

APPROVED

BOARD OF PHYSICAL THERAPY MINUTES OF GENERAL BOARD MEETING

**Friday, May 7, 2004
6603 West Broad Street
Richmond, Virginia 23230
Conference Room 1**

Department of Health Professions

CALL TO ORDER: A meeting of the Virginia Board of Physical Therapy was called to order at 9:06 a.m.

PRESIDING: Lisa D. Shoaf, Ph.D., P.T., Chair

MEMBERS PRESENT: Joe Gieck, P.T.
Damien Howell, P.T.
Maureen Lyons, P.T.
Lorraine Quinn, P.T.A.
Carol Dawson
Gayle Garnett, P.T.

MEMBERS ABSENT: None.

STAFF PRESENT: Elizabeth Young, Executive Director
Robert Nebiker, Director
Gail Jaspen, Chief Deputy Director
Elaine Yeatts, Sr. Policy Analyst
Aesha Brandy, Administrative Assistant
Pam Horner, Administrative Assistant

COUNSEL PRESENT: Jack Kotvas, Assistant Attorney General

OTHERS PRESENT: None

GUESTS: None

QUORUM: With seven members of the Board present, a quorum was established.

APPROVAL OF MINUTES: Ms. Lyons made a motion, which was seconded by Mr. Gieck, that the Board approved the Minutes of the Board Meeting on October 24, 2003, which carried unanimously.

Mr. Gieck made a motion, which was seconded by Ms. Quinn that the Board approved the minutes of the Formal Hearing of October 24, 2003, which carried unanimously.

Mr. Howell made a motion, which was seconded by Ms. Garnett, to accept the minutes of the Special Conference

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Committee of December 15, 2003 as amended, which carried unanimously.

Ms. Lyons made a motion, which was seconded by Mr. Gieck, to accept the minutes of the Public Hearing on February 17, 2004 as amended, which carried unanimously.

Mr. Howell made a motion, which was seconded by Ms. Garnett, to accept the minutes of the Public Hearing on March 26, 2004 as amended, which carried unanimously.

PUBLIC COMMENT:

None

NEW BUSINESS:

Election of Officers

Dr. Shoaf nominated Gayle Garnett for President of the Board. The nomination was seconded by Mr. Gieck and the vote was carried unanimously by the Board

Mr. Gieck nominated Damien Howell for Vice-President. The nomination was seconded by Ms. Lyons and the vote was carried unanimously by the Board.

2004 General Assembly

Elaine Yeatts provided an overview of agency related bills from the 2004 General Assembly. She specifically discussed House Bill 577, House Bill 855, and House Bill 875.

Regulatory/ Legislative Committee

A summary of comments on proposed regulations was provided to the board prior to the meeting. Elaine Yeatts stated that a vast majority of the comments related to section 18 VAC 112-20-90 of the proposed regulations. On a properly seconded motion by Maureen Lyons the board agreed to change 18VAC112-20-90, A, 1, to read:

1. The initial evaluation for each patient and its documentation in the patient record; and
2. Periodic reevaluations prior to patient discharge, including documentation of the patient's response to therapeutic intervention.

On a properly seconded motion by Maureen Lyons, the

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board agreed to amend 18VAC112-20-90 as stated.

On properly seconded motion by Ms. Lyons, the Board agreed to allow 18 VAC 112-20-130 to remain as proposed.

On a properly seconded motion by Mr. Gieck, the Board amended 18 VAC 112-20-90 (B.) as follows:

“The physical therapist shall communicate the overall plan of care to the patient or legally authorized representative and etc.....”

On a properly seconded motion by Mr. Gieck, the Board agreed to amend 18VAC112-20-60 A,3, to read:

“Documentation of passage of the national examination as prescribed by the board.”

Jack Kotvas asked the board if they wished to reconsider 18VAC112-20-65, C. On a properly seconded motion by Mr. Howell, the board amended 18VAC112-20-65, C to read:

“A physical therapist or physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 160 hours within the two years immediately preceding his application for licensure shall first successfully complete a 480 traineeship as specified by subsection B of 18 VAC112-20-140.”

Mr. Kotvas also asked about 18VAC112-20-90 (D.). On a properly seconded motion by Mr. Howell, the Board amended 18VAC112-20-90, D, to read:

“A physical therapist assistant’s visits to a patient may be made under general supervision.”

With a properly seconded motion by Ms. Lyons, the Board adopted the final regulations as amended.

Draft Regulation for Delegation of Informal Fact-Finding to an agency Subordinate

Elaine Yeatts provided draft regulations governing use of an agency subordinate for informal fact finding hearings.

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Ms. Yeatts explained that an agency subordinate is someone the board appoints who is appropriately qualified.

On a properly seconded motion by Ms. Garnett, the board adopted emergency delegation regulations.

Also, on a properly seconded motion by Ms. Garnett, the Board voted to publish a notice of intended regulatory action to adopt final delegation regulations.

Board of Health Professions

Joe Gieck, Board representative for the Board of Health Professions, provided a brief summary of the meetings of the Board of Health Professions Meeting of April 15, 2004.

Mr. Nebiker discussed on line renewals and Ms. Garnett asked to see a copy of the manpower survey for the Board of Nursing.

Continuing Competency Committee

Ms. Lyons briefly discussed the waivers received by the Committee.

The motion was properly seconded by Mr. Gieck, the board voted to allow the research and preparation of the teaching of workshops or courses in a classroom setting which constitutes Type 2 activities.

The motion was properly seconded by Mr. Gieck, board voted to allow classroom teaching of physical therapy topics and clinical supervision which constitutes Type 2 activities.

The Board further stated that other states' approved providers are considered Type 1 programs.

In response to a letter from a licensee concerning how to obtain CEU's in the United Kingdom, the board voted to allow the licensee to complete all 30 hours in Type 2 for this renewal period.

FSBPT

Gayle Garnett discussed information from the Federation of State Boards of Physical Therapy fall conference. She asked staff to distribute all possible motions to be

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discussed at upcoming conferences prior to the conference. She believes it is important that the Delegate understand the Board's position prior to any vote at the conference. A major topic at the conference was the development of jurisprudence exams by states. Ms. Young stated that she had responded to inquiries by Mark Lane of FSBPT and stated that Virginia was not interested in securing a jurisprudence examination at this time.

Dr. Shoaf discussed the increased failure rates of candidates from Virginia. Ms. Garnett stated that many states discussed their concerns regarding the pass/fail rates for the national examination.

Interpretation Questions

The Board received a letter from **Inova Mount Vernon Hospital** regarding supervision of unlicensed personnel. The Board directed staff to respond by citing 18 VAC 112-20-100 (A.&B.), 18 VAC 112-20-120, and 18 VAC 112-20-10 (Definition – "Direct Supervision").

The Board received a letter from Gentiva Orthopedic Service regarding the performance of finger stick blood specimens for analysis. The Board directed staff to respond by citing 54.1-3473 of the *Code of Virginia* – "Practice of Physical Therapy".

The Board reviewed a letter regarding supervision of an unlicensed person performing physical therapy services by a licensed physician. The Board directed staff to refer the correspondence to the Board of Medicine.

The Board reviewed a letter regarding medical massage. The Board directed staff to refer the licensee to the definition of massage therapist within the Board of Nursing code.

The Board reviewed a letter regarding wheelchair screenings. The Board directed staff to respond by citing 54.1-3482 (B) of the Code of Virginia that addresses direct access.

The Board reviewed a letter regarding a physical therapist's responsibilities in an IEP setting. The Board directed staff to respond by citing 18 VAC 112-20-120 of

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the regulations.

The Board reviewed a letter regarding physical therapy in a personal trainer environment. The Board stated that it cannot regulate its licensees in that environment.

The Board received a letter from **Augusta Medical Center** regarding supervision of unlicensed personnel. The Board directed staff to respond by citing 18 VAC 112-20-100 (A.&B.), 18 VAC 112-20-120, and 18 VAC 112-20-10 (Definition – “Direct Supervision”).

American Congress of Electromyography

The Board reviewed general information from the organization.

VPTA Newsletters

The Board reviewed general information from the organization.

OLD BUSINESS

Executive Director’s Report:

Licensee Statistics: PT – 4,520; PTA’s- 1,652

Disciplinary Cases: Approximately 30.

The Board calendar and budget were reviewed.

ADJOURNMENT

With all business concluded a motion was made by and seconded by to adjourn the meeting at 1:23 p.m.

Lisa D. Shoaf, Ph.D., P.T., Chair

Elizabeth Young, Executive Director

Date

Date