

**APPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Tuesday, August 11, 2015 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #4, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Sarah Schmidt, PTA, President
Melissa Wolff-Burke, PT, EdD
Dixie Bowman, PT, DPT, EdD
Tracey Adler, PT, DPT
Arkena Dailey, PT, DPT
Steve Lam, Citizen Member

BOARD MEMBERS ABSENT:

Allen R. Jones, Jr., PT, DPT

DHP STAFF PRESENT FOR THE MEETING:

Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
Missy Currier, Deputy Executive Director
David Brown, D.C., Agency Director

BOARD COUNSEL

Erin Barrett, Assistant Attorney General

QUORUM:

With 6 members present, a quorum was established.

GUEST PRESENT

Richard Grossman, VPTA

CALLED TO ORDER

Sarah Schmidt, President, called the meeting to order at 10:07 a.m.

ORDERING OF THE AGENDA

The agenda was accepted as presented.

ACCEPTANCE OF MINUTES

Upon a motion by Dixie Bowman and properly seconded by Melissa Wolff-Burke, the Board voted to accept the minutes of the May 1, 2015 board meeting. The motion passed unanimously.

INFORMAL CONFERENCES HELD

The board was informed that 3 IFC's were held on May 8, 2015.

PUBLIC COMMENT

There was no public comment.

AGENCY DIRECTORS REPORT – Dr. David Brown

Dr. Brown welcomed Tracey Adler and Arkena Dailey as the newly appointed members and thanked them for being on the board.

Dr. Brown then provided the following Agency news:

- The Governor's Task Force on Prescription Drugs met several times since November 2014 and made several recommendations which some have already been implemented. September 21st will be the last meeting followed by a big conference next spring.
- Dr. Brown provided an update and answered questions from the board members regarding the Health Practitioners Monitoring Program (HPMP) which helps impaired health professionals safely return to practice.
- Upcoming Meetings:
 - Board Member Training – Understanding Your Role – September 28th
 - New Board Member Orientation – October 16th

This concluded the Agency Directors Report.

EXECUTIVE DIRECTOR'S REPORT - Lisa R. Hahn

Expenditure and Revenue Summary

Ms. Hahn stated that the May 2015 report was included in the agenda packages however, she had just been provided with the following June 2015 information:

Cash Balance as of June 30, 2014	\$288,153
YTD FY15 Revenue	1,229,445
Direct and allocated expenditures	< <u>506,995</u> >
Cash Balance as of 05/31/15	\$1,010,602

She explained that each year the law requires that an analysis of revenues and expenditures of each regulatory board be conducted at least biennially. If revenues and expenditures of each regulatory board are more than 10% apart, the board is required by law to adjust fees so that the fees are sufficient, but not excessive to cover expenses. The adjustment can be either an increase or decrease in fees. Ms. Hahn indicated that she did not foresee any changes but reminded the

board that they should be receiving the letter from the Director based upon this analysis in the near future.

Licensee Statistics (as of July 28th)

PT	7,116
PTA	<u>2,953</u>
Total	10,069
DAccess	1,025

Discipline Statistics (as of July 28th)

Investigations	11
Probable Cause	8
APD	0
Informal Stage	1
Formal Hearing Stage	2
Total Cases	22

Cases being monitored for compliance 8

Detailed Case Offenses

July 1, 2014 through June 30, 2015; PT cases that have resulted in an IFC, and/or Order (9 total):

- 3 fraud cases
- 1 breach of confidentiality
- 3 from out of state Orders
 - 1 drug related
 - 1 aiding & abetting unlicensed activity
 - 1 voluntary surrender in lieu of discipline
- 1 failure to comply with previous Order
- 1 CE audit

Ms. Hahn agreed to add the detailed offenses information to the website at Melissa Wolff-Burke's suggestion.

Virginia Performs (Q4 2015)

- Clearance Rate was 300 %

- Age of Pending Caseload (0%) percent of patient care cases over 250 days (target is no more than 20%)
- Time to Disposition – 67% closed within 250 days (target >90%)
- Licensing Standard less than 30 days – 100%
- Customer Satisfaction – 100%

- Q4 Caseloads: Received =2, Closed =6

- Pending cases over 250 days =0; Closed cases within 250 days=4

July 2015 PT Exam Results:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test takers
US Applicants	242	212	209	3	30	22	8
Foreign Applicants	11	4	1	3	7	1	6
Total	253	216	210	6	37	23	14

2015 YTD PT Exam Stats:

- 85.4% pass rate/14.6% fail
- Total of 512 US Applicants have taken exam–
- (452/passed – 60/failed) = 88.28% pass rate

- Total of 22 Foreign Applicants have taken exam – (9/passed – 13/failed) = 41% pass rate

July 2015 PTA Exam Results:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test takers
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US Applicants	109	89	86	3	20	11	9
Foreign Applicants	0	0	0	0	0	0	0
Total	109	89	86	3	20	11	9

2015 YTD PTA Exam Stats:

- 81.06% pass rate/18.94% failure rate
- Total of 227 US Applicants have taken exam
- (184/passed – 43/failed)
- No Foreign Applicants have taken the PTA exam

Board Committee's:

Ms. Hahn stated that she and Sarah Schmidt put together the new 2015/2016 Committee List and that everyone was provided with a handout.

FSBPT Exam Eligibility Changes effective January 1, 2016:

Ms. Hahn stated that the following exam eligibility changes have been posted on our website and that FSBPT has already notified all applicants who have taken and had a failed attempt of the new eligibility requirements:

- Life time of 6 attempts only
- 2 scores of 400 or below

Recent PEAT Copyright Violations:

Ms. Hahn informed the board with the following information:

- Candidates were sharing copyrighted Practice Examination and Assessment Tool items through social networks.
- An Investigation is being conducted to identify candidates
- This has impacted score reporting for 6 of our VA candidates (invalidate test results)
- The scores for 6 VA following candidates have been withheld as part of a current security investigation. The candidates have also been notified regarding their status and the need

for additional information. Candidates who do not contact FSBPT within 90 days from this date will have their scores invalidated.

- The Board will receive additional notification once the security investigation is complete.

aPTitude:

To date, the following Virginia licensees have signed up:

- 498 total have signed up
 - 370 elected to share tracking with Virginia
 - 128 elected not to share tracking

Physical Therapy Licensure Compact:

Ms. Hahn reported on the status of the Licensure Compact:

- Advisory phase – January 2014 – July 2014 – Lisa worked on Committee
- Drafting Phase – November 2014 – April 2015
- Draft was posted for comment–May 2015 thru July 15, 2015.
- Comments were taken into consideration and hopes that the final draft will be completed by the end of August 2015

Erin Barret, Board Counsel mentioned that the approval process of our Administrative Process Act takes time so it would be unrealistic to see a change in the Law during the 2016 GA.

Ms. Hahn stated that she invited Mark Lane and Leslie Adrien from FSBPT to provide a presentation on the Licensure Compact during the November 20th board meeting. Ms. Hahn furthered that we would be sure to invite our Associations as well so that they are kept well informed.

Find information on website or you can email: CompactTeam@fsbpt.org

Tele-health in Physical Therapy

- Telehealth in Physical Therapy: We discussed pulling information together and possibly establish an Ad Hoc Committee to develop a Telehealth policy for PT.
- The April 2015 Telehealth in Physical Therapy Policy Recommendations for Appropriate Regulation is on the FSBPT website.
- National Council of State Board of Nursing Position Paper on Telehealth Nursing Practice
- Virginia's new law regarding Telemedicine
- BOM GD 85-12
- BOM Ad Hoc Committee Report on Telemedicine

Board of Health Professions Report

Dr. Allen R. Jones, PT representative on the Board of Health Profession provided Ms. Hahn with the following report from the BHP meeting:

- Highlighted that Ralph Orr, Manager of the Prescription Monitoring Program provided a detailed report on his program
- Capstone project is proposed for 3 VCU students to study and provide best practice including a literature review on Telehealth as well as a compact licensure synopsis.
- Provided an update to the BOHP regarding what the PT board is focusing on

Board Business:

Nominations:

Ms. Hahn stated that Officer Elections would be held during the November 20th board meeting and stated that she would be sending out a form in late September to determine who may be interested in serving as President or Vice President. The board will vote on the slate of candidates in November.

Calendar

- n August 28th – Formal Hearing
- n September 28th – Board Member Development Day
- n October 16th – New Board Member Orientation & Training
- n November 20th will be the last board meeting in 2015

Ms. Hahn polled the members with about whether they preferred to hold the 2016 meetings on Tuesday's or Friday's. She requested that if anyone had a conflict with any of the 2016 Meetings scheduled on a Tuesday to notify her as soon as possible.

The 2016 Tuesday meeting dates are: February 9th, May 10th, August 16th and November 15th.

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

BREAK

The Board took a recess at 11:15 a.m. and reconvened at 11:28 a.m.

NEW BUSINESS

Presentation – Healthcare Workforce Data – Dr. Elizabeth Carter

Dr. Carter provided informative statistical information regarding Virginia survey results conducted by the Healthcare Workforce Data Center. She stated that they received a 90%

response rate from the survey which gave an accurate picture of Virginia’s Physical Therapy workforce. Dr. Carter asked the members if there were any additional survey items that would be helpful.

Upon a motion by Arkena Dailey and properly seconded by Sarah Schmidt, the board voted to approve the 2014 Healthcare Workforce Data Reports and to add “traveling therapist” to location type for both PT’s and PTA’s. The motion carried unanimously.

Dr. Carter thanked everyone for filling out the surveys.

Regulatory Report – Lisa R. Hahn

Ms. Hahn reported that the intent of the regulatory action is to incorporate into regulation the guidance on dry needling currently found in Guidance Document 112-9, including the additional hours of training, the requirement for a medical referral, and the disclosure to patients on the difference between acupuncture and dry needling.

Board of Physical Therapy	
Chapter	Action / Stage Information
Regulations Governing the Practice of Physical Therapy [18 VAC 112 - 20]	<u>Action:</u> Practice of dry needling
	<u>Stage:</u> NOIRA - At Secretary's Office <i>47 Days</i>

Direct Access Certification – Lisa R. Hahn

Upon a motion by Dixie Bowman and properly seconded by Melissa Wolff-Burke, the board voted to adopt the regulatory changes for direct access certification to make the regulations conform to change in the Code of Virginia. The motion carried unanimously.

Guidance Document for Auditing CE/Active Practice – Lisa Hahn

Ms. Hahn provided draft verbiage for a Guidance Document related to auditing procedures for continuing education and active practice requirements. Following discussion, the board agreed to amend Item 3. (a) “Issue a Pre-Hearing Consent Order (PHCO) specifying the sanctions if applicable and Item 3. (a) (2) Monetary Penalty of \$300 for a fraudulent renewal certification, ~~and~~

Upon a motion by Melissa Wolff-Burke and properly seconded by Dixie Bowman, the board voted to accept the new Guidance Document for Auditing Continuing Education & Active Practice. The motion carried unanimously.

FSBPT Meeting Reports – Sarah Schmidt

Sarah Schmidt reported that she, Dr. Allen Jones, Jr. and Missy Currier attended the June 2015 FSBPT Board Member and Administrator Training. Ms. Schmidt said the training was extremely informative and provided great tools and information for board members.

Ms. Schmidt also reported that she and Missy Currier had attended the August Leadership Issues Forum which provided background information and focus on the issues that would be addressed during the Annual Meeting in October.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:30 p.m.

Sarah Schmidt, PTA, President

Lisa R. Hahn, MPA, Executive Director

Date

Date