

**APPROVED
BOARD OF PHYSICAL THERAPY
MEETING MINUTES**

The Virginia Board of Physical Therapy convened for a board meeting on Friday, November 13, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Room #1, Henrico, Virginia.

The following members were present:

George Maihafer, P.T., Ph.D, President
Maureen E. Lyons, P.T., Vice-President
Peggy H. Belmont, P.T.
Damien Howell, P.T.
Lorraine C. Quinn, P.T.A.
Melissa Wolff-Burke, P.T., EdD,
J.R. Locke

DHP staff present for all or part of the meeting included:

Lisa R. Hahn, Executive Director
Mark Monson, Deputy Director of Administration
Elaine Yeatts, Senior Policy Analyst
Annie B. Artis, Licensing Operations Manager
Holly Manke, Administrative Assistant

Representative from the Office of the Attorney General present for the meeting:

Amy Marschean, Senior Assistant Attorney General

Quorum:

With 7 members present, a quorum was established.

GUESTS PRESENT

Dr. Neal Kauder, President of VisualResearch, Inc.
Kim Langston, Research Analyst, VisualResearch, Inc.

CALLED TO ORDER

Dr. Maihafer, President, called the board meeting to order at 9:05 a.m.

ORDERING OF THE AGENDA

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to approve the agenda.

The motion passed unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

INTRODUCTION

Dr. Maihafer welcomed Melissa Wolff-Burke to the Board for a four year term which will expire on June 30, 2013. Ms. Wolff-Burke is replacing Mr. Izzo's board seat on the Board.

ACCEPTANCE OF MINUTES

- Board Meeting Minutes – July 10, 2009
Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to accept the amended minutes of the July 10, 2009 Board meeting.

The motion passed unanimously.

- Special Conference Committee Minutes – July 10, 2009
Upon a motion by Mr. Howell and properly seconded by Ms. Belmont, the Board voted to accept the minutes of the July 10, 2009 Special Conference Committee.

The motion passed unanimously.

- Formal Hearing Minutes – July 10, 2009
Upon a motion by Ms. Lyons and properly seconded by Ms. Quinn, the Board voted to accept the minutes of the July 10, 2009 Formal Hearing.

The motion passed unanimously.

- Legislative and Regulatory Meeting Minutes – August 28, 2009
Upon a motion by Mr. Howell and properly seconded by Ms. Quinn, the Board voted to accept the minutes of the August 28, 2009 Legislative and Regulatory meeting.

The motion passed unanimously.

- Special Conference Committee Minutes – August 28, 2009
Upon a motion by Mr. Howell and properly seconded by Ms. Belmont, the Board voted to accept the minutes of the August 28, 2009 Special Conference Committee.

The motion passed unanimously.

- Sanction Reference Subcommittee – October 23, 2009

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the Board voted to accept the minutes of the October 23, 2009 Sanction Reference Subcommittee.

The motion passed unanimously.

AGENCY DIRECTOR'S REPORT

Virginia Performs

On behalf of Mrs. Ryals, Ms. Hahn congratulated the board members, staff and the agency for their terrific efforts in working effectively and efficiently to resolve patient care cases within 250 days without sacrificing public safety. The department has exceeded the goal by closing 95% of disciplinary cases within 250 working days. The agency's clearance rate is at 94%; we have met and exceeded the goal to have no more than 25% of all open patient care cases older than 250 days (10.3%). Additionally, consistent high customer satisfaction ratings continue to be attained (95.2%). Lastly, the target measure of 97% continues to be surpassed again at 100%.

The Board of Physical Therapy clearance rate is at 600%; cases closed within 250 days are at 100%; and patient care cases older than 250 days are zero. Ms. Hahn stated that the Board achieved 100% goal for customer satisfaction and that the 100% goal of issuing licenses to applicants within 30 days or less was achieved. Ms. Hahn reported that these are excellent results and that the Virginia Performs results are available on the DHP website.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Budget

Ms. Hahn reported that the cash balance as of June 30, 2008 was \$183,097; the revenue for Fiscal Year 09 was 810,750; direct and allocated expenditures were \$364,481; the ending cash balance as of June 30, 2009 was \$629,365.

Ms. Hahn discussed the possibility for a temporary renewal fee decrease but recommends waiting until after the first of the year since the board will not renew again until December 2010. At this time, we hope to have a better understanding of our direct and allocated expenditures, such as VITA costs. We will have adequate time to make the changes prior to sending out next year's renewals. Additionally, Ms. Hahn shared that due to the Commonwealth's budgetary shortfall, the agency has been informed that we will have to make a special fund transfer of \$636,640 to the general fund.

Mark Monson, Deputy Director of Administration, also spoke to the board on the budgetary issues facing the Commonwealth. He explained that the fund transfer will be shared with all the boards in the department based upon a shared formula (the number of licensees in

combination with the staffing levels). He concurs with Ms. Hahn's recommendation to the board to postpone any decisions on fee reductions at this time.

Licensee and Certification Statistics

Ms. Hahn reported there are currently 5,524 active licensed physical therapists; 2,136 physical therapist assistants and 324 Direct Access Certifications issued.

Discipline Statistics

Ms. Hahn reported there are currently 12 open cases, 7 cases in Investigations, 2 cases at the probable cause level, 1 in APD, and 1 case at the informal stage.

Virginia Performs

Ms. Hahn was pleased to report that the Board achieved 100% goal for customer satisfaction. She also stated that the 100% goal of issuing licenses to applicants within 30 days or less has been achieved. Ms. Hahn stated that the percent of patient care cases closed in less than 250 days is at 100%. Ms. Hahn reminded the board members that the Virginia Performs results are available on the DHP website.

2009 Board Meeting Calendar

February 12, 2010	Board Meeting 9AM Board Room #2
May 14, 2010	Board Meeting 9AM Board Room #2
August 13, 2010	Board Meeting 9AM Board Room #2
November 12, 2010	Board Meeting 9AM Board Room #2

Break

The Board recessed for a break at 10:16 a.m. and reconvened at 10:30 a.m.

New Regulations Effective September 30, 2009

Ms. Hahn asked the Board to review the new regulations as of September 30, 2009. Ms. Hahn reviewed the sections that were amended.

NEW BUSINESS

Mr. Robert Izzo, PT – Plaque Presentation

Mr. Izzo was presented with a plaque from the Board honoring his years of service. Dr. Maihafer presented the plaque to Mr. Izzo and commented that Mr. Izzo was a man of integrity and an excellent role model for students entering the physical therapy profession.

Mr. Izzo stated he has learned a lot about regulations and all the work that goes into ensuring the health and safety of the citizens of the Commonwealth. He thanked everyone for making him feel welcomed.

Sanctioning Reference Point Study Presentation – Dr. Neil Kauder, President of VisualResearch, Inc.

Dr. Kauder presented the Board with a draft copy of the Sanctioning Reference Point Study Interim Report and gave an overview of the purpose and use of the information. He explained that the report provided a compilation of the past 10 years history of physical therapy case files and the results were used to develop a sanction reference worksheet to be used as a guideline during Informal Fact Finding Conferences.

Ms. Langston presented the Board with the recommended worksheet for the Board to use as a sanctioning reference guide.

Upon a motion by Mr. Howell and properly seconded by Mr. Locke, the board voted to approve the Sanctioning Reference Point as a guidance document.

The motion passed unanimously.

Upon a motion by Mr. Howell and properly seconded by Ms. Lyons, the Board voted to restrict the use of Sanctioning Reference Point as a guidance document only and not to share with the respondents.

The motion passed unanimously.

Ms. Hahn thanked Dr. Kauder and Ms. Langston for their informative presentation.

Proposed Amendments to Regulations

Ms. Yeatts presented the proposed amendments to the current regulations.

Project 1926 - Proposed

BOARD OF PHYSICAL THERAPY

Traineeship changes; continuing education

Part I

General Provisions

18VAC112-20-10. Definitions.

In addition to the words and terms defined in § 54.1-3473 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a physical therapist or physical therapist assistant within the 24-month period immediately preceding renewal. Active practice may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Approved program" means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

"CLEP" means the College Level Examination Program.

"Contact hour" means 60 minutes of time spent in continuing learning activity exclusive of breaks, meals or vendor exhibits.

"Direct supervision" means a physical therapist or a physical therapist assistant is physically present and immediately available and is fully responsible for the physical therapy tasks or activities being performed.

"Discharge" means the discontinuation of interventions in an episode of care that have been provided in an unbroken sequence in a single practice setting and related to the physical therapy interventions for a given condition or problem.

"Evaluation" means a process in which the physical therapist makes clinical judgments based on data gathered during an examination or screening in order to plan and implement a

treatment intervention, provide preventive care, reduce risks of injury and impairment, or provide for consultation.

~~"Face-to-face" means learning activities or courses obtained in a group setting or through interactive, real-time technology.~~

"FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

"General supervision" means a physical therapist shall be available for consultation.

"National examination" means the examinations developed and administered by the Federation of State Boards of Physical Therapy and approved by the board for licensure as a physical therapist or physical therapist assistant.

"PRT" means the Practice Review Tool for competency assessment given by the Federation of State Boards of Physical Therapy.

"Support personnel" means a person who is performing designated routine tasks related to physical therapy under the direction and supervision of a physical therapist or physical therapist assistant within the scope of this chapter.

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person seeking licensure as a physical therapist or physical therapist assistant who is undergoing a traineeship.

"Traineeship" means a period of active clinical practice during which an applicant for licensure as a physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

"TSE" means the Test of Spoken English.

"Type 1" means ~~face-to-face~~ continuing learning activities offered by an approved organization as specified in 18VAC112-20-131.

"Type 2" means continuing learning activities which may or may not be offered by an approved organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning.

18VAC112-20-50. Education requirements: graduates of schools not approved by an accrediting agency approved by the board.

A. An applicant for initial licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency approved by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by a report from the FCCPT or of the physical therapist eligibility for licensure as verified by a report from any other credentialing agency approved by the board that substantiates that the physical therapist has been evaluated in accordance with requirements of subsection B of this section.

B. The board shall only approve a credentialing agency that:

1. Utilizes the Coursework Evaluation Tool for Foreign Educated Physical Therapists of the Federation of State Boards of Physical Therapy and utilizes original source documents to establish substantial equivalency to an approved physical therapy program;

2. Conducts a review of any license or registration held by the physical therapist in any country or jurisdiction to ensure that the license or registration is current and unrestricted or was unrestricted at the time it expired or was lapsed; and

3. Verifies English language proficiency by passage of the TOEFL and TSE examination or the TOEFL iBT, the Internet-based tests of listening, reading, speaking and writing or by review of evidence that the applicants' physical therapy program was taught in English or that the native tongue of the applicant's nationality is English.

C. An applicant for licensure as a physical therapist assistant who is a graduate of a school not approved by the board shall submit with the required application and fee the following:

1. Proof of proficiency in the English language by passing TOEFL and TSE or the TOEFL iBT, the Internet-based tests of listening, reading, speaking and writing by a score determined by the board or an equivalent examination approved by the board. TOEFL iBT or TOEFL and TSE may be waived upon evidence that the applicant's physical therapist assistant program was taught in English or that the native tongue of the applicant's nationality is English.

2. A copy of the original certificate or diploma that has been certified as a true copy of the original by a notary public, verifying his graduation from a physical therapy curriculum.

If the certificate or diploma is not in the English language, submit either:

- a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or
- b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education to the educational requirements of an approved program for physical therapist assistants from a scholastic credentials service approved by the board.

D. An applicant for initial licensure as a physical therapist or a physical therapist assistant who is not a graduate of an approved program shall also submit verification of having successfully completed a full-time 1,000-hour traineeship within a two-year period under the direct supervision of a licensed physical therapist. The board may grant an extension beyond two years for circumstances beyond the control of the applicant, such as temporary disability or mandatory military service.

1. The traineeship shall be in accordance with requirements in 18VAC112-20-140.
2. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

18VAC112-20-65. Requirements for licensure by endorsement.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in the United States, its territories, the District of Columbia, or Canada may be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18VAC112-20-40 or 18VAC112-20-50. In lieu of meeting such requirements, an applicant may provide evidence of clinical practice during the five years immediately preceding application for licensure in Virginia with a current, unrestricted license issued by another U.S. jurisdiction;
2. The required application, fees, and credentials to the board; and
3. A current report from the Healthcare Integrity and Protection Data Bank (HIPDB) and a current report from the National Practitioner Data Bank (NPDB);
4. Evidence of completion of 15 hours of continuing education for each year in which the applicant held a license in another U.S. jurisdiction, or 60 hours obtained within the past four years; and
5. Documentation of passage of an examination equivalent to the Virginia examination at the time of initial licensure or documentation of passage of an examination required by another state at the time of initial licensure in that state and active, clinical practice with a current, unrestricted license for at least five years prior to applying for licensure in Virginia.

For the purpose of this subsection, active, clinical practice shall mean at least 2,500 hours of patient care over a five-year period.

C. A physical therapist ~~or physical therapist assistant~~ seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall ~~first successfully~~:

1. Successfully complete 480 hours in a traineeship in accordance with requirements in 18VAC112-20-140; or
2. Document passage of the PRT within the two years preceding application for licensure in Virginia and successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

D. A physical therapist assistant seeking licensure by endorsement who has not actively practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall successfully complete 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

18VAC112-20-70. Traineeship for unlicensed graduate scheduled to sit for the national examination.

A. Upon approval of the president of the board or his designee, an unlicensed graduate who is registered with the Federation of State Boards of Physical Therapy to sit for the national examination may be employed as a trainee under the direct supervision of a licensed physical therapist until the results of the national examination are received.

B. The traineeship, which shall be in accordance with requirements in 18VAC112-20-140, shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination. A new traineeship shall not be approved for more than one year following the receipt of the first examination results.

18VAC112-20-131. Continued competency requirements for renewal of an active license.

A. In order to renew an active license biennially, a physical therapist or a physical therapist assistant shall complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. In choosing continuing learning activities or courses, the licensee shall consider the following: (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

B. To document the required hours, the licensee shall maintain the Continued Competency Activity and Assessment Form that is provided by the board and that shall indicate completion of the following:

1. A minimum of ~~15~~ 20 of the contact hours required for physical therapists and ~~10~~ 15 of the contact hours required for physical therapist assistants shall be in Type 1 ~~face-~~to-face courses. For the purpose of this section, "course" means an organized program

of study, classroom experience or similar educational experience that is directly related to the clinical practice of physical therapy and approved or provided by one of the following organizations or any of its components:

- a. The Virginia Physical Therapy Association;
- b. The American Physical Therapy Association;
- c. Local, state or federal government agencies;
- d. Regionally accredited colleges and universities;
- e. Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);
- f. The American Medical Association - Category I Continuing Medical Education course; and
- g. The National Athletic Trainers Association.

2. No more than ~~15~~ 10 of the contact hours required for physical therapists and ~~20~~ 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses, which may or may not be offered by an approved organization but which shall be related to the clinical practice of physical therapy. Type 2 activities may include but not be limited to consultation with colleagues, independent study, and research or writing on subjects related to practice.

3. Documentation of specialty certification by the American Physical Therapy Association may be provided as evidence of completion of continuing competency requirements for the biennium in which initial certification or recertification occurs.

4. A physical therapist who can document that he has taken the PRT may receive 10 hours of Type 1 credit for the biennium in which the assessment examination was taken. A physical therapist who can document that he has passed the PRT may receive 20 hours of Type 1 credit for the biennium in which the assessment examination was passed.

C. A licensee shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

D. The licensee shall retain his records on the completed form with all supporting documentation for a period of four years following the renewal of an active license.

E. The licensees selected in a random audit conducted by the board shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.

F. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

G. The board may grant an extension of the deadline for continuing competency requirements for up to one year for good cause shown upon a written request from the licensee prior to the renewal date.

H. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

I. Physical therapists holding certification to provide direct access without a referral shall include four contact hours as part of the required 30 contact hours of continuing education in courses related to clinical practice in a direct access setting.

18VAC112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.
2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; ~~and~~

2. Providing proof of ~~a. Active~~ active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive.

a. If the inactive physical therapist licensee does not meet the requirement for active practice, the license may be reactivated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting passage of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If the inactive physical therapist assistant licensee does not meet the requirement for active practice, the license may be reactivated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140; and

~~b. Completion of~~ 3. Completing the number of continuing competency hours required for the period in which the license has been inactive, not to exceed four years.

18VAC112-20-136. Reinstatement requirements.

A. A physical therapist or physical therapist assistant whose Virginia license is lapsed for two years or less may reinstate his license by payment of the renewal and late fees as set forth in 18VAC112-20-150 and completion of continued competency requirements as set forth in 18VAC112-20-131.

B. A physical therapist or physical therapist assistant whose Virginia license is lapsed for more than two years and who is seeking reinstatement shall:

1. Apply for reinstatement and pay the fee specified in 18VAC112-20-150; ~~Practice physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement or successfully complete 480 hours as specified in 18VAC112-20-140; and~~

2. Complete the number of continuing competency hours required for the period in which the license has been lapsed, not to exceed four years; and

3. Have actively practice physical therapy in another jurisdiction for at least 320 hours within the four years immediately preceding applying for reinstatement.

a. If a physical therapist licensee does not meet the requirement for active practice, the license may be reinstated by completing 480 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140 or documenting passage of the PRT within the two years preceding application for licensure in Virginia and successfully completing 320 hours in a traineeship in accordance with requirements in 18VAC112-20-140.

b. If a physical therapist assistant licensee does not meet the requirement for active practice, the license may be reinstated by completing 320 hours in a traineeship that meets the requirements prescribed in 18VAC112-20-140.

18VAC112-20-140. Traineeship required.

A. The traineeship shall be: (i) ~~shall be~~ in a facility that serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the board, and (iii) is under the direction and supervision of a licensed physical therapist.

B. Supervision and identification of trainees:

1. There shall be a limit of two physical therapists assigned to provide supervision for each trainee.

2. The supervising physical therapist shall countersign patient documentation (i.e., notes, records, charts) for services provided by a trainee.

3. The trainee shall wear identification designating them as a "physical therapist trainee" or a "physical therapist assistant trainee."

C. Completion of traineeship.

1. The physical therapist supervising the ~~inactive-practice~~ trainee shall submit a report to the board at the end of the required number of hours on forms supplied by the board.

2. If the traineeship is not successfully completed at the end of the required hours, as determined by the supervising physical therapist, the president of the board or his designee shall determine if a new traineeship shall commence. If the president of the board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

Upon a motion by Mr. Howell and seconded by Ms. Quinn to adopt the proposed regulations was approved.

The motion passed unanimously.

FSBPT Conference Update

Dr. Maihafer and Ms. Hahn attended the FSBPT conference in San Diego, CA on October 1 through October 6, 2009 and provided the board a report on the informative sessions. They also shared information regarding the new ethics course that will be offered later this year.

Dr. Maihafer reported that he and Ms. Hahn will be meeting with representatives from APTA regarding APTA's workforce initiative along with staff from the Department's Healthcare Workforce Center.

Board of Health Profession Report – Damien Howell, President

Mr. Howell provided an informational handout which gave the members an update on recent activity and discussions at the Board of Health Professions. Mr. Howell stated the Board was reviewing emerging health professions for licensure requirements in Virginia.

ADJOURNMENT

With all business concluded, upon a motion by Mr. Howell and seconded by Mr. Locke the meeting was adjourned at 11:55 a.m.

George Maihafer, Ph.D., PT, Chair

Lisa R. Hahn, Executive Director

Date

Date