

February 13, 2020

The Virginia Board of Physical Therapy convened for a full board meeting on Thursday, February 13, 2020 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Arkena L. Dailey, PT, DPT, President*
Elizabeth Locke, PT, PhD, Vice-President*
Tracey Adler, PT, DPT, CMTPT*
Allen R. Jones, Jr., PT, DPT*
Susan Palmer, MLS

BOARD MEMBERS ABSENT

Rebecca Duff, PTA, DHSc
Mira H. Mariano, PT, PhD, OCS

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Barbara Allison-Bryan, DHP Deputy Director
Erin Barrett, Assistant Attorney General, Board Counsel
David Brown, DC, DHP Director
Sarah Georgen, Licensing and Operations Manager
Laura Mueller, Program Manager
Kelley Palmatier, Deputy Executive Director
Corie Tillman Wolf, Executive Director
Elaine Yeatts, Senior Policy Analyst

OTHER GUESTS PRESENT

Kiara Christian, Executive Assistant, Board of Pharmacy
Jennifer Deschenes, Deputy Executive Director, Board of Medicine
Lisa Hahn, DHP Chief Operating Officer
Jaime Hoyle, Executive Director, Boards of Counseling, Psychology and Social Work
Caroline Juran, Executive Director, Board of Pharmacy
Leslie Knachel, Executive Director, Boards of Audiology and Speech-Language Pathology, Optometry, and Veterinary Medicine
Diane Powers, DHP Director of Communications

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

CALL TO ORDER

Arkena L. Dailey, PT, DPT, Board President, called the meeting to order at 9:35 a.m. and asked the Board members and staff to introduce themselves.

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

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

Dr. Dailey provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, attendance for continuing education requirements and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

PUBLIC HEARING

Dr. Dailey called the Public Hearing to order at 9:38 a.m. related to receiving public comments on the proposed amendments pursuant to a periodic review of regulations. Ms. Dailey called on persons who had signed up to speak to the proposed amendments. There was no comment on the proposed regulations.

The Public Hearing concluded at 9:39 a.m.

APPROVAL OF MINUTES

Upon a **MOTION** by Dr. Jones, and properly seconded by Ms. Palmer, the Board voted to accept the November 12, 2019 Full Board meeting minutes. The motion passed unanimously.

ORDERING OF THE AGENDA

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Jones, the Board voted to accept the agenda as written/amended. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

AGENCY REPORT

Dr. Brown provided updates to the Board regarding the General Assembly session and changes this year, including recent updates to security at the General Assembly building.

Dr. Brown provided the Board with an update regarding the status of cannabis legislation introduced for both recreational and medical purposes in Virginia. One bill would increase the number of satellite dispensary locations available to dispense cannabidiol and THC-A oil that is manufactured by the five vertical processors approved by the Board of Pharmacy. Additional bills introduced related to removing the limit on THC-A amounts in products and reducing the fine for simple possession of marijuana.

Dr. Allison-Bryan arrived at 9:46 a.m.

With no questions, Dr. Brown concluded his report.

STAFF REPORTS

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

Board Announcements

Ms. Tillman Wolf congratulated Dr. Jones on becoming the 2020 Honoree of the 100 Black Men of the Virginia Peninsula Scholarship Awards “Role Model of the Year.”

Ms. Tillman Wolf announced that the Physical Therapy Compact had fully launched effective January 1, 2020.

Expenditure and Revenue Summary as of December 31, 2019

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of December 31, 2019.

Cash Balance as of June 30, 2019	\$1,897,707
YTD FY20 Revenue	\$ 65,615
<u>Less FY20 Direct & In-Direct Expenditures</u>	<u>\$ 301,245</u>
Cash Balance as of December 31, 2019	\$1,662,077

PT Compact Status – Virginia

Ms. Tillman Wolf said that the January 1, 2020 implementation of the Physical Therapy Compact included updates to the Code of Virginia and Emergency Regulations that became effective that date, as well as, the requirement for applicants to complete criminal background checks.

The Compact Commission began issuing Compact Privileges beginning on January 2, 2020. As of February 10, 2020, twenty-two compact privileges had been issued (17 Physical Therapists and 5 Physical Therapy Assistants). Ms. Tillman Wolf said that eleven Virginia home state licensees had obtained Compact Privileges for other Compact states (7 Physical Therapists and 4 Physical Therapy Assistants) as of January 29, 2020.

Dr. Brown requested that the Board track the number of Virginia licensees that purchase Compact Privileges for other jurisdictions as well as which jurisdictions the Virginia licensees are accessing through the Compact. Ms. Tillman Wolf stated that she would request that information from the Compact Commission, but noted they currently do not have a mechanism in place to track such information other than by manual count.

Ms. Tillman Wolf provided an update of the status of the PT Compact in other jurisdictions.

Ms. Tillman Wolf reported that the Board co-sponsored a PT Compact 101 Webinar with the Virginia Physical Therapy Association (VPTA) on December 19, 2019. She noted that the webinar video would be made available on the Board’s website as soon as it is available. Ms. Tillman Wolf thanked the VPTA for their contribution in ensuring that information was distributed to licensees. She also thanked Board staff and the Criminal Background Checks (CBC) Unit for their hard work and support throughout the process.

Ms. Tillman Wolf said that the Board’s applications had been revised to include the CBC information requested by applicants.

Staff Updates

Ms. Tillman Wolf discussed Board staff planning items for 2020: continuing to make updates related to the PT Compact, including pending legislation to clarify the disciplinary provisions and internal SOPs; continuing to disseminate public information to applicants and licensees; updating the Board’s website as needed; and implementing a “last paper license” for the upcoming 2020 renewal.

FSBPT – Upcoming Dates

Ms. Tillman Wolf reported that the FSBPT Trauma’s Impact on Boundary Violation Investigations Training would be held on March 26-27, 2020 which would be attended by Dr. Dailey, Dr. Locke, Dr. Jones, Dr. Duff, and Ms. Palmatier.

Ms. Tillman Wolf provided the following upcoming dates for FSBPT meetings:

- Annual Regulatory Training for Board Members and Staff – June 19-21, 2020
- Leadership Issues Forum – July 18-19, 2020
- Annual Meeting and Delegate Assembly – October 22-24, 2020
- Compact Commission Meeting – October 25, 2020

Ms. Tillman Wolf announced that Dr. Dailey had been appointed to the FSBPT Ethics and Legislation Committee, as well as the Boundary Violations Task Force.

Lastly, Ms. Tillman Wolf reminded the Board that any continuing education previously certified by FSBPT’s ProCert would remain certified through the end of 2021. She said that a complete list of all certified programs were available on the FSBPT website.

Licensing Report

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	February 10, 2020	November 6, 2019	Change +/-
Physical Therapist	8,765	8,633	132

Physical Therapist Assistant	3,708	3,678	30
Total PT's and PTA's	12,473	12,311	162
Direct Access Certification	1,270	1,265	5

Ms. Tillman Wolf presented the PT and PTA exam statistics from the January administrations of the exams. Ms. Tillman Wolf reported on the Physical Therapist two-year exam pass rates for 2017 and 2018. Ms. Tillman Wolf also reported on the Physical Therapist Assistants two-year exam pass rates for 2017 and 2018.

Recent Accreditation Actions – CAPTE

Ms. Tillman Wolf reported on the recent accreditation actions of the Commission on Accreditation in Physical Therapy Education (CAPTE).

Licensure Statistics – Customer Satisfaction

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

- Q1 2020 – 100% (11/11 responses)
- Q2 2020 – 97.7% (43/44 responses)

Ms. Tillman Wolf shared several positive comments from the Customer Satisfaction survey and thanked Ms. Mueller and Ms. Georgen, as well as Mr. Boatwright and Ms. Wright as back-up support for their hard work on behalf of the Board.

Ms. Tillman Wolf announced that the customer satisfaction statistics from the FSBPT show that Virginia's statistics are above the national average at 93.3%.

Ms. Tillman Wolf announced the proposed Board meeting dates for 2020:

- May 12, 2020 – 9:30 a.m.
- August 11, 2020 – 9:30 a.m.
- November 17, 2020 – 9:30 a.m.

Ms. Tillman Wolf provided reminders to the Board members and thanked them for their hard work and dedication.

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

Criminal Background Check Update – Sarah Georgen, Licensing and Operations Manager

Ms. Georgen provided an overview of the new steps required of applicants effective January 1, 2020 for the Criminal Background Checks. She provided a brief overview of the steps necessary if an applicant discloses

or is found to have an arrest and/or conviction. Lastly, she reviewed the number of applications received and the number of criminal background checks processed since January 1, 2020.

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of February 7, 2020, Ms. Palmatier reported the following disciplinary statistics:

- 37 total cases
 - 0 in Administrative Proceedings Division
 - 0 in Formal Hearing
 - 3 in Informal Conferences
 - 14 in Investigation
 - 20 in Probable Cause

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

- Q2 2018 – 15/7
- Q3 2018 – 9/2
- 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

Ms. Palmatier reported the following Virginia Performs statistics for Q2 2020:

- Clearance Rate – 75% Received 4 patient cases and closed 3 cases
- Pending Caseload over 250 days at 35%. That represents 13 cases.
- There were 1 case closed within 250 days.

Ms. Palmatier reported on all case information within the last six quarters as follows:

Percentage of all cases closed in one year:

	Q1 – 2019	Q2 – 2019	Q3 – 2019	Q4 – 2019	Q1 – 2020	Q2 – 2020
PT	46.7%	45.5%	32.7%	54.5%	54.8%	78.6%
Agency	85.5%	84.0%	76.4%	82.3%	78.2%	72.9%

Average days to close a case:

	Q1 – 2019	Q2 – 2019	Q3 – 2019	Q4 – 2019	Q1 – 2020	Q2 – 2020
PT	389.3	366.5	467	322	280	174

Agency	173.8	169.2	258	204	214	258.4
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With no further questions, Ms. Palmatier concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett updated the Board members on the status of *Myer v. Northam, et al.*

COMMITTEE AND BOARD MEMBER REPORTS

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

Dr. Jones stated that the Board of Health Professions met on December 2, 2019 and that the meeting minutes from the meeting are included in the agenda packet. Dr. Jones announced that he was reelected to the position of Chair for the Board of Health Professions, and that Herbert Stewart, Ph.D., with the Board of Psychology had been elected as Vice-Chair.

BREAK

The Board took a break at 10:33 a.m. and returned at 10:40 a.m.

LEGISLATION AND REGULATORY ACTIONS

Update on Status of Regulations

Ms. Yeatts provided an update on the status of the regulations. She noted that the regulations pertaining to the implementation of the Physical Therapy Compact would receive action by the Board later in the agenda. She noted that no public comment had been received in regards to the emergency regulations NOIRA.

Ms. Yeatts reported that the public hearing at the beginning of the meeting pertaining to the periodic review had not received any public comment and the proposed regulations would be adopted at the next scheduled Board meeting. She noted that public comment on the regulations would be open until April 3, 2020.

Ms. Yeatts reported on the regulations pertaining to the handling fee for returned checks. She announced that the regulations would go into effect on March 5, 2020.

Ms. Yeatts reported that the regulations regarding the practice of dry needling were at the final stage at the Governor's Office.

Update on Legislation

Ms. Yeatts provided an overview of the outstanding bills that were included in the agenda packet.

Adoption of Proposed Regulations for Implementation of Physical Therapy Compact (to replace emergency regulations currently in effect) (18VAC112-20-10 et seq.)

The Board discussed the proposed regulations for implementation of the Physical Therapy Compact to replace the emergency regulations currently in effect (18VAC112-20-10 et seq.).

Upon a **MOTION** by Dr. Adler, and properly seconded by Dr. Jones, the Board voted to adopt the proposed regulations for implementation of the Physical Therapy Compact to replace the emergency regulations currently in effect as presented. The motion passed unanimously.

BREAK

The Board took a break at 11:06 a.m. and returned at 11:11 a.m.

PRESENTATION

Dr. Dailey welcomed Dr. Locke to provide a presentation on "The Adversity to Diversity."

NEW BUSINESS

Discussion – Imaging Referrals by Physical Therapists – Arkena L. Dailey, PT, DPT

The Board discussed imaging referrals by Physical Therapists. They tabled discussion of this topic to the next Board meeting to allow interested parties to provide comment and be present for the Board's discussion.

Board Representation – Upcoming FSBPT Meetings and Trainings – Corie E. Tillman Wolf, JD, Executive Director

The Board discussed the Board's representation at upcoming FSBPT meetings and trainings.

Upon a **MOTION** by Dr. Jones, which was properly seconded by Dr. Adler, the Board designated the Board Chair as the voting delegate and the Board Vice-Chair as the alternate delegate at the FSBPT Annual Meeting and Delegate Assembly. The motion passed unanimously.


NEXT MEETING

The next meeting date is May 12, 2020.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:20 p.m.


Arkena L. Dailey, PT, DPT, President


Corie Tillman Wolf, J.D., Executive Director

8/18/2020
Date

8/18/2020
Date