance with the requirements in 18VAC112-20-140.

18VAC112-20-131. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially, a physical therapist or a physical therapist assistant shall complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. In choosing continuing learning activities or courses, the

licensee shall consider the following: (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

B. To document the required hours, the licensee shall maintain the Continued Competency Activity and Assessment Form that is provided by the board and that shall indicate completion of the following:

1. A minimum of 20 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants shall be in Type 1 courses. For the purpose of this section, "course" means an organized program of study, classroom experience or similar educational experience that is directly related to the clinical practice of physical therapy and approved or provided by one of the following organizations or any of its components:

- a. The Virginia Physical Therapy Association;
- b. The American Physical Therapy Association;
- c. Local, state or federal government agencies;
- d. Regionally accredited colleges and universities;
- e. Health care organizations accredited by a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation;
- f. The American Medical Association - Category I Continuing Medical Education course; and
- g. The National Athletic Trainers' Association.

2. No more than 10 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses, which may or may not be offered by an approved organization but which shall be related to the clinical practice of physical therapy. Type 2 activities may include but not be limited to consultation with colleagues, independent study, and research or writing on subjects related to practice.

3. Documentation of specialty certification by the American Physical Therapy Association may be provided as evidence of completion of continuing competency requirements for the biennium in which initial certification or recertification occurs.

4. Documentation of graduation from a transitional doctor of physical therapy program may be provided as evidence of completion of continuing competency requirements for the biennium in which the physical therapist was awarded the degree.

5. A physical therapist who can document that he ~~has taken the PRT~~ attained at least Level 2 on the FSBPT assessment tool may receive ~~40~~ 5 hours of Type 1 credit for the biennium in which the assessment tool was taken. A physical therapist who can document that he ~~has met the standard of the PRT~~ attained at least Level 3 or 4 on the FSBPT assessment tool may receive ~~20~~ 10 hours of Type 1 credit for the biennium in which the assessment tool was taken. Continuing competency credit shall only be granted for the FSBPT assessment tool once every four years.

C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure by examination in Virginia.

D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.

E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

F. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

G. The board may grant an extension of the deadline for continuing competency requirements for up to one year for good cause shown upon a written request from the licensee prior to the renewal date.

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18VAC112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.

2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated;

2. Providing proof of 320 active practice hours in another jurisdiction within the four years immediately preceding application for reactivation.

a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting that he ~~has met the standard of the PRT~~ attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for reactivation of licensure in Virginia and successfully completing 160 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and

3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate his license by payment of the renewal and late fees as set forth in 18VAC112-20-27 and completion of continued competency requirements as set forth in 18VAC112-20-131.

B. A physical therapist or physical therapist assistant whose Virginia license is lapsed for more than two years and who is seeking reinstatement shall:

1. Apply for reinstatement and pay the fee specified in 18VAC112-20-27;

2. Complete the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years; and

3. Have actively practiced physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement.

a. If a physical therapist licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting that he has met ~~the standard of the PRT~~ attained at least Level 2 on the FSBPT assessment tool within the two years preceding application for licensure in Virginia and successfully completing 160 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If a physical therapist assistant licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140.

VIRGINIA BOARD OF PHYSICAL THERAPY BYLAWS

ARTICLE I: GENERAL

The organizational year for the Board of Physical Therapy shall be from July 1st through June 30th. The officers of the Board of Physical Therapy shall be a President and a Vice-President. At the ~~last~~ first regularly scheduled meeting of the organizational year, the board shall elect its officers. The term of office shall be one year, an officer may be re-elected in that same position for a second consecutive term. Nominations for office shall be selected by open ballot, and election shall require a majority of the members present.

For purposes of these Bylaws, the Board schedules full board meetings to take place during each quarter, with the right to change the date or cancel any board meeting, with the exception that a minimum of one meeting shall take place annually. Board members shall attend all board meetings in person, unless prevented by illness or similar unavoidable cause. A majority of the members of the Board shall constitute a quorum for the transaction of business. The current edition of Robert's Rules of Order, revised, shall apply unless overruled by these bylaws or when otherwise agreed.

Members shall attend all scheduled meetings of the Board and committee to which they serve. In the event of two consecutive unexcused absences at any meeting of the Board or its committees, the President shall make a recommendation about the Board member's continued service to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.

ARTICLE II: OFFICERS OF THE BOARD

1. The President presides at all meetings and formal administrative hearings in accordance with parliamentary rules and the Administrative Process Act, and requires adherence of it on the part of the board members. The President shall appoint all committees and committee chairpersons unless otherwise ordered by the Board.
2. The Vice-President shall act as President in the absence of the President.
3. In the absence of both the President and Vice-President, the President shall appoint another board member to preside at the meeting and/or formal administrative hearing.
4. The Executive Director shall be the custodian of all Board records and all papers of value. She/He shall preserve a correct list of all applicants and licensees. She/He shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

ARTICLE III: ORDER OF THE BUSINESS MEETINGS

The order of the business shall be as follows:

1. Call to order with statement made for the record of how many and which board members are present and that it constitutes a quorum.
2. Approval of minutes.
3. The Executive Director and the President shall collaborate on the remainder of the agenda.

ARTICLE IV: COMMITTEES

There shall be the following committees:

A. Standing Committees:

1. **Special Conference Committee.** This committee shall consist of two board members who shall review information regarding alleged violations of the physical therapy laws and regulations and determine if probable cause exists to proceed with possible disciplinary action. The President may also designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date. Further, should the caseload increase to the level that additional special conference committees are needed, the President may appoint additional committees.
2. **Credentials Committee.** The committee shall consist of two board members. The members of the committee will review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations.
3. **Legislative/Regulatory Committee.** The committee shall consist of at least three Board members. The Board delegates to the Legislative/Regulatory Committee the authority to recommend actions to petitions for rulemaking. This committee is responsible for the development of proposals for new regulations or amendments to existing regulations with all required accompanying documentation; the development of proposals for legislative initiatives of the Board; the drafting of Board responses to public comment as required in conjunction with rulemaking; conducting the required review of all existing regulations as required by the Board's Public Participation Guidelines and any Executive Order of the Governor, and other required tasks related to regulations. In accordance with the Administrative Process Act, any proposed draft regulation and response to public comment shall be reviewed and approved by the full Board prior to publication.
4. **Continuing Education Committee.** This committee shall consist of at least two board members who review requests from licensees who seek a waiver or extension of time in complying with their continuing competency requirements.

B. Ad Hoc Committees

There may be **Ad Hoc Committees**, appointed by the Board as needed each of which shall consist of at least two persons appointed by the Board who are knowledgeable in the particular area of practice or education under consideration by the Board. The committee shall review matters as requested by the Board and advise the Board relative to the matters or make recommendations for consideration by the Board.

ARTICLE V.: GENERAL DELEGATION OF AUTHORITY

1. The Board delegates to Board staff the authority to issue and renew licenses, registrations and certificates where minimum qualifications have been met.
2. The Board delegates to the Executive Director the authority to reinstate licenses, registrations and certificates when the reinstatement is due to the lapse of the license, registration or certificate and not due to previous Board disciplinary action.
3. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of the Board business, to include, but not limited to, licensure applications, renewal forms and documents. New or revised forms must be presented to the Board at its next regularly scheduled meeting.
4. The Board delegates to the Executive Director the authority to sign as entered any Order or Board-approved Consent Order resulting from the disciplinary process.
5. The Board delegates to the Executive Director, who may consult with a special conference committee member, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary, and the authority to approve requests for disclosure of investigative information pursuant to Virginia Code § 54.1-2400.2(D) and (F).
6. The Board delegates to the President, the authority to represent the Board in instances where Board "consultation" or "review" may be requested where a vote of the Board is not required and a meeting is not feasible.
7. The Board delegates an informal fact-finding proceeding to any agency subordinate upon determination that probable cause exists that a licensee may be subject to a disciplinary action. Cases that may not be delegated to an agency subordinate include, but are not limited to, those that involve: intentional or negligent conduct that causes or is likely to cause injury to a patient; mandatory suspension resulting from action by another jurisdiction or a felony conviction; impairment with an inability to practice with skill and safety; sexual misconduct; and unauthorized practice. The Board may delegate to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
8. The Board delegates to the Executive Director, the authority to approve applications with criminal convictions in accordance with Guidance Document 112-23.

ARTICLE VI. AMENDMENTS

A board member or staff personnel may propose amendments to these Bylaws by presenting the amendment in writing to all Board members prior to any regularly scheduled meeting of the Board. Such proposed amendment shall be adopted upon favorable vote of at least two-thirds of the Board members present at said meeting.

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