

November 17, 2020

The Virginia Board of Physical Therapy convened virtually via WebEx for a full board meeting on Tuesday, November 17, 2020, with staff coordination on-site at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

BOARD MEMBERS PRESENT

Allen R. Jones, Jr., PT, DPT, President (On-site)
Mira H. Mariano, PT, PhD, OCS, Vice-President (Virtual)
Elizabeth Locke, PT, PhD (Virtual)
Tracey Adler, PT, DPT, CMTPT (Virtual)
Rebecca Duff, PTA, DHSc (Virtual)
Susan Palmer, MLS (Virtual)

BOARD MEMBERS ABSENT

Arkena L. Dailey, PT, DPT

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Barbara Allison-Bryan, MD, DHP Deputy Director (Virtual)
Erin Barrett, Assistant Attorney General, Board Counsel (On-site)
David Brown, DC, DHP Director (Virtual)
Sarah Georgen, Licensing and Operations Manager (Virtual)
Laura Mueller, Program Manager (Virtual)
Kelley Palmatier, Deputy Executive Director (Virtual)
Corie Tillman Wolf, Executive Director (On-Site)
Angela Pearson, Discipline Operations Manager (On-Site)
Elaine Yeatts, Senior Policy Analyst (Virtual)

OTHER GUESTS PRESENT

Richard Grossman, American Physical Therapy Association – Virginia

**participant indicates attendance to count toward continuing education requirements*

CALL TO ORDER

Dr. Jones called the meeting to order at 9:30 a.m.

Due to the COVID-19 declared state of emergency and consistent with Amendment 28 to HB29 (Budget Bill for 2018-2020) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2, the Board convened a virtual meeting to consider such regulatory and business matters

as was presented on the agenda necessary for the Board to discharge its lawful purposes, duties, and responsibilities.

Dr. Jones provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Dr. Jones provided reminders to the Board and public regarding WebEx functions. He completed a roll call of the Board members and staff.

With six Board members present at the meeting, a quorum was established.

Dr. Jones read the mission of the Board, which is also the mission of the Department of Health Professions.

APPROVAL OF MINUTES

Dr. Locke requested an amendment to the Board meeting minutes on August 11, 2020 to include the word “upcoming” to her resignation announcement.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Adler, the Board voted to accept the August 11, 2020 to November 9, 2020 minutes in block, including minutes from the Board meeting on August 11, 2020 as amended, Public Hearing on October 20, 2020, Legislative/Regulatory Committee meeting on November 9, 2020, and informal conferences held on August 11, 2020 and October 20, 2020. The motion passed unanimously (6-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested a change to the agenda in relation to Guidance Document 112-14 regarding Electromyography (EMG) and Sharp Debridement to be stricken from the agenda.

Additionally, Ms. Tillman Wolf requested a change to the agenda noting that Dr. Dailey would not be in attendance at the meeting. Ms. Tillman Wolf stated that Dr. Jones would provide the Legislative/Regulatory Committee Meeting Report, and Dr. Locke would provide the FSBPT Annual Meeting Report in Dr. Dailey’s absence.

Upon a **MOTION** by Dr. Mariano, and properly seconded by Dr. Duff, the Board voted to accept the agenda as amended. The motion passed unanimously (6-0).

PUBLIC COMMENT

The Board did not receive any written public comment or request to provide verbal public comment.

AGENCY REPORT

Dr. Brown spoke to the necessary precautions of COVID-19 during the holiday season.

Dr. Brown provided an update to the Board of the legalization of recreational and medical marijuana. He encouraged Board members to review the JLARC report in the Governor's recent press release.

Dr. Allison-Bryan reported on the COVID-19 vaccines, including the effectiveness, logistics, and distribution of the vaccinations to the citizens of the Commonwealth.

With no questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

PRESENTATION

Dr. Allison-Bryan provided a presentation on the Health Practitioner's Monitoring Program.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, JD, Executive Director

Announcements

Ms. Tillman Wolf congratulated Dr. Locke's designation by Old Dominion University's Board of Visitors as Senior Lecturer Emerita of Rehabilitation Sciences for meritorious service to the University.

COVID Response

Ms. Tillman Wolf provided an overview of the continued actions taken in response to and consequences of the COVID-19 pandemic. She reported that Board staff has prepared for the 2020 license renewals and has sent out messages regarding the reduction of fees, the waiver of continuing education requirements, and the suspension of active practice requirements.

Ms. Tillman Wolf also discussed the National Physical Therapy Examination (NPTE) through the Federation of State Boards of Physical Therapy (FSBPT) which continues to provide some allowances for the scheduling of examinations. Ms. Tillman Wolf provided an update to the Board regarding the Alternate Approval Process (AAP) that began on November 2, 2020. She also stated that licensees have contacted the Board regarding telehealth and renewals. She stated that Board operations are ongoing with Board staff teleworking.

Board Updates

Ms. Tillman Wolf provided an update that the final Dry Needling Regulations became effective on October 29, 2020. She reported that the Legislative/Regulatory Committee met on November 9, 2020. She discussed e-mail blasts to licensees and preparation for licensure renewals.

FSBPT Updates

Ms. Tillman Wolf stated that the FSBPT Delegate Assembly meeting was held on October 24, 2020, with Dr. Dailey serving as Delegate and Dr. Locke as Alternate Delegate. Ms. Tillman Wolf served as a "back-

up Teller.” She reported that the FSBPT has provided several web education sessions and encouraged the Board members to attend. She also reported that Dr. Dailey continues to serve on the Ethics and Legislation Committee and the Boundary Violations Task Force.

Ms. Tillman Wolf reported that the Board continues to have a 5-star rating for the Exam License Discipline Database (ELDD). She mentioned available FSBPT resources available including the Bar Assessment Resource (BAR), Criminal Background Check Resource, and task forces for impaired practice, boundary violations, artificial intelligence, and re-entry to practice.

She stated that a Regulatory Training for Board members and staff is anticipated to be held in 2021.

PT Compact – Updates

Ms. Tillman Wolf provided updates from the virtual Compact Commission meeting held on October 25, 2020. She announced that she was elected to the Member-at-Large position on the Compact Commission Executive Board and appointed to the Rules and Bylaws Committee. She reported continuation of efforts regarding data sharing at the Board level with the FSBPT and the Compact Commission.

Ms. Tillman Wolf stated that as of November 13, 2020, 160 compact privileges had been issued (136 Physical Therapists and 24 Physical Therapy Assistants; 150 new privileges, and 10 through renewal) in Virginia. Ms. Tillman Wolf said that 144 Virginia home state licensees had obtained 146 Compact Privileges for other Compact states (111 Physical Therapists and 33 Physical Therapy Assistants) as of November 13, 2020. Ms. Tillman Wolf provided an overview of the Compact Privileges issued by month in 2020.

Ms. Tillman Wolf reported that, on the national level, more than 1,800 Compact Privileges have been issued through September 2020.

Expenditure and Revenue Summary as of September 30, 2020

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of September 30, 2020.

Cash Balance as of June 30, 2020	\$1,496,604
YTD FY20 Revenue	\$ 42,196
<u>Less FY20 Direct & In-Direct Expenditures</u>	<u>\$ 171,539</u>
Cash Balance as of September 30, 2020	\$1,367,261

2020 Year in Review

Ms. Tillman Wolf provided an overview of the Board’s accomplishments in 2020. She highlighted the following actions in 2020:

- Implementation of the PT Compact and Criminal Background Checks
- Responding to the COVID Pandemic and its impact on telehealth, practice, continuing education
- Adoption of Final Regulations from the Periodic Review (review in progress)
- Finalization of regulations for Dry Needling
- Adoption and implementation of the Alternate Approval Process

- Participation on the National Stage by Board members
- Preparation and processing of biennial renewals

Board Meeting Dates

Ms. Tillman Wolf announced the tentative upcoming 2021 Board meeting dates.

- February 16, 2021
- May 25, 2021
- August 10, 2021
- November 9, 2021

Notes and Reminders

Ms. Tillman Wolf provided reminders to the Board regarding out-of-state travel and contact information. She thanked the Board members for their continued hard work, dedication, and patience during the pandemic.

Dr. Locke requested and received clarification on how individuals who participate virtually are captured for the minutes.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of November 6, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 27 Patient Care cases
 - 3 at Informal Conferences
 - 1 at Formal Hearing
 - 6 at Enforcement
 - 14 at Probable Cause
 - 3 at APD
- 6 Non Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 3 at Enforcement
 - 3 at Probable Cause
- 7 cases at Compliance

Ms. Palmatier reported the following Total Cases Received and Closed:

- Q4 2018 – 4/4
- Q1 2019 – 13/15
- Q2 2019 – 10/11
- Q3 2019 – 9/17
- Q4 2019 – 7/12
- Q1 2020 – 26/13
- Q2 2020 – 4/12
- Q3 2020 – 13/18
- Q4 2020 – 7/6

Ms. Palmatier reported the following Virginia Performs statistics for Q4 2020:

- Clearance Rate – 133% Received 3 patient cases and closed 4 cases
- Pending Caseload
 - 36% - 12 cases pending over 250 days
 - 3% - 1 case pending over 415 days
- Time to Disposition
 - 100% - 4 cases closed within 250 days
 - 100% - 4 cases closed within 415 days

Ms. Palmatier reported on the percentage of all cases closed in one year and on average days to close a case for the last five quarters.

Ms. Tillman Wolf stated that throughout the pandemic, there has been a 130% clearance rate on discipline cases and that the Board has continued to process more cases than are received. She thanked Dr. Mariano and Dr. Duff for their help in processing a number of cases following the conclusion of informal conferences. She also thanked Board staff for their continued efforts and hard work.

With no questions, Ms. Palmatier concluded her report.

Licensure Report – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	November 16, 2020	August 4, 2020	Change +/-
Physical Therapist	9,432	9,167	265
Physical Therapist Assistant	3,960	3,791	169
Total PT's and PTA's	13,392	12,958	434
Direct Access Certification	1,315	1,302	13

Ms. Georgen presented the PT and PTA exam statistics from the July/August administrations of the exams.

Licensure Statistics – Customer Satisfaction

Ms. Georgen provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q2 2020 – 97.7% (43/44 responses)
- Q3 2020 – 97.4% (38/39 responses)
- Q4 2020 – 89.6% (48/53 responses)
- Q1 2021 – 100% (66/66 responses)

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett did not have a report to provide.

COMMITTEE AND BOARD MEMBER REPORTS

Board President Report – Allen R. Jones, Jr., PT, DPT

Dr. Jones thanked the Board for his election to the position of Board President and discussed logistics of the Board meetings. Dr. Jones thanked the staff for their hard work for meetings.

With no questions, Dr. Jones concluded his report.

Legislative/Regulatory Committee Report – Allen R. Jones, Jr., PT, DPT

Dr. Jones provided an overview of the Legislative/Regulatory Committee meeting held on November 9, 2020. He stated that the main discussion focused on telehealth requirements and updates to the guidance document.

FSBPT Annual Meeting Report –Elizabeth Locke, PT, PhD

Dr. Locke provided a report of the FSBPT Annual Meeting held on October 24, 2020. Dr. Locke reported that representatives from 48 states attended. Dr. Locke reported on the outcome of elections at the Delegate Assembly, as well as award recipients.

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

Dr. Jones stated that the Board of Health Professions met on August 20, 2020 and that the meeting minutes from the meeting were included in the agenda packet.

BREAK

The Board took a break at 10:48 a.m. and returned at 11:00 a.m.

LEGISLATION AND REGULATORY ACTIONS

Legislation/Regulatory Updates

Ms. Yeatts provided an update regarding the current status of pending Board regulations.

BOARD DISCUSSIONS AND ACTIONS

Adoption of Final Regulations for Implementation of Physical Therapy Compact – To Replace Emergency Regulations Currently in Effect

The Board discussed the adoption of final regulations for implementation of the Physical Therapy Compact to replace the emergency regulations currently in effect.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Mariano, the Board voted to adopt the final regulations (18VAC112-20-10 et seq.) for implementation of the Physical Therapy Compact to replace the emergency regulations currently in effect as presented. The motion passed unanimously (6-0).

Consideration of Action – Recommendations from Legislative/Regulatory Committee

- *Guidance Document 112-21, Guidance on Telehealth*

Ms. Tillman Wolf provided an overview of the changes recommended by the Legislative/Regulatory Committee. The Board discussed the changes to Guidance Document 112-21, Guidance on Telehealth.

Upon a **MOTION** by Dr. Duff, and properly seconded by Dr. Mariano, the Board voted to adopt the recommended revisions to Guidance Document 112-21, Guidance on Telehealth, as presented. The motion passed unanimously (6-0).

- *Guidance Document 112-14, Electromyography (EMG) and Sharp Debridement in Practice of Physical Therapy*

Ms. Tillman Wolf stated that since the Legislative/Regulatory Committee did not make any recommendations for changes to this Guidance Document, Ms. Tillman Wolf requested that this item to be stricken from the agenda during the Ordering of the Agenda portion of the meeting.

She stated that there were two scope of practice questions presented at the Legislative/Regulatory meeting in regards to plasma skin tightening and the removal of a surgical drain. The Committee recommended that both questions were outside of the scope of practice of physical therapy.

Upon a **MOTION** by Dr. Adler, and properly seconded by Dr. Duff, the Board voted that plasma skin tightening and the removal of a surgical drain were outside of the scope of practice of physical therapy. The motion passed unanimously (6-0).

Consideration of Revisions to Guidance Document 112-1, Bylaws of the Board of Physical Therapy

Ms. Tillman Wolf provided an overview of the recommended changes to Guidance Document 112-1, Bylaws of the Board of Physical Therapy.

The Board discussed the recommendations and decided not to change the Guidance Document at this time.

NEXT MEETING

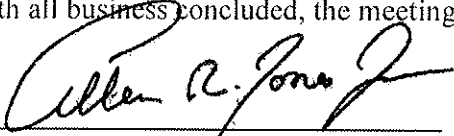
The next meeting date is February 16, 2021.

CONTINUING EDUCATION CREDIT:

Dr. Jones provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 112-20-131. He announced that continuing education would be awarded to those participants who provided their first name, last name, license number, and the meeting code by email to ptboard@dhp.virginia.gov by September 24, 2020.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:48 a.m.



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



Corie Tillman Wolf, J.D., Executive Director

11/24/2021

Date

June 3, 2021

Date