

**APPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Tuesday, November 15, 2016 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #1, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Sarah Schmidt, PTA, President
Allen R. Jones, Jr., PT, DPT, Vice-President
Melissa Wolff-Burke, PT, EdD
Dixie Bowman, PT, DPT, EdD
Tracey Adler, PT, DPT
Arkena Dailey, PT, DPT
Steve Lam, Citizen Member

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Corie Tillman Wolf, J.D., Executive Director
Lynne Helmick, Deputy Executive Director, Discipline
Missy Currier, Deputy Executive Director, Licensure
David Brown, D.C., Agency Director
Elaine Yeatts, Senior Policy Analyst

BOARD COUNSEL PRESENT:

Erin Barrett, Assistant Attorney General

QUORUM:

With 7 members present, a quorum was established.

GUESTS PRESENT

Patrick Deleonibus, Student
Richard Grossman, VPTA
Matthew Stanley, Acupuncture Society of Virginia (ASVA)
Arthur Fan, Ph.D. L.A.C
Fam Yan, L.A.C
Janet L. Borges, L.A.C
Diane Lowry, L.A.C.
Jennifer Yeh, L.A.C., ASVA

CALLED TO ORDER

Sarah Schmidt, President, called the meeting to order at 9:40 a.m. and asked the Board members and staff to introduce themselves.

Ms. Schmidt then stated the following before the first order of business:

- 1) Laptops 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.
- 2) Please be sure to speak directly into the microphone so that everyone can hear you.

Ms. Tillman Wolf then read the Emergency Egress Procedures.

Ms. Schmidt stated that sign in sheets were available at the door for guests and public comment.

ORDERING OF THE AGENDA

Upon a motion by Dr. Allen R. Jones, Jr. and properly seconded by Dr. Arkena Dailey, the agenda was accepted as presented. The motion carried unanimously.

ACCEPTANCE OF MINUTES

Upon a motion by Dr. Allen R. Jones, Jr. and properly seconded by Dr. Dixie Bowman, the Board voted to accept the following minutes of the meetings with the addition of Erin Barrett, Board Counsel to the attendance during the May 10, 2016 Board Meeting.

- Board Meeting – May 10, 2016
- Formal Hearing – May 10, 2016
- Physical Therapy Compact Subcommittee Meeting – September 27, 2016
- Physical Therapy Compact Subcommittee Meeting – October 25, 2016

The motion carried unanimously.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE DIRECTOR'S REPORT – Corie Tillman Wolf, J.D.

Ms. Tillman Wolf expressed how pleased she was to serve as Executive Director for the Board and her eagerness to work with the Board members. She then provided the following brief bio:

- She began in her position as Executive Director on August 25, 2016
 - She previously served 8 ½ years at Office of the Attorney General prosecuting cases for the Health Professions Unit
 - Additionally, she was the Assistant Attorney General for Domestic Violence issues; and the Statewide Facilitator for Victims of Domestic Violence

Expenditure and Revenue Summary

FY16 Budget

| | |
|--|-------------|
| Cash Balance as of June 30, 2016 | \$ 712,466 |
| YTD FY16 Revenue | 36,125 |
| Less direct and allocated expenditures | < 144,199 > |
| Cash Balance as of 09/30/16 | \$ 604,392 |

FSBPT UPDATES

Ms. Tillman Wolf provided the following updates from the Federation of State Boards of Physical Therapy (FSBPT):

- The FSBPT Annual Meeting was held November 3-5, 2016, in Columbus Ohio.
- Exam, Licensure and Disciplinary Database (ELDD) - Virginia has an overall rating of 5 stars: 5 stars in licensure reporting, 5 stars in score reporting, 3 stars in discipline reporting. The information for disciplinary reporting is up to date; hopefully this will increase that rating during the next rating cycle.
- The Virginia Board continues to be a leader in workforce data collection and in competence requirements/traineeship requirements.
- NPTE Exam
 - There is a new registration process through PT schools. The new registration process and the Alternate Pathway will be covered more in depth by Deputy Executive Director Missy Currier in her Licensure Report.
 - FSBPT in process of conducting practice analysis for NPTE.
 - There is a proposed exam fee increase in 2018.
 - FSBPT is looking at the eligibility requirements for non-CAPTE graduates.
 - Course Work Tool (CWT) #6 for PT's will be available in January 2017.
 - FSBPT is currently developing a CWT for PTA's.
 - TOEFL standards (Test of English as a Foreign Language) will be reviewed with data collection in 2018, and revised standards in 2019.
 - The lifetime exam limit was put in place on January 1, 2016: the lifetime limit of 6 attempts or 2 scores of 400 or below. As reported during the last meeting, Virginia received 6 appeal requests and 4 were approved. Of the 4 approved, two have taken and passed the exam following the appeal.
- The Practice Review Tool (PRT) ends November 2016 (General and Ortho). The PRT is being replaced by oPTion as the online self-assessment tool. oPTion provides a comparison to entry-level requirements and an opportunity to review PT fundamentals. The change will impact on current regulations with references to "PRT," which will be discussed later in the agenda.

- aPTitude is the FSBPT program for tracking continuing competency. As of this meeting, 858 VA Licensees registered. Of those registered, 678 (79.02%) share information with VA; 180 (20.98%) choose not to share.
- Response to NC Board of Dental Examiners case – As reported at the FSBPT Annual Meeting, a coalition of organizations is looking at proposing a response at federal level, the “State Action Anti-trust Act.” This act would be modeled after the Local Government Antitrust Act of 1984 and would create a limitation on treble damages for state licensing bodies.
- The FSBPT 2017 Regulatory Training for Members and Board Staff is scheduled for June 9 - 11, 2017 - Alexandria, VA. Current (new and seasoned) regulatory board members and administrators can request to attend. Attendance is funded by FSBPT.

PT Licensure Compact

- So far, 4 states have passed the Compact - Oregon, Tennessee, Arizona, Missouri. Since the last meeting, the PT Compact Subcommittee held two meetings on September 27th and October 25, 2016. Dr. Bowman will provide a report from the Subcommittee later in the agenda. Since those meetings, some follow up information has been requested and received. On November 1, 2016, Ms. Tillman Wolf and Board counsel had a telephone conference with legal counsel for the FSBPT regarding the compact language. In addition, Ms. Tillman Wolf has obtained templates for use in putting together a fiscal impact analysis for the Board's/Subcommittee's review.

Foreign-Educated PTs and FCCPT

- In September, the FCCPT (Foreign Credentialing Commission on Physical Therapy) released information that the USCIS (U.S. Citizenship and Immigration Services) intended to deny FCCPT's authorization to issue foreign PT healthcare worker certifications. The FCCPT evaluates the education received by foreign-educated PTs to determine whether it is comparable to education required in the US. The FCCPT responded to the USCIS's intent to deny, but as of FSBPT Annual meeting, the FCCPT had not received a response from the USCIS.
- What could this mean for Virginia Board? The Board uses FCCPT as one basis for credentialing non-CAPTE grads (18VAC112-20-50). Applicants would have to go through another Board-approved credentialing agency that meets the regulation requirements (18VAC112-20-50(B)). If denial stands for the FCCPT, it may make the credentialing process harder for some applicants.
- Ms. Tillman Wolf will keep the board informed of any changes

Staff Presentations

Ms. Tillman Wolf shared that the following presentations had been conducted since the last meeting:

- School-Based OT/PTs, Charlottesville, October 19, 2016 – Board staff provided an overview of the function of Board, current Board issues of interest, resources.

- Shenandoah University – Webinar for PT students; October 26, 2016 – Board staff provided an overview of the Board role; licensing and discipline information; new exam registration process; available resources.

Staff Notes

- If you have a change of address, email address, cell phone number, please remember to contact us so that we have the most current information.
- Please try to respond to email requests within a timely manner especially when the email requests a reply for availability or a response to a licensure or disciplinary question.
- Never “Reply All”

Thank you for all you hard work & dedication!

With no further questions, Ms. Tillman Wolf concluded her report.

AGENCY DIRECTORS REPORT – Dr. David Brown, D.C.

Dr. Brown provided the following report:

- The Board Member Training held October 24th was very well received and provided valuable tools and information to Board members. This year’s training benefited not only new members but seasoned members as well with topics including; FOIA, Investigative Procedures & Experiences, and the agency and its responsibilities.
- He provided his support for members to attend national meetings and trainings.
- Dr. Brown spoke about the Prescription drug and heroin abuse crisis throughout the Commonwealth and requested that everyone consider alternatives to prescribing pain medications. He also shared the website VaAware.com, which is an online resource and informational tool for all citizens of Virginia.

LICENSURE REPORT – Missy Currier, Deputy Executive Director, Licensure

Virginia Performs – Customer Service Satisfaction

- FY16 – 95.4% overall
- FY17 (1st Qtr.) – 97.5%

Laura Mueller is the front line for the physical therapy board and she is extremely knowledgeable and helpful. Vicki Saxby and Heather Wright are cross trained and able to step in whenever necessary!

| Licensee Statistics | Nov. 2016 | Nov. 2015 | |
|------------------------|---------------|---------------|---------------|
| PT | 8,337 | 7,462 | +875 |
| PTA | <u>3,336</u> | <u>3,028</u> | +308 |
| Total | 11,673 | 10,490 | +1,183 |
| DAccess Certifications | 1,124 | | |

We have processed **1,115** new licenses and 81 Direct Access Certifications since last meeting.

July 19 & 20, 2016 PT Exam Results:

88.1% VA pass rate / 11.89% VA failure rate

| | # who took exam | # Passed | 1 st time test takers | Repeat test takers | # Failed | 1 st time testers | Repeat Test Takers |
|-----------------------------------|-----------------|------------|----------------------------------|--------------------|-----------|------------------------------|--------------------|
| US Applicants | 239 | 212 | 202 | 10 | 27 | 23 | 4 |
| Foreign Trained Applicants | 5 | 3 | 1 | 2 | 2 | 1 | 1 |
| Total | 244 | 215 | 203 | 12 | 29 | 24 | 5 |

October 27, 2016 PT Exam Results:

75.3% VA pass rate / 24.72% VA failure rate

| | # who took exam | # Passed | 1 st time test takers | Repeat test takers | # Failed | 1 st time testers | Repeat Test Takers |
|-----------------------------------|-----------------|-----------|----------------------------------|--------------------|-----------|------------------------------|--------------------|
| US Applicants | 83 | 65 | 57 | 8 | 18 | 7 | 11 |
| Foreign Trained Applicants | 6 | 2 | 1 | 1 | 4 | 0 | 4 |
| Total | 89 | 67 | 58 | 9 | 22 | 7 | 15 |

2016 YTD PT Exam Stats:

- 639 VA Applicants have taken exam
 - 569/passed – 70/failed

- 89.04% pass rate
- 15 Foreign Trained Applicants took exam
 - 6/passed – 9/failed
 - 40.0% pass rate

July 6, 2016 PTA Exam Results:

81.4% pass rate / 18.56% failure rate

| | # who took exam | # Passed | 1 st time test takers | Repeat test takers | # Failed | 1 st time testers | Repeat Test Takers |
|---------------|-----------------|-----------|----------------------------------|--------------------|-----------|------------------------------|--------------------|
| US Applicants | 97 | 79 | 71 | 8 | 18 | 9 | 9 |
| Total | 97 | 79 | 71 | 8 | 18 | 9 | 9 |

October 6, 2016 PTA Exam Results:

60.3% pass rate / 39.68% failure rate

| | # who took exam | # Passed | 1 st time test takers | Repeat test takers | # Failed | 1 st time testers | Repeat Test Takers |
|---------------|-----------------|-----------|----------------------------------|--------------------|-----------|------------------------------|--------------------|
| US Applicants | 63 | 33 | 71 | 5 | 25 | 11 | 14 |
| Total | 63 | 38 | 33 | 5 | 25 | 11 | 14 |

2016 YTD PTA Exam Stats:

- 285 VA Applicants have taken exam
 - 205/passed – 80/failed
 - 184 first time test takers
 - 71.93% pass rate
 - 28.07% fail rate

Virginia School Pass Rates*

| | <u>Virginia</u> | <u>U.S. Accredited</u> |
|-----|-----------------|------------------------|
| PT | 97.80% | 95.47% |
| PTA | 87.59% | 88.82% |

***Based on 2016 Graduation Year**

2017 NPTE Exam Dates

- PT Exams:
 - January 26
 - April 26
 - July 18 & 19
 - October 25
- PTA Exams:
 - January 12
 - April 5
 - July 6
 - October 23

Ms. Currier made special mention that the free score report for students' remains viewable for 30 days following the release of scores. After 30 days, reports may be purchased at the standard fee for an Individual Score Report.

New Enhanced Registration Process for the NPTE

- **Became effective October 2, 2016**
 - The process has NOT changed for states
 - The process HAS changed for candidates. Any first time test taker must set up a profile before they can register for the exam
 - That profile must be initiated by the school
 - The process HAS changed for schools
 - 1) Schools must enter students so that the student can create a profile
 - 2) Schools must validate the student is on track to graduate prior to the student registering for the NPTE.

Alternate Approval Pathway

- We viewed a webinar during our May 2016 meeting
- Effective in January 2017, Boards may elect to have FSBPT submit eligibility for an applicant to test prior to jurisdiction approval
- Jurisdiction would still have final decision on licensure but applicant will have already taken exam.
- This is not a requirement by FSBPT so the Virginia Board can discuss the option at anytime

Licensure Renewals

- Renewal notices were emailed on October 18th
- A follow up email with FAQ's regarding the process was sent a week later to include:
 - The Board does not consider postmarked mail
 - First time renewal exemptions & instructions
 - Inactive to Active and Active to Inactive Instructions
 - Reminder about CE and "Active Practice" requirements

Ms. Currier reported that hard copy renewals will be mailed out on November 20th to anybody that had not already renewed or whose email got kicked back.

CEU Audit

- Board Staff will begin the audit process during late January – early February 2017
- Select a random sample of licensees to ensure compliance with CE requirements
- Procedures for Auditing Continuing Education can be found in Guidance Document 95-2

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

DISCIPLINE REPORT -- Lynne Helmick – Deputy Executive Director, Discipline

Discipline Statistics

4/28/16

30 Total Cases

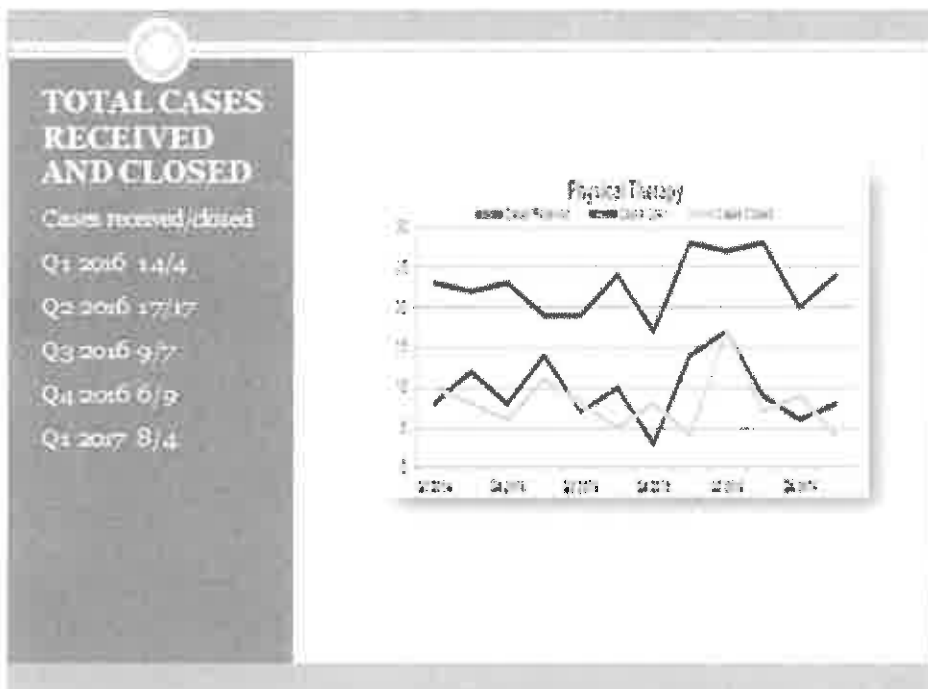
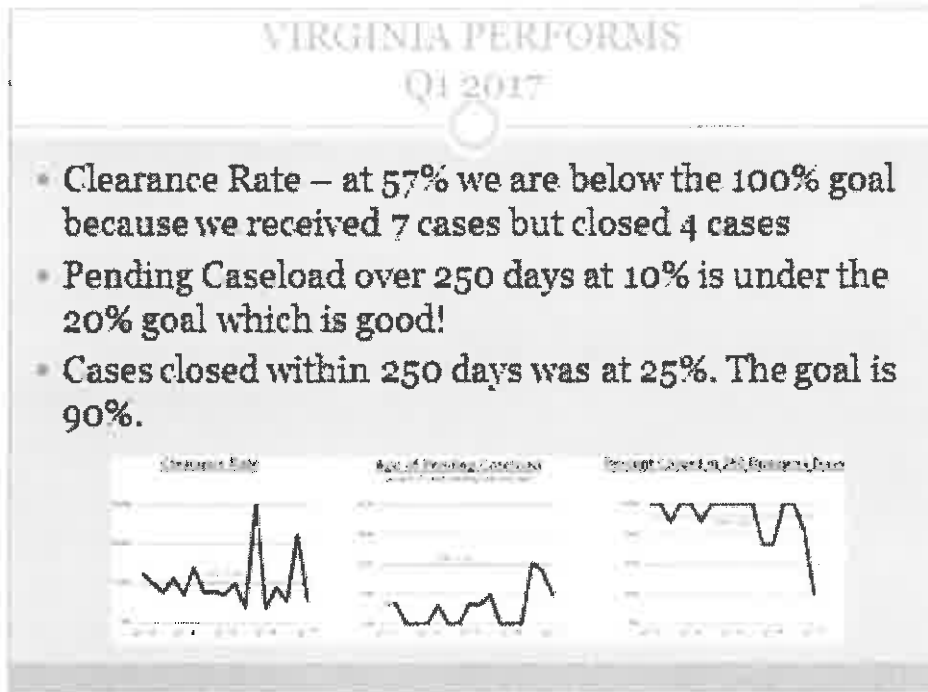
- ▶ 12 in Investigation
- ▶ 15 in Probable Cause
- ▶ 0 at APD
- ▶ 0 at IFC
- ▶ 2 at Formal Stage
- ▶ 7 licensees in Compliance Monitoring

11/10/2016

19 Total Cases

- 9 in Investigation
- 8 in Probable Cause
- 2 at APD
- 0 at IFC
- 0 at Formal Stage
- 8 licensees in Compliance Monitoring

Virginia Performs



All Case information 1st quarter FY2015 - 2017

- **% of all cases closed in 250 days**

| | FY2015 | FY2016 | FY2017 |
|--------|--------|--------|--------|
| PT | 90.9% | 75% | 25% |
| Agency | 90.9% | 84.4% | 82% |

- **Average days to close a case**

| | | | |
|--------|-------|-------|-------|
| PT | 176.4 | 190 | 403 |
| Agency | 178.3 | 200.1 | 202.7 |

Case Categories

Those cases in which disciplinary action was taken

| FY 2015 | FY2016 |
|---|---|
| <ul style="list-style-type: none"> • 7 cases total - 1 CE - 1 compliance failure - 2 records fraud - 1 aiding & abetting unlicensed activity - 1 out of state Order - 1 confidentiality | <ul style="list-style-type: none"> • 12 cases total - 6 CE - 1 compliance failure - 1 Records fraud - 2 boundary issues - 1 disruptive behavior in clinical setting - 1 Incorrect info in application - 1 Drug related |

Ms. Helmick reported that since the May 10, 2016 meeting, two Informal Conferences were held. Additionally, no hearings were on the docket or anticipated to be scheduled in the immediate future.

Dr. Allen R. Jones, Jr. reminded Ms. Helmick to include a footnote in future reports to substantiate why we may have not met the goals.

Ms. Tillman Wolf added that she was working with a few Executive Directors to formulate more realistic statistics for the smaller boards whose numbers can appear skewed when comparing to the larger boards.

Dr. Brown added many factors can affect number of days it takes to close a case that are often outside of the boards' control including the complexity of the case, the granting of continuances, and requesting additional information from investigators. He shared that DHP will be putting together a training video for Probable Cause Review which may assist members when reviewing cases. Finally, Dr. Brown assured the members that he closely watches the numbers and the Board of Physical Therapy and case processing was not a concern for him.

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

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

Dr. Jones provided the following highlights of the BHP August 18, 2016 meeting and provided a more detailed handout:

- Bruce Keeney spoke in favor of Chiropractors ability to conduct physical exams on commercial driver's license and learners permit applicants.
- Ms. Yeatts presented an exempt regulatory action HB574 which addressed changes in specifications of who can be considered as a dietician or nutritionist. The other document included a list of emergency regulations, emergency regulatory actions by APA, and non – regulatory actions related to DHP from the 2016 General Assembly.
- Ms. Powers and Mr. Treacy presented a video highlighting the DHP Healthcare Data Center.
- Dr. Carter discussed the development of an internal staff committee to explore causes for a recent decrease in meeting the time to disposition 90 day goal.
- Dr. Carter also provided an overview of the Department's Healthcare Workforce Data Center and the research remains in its infancy. Dr. Carter and Neal Kauder submitted and published an article to the Journal of Nursing Regulation titled "Implementing a Sanctioning Reference System for the Virginia Board of Nursing.
- Approval was made to include a cover letter that provides a framing overview report by Andrew Feagans and Andrea Peeks regarding Telehealth; its purpose, and source, and directs readers to an addendum containing comments from the Executive Directors of the various boards.

With no further questions, this concluded Dr. Jones report.

Licensure Compact Subcommittee Report – Dixie H. Bowman, PT, DPT, Ed.D

Dr. Bowman provided an overview of the two meetings held regarding Licensure Compact.

First Meeting - September 27, 2016

Subcommittee members determined that additional discussion was necessary to address a number of questions related to the Compact. Subcommittee members recommended having representatives

from the Federation of State Physical Therapy Boards (FSBPT) and the Virginia Board of Nursing, as well as Board counsel, present at the second meeting to facilitate discussion.

Second Meeting – October 25, 2016

Leslie Adrian, Professional Standards Director from the FSBPT, Jay Douglas, Executive Director of the Board of Nursing, and Erin Barrett, Board Counsel, participated in the discussion. Many questions were answered and the Subcommittee had a better understanding of the Licensure Compact and recommended the following next steps:

1. Obtain information about travelling PT's (workforce data)
2. Ms. Tillman Wolf and Board Counsel to talk to Rick Masters re: legal drafting questions in the compact
3. Obtain more information on cost projections
4. Provide a Subcommittee Report at full Board meeting

Following discussion, a motion was made by Melissa Wolff-Burke and properly seconded by Tracey Adler in favor of the Subcommittee to continue working on the Licensure Compact. The motion carried unanimously.

BREAK

The Board took a recess at 11:20 a.m. and reconvened at 11:33 a.m.

NEW BUSINESS

Legislative Report – Elaine Yeatts, Senior Policy Analyst

Ms. Yeatts pointed out that the Proposed Regulations regarding the Practice of Dry Needling are now at the Office of the Governor. Although there is not a time frame indicating when the Governor will approve, there will be a 60 day public comment period as soon as they are published in the Virginia Register of Regulations, as well as a Public Hearing.

Ms. Yeatts then stated that there were three regulatory actions that the Board needed to consider during the meeting.

1) Public Participation Guidelines (PPG) - Regulatory Change – Fast Track (Attachment A)

Ms. Yeatts explained the revisions in 18VAC112-11-50 the Board needed to consider for the adoption of an amendment by a Fast-track action to the regulations for the Public Participation Guidelines (PPG) regarding Public comment.

Upon a motion by Dr. Allen R. Jones, Jr., and properly seconded by Dr. Arkena Dailey, the Board accepted the draft language as presented in order to conform to the Code of Virginia, Title §2.2-4007.02, Chapter 40, of the Administrative Process Act. The motion carried unanimously.

2) Consideration of CE Credit for Voluntary Work (Attachment B)

Ms. Yeatts explained that the Board would need to promulgate regulations that would allow some volunteer service time to count towards meeting CE requirements. Following discussion and review of the draft verbiage in 18VAC 112-20-131, Continuing Education Requirements, the Board agreed that up to two hours of the Type 2 continuing education hours may be fulfilled by volunteer services.

Upon a motion by Dr. Arkena Dailey and properly seconded by Dr. Tracey Adler, the Board voted to proceed with a Fast-track action for CE credit for voluntary work with the removal of the last sentence in the proposed language. The motion carried unanimously.

3) Consideration of Change in References (PRT & oPTion)

Ms. Yeatts referred the members to the email sent from FSBPT notifying the Board that effective on November 30, 2016 the Practice Review Tools (PRTs) would be retired and that oPTion would be the new self-assessment tool. She explained in detail that the Board's current regulations reference PRT in several sections. Ms. Yeatts suggested that the Board consider issuing a NOIRA recognizing that references to PRT in the regulations have to be addressed and the time frame would allow the Board more time to consider the options.

Following much discussion, a motion was made by Dr. Melissa Wolff-Burke and properly seconded by Dr. Tracey Adler to adopt a NOIRA to consider oPTion as a replacement of PRT in the regulations. The motion carried unanimously.

A second motion was made by Dr. Arkena Dailey and properly seconded by Dr. Allen R. Jones, Jr., to have the Legislative/Regulatory Committee work on reviewing oPTion, the 4 levels of performance a licensee can achieve, and whether or not the Board should consider it as credit for continuing competence. The motion carried unanimously.

FSBPT Fall Conference – Sarah Schmidt, Dixie Bowman, Arkena Dailey, Tracey Adler

Each of the attendees provided a brief overview of their experiences and takeaways during the meeting.

Dr. Tracey Adler reported on the presentation on dry needling that she gave during the meeting.

LIF Meeting – Sarah Schmidt

Ms. Schmidt gave a brief overview of the FSBPT Leadership Conference she attending during August and explained how beneficial it is for the Delegate to attend as it provides preparatory information for the Annual Conference.

Consideration of Board Selection of Delegates for FSBT Meetings – Sarah Schmidt

Ms. Schmidt stated that it has been customary for the Board President to serve as the Delegate during the Annual Meetings. She requested that if anyone was interested in serving as the Alternate Delegate to let Ms. Tillman Wolf know so that the Board can make a decision during the next meeting in 2017.

Election of New Officers

Ms. Schmidt stated that Dr. Allen R. Jones, Jr. submitted his written nomination for President and polled the members if anybody else would like to be considered for nomination. With no other nominations for consideration, the Board voted unanimously in favor of the election of Dr. Allen R. Jones, Jr. as the newly elected Board President.

Ms. Schmidt stated that Dr. Arkena Dailey submitted her written nomination for Vice-President and polled the members if anybody else would like to be considered for nomination. With no other nominations for consideration, the Board voted unanimously in favor of the election of Dr. Arkena Dailey as the newly elected Board Vice-President.

2017 Calendar

- February 14th
- May 11th
- August 22nd
- November 17th

Dr. Allen R. Jones, Jr. thanked Sarah Schmidt for her hard work and dedication while serving as President of the Board and stated he was looking forward to serving the Board during the next term.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:40 p.m.



Sarah Schmidt, PTA, MPA, President



Corie Tillman Wolf, J.D., Executive Director

3/29/17
Date

3/30/17
Date

Attachment A

18VAC112-11-50. Public comment.

- A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.
1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
 2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.
- B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:
1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
 2. For a minimum of 60 calendar days following the publication of a proposed regulation.
 3. For a minimum of 30 calendar days following the publication of a re-proposed regulation.
 4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
 5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
 6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
 7. Not later than 21 calendar days following the publication of a petition for rulemaking.
- C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.
- D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.
- E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

Attachment B

BOARD OF PHYSICAL THERAPY CE credit for volunteer practice

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. Up to two of the Type 2 continuing education hours may be satisfied through delivery of occupational therapy services, without compensation, to low-income individuals receiving services through a local health department or a free clinic organized in whole or primarily for the delivery of health services. One hour of continuing education may be credited for three hours of providing such volunteer services as documented by the health department or free clinic.

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 may receive 10 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 may receive 20 hours of Type 1 credit for the biennium in which the assessment tool was taken.
- 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.