

November 1, 2022

The Virginia Board of Physical Therapy convened for a full Board meeting on Tuesday, November 1, 2022, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #2, Henrico, Virginia.

BOARD MEMBERS PRESENT

Mira H. Mariano, P.T., Ph.D., Vice-President*
Arkena L. Dailey, P.T., D.P.T.*
Rebecca Duff, P.T.A, D.H.Sc.*
Melissa Fox, P.T., D.P.T.
Susan Szasz Palmer, M.L.S.

BOARD MEMBERS ABSENT:

Tracey Adler, P.T., D.P.T.
Elizabeth Locke, P.T., Ph.D.

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING

Erin Barrett, Senior Policy Analyst
Sarah Georgen, Licensing and Operations Manager
Lisa Hahn, Chief Operating Officer
Laura Mueller, Program Manager
Kelley Palmatier, Deputy Executive Director
M. Brent Saunders, Senior Assistant Attorney General, Board Counsel
Corie Tillman Wolf, Executive Director

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

CALL TO ORDER

Dr. Mariano called the meeting to order at 9:37 a.m. and asked the Board members and staff to introduce themselves.

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 provided reminders to the Board members and audience regarding 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 May 3, 2022, and August 23, 2022, including a Board meeting and Formal Hearing held on May 3, 2022, three Telephone Conference Calls held on May 11, 2022, July 5, 2022, and July 22, 2022, respectively, as well as a Legislative/Regulatory Committee meeting on August 23, 2022.

Upon a **MOTION** by Ms. Szasz Palmer and properly seconded by Dr. Duff, the Board voted to accept the minutes as presented. The motion passed unanimously (5-0).

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested to amend the agenda, noting that Ms. Hahn would provide the Agency Report and Dr. Dailey would provide a Legislative/Regulatory Committee Report.

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

PUBLIC COMMENT

The Board did not receive any public comment.

AGENCY REPORT

Ms. Hahn announced that Arne Owens was appointed to serve as the Director of the Department of Health Professions (DHP), effective November 1, 2022. She included that Mr. Owens had previously served as the Chief Deputy agency director under Governor McDonnell's administration from 2010-2014. She thanked Dr. Brown for his service to DHP.

Ms. Hahn also announced that James Jenkins, Jr. was appointed to serve as the Chief Deputy of DHP, effective November 1, 2022. She noted that Mr. Jenkins was a current citizen Board member with the Board of Pharmacy.

Ms. Hahn provided a brief update on the Conference Center technology upgrade.

With no further questions, Ms. Hahn concluded her report.

PRESENTATION

Health Practitioners Monitoring Program – Christina Buisset, HPMP Manager & Executive Services Manager, and Amy Ressler, LCSW, Administrative Director, VCU HPMP Leadership

Ms. Buisset and Ms. Ressler provided an overview of the Health Practitioners' Monitoring Program.

STAFF REPORTS

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

Ms. Tillman Wolf welcomed Dr. Fox to the Board for her first in-person board meeting and Mr. Saunders as the new Board Counsel.

Board Updates

Ms. Tillman Wolf announced the beginning of the 2022 renewal cycle for Physical Therapists and Physical Therapist Assistants, with licenses expiring on December 31, 2022. She stated that renewal notices were scheduled to be sent to all active and inactive licensees on November 1, 2022. She also stated that a Board News Brief was sent electronically to licensees in September 2022 containing renewal reminders and PT Compact information.

Ms. Tillman Wolf stated that she provided a presentation on licensure to Old Dominion University third-year students in October 2022.

Ms. Tillman Wolf stated that the Department of Health and Human Services (HHS) and the Office of Inspector General (OIG) submitted a request for copies of board orders related to suspensions, revocations, and surrenders dating back to January 2021. She reported that these orders would be used to determine participation in Federal healthcare programs such as Medicaid and Medicare. She also noted that the Board's process would be updated to notify the HHS and OIG of future orders.

Pandemic-Related Updates

Ms. Tillman Wolf stated that provisions for temporary practice of out-of-state licensees in certain settings became effective on April 15, 2022, as part of amendments to the Code of Virginia § 54.1-2408.4 from the 2022 General Assembly Session. This would allow out-of-state licensees with an employment offer or contract with a hospital, nursing home, dialysis facility, Virginia Department of Health (VDH), or a local health department to practice in Virginia temporarily. Ms. Tillman Wolf noted that licensees with access to the PT Compact should still obtain Compact privileges to practice in Virginia. The reporting form is available on the Board's website.

Ms. Tillman Wolf noted that physical therapists are no longer on the VDH list to administer COVID-19 vaccinations, as the public health emergency had ended.

FSBPT Updates

Ms. Tillman Wolf said that Regulatory Training for Board Members was offered virtually by the Federation of State Boards of Physical Therapy (FSBPT) in August 2022. She noted that Dr. Mariano, Dr. Fox, and Dr. Dailey attended this training.

Ms. Tillman Wolf stated that the FSBPT Annual Meeting occurred from October 27-29, 2022, in Anaheim, California. She reported that Dr. Mariano was the Voting Delegate and Dr. Locke was the Alternate Delegate. Additionally, she reported that she was a panelist on a presentation regarding the Exam, Licensure and Disciplinary Database (ELDD) Task Force. Further, she reported that Dr. Dailey participated in the

Ethics and Legislation Committee. Ms. Tillman Wolf provided a brief report of the FSBPT Annual Meeting topics of discussion.

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 22-23, 2023, in Alexandria, Virginia.

Ms. Tillman Wolf provided additional information to the Board regarding a communication from FSBPT copied to individual boards on a new virtual physical therapy program launched by United Healthcare.

PT Compact Updates

Ms. Tillman Wolf stated that she participated in the District of Columbia Board of Physical Therapy Board meeting on September 12, 2022, and provided an overview of the implementation of the PT Compact in Virginia.

Ms. Tillman Wolf attended the PT Compact Strategic Planning Meeting on October 7-9, 2022, in Raleigh, North Carolina. Ms. Tillman Wolf also attended the PT Compact Annual Meeting on October 30, 2022. She reported that she was elected to a second term as Member-At-Large on the Executive Committee.

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 34 jurisdictions have passed legislation to issue privileges and that 26 jurisdictions are currently issuing privileges.

Ms. Tillman Wolf provided information related to Virginia and National trends. She reported that since January 1, 2020, a total of 813 privileges had been obtained for practice in Virginia (both new and renewal).

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of June 30, 2022

Cash Balance as of June 30, 2021	\$1,702,347
YTD FY 2022 Revenue	\$ 176,371
<u>Less: YTD FY 2022 Direct and Allocated Expenditures</u>	<u>\$ 693,366</u>
Cash Balance as of June 30, 2022	\$1,185,352

Ms. Tillman Wolf announced the 2023 Board meeting dates.

- February 9, 2023
- May 11, 2023
- August 10, 2023
- November 9, 2023

Notes and Reminders

Ms. Tillman Wolf provided reminders regarding changes to contact information and attendance for CE credit. She thanked the Board for their hard work and dedication.

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

Discipline Report – Kelley Palmatier, Deputy Executive Director

As of October 18, 2022, Ms. Palmatier reported the following disciplinary statistics:

- 29 Patient Care cases
 - 1 at Informal Conferences
 - 4 at Formal Hearing
 - 11 at Enforcement
 - 12 at Probable Cause
 - 0 at APD

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

- 3 cases at Compliance

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

- | | |
|-------------------|-------------------|
| • Q1 2020 – 26/13 | • Q3 2021 – 12/8 |
| • Q2 2020 – 4/12 | • Q4 2021 – 20/7 |
| • Q3 2020 – 13/18 | • Q1 2022 – 11/12 |
| • Q4 2020 – 7/6 | • Q2 2022 – 9/8 |
| • Q1 2021 – 8/12 | • Q3 2022 – 15/18 |
| • Q2 2021 – 12/19 | • Q4 2022 – 3/10 |

Percentage of all cases closed in 365 days:

	Q4-21	Q1-22	Q2-22	Q3-22	Q4-22
P.T.	62.5%	38.3%	85.7%	32.4%	69.2%
Agency	68.8%	66.0%	70.7%	71.9%	65.8%

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 2022 (April - June)	Q1 2023 (July-September)	Change +/-
Physical Therapist	9,634	9,906	272
Physical Therapist Assistant	3,969	4,061	92
Total P.T.'s and P.T.A.'s	13,603	13,967	364
Direct Access Certification	1,406	1,420	14

Examination Statistics

Ms. Georgen presented the Physical Therapy examination statistics from April 2022 and July 2022 administrations and provided information on the examination trends.

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

2022 License Renewals

Ms. Georgen stated that the 2022 license renewal notifications would be electronically sent to licensees with email addresses on file with the Board and by mail for those without email addresses on November 1, 2022. She noted that a second renewal notice reminder would be sent electronically on December 15, 2022, for any licensee that still needed to renew. She also noted that the renewal notice and PT Compact Privileges information had been added to the Board's website.

Licensure Updates

Ms. Georgen announced using an automated process to communicate with applicants during the application process. She provided a brief update and description of the possible automation methods and stated that more information would be provided as the process came to fruition.

Expense Reimbursement Update

Ms. Georgen announced that the IRS Mileage Rate increased effective July 1, 2022, and the new rate would be reflected on the reimbursement vouchers.

With no questions, Ms. Georgen concluded her report.

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

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

With no questions, Mr. Saunders concluded his report.

COMMITTEE AND BOARD MEMBER REPORTS

FSBPT Annual Meeting – Mira Mariano, P.T., Ph.D.

Dr. Mariano provided a brief report of take-aways from the FSBPT Annual Meeting.

With no questions, Dr. Mariano concluded her report.

FSBPT Boundary Violations and Ethics and Legislation Committees – Arkena Dailey, P.T., D.P.T.

Dr. Dailey provided a brief report of the activities of the FSBPT Boundary Violations and Ethics and Legislation Committees. She noted that the Boundary Violations Task Force is now known as the Boundary Violations Committee.

With no questions, Dr. Dailey concluded her report.

Legislative/Regulatory Committee Report – Arkena Dailey, P.T., D.P.T.

Dr. Dailey provided a brief report of the recent meeting of the Legislative/Regulatory Committee.

With no questions, Dr. Dailey concluded her report.

LEGISLATIVE AND REGULATORY REPORT

Ms. Barrett provided an update on the regulatory actions currently in process.

With no questions, Ms. Barrett concluded her report.

BOARD DISCUSSION AND ACTIONS

Board Action on Considerations/Recommendations from Legislative/Regulatory Committee

Response to Public Petition for Rulemaking (Prohibition of Requirements for Mask Wearing, Receipt of Vaccines, and Disclosure of Vaccine Status to Receive Physical Therapy)

Ms. Barrett provided information to the Board regarding the Public Petition for Rulemaking and the recommendation of the Legislative/Regulatory Committee.

Upon a **MOTION** by Dr. Dailey, properly seconded by Ms. Szasz Palmer, the Board voted to accept the recommendation of the Legislative/Regulatory Committee to take no action on the Petition for Rulemaking as presented. The motion carried (5-0).

Initiation of Notice of Intended Regulatory Action (NOIRA) – Board Regulations Governing the Practice of Physical Therapy (18VAC112-20-10 et seq.)

Ms. Barrett provided information to the Board regarding the recommendation by the Legislative/Regulatory Committee to initiate a Notice of Intended Regulatory Action (NOIRA) regarding Board Regulations Governing the Practice of Physical Therapy (18VAC112-20-10 et seq.).

Upon a **MOTION** by Ms. Szasz Palmer, properly seconded by Dr. Dailey, the Board voted to accept the recommendation of the Legislative/Regulatory Committee to initiate a Notice of Intended Regulatory Action (NOIRA) regarding Board Regulations Governing the Practice of Physical Therapy, 18VAC112-20-27, 18VAC112-20-131, and 18VAC112-20-200, as presented. The motion carried (5-0).

Adoption of Amendments to Guidance Documents

Ms. Barrett provided information to the Board regarding the recommendations of the Legislative/Regulatory Committee to amend specific Guidance Documents.

Upon a **MOTION** by Dr. Dailey, properly seconded by Ms. Szasz Palmer, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-4 as presented. The motion carried (5-0).

Upon a **MOTION** by Ms. Szasz Palmer, properly seconded by Dr. Dailey, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-7 as presented. The motion carried (5-0).

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Duff, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-12 as presented. The motion carried (5-0).

Upon a **MOTION** by Dr. Dailey, properly seconded by Ms. Szasz Palmer, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-14 as presented. The motion carried (5-0).

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Duff, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-15 as amended. The motion carried (5-0).

Upon a **MOTION** by Dr. Duff, properly seconded by Ms. Szasz Palmer, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-18 as presented. The motion carried (5-0).

Upon a **MOTION** by Dr. Dailey, properly seconded by Dr. Duff, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-21 as presented. The motion carried (5-0).

Upon a **MOTION** by Ms. Szasz Palmer, properly seconded by Dr. Fox, the Board voted to accept the Legislative/Regulatory Committee's recommendation to amend Guidance Document 112-22 as presented. The motion carried (5-0).

Repeal of Guidance Documents

Upon a **MOTION** by Dr. Duff, properly seconded by Dr. Fox, the Board voted to table the discussion of Guidance Document 112-11 to the next meeting. The motion carried (4-1; *Dailey nay*).

Upon a **MOTION** by Dr. Dailey, properly seconded by Ms. Szasz Palmer, the Board voted to accept the Legislative/Regulatory Committee's recommendation to repeal Guidance Document 112-16 as presented. The motion carried (5-0).

Upon a **MOTION** by Ms. Szasz Palmer, properly seconded by Dr. Duff, the Board voted to accept the Legislative/Regulatory Committee's recommendation to repeal Guidance Document 112-19 as presented. The motion carried (5-0).

Discussion – Use of “DPT” by Individuals Not Licensed as Physical Therapists

Ms. Tillman Wolf presented information to the Board regarding an email from a licensee expressing concern that the term “DPT” was being used by individuals who are not licensed as Physical Therapists or who do not have a Doctorate of Physical Therapy education credential. Following a discussion by the Board, the Board referred to the statutory language about title protection, Va. Code § 54.1-3481, which does not currently include reference to “DPT.” Board members discussed that any changes to the Code in the area of title protection would necessitate legislation, which would be best initiated by the professional association at this juncture. Ms. Tillman Wolf will follow up with communication to the licensee and to the VPTA regarding this issue.

ELECTIONS

President

Dr. Mariano stated that in accordance with the Bylaws, at the first regularly scheduled meeting of the organizational year, the Board shall elect its officers.

Dr. Mariano opened the floor for President of the Board of Physical Therapy nominations. Dr. Mariano nominated herself for the position of President.

Dr. Mariano called for a motion and voice vote for the election of the one nominee, Dr. Mariano, for the position of President of the Board of Physical Therapy.

Upon a **MOTION** by Dr. Dailey, the Board voted to elect Dr. Mariano as President of the Board of Physical Therapy. The motion passed unanimously (5-0).

Vice-President

Dr. Mariano opened the floor for nominations for Vice-President of the Board of Physical Therapy. Dr. Dailey nominated herself for the position of Vice-President.

Dr. Mariano called for a motion and voice vote for the election of the one nominee, Dr. Dailey, for the position of Vice-President of the Board of Physical Therapy.

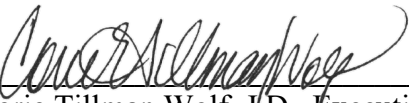
Upon a **MOTION** by Dr. Duff, the Board voted to elect Dr. Dailey as Vice-President of the Board of Physical Therapy. The motion passed unanimously (5-0).

NEXT MEETING

The next meeting date is February 9, 2023.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:33 p.m.



Corie Tillman Wolf, J.D., Executive Director

May 12, 2023

Date