

May 25, 2021

The Virginia Board of Physical Therapy convened virtually via WebEx for a full board meeting on Tuesday, May 25, 2021.

BOARD MEMBERS PRESENT

Allen R. Jones, Jr., PT, DPT, President (Virtual)
Mira H. Mariano, PT, PhD, OCS, Vice-President (Virtual)
Tracey Adler, PT, DPT, CMTPT (Virtual)
Arkena L. Dailey, PT, DPT (Virtual)
Rebecca Duff, PTA, DHSc (Virtual)
Elizabeth Locke, PT, PhD (Virtual)
Susan Palmer, MLS (Virtual)

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Barbara Allison-Bryan, MD, DHP Deputy Director (Virtual)
Erin Barrett, Assistant Attorney General, Board Counsel (Virtual)
David Brown, DC, DHP Director (Virtual)
Sarah Georgen, Licensing and Operations Manager (Virtual)
Laura Mueller, Program Manager (Virtual)
Kelley Palmatier, Deputy Executive Director (Virtual)
Yetty Shobo, Ph.D., Deputy Director, DHP Health Workforce Data Center (Virtual)
Corie Tillman Wolf, Executive Director (Virtual)

OTHER GUESTS PRESENT

Richard Grossman, American Physical Therapy Association – Virginia

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

CALL TO ORDER

Dr. Jones called the meeting to order at 9:31 a.m.

Due to the COVID-19 declared state of emergency and consistent with Item 4-0.01 of HB1800 (Budget Bill for 2020-2022) and the applicable provisions of the Freedom of Information Act including Virginia Code § 2.2-3708.2 and with Executive Order 51 (2020), the Board convened a virtual meeting to consider such regulatory and business matters as was presented on the agenda necessary for the Board to discharge its lawful purposes, duties, and responsibilities.

Dr. Jones provided the Board members, staff, and the public with contact information should the electronic meeting be interrupted.

Dr. Jones provided reminders to the Board and public regarding WebEx functions. He completed a roll call of the Board members and staff.

With seven 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.

APPROVAL OF MINTUES

Dr. Jones opened the floor to any edits or corrections regarding the draft minutes for meetings held between November 17, 2020 and April 20, 2021, including a Board meeting on November 17, 2020 and formal hearings on November 17, 2020 and February 16, 2021. Ms. Palmer noted an edit to the quorum number of Board members in the February 16, 2021 Formal Hearing minutes. Hearing no other changes, the minutes were approved as amended.

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested a change to the agenda noting that Ms. Yeatts would not be in attendance at the meeting. Ms. Tillman Wolf stated that she would provide the Legislation and Regulatory Report, and would present the items for Board Discussion and Action in Ms. Yeatts' absence.

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

PUBLIC COMMENT

The Board did not receive any written public comment or request to provide verbal public comment.

AGENCY REPORT

Dr. Brown discussed the creation of a Diversity, Equality, and Inclusion (DEI) Council at DHP. He stated that DHP was involved in the initial piloting of this program.

Dr. Brown provided an update on the 2021 General Assembly Legislative Session regarding the expanded scopes of practice in professions across DHP.

Dr. Brown provided an update on the state-level activities related to adult and medical use of marijuana. He stated that the Governor legalized marijuana in Virginia. Dr. Brown provided an update on the Board of Pharmacy program related to THC oils and the flower of the marijuana plant.

Dr. Allison-Bryan thanked the Board members and licensees for their work during the COVID-19 pandemic and their assistance with administering vaccinations to the citizens of the Commonwealth. She reported on Virginia's efforts to vaccinate citizens and provided an update on the Virginia Department of Health statistics.

Dr. Allison-Bryan reported on DHP's mask requirements while in the building. She answered questions related to the mask mandate requirements for hospitals and private companies.

With no questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

PRESENTATION

Dr. Shobo provided a presentation on the 2020 Workforce Reports for Physical Therapist and Physical Therapist Assistants.

Upon a **MOTION** by Dr. Dailey, which was properly seconded by Dr. Adler, the Board voted to accept the 2020 Workforce Reports for Physical Therapist and Physical Therapist Assistants. The motion passed unanimously (7-0).

STAFF REPORTS

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

COVID Response

Ms. Tillman Wolf provided an overview of the continued actions taken in response to and consequences of the COVID-19 pandemic. She reported on the 2020 license renewals and requests for a waiver of active practice requirements. Ms. Tillman Wolf reported on the discipline operations of the Board for virtual formal hearings and informal conferences. She reported on continued question from licensees in regards to telehealth and vaccines.

Board Updates

Ms. Tillman Wolf provided an update on a message regarding scam emails that was sent out to licensees in March 2021. She also reported that the Board's Periodic Review updates to the regulations became effective April 30, 2021. Additionally, she reported on the changes to the direct access treatment timeframe from 30 to 60 days as a result of SB 1187, which will become effective July 1, 2021.

FSBPT Updates

Ms. Tillman Wolf announced that Dr. Locke was a candidate for the Board of Directors – Director I position with the FSBPT.

Ms. Tillman Wolf reported on the upcoming virtual meetings to be held by the FSBPT in 2021.

Ms. Tillman Wolf announced that the FSBPT membership dues would be reduced by 50% for 2021 and 2022.

Ms. Tillman Wolf reported on FSBPT's recent change in policy regarding NPTE Candidate Eligibility Requirements for non-CAPTE graduates and stated that the Board will need to amend the regulations with this change, which would be discussed later in the agenda.

Ms. Tillman Wolf announced that INPTRA, of which the Board was a member, dissolved at the end of December 2020 due to the challenges of the COVID-19 pandemic.

Ms. Tillman Wolf reported on the ELDD Task Force. She reported that Virginia has been a five-star state for reporting information on licensure and disciplinary cases. The Task Force will continue to encourage participation from other states to report their data. Ms. Tillman Wolf stated that she is participating on the FSBPT ELDD Task Force.

PT Compact – Updates

Ms. Tillman Wolf stated that as of the end of calendar year 2020, 163 compact privileges had been issued (142 Physical Therapists and 21 Physical Therapy Assistants; 186 privileges (new and renewal) to practice in Virginia.

Ms. Tillman Wolf reported that the financial impact of the PT Compact was not apparent yet as there was not enough data to identify changes in the number of renewals and endorsement applications and whether those changes are due to the Compact or the COVID pandemic.

Ms. Tillman Wolf reported on the PT Compact Status for Virginia as of May 14, 2021 with 257 Compact Privileges were issued for Virginia (223 PT; 34 PTA; 208 new; 49 renewal). She also reported that 163 Virginia home state licensees obtained 254 Compact Privileges for other Compact states (116 PT; 47 PTA). Approximately half of all privilege purchases for Virginia were made by licensees from neighboring member states North Carolina, Tennessee, West Virginia, and Kentucky.

Ms. Tillman Wolf reported on the national PT Compact Status, including new states that have enacted legislation.

Expenditure and Revenue Summary as of April 30, 2021

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of April 30, 2021.

Cash Balance as of June 30, 2020	\$1,496,604
YTD FY20 Revenue	\$ 797,974
Less FY20 Direct & In-Direct Expenditures	\$ 548,779
Cash Balance as of April 30, 2021	\$1,745,798

Board Meeting Dates

Ms. Tillman Wolf announced the tentative upcoming 2021 Board meeting dates.

- August 10, 2021

- November 9, 2021

Ms. Tillman Wolf stated that 2022 dates would be scheduled soon and staff would update the Board on if these meetings would be virtual or in-person.

Notes and Reminders

Ms. Tillman Wolf thanked the Board members for their continued hard work, dedication, and patience during the pandemic.

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

Discipline Report – Kelley Palmatier, JD, Deputy Executive Director

As of May 21, 2021, Ms. Palmatier reported the following disciplinary statistics:

- 33 Patient Care cases
 - 3 at Informal Conferences
 - 0 at Formal Hearing
 - 13 at Enforcement
 - 17 at Probable Cause
 - 0 at APD
- 6 Non Patient Care Cases
 - 1 at Informal
 - 0 at Formal
 - 2 at Enforcement
 - 1 at Probable Cause
 - 1 at APD
- 2 cases at Compliance

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

- | | |
|-------------------|-------------------|
| • Q2 2019 – 10/11 | • Q3 2020 – 13/18 |
| • Q3 2019 – 9/17 | • Q4 2020 – 7/6 |
| • Q4 2019 – 7/12 | • Q1 2021 – 8/12 |
| • Q1 2020 – 26/13 | • Q2 2021 – 12/19 |
| • Q2 2020 – 4/12 | • Q3 2021 – 12/8 |

Ms. Palmatier reported the following Virginia Performs statistics for Q3 2021:

- Clearance Rate – 67% Received 9 patient cases and closed 6 cases
- Pending Caseload
 - 42% - 13 cases pending over 250 days
 - 19% - 6 case pending over 415 days
- Time to Disposition
 - 67% - 4 cases closed within 250 days
 - 100% - 6 cases closed within 415 days

Ms. Palmatier reported on the percentage of all cases closed in one year and on average days to close a case for the last five quarters.

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	Q3 2021 (Jan 1-Mar 31)	Q2 2021 (Oct 1-Dec 31)	Change +/-
Physical Therapist	8,603	8,372	231
Physical Therapist Assistant	3,641	3,574	67
Total PT's and PTA's	12,244	11,946	298
Direct Access Certification	1,333	1,323	10

Ms. Georgen presented the PT and PTA exam statistics from the April administrations of the exams.

Criminal Background Check Statistics 2020

	PT	PTA	Total
Total Applicants	863	309	1172
CBC Record Not Disclosed	4	3	7
Self Disclosed	6	12	18
Total Convictions	10	15	25

Application Updates

Ms. Georgen reported on the recent and upcoming application changes in relation to the regulation and legislation updates.

Licensure Statistics – Customer Satisfaction

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

- Q2 2020 – 97.7%
- Q3 2020 – 97.4%
- Q4 2020 – 89.6%
- Q1 2021 – 100%
- Q2 2021 – 97%
- Q3 2021 – 98.2%

With no questions, Ms. Georgen concluded her report.

BOARD COUNSEL REPORT – Erin Barrett, Assistant Attorney General

Ms. Barrett had no information to report.

BREAK

The Board took a break at 10:57 a.m. and returned at 11:10 a.m.

COMMITTEE AND BOARD MEMBER REPORTS

Board President Report – Allen R. Jones, Jr., PT, DPT

Dr. Jones thanked the Board and Board staff for their work during the COVID-19 pandemic.

Dr. Jones acknowledged Dr. Locke, Dr. Dailey, and Ms. Tillman Wolf's representation with the FSBPT and thanked them for their dedication to the Board.

Dr. Jones stated that he will attend the Leadership Issues Forum (LIF) in July 2021; and that he, as the voting delegate, and Dr. Mariano, as the alternate delegate, would attend the Annual Meeting in October 2021.

With no questions, Dr. Jones concluded his report.

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

Dr. Jones stated that the Board of Health Professions met on May 13, 2021 and the meeting minutes were distributed to Board members prior to the meeting. He stated that prior meeting minutes from the BHP meeting were included in the agenda packet.

Dr. Jones reported that he had concluded his second year as Chairman of the Board of Health Professions and announced that Jim Wells, RPh, was elected Chairman of the Board at the January 2021 meeting.

With no questions, Dr. Jones concluded his report.

LEGISLATION AND REGULATORY REPORT

Report on Status of Regulations

Ms. Tillman Wolf provided an update regarding the current status of pending Board regulations.

Report on 2021 General Assembly

Ms. Tillman Wolf provided an update on the 2021 General Assembly, including SB1187 which extended the time period for direct access from 30 to 60 days.

BOARD DISCUSSIONS AND ACTIONS

Adoption of Fast-Track Regulation: Clarification of Credentialing Requirement for Graduates of Non-Approved Schools (18 VAC 112-20-50)

The Board discussed the adoption of fast-track regulation regarding clarification of the credentialing requirement for graduates of non-approved schools.

Upon a **MOTION** by Dr. Duff, and properly seconded by Dr. Mariano, the Board voted to adopt the fast track regulations on clarification of the credentialing requirement for graduates of non-approved schools (18 VAC 112-20-50) as presented. The motion passed unanimously (7-0).

Repeal of Guidance Documents/Review and Re-adoption of Guidance Document/Consideration of Revisions to Guidance Document

Ms. Tillman Wolf provided information to the Board regarding the repeal of Guidance Documents 112-10, Board guidance on credit for continuing education; 112-20, Guidance on Supervising Students in Non-Approved Programs; and 112-24, Supervision of physical therapy students in clinical settings.

Ms. Tillman Wolf provided information to the Board regarding the review and re-adoption of Guidance Document 112-2, Board guidance on the use of confidential consent agreements.

Ms. Tillman Wolf provided information to the Board regarding proposed changes to Guidance Document 112-13, Approval of a Traineeship.

The Board discussed these changes.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Dailey, the Board voted to repeal Guidance Documents 112-10, 112-20, and 112-24 (Board guidance on credit for continuing education; Guidance on Supervising Students in Non-Approved Programs; and Supervision of physical therapy students in clinical settings); re-adopt Guidance Document 112-2, Board guidance on the use of confidential consent agreements; and adopt revisions to Guidance Document 112-13, Approval of a Traineeship as presented. The motion passed unanimously (7-0).

REVIEW OF REVISIONS TO DIRECT ACCESS PATIENT ATTESTATION AND MEDICAL RELEASE FORM

Ms. Tillman Wolf provided information to the Board regarding the review of revisions to the Direct Access Patient Attestation and Medical Release Form.

NEXT MEETING

The next meeting date is August 10, 2021.


CONTINUING EDUCATION CREDIT:

Dr. Jones provided the steps necessary to be awarded continuing education for the attendance at the meeting pursuant to 18 VAC 112-20-131. He announced that continuing education would be awarded to those

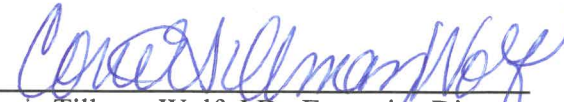
participants who provided their first name, last name, license number, and the meeting code by email to ptboard@dhp.virginia.gov by June 1, 2021.

ADJOURNMENT

With all business concluded, the meeting adjourned at 11:28 a.m.



Allen R. Jones, Jr., PT, DPT, President



Corie Tillman Wolf, J.D., Executive Director

8-10-21
Date

August 10, 2021
Date