

DRAFT UNAPPROVED

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

Friday, January 27, 2006
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712
Conference Room 1

Department of Health Professions

CALLED TO ORDER

Ms. W. Gayle Garnett, P.T., M.B.A., President, called the quarterly meeting of the Board of Physical Therapy to order at 9:15 a.m., on Friday, January 27, 2006 in Board Room #1, at 6603 West Broad Street, 5th Floor, Richmond, Virginia.

PRESIDING

W. Gayle Garnett

MEMBERS PRESENT

J. R. Locke
Maureen Lyons
Damien Howell
Lorraine Quinn
Robert Izzo
George Maihafer

STAFF PRESENT

Elizabeth Young, Executive Director
Pam Horner, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst
Gwenn Talbot, Office Assistant

COUNSEL PRESENT

Jack E. Kotvas, Assistant Attorney General

QUORUM OF THE BOARD

With seven members of the Board present, a quorum was established.

ORDERING OF THE AGENDA

The agenda was accepted with amendments.

PUBLIC COMMENT PERIOD

No public comment was made.

ACCEPTANCE OF MINUTES

Mr. Howell made a motion to accept the Board meeting minutes of October 28, 2005 as amended. The motion was properly seconded by Ms. Lyons. The vote carried unanimously.

Mr. Howell made a motion to accept the Agency Subordinate Conference minutes of July 15, 2005. The motion was properly seconded by Mr. Maihafer. The vote carried unanimously.

The Special Conference Committee Minutes of August 19, 2005, were deferred until April 28, 2006.

NEW BUSINESS

BOARD OF HEALTH PROFESSIONS MEETING

Mr. Howell provided a brief report of the Board of Health Professions meeting of January 17, 2006. Mr. Howell said the Continuing Education Program was postponed until the upcoming spring. Mr. Howell stated that they were considering a full Board retreat with the board members of all Boards invited to attend. He said there was also discussion of expunging disciplinary files, i.e. notices and order when placed on the internet for the general public.

FEDERATION OF STATE BOARD OF PHYSICAL THERAPY (FSBPT)

The budget was presented to the Board for review.

The Board reviewed and discussed the News Briefs of November/December 2005 and January 2006.

The Board discussed the Special Accommodation Fee increases, effective January 1, 2006.

The Board discussed the FSBPT's State One Accreditation of the National PT Exam by the BUROS Center for Testing.

VPTA Newsletter

Ms. Garnett was unable to attend the VPTA Board meeting in January 2006. The VPTA Newsletter was reviewed by the Board.

American Physical Therapy Association (APTA) Government Affairs

The Board reviewed the memo as general information from the APTA.

National Physical Therapy Examination (NPTE)

Mr. Maihafer discussed the cost of analyzed score reports is \$1000 per year for two reports. He stated Old Dominion University had a 95% pass rate. Mr. Maihafer also said that examinees cannot take the exam more than three times within a calendar year.

Assistive Technology Loan Fund Authority (ATLFA)

Mr. Kotvas, Assistant Attorney General, discussed the loan fund. It has \$15 million dollars in loan money. Ms. Garnett said the Blue Ridge area could possibly use some of the money for new machines. She will discuss it with them at their next meeting. Ms. Lyons suggested sending public service announcement to the Districts about the program. The Board asked Ms. Young to refer the issue to the BHP.

By-Laws

The By-Laws were discussed by the Board. Mr. Howell made a motion to accept the By-Laws as amended, which was seconded by Ms. Lyons. The vote carried unanimously.

Town Hall Meetings

Ms. Young will draft a Power Point presentation for the Board members to use at their presentation for VPTA District meetings.

Ms. Young will contact the Blue Ridge District and the Central District regarding their March 2006 meetings.

Continuing Education Committee

The CE Committee will review the Continued Competency Assessment Form for needed revisions and submit to the Board for final approval at its April 2006 meeting.

Legislative/Regulatory Committee

Ms. Yeatts said the Board has to amend the returned check fee regulation- 18 VAC 112-20-150 from \$25.00 to \$35.00. Mr. Howell made a motion to accept the change in 18 VAC 112-20-150 which was seconded by Ms. Lyons. The vote carried unanimously.

Mr. Howell made a motion that the Board amend the stated renewal date of the birth month to December 31, of every even year. It was seconded by Ms. Lyons. The vote carried unanimously.

Ms. Yeatts then provided the Board with information regarding the 2006 Virginia General Assembly.

HB 300 – Amended as seen in summary.

HB 1111 – A physical therapy bill prohibiting anyone not licensed as a PT from advertising PT services (title protection); this bill is opposed by the Medical Society

Mr. Howell made a motion to support HB 111 which was seconded by Ms. Lyons. The vote carried unanimously.

HB 1112 – Removes referral and supervision requirements for physical therapist and creates direct access.

The Board discussed that the bill would increase access to services. There has been no evidence of violations involving physical therapists operating without the proper referral. Also, there are no referrals required for occupational therapists and athletic trainers.

Mr. Howell made a motion to accept HB 112 as read which was seconded by Ms. Lyons. The vote carried unanimously.

HB 1486 – This bill creates a new type of case decision: summary case decision.

Request for Interpretation

Dry Needling

Mr. Maihafer discussed dry needling as being beyond the scope of physical therapy practice. He said the VPTA refuses to endorse dry needling as a continuing education course. DC and Maryland recognize dry needling.

It was determined that the Board would make a policy statement after a disciplinary case decision of the Special Conference Committee. The Board will expedite the adjudicate process for the complaint regarding dry needling as soon as possible.

Traineeships

Traineeships as outlined in 18 VAC 112-20-70 of the regulations were discussed by the Board. Ms. Young said North Carolina no longer has traineeships. It was suggested that Ms. Young research other state laws and regulations about traineeships.

The Board advised staff to send non-routine traineeship requests to Ms. Garnett for her review and consideration. She would examine those applications where the applicant has failed the examination three or more times.

Fingersticks by PTAs in Home Care

The Board asked staff to gather again all interpretation for review and possible submission as a guidance document. The documents will be submitted to the Board at its April 2006 meeting.

The Board will address the issue at the April 2006 meeting.

cPT Designation Requested to be used by Personal Trainers

Under Section 54.1-3481 of the Code of Virginia only physical therapists are allowed to use PT with their name.

Mr. Howell made a motion for staff to draft a letter to Mr. Foster and forward to the Board for comments prior to submission. The motion was seconded by Mr. Locke and the vote was unanimous.

Probation Designation

Mr. Howell made a motion to place the probation designation on current licenses, which was seconded by Mr. Maihafer. The vote carried with 5 yes votes and 1 abstention by Mr. Locke.

Executive Director’s Report – Ms. Young

Ms. Young reported there are 4,765 licensed physical therapists, both active and inactive and out of state and in state. There are 1,749 licensed physical therapy assistants, both active and inactive and out of state and in state, with a combined total of 6,514.

Ms. Young discussed the disciplinary caseload. She provided a calendar of meetings to the Board. Ms. Young also discussed the budget and case standards.

ADJOURNMENT

With all business concluded, the meeting was adjourned at 12:30 p.m.

W. Gayle Garnett, P.T., M.B.A. President

Elizabeth Young, Executive Director

Date

Date