

May 11, 2023

The Virginia Board of Physical Therapy convened for a full Board meeting on Thursday, May 11, 2023, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Mira H. Mariano, PT, PhD, President
Arkena L. Dailey, PT, DPT, Vice-President*
Tracey Adler, PT, DPT*
Rebecca Duff, PTA, DHSc*
Melissa Fox, PT, DPT*
Elizabeth Locke, PT, PhD*
Susan Szasz Palmer, MLS

BOARD MEMBERS NOT PRESENT:

None

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Director of Legislative and Regulatory Affairs
Sarah Georgen, Licensing and Operations Supervisor
Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center
James Jenkins, RN, Agency Chief Deputy
Laura Mueller, Senior Licensing Program Coordinator
Matt Novak, Policy and Economic Analyst
Arne Owens, Agency Director
M. Brent Saunders, Senior Assistant Attorney General, Board Counsel
Yetty Shobo, PhD, Director, Healthcare Workforce Data Center
Corie Tillman Wolf, Executive Director

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

OTHER GUESTS PRESENT:

Tom Bohanon, Virginia Physical Therapy Association
Paige Roberts
Edith Curry, Richard Knapp & Associates, PC

CALL TO ORDER

Dr. Mariano called the meeting to order at 10:01 a.m. and asked the Board members and staff to introduce themselves.

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

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

Dr. Mariano reminded the Board members and audience about microphones, computer agenda materials, breaks, sign-in sheets, and attendance for continuing education requirements.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINUTES

Dr. Mariano opened the floor to any edits or corrections regarding the draft minutes for meetings held between October 25, 2022, and November 29, 2022, including a Board meeting and Formal Hearing held on November 1, 2022, Telephone Conference meetings held on October 25, 2022, and November 29, 2022, respectively.

Ms. Tillman Wolf requested an edit to the Board Meeting minutes held on November 1, 2022. A correction was necessary on page six of the minutes under the “FSBPT Updates” to reflect Dr. Dailey’s attendance at the FSBPT Regulatory Training for Board Members held in August 2022.

Upon a **MOTION** by Dr. Duff and properly seconded by Dr. Adler, the Board voted to accept the minutes as amended. The motion carried unanimously (7-0).

ORDERING OF THE AGENDA

Dr. Mariano opened the floor to any additional items to add to the agenda.

Upon a **MOTION** by Dr. Locke, and properly seconded by Dr. Dailey, the Board voted to accept the agenda as presented. The motion carried unanimously (7-0).

PUBLIC COMMENT

The Board did not receive any public comment.

AGENCY REPORT

Mr. Owens thanked the Board of Physical Therapy for their service to the profession.

Mr. Owens highlighted the ongoing study commissioned by the Health Workforce Development Authority to identify workforce employment shortages in the Commonwealth. He provided an update to the Virginia Behavioral Health Transformation Plan, entitled “Right Help, Right Now” in which Mr. Jenkins would be participating over the next three years.

Mr. Owens said that DHP was actively working to identify strategic efforts to increase employee engagement, overall satisfaction, retention, and recruitment.

Mr. Owens also spoke to the 2023 General Assembly and stated that DHP was preparing for the next session with a focus on the budget for the Fiscal Year 2024 to 2026 biennial years.

With no questions, Mr. Owens concluded his report.

PRESENTATION

2022 Workforce Reports – Physical Therapist and Physical Therapist Assistant – Yetty Shobo, PhD, Director, and Barbara Hodgdon, PhD, Deputy Director, Healthcare Workforce Data Center

Dr. Shobo and Dr. Hodgdon provided the 2022 Workforce Reports for Physical Therapists and Physical Therapist Assistants.

The Board discussed the workforce reports.

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Locke, the Board voted to accept the 2022 Workforce Reports for Physical Therapists and Physical Therapist Assistants as presented. The motion carried unanimously (7-0).

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Melanie Pagano as the new Deputy Executive Director and Florence Venable as the new Discipline Operations Supervisor for the Board. Ms. Tillman Wolf stated that Ms. Pagano was not in attendance at the meeting due to a prescheduled obligation.

Board Updates

Ms. Tillman Wolf provided board updates, noting the end of the renewal cycle on December 31, 2022. She also noted that all Board forms were updated to reflect new legislation to remove questions related to mental health conditions or impairment.

FSBPT Updates

Ms. Tillman Wolf provided updates on Board Member and staff participation in committees and workgroups through the Federation of State Boards of Physical Therapy (FSBPT). She reported that she participates in the Council of Board Administrators (CBA) Strategic Planning Task Force and Finance Committee. She also reported that Dr. Mariano participates in the Boundary Violations Committee and Dr. Dailey recently finished her appointment to the Ethics and Legislation Committee.

Ms. Tillman Wolf reported on the upcoming FSBPT meetings to include the 2023 Annual Meeting scheduled for October 19-21, 2023, in Jacksonville, Florida, and the Leadership Issues Forum (LIF) meeting scheduled for July 14-16, 2023, in Alexandria, Virginia.

PT Compact Updates

Ms. Tillman Wolf provided updates to the PT Compact stating that in December 2022, the PT Compact Commission entered a Memorandum of Understanding with the FSBPT to formalize their linked relationship. She reported that the PT Compact will have ongoing staffing and financial support to ensure its future success.

She reported on the ongoing compliance efforts from compact jurisdictions and noted Virginia's continued compliance with PT Compact requirements.

Ms. Tillman Wolf announced a PT Compact webinar on June 14, 2023, to promote the use of the Education Module by Physical Therapy and Physical Therapist Assistant Program Educators.

Ms. Tillman Wolf reported on the national status of the Physical Therapy Compact, including new states that have enacted legislation or have begun issuing privileges. She reported that thirty-four jurisdictions have passed legislation to join the Compact and that twenty-nine jurisdictions are currently issuing privileges.

Ms. Tillman Wolf reported on the revenue generated by PT Compact privilege purchases to the Board since its enactment in 2020.

Ms. Tillman Wolf provided information related to the active privileges in Virginia and the correlation of surrounding states for the mobility of licenses, noting that 588 active privileges were in Virginia as of May 10, 2023.

2023 Board Meetings

Ms. Tillman Wolf noted the remaining 2023 Board meeting dates.

- August 10, 2023
- November 9, 2023

Notes and Reminders

Ms. Tillman Wolf provided reminders to Board Members to keep board staff informed of participation in committees or workgroups, as well as any travel needs for FBSPT participation as travel authorization is required.

Ms. Tillman Wolf thanked the Board Members for their continued hard work and dedication.

Ms. Tillman Wolf answered questions from the Board regarding PT Compact privileges.

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

Discipline Report

As of May 10, 2023, Ms. Tillman Wolf reported the following disciplinary statistics:

- 33 Patient Care cases
 - 1 at Informal Conferences
 - 1 at Formal Hearing
 - 11 at Enforcement
 - 20 at Probable Cause
 - 0 at APD

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

- 4 cases at Compliance

Ms. Tillman Wolf reported the following Total Cases Received and Closed:

- | | |
|-------------------|-------------------|
| • Q3 2020 – 13/18 | • Q2 2022 – 9/8 |
| • Q4 2020 – 7/6 | • Q3 2022 – 15/18 |
| • Q1 2021 – 8/12 | • Q4 2022 – 3/10 |
| • Q2 2021 – 12/19 | • Q1 2023 – 15/21 |
| • Q3 2021 – 12/8 | • Q2 2023 – 13/18 |
| • Q4 2021 – 20/7 | • Q3 2023 – 10/8 |
| • Q1 2022 – 11/12 | |

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

Licensure Report – Sarah Georgen, Licensing and Operations Supervisor

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

Licensure Statistics – All Licenses

Ms. Georgen presented licensure statistics that included the following information and trends in license count:

License	Q2 2023	Q3 2023	Change +/-
Physical Therapist	10,022	8,878	-1,144
Physical Therapist Assistant	4,093	3,615	-478

Total PT's and PTA.'s	14,115	12,493	-1,622
Direct Access Certification	1,427	1,437	+10

Criminal Background Check Statistics 2022

Ms. Georgen provided the Criminal Background Check statistics for 2022 that included the following information and trends since 2020:

	PT	PTA	Total
Total Applicants	737	227	964
CBC Record Not Disclosed	4	4	8
Self Disclosed	7	2	9
Total Convictions	11	6	17

Examination Statistics

Ms. Georgen presented the Physical Therapist examination statistics from October 2022 to April 2023 administrations and provided information on the examination trends.

Ms. Georgen also presented the Physical Therapist Assistant examination statistics from October 2022 to April 2023 administrations and provided information on the examination trends.

License Renewals

Ms. Georgen provided information regarding the Board's outgoing communications regarding licensure renewals provided in 2022. She provided the following information regarding the 2022 licensure renewals:

License	Renewed	Not Renewed	Renewed %
Physical Therapists	8,400	1,242	87.12%
Physical Therapist Assistants	3,456	511	87.12%

Continuing Education Audit

Ms. Georgen provided information regarding the continuing education audits conducted by the Board.

Customer Satisfaction

Ms. Georgen reported the customer satisfaction statistics for Q2 2022 to Q3 2023.

Ms. Georgen summarized the written comments from the customer satisfaction survey sent to new licensees.

Call Trends

Ms. Georgen provided a brief report on the call trends from 2019 to 2022. She stated that an average of 5,500 calls are received by the Board each year.

Updates for Expense Reimbursement Vouchers

Ms. Georgen provided information on changes to the Internal Revenue Service (IRS) Standard Mileage Rate increase effective January 1, 2023. She provided information to the Board Members on using an optional Virginia Department of Accounts Remittance Electronic Data Interchange (REDI) system for pending deposit notifications.

With no questions, Ms. Georgen concluded her report.

BREAK

The Board took a break at 11:13 a.m. and reconvened at 11:20 a.m.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Rebecca Duff, PTA, DHSc

Dr. Duff stated that the Board of Health Professions has not recently met and did not have a report to provide.

With no questions, Dr. Duff concluded her report.

FSBPT Ethics and Legislation Committee – Arkena Dailey, PT, DPT

Dr. Dailey reported on her participation on the Ethics and Legislation Committee, as well as on the Boundary Violations Committee. She reported on the recent completion of updates to the model practice act by the Ethics and Legislation Committee.

With no questions, Dr. Dailey concluded her report.

FSBPT Boundary Violations Committee – Mira Mariano, PT, PhD

Dr. Mariano reported that the Sexual Misconduct and Boundary Violations Committee was tasked with identifying barriers to reporting violations to regulatory boards. She said that the Committee was developing resource materials for stakeholder groups including patients, providers, and boards.

Dr. Mariano answered questions from the Board regarding her report.

With no further questions, Dr. Mariano concluded her report.

LEGISLATIVE AND REGULATORY REPORT

Ms. Barrett provided an update on pending regulatory actions and the status of bills of interest in the General Assembly. The Board briefly discussed these updates.

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Adopt Revisions to Guidance Document 112-4, Board guidance on requirement for licensure for instructors in a physical therapy program

Ms. Barrett provided an overview of suggested revisions to Guidance Document 112-4.

Upon a **MOTION** by Dr. Dailey, properly seconded by Ms. Szasz Palmer, the Board voted to adopt the revisions to Guidance Document 112-4, Board guidance on requirements for licensure for instructors in a physical therapy program as presented. The motion carried unanimously (7-0).

Repeal of Guidance Document 112-11, Board guidance on functional capacity evaluations

Ms. Barrett provided information to the Board regarding the recommendation to repeal Guidance Document 112-11 made by the Laws and Regulations Committee.

Upon a **MOTION** by Dr. Adler, properly seconded by Ms. Szasz Palmer, the Board voted to repeal Guidance Document 112-11, Board guidance on functional capacity evaluations as presented. The motion carried unanimously (7-0).

Adopt Exempt Regulatory Action Pursuant to SB1005/HB2359

Ms. Barrett provided information to the Board regarding proposed amendments to 18VAC112-20-121, Practice of dry needling, as a result of legislation enacted during the 2023 General Assembly Session to amend statutory language related to direct access (SB 1005/HB 2359).

Upon a **MOTION** by Dr. Adler, properly seconded by Dr. Dailey, the Board voted to amend 18VAC112-20-121 of the Board Regulations Governing the Practice of Physical Therapy as presented by exempt action, effective July 1, 2023. The motion carried unanimously (7-0).

Discussion – Updated Direct Access Patient Attestation and Medical Release Form – Effective July 1, 2023

Ms. Tillman Wolf provided information to the Board regarding the updated direct access patient attestation and medical release form, effective July 1, 2023, to conform to the previously discussed legislative amendments to the statutory language related to direct access.

Ms. Tillman Wolf answered questions from the Board notifications to licensees and website updates.

BOARD COUNSEL REPORT – M. Brent Saunders, Senior Assistant Attorney General

Upon a **MOTION** by Dr. Dailey, the Board convened in a closed meeting pursuant to §2.2-3711(A)(8) of the Code of Virginia for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, specifically the Henrico County Circuit Court proceedings in the matter of Scott Roberts, PT, and potential regulatory action relating to the performance of invasive and sensitive area procedures. She moved that Mr. Saunders, Ms. Tillman Wolf, Ms. Barrett, and Ms. Georgen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its consideration of this topic. The motion carried unanimously (7-0).

Having unanimously certified that the matters discussed in the preceding closed session met the requirements of § 2.2-3712 of the Code of Virginia, upon motion by Dr. Dailey, the Board reconvened in open session.

BOARD MEMBER RECOGNITION

Dr. Mariano recognized Dr. Adler and Dr. Dailey for their service and dedication to the Board of Physical Therapy from 2015 to 2023. She announced that their second terms would expire on June 30, 2023, and provided brief remarks on each of their incumbencies. Dr. Mariano presented Dr. Adler and Dr. Dailey with plaques to recognize their service.

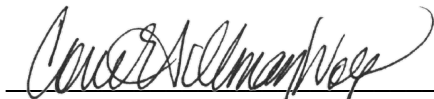
NEXT MEETING

The next meeting date is August 10, 2023.

ADJOURNMENT

Dr. Mariano announced that the Board would conduct one Formal Hearing following the meeting with Board Members Adler and Locke excluded.

Dr. Mariano called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:34 p.m.



Corie Tillman Wolf, J.D., Executive Director

August 10, 2023

Date