

February 15, 2022

The Virginia Board of Physical Therapy convened for a full Board meeting on Tuesday, February 15, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Allen R. Jones, Jr., P.T., DPT, President*
Mira H. Mariano, P.T., Ph.D., OCS, Vice-President
Tracey Adler, P.T., DPT, CMTPT*
Arkena L. Dailey, P.T., DPT*
Rebecca Duff, P.T.A, DHSc*
Elizabeth Locke, P.T., Ph.D.*

BOARD MEMBERS ABSENT:

Susan Szasz Palmer, MLS

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

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

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

CALL TO ORDER

Dr. Jones called the meeting to order at 10:00 a.m. and asked the Board members and staff to introduce themselves.

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.

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

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Dr. Jones opened the floor to any edits or corrections regarding the draft minutes for meetings held between August 10, 2021, and February 3, 2022, including a Board meeting and Formal Hearing on August 10, 2021, and a Telephone Conference Call held on February 3, 2022. With no edits or changes, the minutes were approved as presented.

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested the addition of Designation of Delegates for upcoming Federation of State Boards of Physical Therapy (FSBPT) meetings under New Business.

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

PUBLIC COMMENT

The Board did not receive any public comment.

AGENCY REPORT

Dr. Allison-Bryan provided statistics related to COVID-19 cases in the Commonwealth and provided an update on COVID vaccines.

Dr. Allison-Bryan stated that Dr. Brown has expressed his interest in reappointment to the Governor's Office and hopes to provide more information soon.

Dr. Allison-Bryan announced her retirement as of February 28, 2022.

Dr. Allison-Bryan provided a brief update on the General Assembly session, including legislation regarding non-medical marijuana use and sale and use of prescription medications for off-label purposes.

With no questions, Dr. Allison-Bryan concluded her report.

STAFF REPORTS

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

COVID Response

Ms. Tillman Wolf provided an overview of the COVID Data statistics as of February 7, 2022, as provided by the Virginia Department of Health (VDH).

Ms. Tillman Wolf stated that DHP will continue to use precautions for in-person meetings until further notice.

Ms. Tillman Wolf provided information regarding Executive Order 11 (2022), set to expire February 21, 2022, which incorporates provisions related to out-of-state healthcare practitioners that can practice in certain settings in Virginia to assist with the medical and health operations related to the pandemic, and the continued flexibility through telehealth due to COVID concerns.

Board Updates

Ms. Tillman Wolf stated that the Board continued sending email blasts to licensees in 2021, to include coverage of several topics and issues such as the Healthcare Practitioners' Monitoring Program, fraudulent communications, and the Physical Therapy Compact. She said that the Board would continue to send out emails in 2022, as needed.

Ms. Tillman Wolf stated she delivered a presentation to Physical Therapy students at Old Dominion University in November 2021 regarding the Board and its licensing and disciplinary process.

FSBPT Updates

Ms. Tillman Wolf provided information regarding recent FSBPT meetings, including the virtual Annual Meeting and virtual Physical Therapy Compact Annual Meeting held in October 2021.

Ms. Tillman Wolf reported on the upcoming meetings and training to be held by the FSBPT in 2022, including the 2022 Annual Meeting on October 27-29, 2022; the Leadership Issues Forum Meeting on July 23-24, 2022; and the Regulatory Training for Members and Board Staff meeting on May 20-22, 2022. She also provided information related to the 2022 FSBPT Membership Dues.

Ms. Tillman Wolf provided recent data posted by the FSBPT on the First Time Exam Pass Rates for PT and PTA candidates as listed by school from 2020-2021.

Physical Therapy Compact – Updates

Ms. Tillman Wolf reported on the status of the Physical Therapy Compact, including new states that have enacted legislation or have begun issuing privileges. She reported that 34 jurisdictions have passed legislation to issue privileges and that 25 jurisdictions are currently issuing privileges. She reported that 3,536 Compact Privileges were issued across 25 active states in 2021, and 7,458 Compact Privileges were issued from 2018 to January 21, 2022.

Ms. Tillman Wolf provided information related to Virginia and National trends. She reported that since January 1, 2020, a total of 534 privileges have been obtained for practice in Virginia (both new and renewal). She noted that as of February 10, 2022, there were 286 (239 PT and 47 PTA) active privileges for Virginia.

Board Meeting Dates

Ms. Tillman Wolf announced the remaining 2022 Board meeting dates.

- May 3, 2022

- August 9, 2022
- November 3, 2022

Notes and Reminders

She thanked the Board members for their service to the Board.

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

Discipline Report – Kelley Palmatier, Deputy Executive Director

As of February 11, 2022, Ms. Tillman Wolf reported the following disciplinary statistics:

- 40 Patient Care cases
 - 2 at Informal Conferences
 - 2 at Formal Hearing
 - 12 at Enforcement
 - 22 at Probable Cause
 - 1 at APD

- 3 Non Patient Care Cases
 - 0 at Informal
 - 0 at Formal
 - 0 at Enforcement
 - 2 at Probable Cause
 - 0 at APD

- 8 cases at Compliance

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

- | | |
|-------------------|-------------------|
| • Q4 2020 – 7/12 | • Q1 2022 – 8/12 |
| • Q1 2021 – 26/13 | • Q2 2021 – 12/19 |
| • Q2 2021 – 4/12 | • Q3 2021 – 12/8 |
| • Q3 2021 – 13/18 | • Q4 2021 – 20/7 |
| • Q4 2021 – 7/6 | • Q1 2021 – 11/12 |

Percentage of all cases closed in 365 days:

	Q1-21	Q2-21	Q3-21	Q4-21	Q1-22
P.T.	48.5%	46.9%	88.2%	62.5%	38.3%
Agency	70.1%	64.0%	71.1%	68.8%	66.0%

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	Q4 2021 (April - June)	Q1 2022 (July-September)	Change +/-
Physical Therapist	8,901	9,161	260
Physical Therapist Assistant	3,714	3,816	102
Total P.T.'s and P.T.A.'s	12,615	12,977	371
Direct Access Certification	1,345	1,376	31

Ms. Georgen presented the P.T. and P.T.A exam statistics from the January 2022 administrations of the exams.

Criminal Background Check (CBC) Statistics 2021

	P.T.	P.T.A	Total
Total Applicants	726	218	944
CBC Record Not Disclosed	4	1	5
Self Disclosed	11	6	17
Total Convictions	15	7	22

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

- Q1 2021 – 100%
- Q2 2021 – 97%
- Q3 2021 – 98.2%
- Q4 2021 – 90.9%

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – James Rutkowski, Assistant Attorney General

Mr. Rutkowski stated that the Attorney General’s office is searching for a replacement for Ms. Barrett. He said that he, or other staff from the Attorney General’s office, would attend any necessary Board meetings until Ms. Barrett’s position was filled.

With no questions, Mr. Rutkowski concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

Board President Report – Allen R. Jones, Jr., P.T., DPT

Dr. Jones welcomed the Board back to in-person meetings, and he thanked the Board members for their contributions to the Board. He also commended Dr. Locke on running as a candidate for FSBPT office.

With no questions, Dr. Jones concluded his report.

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

Dr. Jones reported that the Board of Health Professions would meet on March 16, 2022. He stated that more information would be provided at the next Board meeting.

With no questions, Dr. Jones concluded his report.

Report from Boundary Violations Task Force; and Ethics and Legislation Committee (FSBPT) – Arkena L. Dailey, P.T., DPT

Dr. Dailey provided an overview of the FSBPT Boundary Violations Task Force related to jurisdictional differences. She said that more information would be provided in the future.

Dr. Dailey reported on the FSBPT Ethics and Legislation Committee related to the Model Practice Act. She stated that information related to this Committee could be found on the FSBPT website. She said that the next Committee meeting was scheduled for April 2022.

With no questions, Dr. Dailey concluded her reports.

LEGISLATION AND REGULATORY REPORT

Report on Status of Regulations/Legislative Report

Ms. Yeatts and Ms. Barrett provided a report on pending legislation in the 2022 General Assembly.

With no questions, Ms. Yeatts and Ms. Barrett concluded their report.

BOARD DISCUSSIONS AND ACTIONS

Adoption of Electronic Meeting Policy

Ms. Yeatts provided an overview of the proposed Electronic Meeting Policy.

The Board discussed the Electronic Meeting Policy.

Upon a **MOTION** by Dr. Adler, properly seconded by Dr. Locke, the Board voted to adopt the Electronic Meeting Policy as presented. The motion carried (6-0).

Adoption of Revisions to Guidance Document 112-7: Physical Therapists in Public Schools and Direct Access (update to Code language)

Ms. Tillman Wolf provided an overview of the revisions to Guidance Document 112-7: Physical Therapists in Public Schools and Direct Access.

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Duff, the Board voted to adopt the revisions as presented. The motion carried (6-0).

Discussion Items

Ms. Tillman Wolf requested additional information from the Board on three items: (1) a licensee question received concerning the performance of “wet” cupping; (2) follow up on a previous discussion regarding re-entry to practice; and (3) follow up on concerns raised by Board members regarding the reference to language for graduates of non-approved programs (18VAC112-20-50).

Board members first discussed the issue of “wet” cupping as described as, “involv[ing] cupping then using a sterile blade to make small incisions to then further draw blood from the area.”

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Adler, the Board voted that “wet” cupping is outside the scope of practice of physical therapy. The motion carried (6-0).

The Board tabled discussion regarding re-entry to practice.

Upon a **MOTION** by Dr. Locke, properly seconded by Dr. Mariano, the Board referred the discussion of reference to language for graduates of non-approved programs (18VAC112-20-50) to the Legislative/Regulatory Committee. The motion carried (6-0).

NEW BUSINESS

Designation of Delegates for upcoming FSBPT meetings

Dr. Jones opened the floor to discussion regarding the designation of delegates for upcoming FSBPT meetings as Dr. Jones’ second board appointment is set to expire on June 30, 2022. Board members agreed that the Vice-President of the Board, Dr. Mariano, will attend the Leadership Issues Forum in July, 2022, and serve as the Board’s voting delegate at the Annual Meeting in October, 2022. Dr. Locke will serve as the Board’s alternate delegate for the Annual Meeting in October, 2022.

Recognition of Staff Member

The Board recognized Elaine Yeatts, Senior Policy Analyst, for her years of service to the Board and the agency and congratulated her on her upcoming retirement.

NEXT MEETING

The next meeting date is May 3, 2022.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:24 a.m.



Corie Tillman Wolf, J.D., Executive Director

May 3, 2022

Date