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**Call to Order – Mira H. Mariano, PT, Ph.D., Board President**

- Welcome and Introductions
- Mission of the Board
- Emergency Egress Instructions

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**Approval of Minutes (p. 4-13)**

- Board Meeting – May 14, 2024
- Telephone Conference Call – July 18, 2024

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**Ordering and Approval of Agenda**

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**Public Comment**

*The Board will receive public comment on agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.*

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**Public Hearing – 9:05 a.m.**

- Public Comment on Proposed Regulations for Regulatory Reduction – Regulations Governing the Practice of Physical Therapy (18VAC112-20-10 et seq.)

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**Agency Report - Arne W. Owens, Director, Department of Health Professions**

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**Staff Reports**

- Executive Director’s Report and Physical Therapy Compact Update – **Corie E. Tillman Wolf, JD, Executive Director**
- Discipline Report – **Annette Kelley, MS, CSAC, Deputy Executive Director**
- Licensing Report – **Sarah Georgen, Licensing and Operations Supervisor**

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**Board Counsel Report – James Rutkowski, Assistant Attorney General**

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**Board Member and Committee Reports**

- Report from Leadership Issues Forum – **Mira Mariano**
- Report from FSBPT Regulatory Workshop – **Megan Bureau, PT, DPT, Melissa Fox, PT, DPT**

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**Legislative and Regulatory Report – Erin Barrett, Director of Legislative and Regulatory Affairs**

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**Elections**

- President
- Vice-President

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**Next Meeting** - November 8, 2024

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**Adjournment**

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This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to the Code of Virginia.

# Approval of Minutes

**May 14, 2024**

The Virginia Board of Physical Therapy convened for a full Board meeting on Tuesday, May 14, 2024, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room #1, Henrico, Virginia.

**BOARD MEMBERS PRESENT**

Mira H. Mariano, PT, PhD, President\*  
Susan Szasz Palmer, MLS, Vice-President (Virtual)  
Megan Bureau, PT, DPT\*  
Melissa Fox, PT, DPT\*  
Srilekha Palle, PT, DPT\*

**BOARD MEMBERS NOT PRESENT:**

Rebecca Duff, PTA, DHSc  
Elizabeth Locke, PT, PhD

**DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING**

Sarah Georgen, Licensing and Operations Supervisor  
James Jenkins, RN, Agency Chief Deputy Director  
Laura Mueller, Senior Licensing Program Coordinator  
Arne Owens, Agency Director  
Matt Novak, Policy and Economic Analyst  
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:**

Monica Frager, CE Broker (Virtual)  
Joseph Gianfortoni, MD  
Ken Hutcheson  
Amanda Lipinski, CE Broker (Virtual)  
Marcia Mann, CE Broker (Virtual)  
Latrell Meyers  
Paige Roberts  
Richard Stauffer  
R. (illegible)

**CALL TO ORDER**

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

Dr. Mariano stated that Ms. Szasz Palmer was participating virtually using the Webex platform in accordance with Virginia Code § 2.2-3708.3 and the Board's Electronic Meeting Policy as a result of a temporary medical condition that prevented her physical attendance at the meeting and was previously approved by the Board President. Ms. Szasz Palmer attended this meeting virtually from her personal residence.

With five 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 a Board meeting and formal hearing held on February 22, 2024, and a Legislative/Regulatory Committee meeting held on April 12, 2024.

Dr. Mariano requested a correction to the formal hearing minutes held on February 22, 2024, clarifying her title of the hearing as "President."

Upon a **MOTION** by Dr. Bureau and properly seconded by Dr. Palle, the Board voted to approve the minutes as amended. The motion carried unanimously (5-0).

## **ORDERING OF THE AGENDA**

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

Ms. Tillman Wolf stated that Ms. Pagano was not present at the meeting noting that she would provide the Discipline Report in her absence. Additionally, Ms. Tillman Wolf asked for the Board to allow for flexibility of the Agency Report provided by Mr. Owens or Mr. Jenkins due to scheduling conflicts.

Upon a **MOTION** by Dr. Fox and properly seconded by Dr. Bureau, the Board voted to accept the agenda as amended. The motion carried unanimously (5-0).

## **PUBLIC COMMENT**

Dr. Joseph Gianfortoni, MD, provided public comment regarding his petition for rule making submitted to the Board regarding pelvic floor therapy and invasive procedures. He stated that it was inappropriate for

the Board to decide on invasive procedures as schools provide training in this subject area. He further requested the Board to receive technical assistance on this issue. He remarked that patients of the Commonwealth of Virginia should have a clear understanding of the issue.

Latrell Myers asked the Board to provide clarification regarding what counts as Type 2 credit for continuing education.

## **STAFF REPORTS**

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

#### *Board Updates*

Ms. Tillman Wolf reported on a number of items on the “to do” list for Board staff for 2024, with the addition of efforts to provide more education on the Physical Therapy Compact (PT Compact). Ms. Tillman Wolf stated that the PT Compact has an Educator Module available for educational programs to use to provide information to students on the PT Compact. Ms. Tillman Wolf will send out a memo to the PT and PTA program directors with more information.

Ms. Tillman Wolf also discussed another recent incident where a licensee received a fraudulent communication from an individual claiming to be from the Board. She reported that scam alert and reporting information can be found on the Board’s website and that Board staff will continue to ensure that licensees remain aware of this continuing concern through newsletters.

#### *FSBPT Updates*

Ms. Tillman Wolf reported on upcoming FSBPT meetings to include a Regulatory Training for Board Members and Staff scheduled for May 16-18, 2024 (in-person and virtual), a Leadership Issues Forum (LIF) meeting scheduled for July 13-14, in Arlington, Virginia, and the 2024 Annual Meeting scheduled for October 31-November 2, 2024, in Cedar Rapids, Iowa.

#### *PT Compact Updates*

Ms. Tillman Wolf reported on the national status of the PT Compact, including new states that have enacted legislation or have begun issuing privileges. She reported that thirty-seven jurisdictions have passed legislation to join the Compact and that thirty-one jurisdictions are currently issuing privileges as of May 2024. She reported that nine jurisdictions have pending Compact legislation.

Ms. Tillman Wolf reported on her attendance at the PT Compact Executive Board Strategic Planning Meeting held on May 2-5, 2024. She stated that the PT Compact continues to grow with state members and privilege holders. She stated that there are continued efforts to educate licensees, students, applicants, and stakeholders regarding the availability of and function of the PT Compact. Additionally, Ms. Tillman Wolf reported on continued discussions related to insurance companies’ recognition of privileges as licenses for billing purposes, but reported that there have been no issues identified in Virginia thus far.

Ms. Tillman Wolf provided information regarding the upcoming special meeting of the PT Compact Commission scheduled for June 17, 2024, for proposed amendments to the rules and bylaws of the PT Compact and noted that the information was posted on the Board's website.

Ms. Tillman Wolf reported on the Compact Privileges purchased to practice in Virginia from implementation in January 2020 to present. She reported that there were 1,858 privileges purchased in Virginia (1,530 Physical Therapists and 328 Physical Therapist Assistants) and reported on the revenue provided to the Board since 2020. Additionally, she reported that there are 778 active privileges in Virginia (628 Physical Therapists and 150 Physical Therapist Assistants) as of May 10, 2024.

### *2024 Board Meetings*

Ms. Tillman Wolf noted the remaining 2024 Board meeting dates currently scheduled.

- August 13, 2024
- November 13, 2024

Ms. Tillman Wolf noted a potential scheduling conflict for the November 13, 2024, meeting date and requested the Board to consider proposed alternative dates which would be sent to them electronically.

### *Notes and Reminders*

Ms. Tillman Wolf provided reminders to Board Members to keep board staff informed of Board-related travel, as well as any change in contact information.

### ***Discipline Report***

As of May 1, 2024, Ms. Tillman Wolf reported the following disciplinary statistics:

- 23 Open cases:
  - 21 Patient Care:
    - 1 at Informal
    - 0 at Formal Hearing
    - 9 at Enforcement/Investigation
    - 11 at Probable Cause
    - 0 at Administrative Proceedings Division
  - 7 Non-Patient Care:
    - 1 at Enforcement/Investigation
    - 3 at Probable Cause
    - 3 at Administrative Proceedings Division
- 15 cases were listed at Compliance

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

- Q1 2022 – 11/12
- Q2 2022 – 9/8
- Q3 2022 – 15/18
- Q4 2022 – 3/10
- Q1 2023 – 15/21
- Q2 2023 – 13/18
- Q3 2023 – 10/8
- Q4 2023 – 4/5
- Q1 2024 – 10/14
- Q2 2024 – 27/4
- Q3 2024 – 10/15

Ms. Tillman Wolf thanked Ms. Pagano, Ms. Venable, and board members for their hard work in processing discipline cases for the Board.

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

Mr. Owens arrived at 10:28 a.m.

## **AGENCY REPORT**

Mr. Owens thanked the Board Members for their service and contribution to the profession.

Mr. Owens reported on the DHP Board Member Training held on March 26, 2024, and the DHP All Staff Training held on April 30, 2024.

Mr. Owens provided information regarding the transition of DHP management. He welcomed Dr. Sarah Rogers as the new Enforcement Director, Leslie Knachel as the new Chief Operating Officer, Kelly Smith as the new Director of Communications, and Claire Morris as the new Executive Director for the Board of Nursing. Mr. Owens reported that Lisa Hahn, Chief Operating Officer, would retire effective July 1, 2024, and that Jay Douglas, Executive Director for the Board of Nursing, would retire effective September 1, 2024.

Mr. Owens spoke about the successful 2024 General Assembly Session and legislative efforts, including the formal acceptance of the state budget. Mr. Owens clarified that DHP does not receive any funds from the General Assembly, but rather the authority to spend as DHP is a special funded agency deriving funds from licensure fees.

Mr. Owens provided a brief overview of the DHP Business Process Re-engineering initiative. He stated that DHP had hired a vendor to review the licensing process to determine if there are any areas of improvement and to review the efficiency of time to complete an application once received.

With no questions, Mr. Owens concluded his report.

## **STAFF REPORTS**

### ***Licensure Report – Sarah Georgen, Licensing and Operations Supervisor***

#### *Licensure Statistics – All Licenses*

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



License	Q2 2024	Q3 2024	Change +/-
Physical Therapist	9,523	9,640	+117
Physical Therapist Assistant	3,791	3,835	+44
<b>Total PT's and PTA.'s</b>	13,314	13,475	+161
Direct Access Certification	1,257	1,268	+9

*Examination Statistics*

Ms. Georgen presented the Physical Therapist and Physical Therapist Assistant examination statistics from April 2024 administrations and provided information on the examination trends.

Ms. Georgen also provided the National Physical Therapy Examination (NPTE) year reports for first time candidates of graduates of United States accredited PT and PTA programs.

With no questions, Ms. Georgen concluded her report.

**BOARD COUNSEL REPORT**

Mr. Saunders provided an update on a pending court case involving the Board.

**COMMITTEE AND BOARD MEMBER REPORTS**

*Legislative/Regulatory Committee Meeting Report – Susan Szasz Palmer, Committee Chair*

Ms. Szasz Palmer reported that the Legislative/Regulatory Committee met on April 12, 2024, and that the meeting minutes are in the agenda packet. She stated that recommendations ready for the Board’s consideration would be presented later in the agenda by Mr. Novak. Additionally, she reported that the Committee was scheduled to convene another meeting on July 31, 2024, and that more information would be provided at a later date.

**LEGISLATIVE AND REGULATORY REPORT**

Mr. Novak provided an update on the regulatory actions currently in process. He noted that one action noted as being under review at the Department of Planning and Budget has since been forwarded to the Secretary’s Office for review.

With no questions, Ms. Novak concluded his report.

**BOARD DISCUSSION AND ACTIONS**

*Completion of Periodic Review - Public Participation Guidelines (18VAC112-11-10 et seq.)*

Mr. Novak provided an overview of the steps for completion of the periodic review of the Public Participation Guidelines (18VAC112-11-10 et seq.).

Upon a **MOTION** by Dr. Bureau, properly seconded by Dr. Palle, the Board voted to retain 18VAC112-11-10 et seq. with no changes and as presented. The motion carried unanimously (5-0).

*Readoption of Guidance Document 112-3, Board Guidance on Receipt of Verbal Orders for Medications by Physical Therapists*

Mr. Novak provided an overview of the proposed readoption of Guidance Document 112-3, “Board Guidance on Receipt of Verbal Orders for Medications by Physical Therapists.”

Upon a **MOTION** by Dr. Fox, properly seconded by Dr. Bureau, the Board voted to readopt Guidance Document 112-3, “Board Guidance on Receipt of Verbal Orders for Medications by Physical Therapists” as presented. The motion passed unanimously (5-0).

*Review of Guidance Documents for Reclassification*

Mr. Novak provided an overview of the possible reclassification of guidance documents as policy documents. For the Board’s consideration, he reviewed Guidance Documents 112-1, “By-Laws of the Board of Physical Therapy,” 112-17, “Sanction Reference Manual,” 112-22, “Procedures for Auditing Continued Competency Requirements,” and 112-23, “Guidelines for Processing Applications for Licensure.”

Upon a **MOTION** by Dr. Palle, properly seconded by Dr. Fox, the Board voted to submit Guidance Documents 112-1, 112-17, 112-22, and 112-23 to Board Counsel for review as possible policy documents and recommendation to the Board President, as presented. The motion carried unanimously (5-0).

*Adoption of Policy Document, “Processing National Physical Therapy Examination (NPTE) Appeals”*

Mr. Novak provided information related to a proposed policy document on the processing of National Physical Therapy (NPTE) examination appeals.

Upon a **MOTION** by Dr. Palle, properly seconded by Dr. Bureau, the Board voted to adopt, as a policy document, “Processing National Physical Therapy Examination (NPTE) Appeals” as presented. The motion carried unanimously (5-0).

**NEW BUSINESS**

Dr. Shobo and Ms. Tillman Wolf presented possible updates to the Healthcare Workforce Data Center survey questions on telehealth and specialty areas to capture metrics and data during the renewal process for use by the Healthcare Workforce Data Center.

Ms. Tillman Wolf stated that the telehealth questions aligned with other DHP Boards’ questions, and the addition of these questions would not cause further burden on the licensee to complete. Ms. Tillman Wolf also noted that the question pertaining to specialty areas would further align with specialty areas as outlined by the American Physical Therapy Association (APTA).

Dr. Bureau asked if the APTA refers to one of the specialties listed as “women’s health” or “pelvic health.” Ms. Tillman Wolf said that she would ensure consistency with the APTA verbiage before implementation, if approved by the Board.

Upon a **MOTION** by Dr. Fox, properly seconded by Dr. Palle, the Board voted to accept the suggested amendments to the Physical Therapy Health Workforce Data Center survey as presented. The motion carried unanimously (5-0).

## **BREAK**

The Board took a break at 10:56 a.m. and reconvened at 11:05 a.m.

## **NEW BUSINESS**

### *Continuing Education Compliance Management*

Ms. Lipinski and Ms. Mann, participating virtually using the Webex platform, provided a presentation on the Board’s possible use of CE Broker as a Continuing Education Compliance Management program.

The Board discussed the possible continuing education management program benefits to licensees.

Upon a **MOTION** by Dr. Fox, properly seconded by Dr. Palle, the Board voted to pursue CE Broker as a tool for continuing education management on a voluntary basis and authorize the Executive Director to enter into an agreement with CE Broker to implement its use. The motion carried unanimously (5-0).

## **NEXT MEETING**

The next meeting date is August 13, 2024.

## **ADJOURNMENT**

Dr. Mariano called for any objections to adjourn the meeting. Hearing no objections and with all business concluded, the meeting adjourned at 12:08 p.m.

Ms. Tillman Wolf requested that Board Members participate in the probable cause review of disciplinary cases after the meeting.

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Corie Tillman Wolf, J.D., Executive Director

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Date

**Unapproved**  
**VIRGINIA BOARD OF PHYSICAL THERAPY**  
**SPECIAL SESSION - MINUTES**

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**July 18, 2024**

**Department of Health Professions**  
**Perimeter Center**  
**9960 Mayland Drive**  
**Henrico, Virginia 23233**

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**CALL TO ORDER:**

The Board of Physical Therapy convened by telephone conference call on July 18, 2024 at 5:06 p.m. to consider whether a practitioner's ability to practice as a Physical Therapy Assistant constituted a substantial danger to the public health and safety pursuant to Va. Code §54.1-2408.1. A quorum of the Board was present, with Ms. Suzy Szasz Palmer, Vice Chair, presiding.

**MEMBERS PRESENT:**

Melissa Fox, PT, DPT  
Rebecca Duff, PTA, DHSc  
Elizabeth Locke, PT, PhD  
Mira Mariano, PT, PhD, OCS  
Srileha Palle, PT, DPT, MBA

**DHP STAFF PRESENT:**

Corie Tillman Wolf, Executive Director  
Melanie Pagano, Deputy Executive Director  
Annette Kelley, Deputy Executive Director

**PARTIES ON BEHALF OF  
THE COMMONWEALTH:**

David Robinson, Assistant Attorney General  
Christine Corey, Adjudication Specialist

**BOARD COUNSEL:**

Brent Saunders, Assistant Attorney General

**MATTER:**

**Steven Mark Wheeler**  
**License #2306-001378**  
**Case Number: 234870**

**DISCUSSION:**

The Board received information from Assistant Attorney General David Robinson in order to determine whether Steven Mark Wheeler's ability to practice as a physical therapy assistant constituted a substantial danger to public health and safety. Mr. Robinson provided details of the case to the Board for its consideration.

**DECISION:**

Upon a motion by Dr. Locke and duly seconded by Dr. Fox, the Board determined that the continued practice of Steven Mark Wheeler, PTA, constitutes a substantial danger to the public health and safety. The board voted to summarily suspend his license to practice as a physical therapy assistant, simultaneous with the institution of proceedings for a formal administrative hearing pursuant to §54.1- 2408.1 of the Code of Virginia.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Committee adjourned at 5:29 p.m.

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Corie Tillman Wolf  
Executive Director

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Date

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# Legislative and Regulatory Report

**Board of Physical Therapy**  
**Current Regulatory Actions**  
**As of July 25<sup>th</sup>, 2024**

**In the Governor’s Office**

None.

**In the Secretary’s Office**

VAC	Stage	Subject Matter	Submission from agency	Time in current location	Notes
18VAC110-20	Fast-Track	Changes to comply with Compact rules	5/6/2022	696 days	Changes to licensure for Canadian applicants to comply with Compact requirements

**At DPB**

None.

**At OAG**

None.

**Recently effective or awaiting publication**

VAC	Stage	Subject Matter	Publication Date	Effective Date	Notes
18VAC110-20	Proposed	Regulatory reduction	8/12/2024	9/12/2024	Public hearing for proposed stage being held 8/13
18VAC110-20	Fast-Track	Regulatory amendment to allow agency subordinates to hear credentials cases	8/12/2024	9/12/2024	None