

APPROVED MINUTES

**BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy met on Friday, October 26, 2007 at the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Conference Room #4, Richmond, Virginia. The following members were present:

George Maihafer, Ph.D, P.T.
Damien Howell, P.T.
Maureen E. Lyons, P.T.
J.R. Locke
Lorraine C. Quinn, P.T.A.
Robert Izzo, P.T.
Peggy H. Belmont, P.T.

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

Lisa R. Hahn, Executive Director
Emily Wingfield, Chief Deputy Director
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensure Operations Manager
Rashaun K. Minor, Discipline Operations Manager

Representatives from the Office of the Attorney General were present for the meeting:

Amy Marschean, Assistant Attorney General

Guests present for all or part of the meeting included:

John Miller, Virginia Physical Therapy Association
Richard Grossman, Virginia Physical Therapy Association
Faye Lemon, Director, Enforcement Division
Laura Baldwin, Senior Inspector, Southwest Region, Enforcement Division

CALLED TO ORDER

Dr. Maihafer, Chair, called the board meeting to order at 12:35 p.m.

ORDERING OF THE AGENDA

The agenda was changed to move the order under new business to hear the legislative and regulatory committee report before the agency director's report.

PUBLIC COMMENT PERIOD

Mr. Miller on the behalf of the Virginia Physical Therapy Association commended and thanked the Board for all of their hard work on the regulations in regard to direct access. However, he stated they were not happy with the hours and the fees that were established.

Mr. Miller on behalf of Aegis Therapies commented that they were in support of the revised guidance document regarding sharp debridement and invasive procedures.

ACCEPTANCE OF MINUTES

Board Meeting – July 20, 2007

Upon a motion by Howell and seconded by Ms. Lyons the Board voted to approve the July 20, 2007 Board meeting minutes.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. The vote passed unanimously.

UNFINISHED BUSINESS

Dr. Maihafer stated that a meeting has been scheduled for November 30, 2007 at 1:00 p.m. for members of the Accupuncture Advisory Committee and members of the Board of Physical Therapy. Ms. Hahn welcomed input from the board members. She further stated that Dr. Maihafer and Mr. Howell will be representing the board at the meeting.

NEW BUSINESS

Legislative and Regulatory Committee Report and Recommendations

Invasive Procedures regarding Sharp Debridement and EMG Guidance Document

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to accept the guidance document on invasive procedures regarding sharp debridement and electromyography (EMG).

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. The vote passed unanimously.

Recommended Draft Proposed Regulations

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to adopt the proposed regulations as amended.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer, and Ms. Quinn. The vote passed unanimously.

FSBPT Annual Conference Report – Dr. Maihafer and Ms. Quinn

Ms. Quinn gave a brief report on the annual Federation of State Boards of Physical Therapy (FSBPT) annual conference that was held in Memphis, TN. She reported that there were several classes regarding ethics; FSBPT will be possibly adding ethics as a CEU requirement.

Dr. Maihafer stated the Federation made a motion to invest some of their money in research due to growing concerns that therapists are leaving the workforce which is creating a shortage. He further stated there was a presentation in regard to the American Disabilities Act with respect to licensing physical therapists and physical therapist assistants. Ms. Quinn also stated it was determined that test anxiety is not a disability. Dr. Maihafer stated the next meeting will be held in Minneapolis, MN in September, 2008. He informed the board that there was discussion regarding self-referral and they questioned if it was actually within the purview of what FSBPT should be doing. Dr. Maihafer stated that Mark Lane, Vice President of FSBPT is the contact person if the board would like more information.

Dr. Maihafer encouraged all board members to attend the annual Federation of State Boards of Physical Therapy conference.

Agency Director's Report – Virginia Performs – Emily O. Wingfield, Chief Deputy

Ms. Wingfield gave a brief overview of the key performance measures which are: (1) customer satisfaction; (2) processing applications for licensure within 30 days of receipt of all necessary materials; and (3) resolve complaints relating to patient care within 250 days. She also discussed sanction reference and stated that small boards will not be able to use the full reference. Ms. Wingfield informed the board that a proposal was being forwarded to the Secretary's office to indicate where specific needs were; so that additional resources and employees can be hired to fill those critical areas. She stated that there was a definite need in the enforcement division and the board of nursing. Ms. Wingfield stated that the agency may have to re-deploy areas that are out of balance. She further stated that the administration is aware of the need to shift resources to the enforcement division and probable cause.

Enforcement Division – Faye Lemon, R.N., and Laura Baldwin, P.T.

Ms. Lemon, Director, Enforcement Division, stated that the kinds of cases that the enforcement division receives in regard to physical therapists and physical therapist assistants are fraud and standard of care issues. She stated that some of the fraud cases involve physical therapists charging for services not rendered; fraudulent billing, falsifying documents and allowing physical therapist assistants to perform duties that should be performed by a physical therapist. Ms. Lemon further stated some standard of

care cases involve trading drugs; children not being adequately supervised; physical therapists not being properly trained in dealing with home care patients – not knowing when to call 911 and physical therapists and physical therapist assistants being rude to patients. She stated the highest case load is in the southwest region of the state.

Ms. Baldwin, P.T., Investigator stated in the southwest region of the state there have been a large number of cases involving billing errors. She stated there are currently fifteen physical therapy cases in the field and eight are in Roanoke.

Ms. Lemon informed the board that they are working on changing some of the processes that are used in investigations; such as changing the way reports are written; defining patient care issues; re-deployment of staff, and changing the subpoena process.

Break

The Board recessed at 2:15 p.m. and reconvened at 2:25 p.m.

Discussion of Board's Disciplinary process and ways to streamline – Lisa Hahn

Ms. Hahn stated there are currently 18 physical therapy cases at the enforcement level since October 1, 2007. She stated that in order to meet our goal of resolving complaints within 250 days, we have expedited the process by using scanners and electronic means of transferring the case to board members for review. She informed the board that the department will be working with the PT board to establish sanction reference guidelines. Ms. Quinn asked if there was a reference guide in regard to hierarchy of seriousness of cases. Ms. Hahn gave a brief overview of the various actions to include: probable cause; advisory letter; CCA; and pre-hearing consent order, etc. She stated that she could amend the case decision cover letter to include additional descriptions to assist the reviewer.

VPTA Conference – George Maihafer, P.T.

Dr. Maihafer stated that the recertification (renewal) process was discussed at the Virginia Physical Therapy Association conference. He stated they specifically inquired about three areas which were: (1) If material has already been learned-why must physical therapist recertify; (2) How will the re-certification be reinforced; and (3) What will qualify as recertification? Dr. Maihafer stated another concern of VPTA was how the consumer would know which physical therapists are certified in direct access. Ms. Hahn explained that the department will have an online list that is accessible to anyone. You will be able to query on direct access certification by zip code or area of the State and it will pull only those PT's that have direct access certification in the specified area. You could leave the area blank and it will pull all PT's who hold certification.

Board of Health Professions Report – Damien Howell, P.T.

Mr. Howell gave a brief report regarding the Board of Health Professions meeting that was held on September 25, 2007. He stated it was reported that AARP is going to introduce legislation in 2008 to set a date for all licensees to maintain and demonstrate continuing competency. Mr. Howell also reported that there was discussion regarding the Commonwealth's financial picture and reported that a 5% budget cut has been imposed and this may have an effect on all DHP travel in and out of the State.

EXECUTIVE DIRECTOR'S REPORT

Board Orientation Training

Ms. Hahn reported that the new board member orientation is scheduled for November 28, 2007. She encouraged all new board members and any board members who have not attended to register. Ms. Belmont stated that she would like to attend the orientation.

National Physical Therapy Month

Ms. Hahn extended her appreciation and gratitude to the board members for all their hard work, dedication and contributions to their profession. She presented a cake which was enjoyed by the board.

Licensed Physical Therapists

Ms. Hahn reported there are 4,893 current and out of state physical therapists and 1,884 physical therapist assistants for a total of 6,777 licensees.

Revenue and Expenditures

Ms. Hahn reported that the cash balance for expenditures as of June 30, 2006 was \$353,609 and total revenues were \$384,030. The direct and allocated expenditures were \$311,713 and the ending cash balance at the close of June 30, 2007 was \$425,926.

Direct Access Application Process

Ms. Hahn informed the board that the direct access applications and forms have been completed and will be posted on the website. Staff will be ready to receive applications on November 1, 2007. She further stated that the direct access law will go into effect April 29, 2008; therefore, the initial certification will expire 12/31/2010. The application fee will be \$100.00. The turnaround time for processing, once an application is complete will be 5-10 business days.

Physical Therapy Newsletter

Ms. Hahn represented a draft copy of the physical therapy newsletter to the board. She informed the board that the newsletter was completed by Ms. Minor and she commended her for a job well done. Ms. Hahn asked the board members review the newsletter and forward any comments and/or changes to her via e-mail.

Calendar

Ms. Hahn stated the next board meetings are scheduled for February 8, 2008 and April 25, 2008. She encouraged the board to contact her if there were any scheduling conflicts.

Computer Based Testing Comments Summary

Ms. Hahn provided a summary report of the computer based testing comments from July 2007 through September 2007. The comments were provided by the Federation of State Boards of Physical Therapy from applicants taking the national physical therapy examination. The report commented on the conditions of the testing facilities, i.e., lighting, computer, temperature of room, length of exam, etc.

Proposed Regulations

Ms. Yeatts asked that she be allowed to re-visit the proposed regulations once more. She presented the definition of single episode of care to the board.

Upon a motion by Mr. Howell and seconded by Ms. Lyons the board voted to reconsider the definition of discharge summary that was adopted previously and to define single episode under discharge summary in 18VAC112-20-10.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. The vote passed unanimously.

Upon a motion by Ms. Lyons and seconded by Mr. Howell the Board voted to adopt the revised proposed regulations as amended.

The members voting 'yes' were Ms. Belmont, Mr. Howell, Mr. Izzo, Mr. Locke, Ms. Lyons, Dr. Maihafer and Ms. Quinn. The vote passed unanimously.

ADJOURNMENT

With all business concluded, upon a motion by Mr. Howell and seconded by Mr. Locke the meeting was adjourned at 3:35 p.m.

George Maihafer, Ph.D., PT.

Lisa R. Hahn, Executive Director

Virginia Board of Physical Therapy
General Board Meeting
October 26, 2007
Page 7

President

Date

Date