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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF PHYSICAL THERAPY

TIME: 10:31 A.M.

Held at
PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

July 21, 2022

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State Board of Physical Therapy
July 21, 2022

BOARD MEMBERS:

Cynthia L. Potter, PT, DPT, Chairperson
Arion Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair
Geraldine M. Grzybek, PT, GCS, Secretary
Jeremy Robb, Attorney General's Office designee
William Werner PT
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Board Counsel
Heather J. McCarthy, Esquire, Board Prosecution
Liaison
Andrea L. Costello, Esquire, Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State
Eli Yemzow, Legal Intern, Department of State

ALSO PRESENT:

Ted Mowatt, Vice President, Wanner Associates
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Seth Rolko, Democratic Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Emily Longenecker
Sierra Clabaugh

1 ***

2 State Board of Physical Therapy

3 July 21, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Thomas M. Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations
9 and to receive advice of counsel on matters upon
10 which the Board would later vote. The Board
11 commenced open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Physical Therapy was held on Thursday, July
15 21, 2022.

16 ***

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially
19 called the meeting to order at 10:31 a.m.]

20 ***

21 [Thomas M. Davis, Esquire, Board Counsel, noted the
22 meeting was being recorded, and those who continued
23 to participate were giving their consent to be
24 recorded.

25 Mr. Davis also informed everyone that the Board

1 met in Executive Session prior to the meeting for the
2 purpose of conducting quasi-judicial deliberations
3 and to receive advice of counsel on matters upon
4 which the Board would later vote.]

5 ***

6 Roll Call

7 [A roll call of Board members was taken by Chair
8 Potter.]

9 ***

10 Approval of minutes of the May 6, 2022 meeting

11 CHAIR POTTER:

12 The first item on the agenda is the
13 approval of the minutes.

14 Are there any additions or
15 corrections to the minutes of May 6,
16 2022?

17 [The Board discussed corrections to the minutes.]

18 CHAIR POTTER:

19 Are there any other additions or
20 corrections to the minutes? Hearing
21 none.

22 Is there a motion to approve the
23 minutes as corrected?

24 MS. GRZYBEK:

25 So moved.

1 MR. ROBB:

2 Second.

3 CHAIR POTTER:

4 It has been moved and seconded to adopt
5 the minutes as corrected. We'll do a
6 roll call vote.

7

8 Potter, aye; Claggett, aye; Campbell,
9 aye; Grzybek, aye; Robb, aye; Werner,
10 aye; Wolfe, aye.

11 [The motion carried unanimously.]

12 ***

13 Report of Board Prosecution

14 [Cynthia L. Potter, PT, DPT, Chairperson, noted the
15 Board waived the presentation of the consent
16 agreements.]

17 ***

18 Appointment - Emily Longenecker for 3rd Attempt
19 at NPTE

20 [Emily Longenecker presented to the Board to request
21 a third attempt to take the National Physical Therapy
22 Examination. She noted having a strong effort to
23 finish with a better result than the last two times,
24 including spending more time preparing and utilizing
25 a study plan.

1 Dr. Campbell expressed concern with Ms.
2 Longenecker achieving a lower score on her second
3 attempt as compared to her first attempt and asked
4 how she prepared for the second attempt.

5 Ms. Longenecker commented that the second attempt
6 was a little rushed compared to the first attempt
7 because the first attempt was right after graduating
8 college and then experienced anxiety with the second
9 attempt but is now taking medication.

10 Dr. Campbell asked what study resources Ms.
11 Longenecker is utilizing related to practice exams.

12 Ms. Longenecker will be purchasing the Practice
13 Exam and Assessment Tools (PEAT), purchased the PT
14 Final Exam, and is utilizing Scorebuilders.

15 Dr. Campbell recommended Ms. Longenecker do a
16 question analysis. She noted PEAT has a study mode
17 that will tell her not only what the right answer is
18 and why but will tell her why the wrong answers are
19 wrong. She stated all NPTE questions are linked back
20 to textbooks and encouraged her to use textbooks more
21 than class notes.

22 Chair Potter requested Ms. Longenecker explain
23 how she would approach the multiple areas and divide
24 study time.

25 Ms. Longenecker commented that many of the study

1 plans were based on exams, and she would be working
2 on her weaknesses.

3 Chair Potter informed Ms. Longenecker that the
4 Board administrator would get back to her with their
5 decision.]

6 ***

7 Report of Board Prosecution

8 MR. DAVIS:

9 Number 2 on the Board's agenda, based
10 on the Board's discussions in Executive
11 Session, I believe the chair would
12 accept a motion to approve the Consent
13 Agreement in the following matter:
14 Case No. 21-65-015552.

15 Is there a motion?

16 MS. GRZYBEK:

17 So moved.

18 DR. CAMPBELL:

19 Second.

20 MR. DAVIS:

21 Is there any further discussion on the
22 motion?

23 CHAIR POTTER:

24 It's been moved and seconded to accept
25 the Consent Agreement and Order in this

1 case. We will do a roll call vote.

2

3 Potter, aye; Commissioner Claggett,
4 aye; Campbell, aye; Grzybek, aye; Robb,
5 aye; Wolfe, aye.

6 [The motion carried. William Werner recused himself
7 from deliberations and voting on the motion. Case
8 No. 21-65-015552 is Commonwealth BPOA v. Brian Todd
9 Andrews, PT.]

10 ***

11 MR. DAVIS:

12 Number 3 on the Board's agenda, based
13 on the Board's discussions in Executive
14 Session, I believe the chair would
15 accept a motion to approve the Consent
16 Agreement in the following matter:
17 Case No. 22-65-004016. Board member
18 Campbell is recused from this matter.

19 MS. GRZYBEK:

20 So moved.

21 MR. ROBB:

22 Second.

23 CHAIR POTTER:

24 It's been moved and seconded to approve
25 the Consent Agreement and Order in this

1 case. We will do a roll call vote.

2

3 Potter, aye; Commissioner Claggett,
4 aye; Grzybek, aye; Robb, aye; Werner,
5 aye; Wolfe, aye.

6 [The motion carried. Sandra Campbell recused herself
7 from deliberations and voting on the motion.]

8

9 MR. DAVIS:

10 Number 4 on the Board's agenda is a VRP
11 Agreement, based on the Board's
12 discussions in Executive Session, I
13 believe the chair would entertain a
14 motion to adopt the Consent Agreement
15 at Case No. 22-65-009628.

16 CHAIR POTTER:

17 Is there a motion?

18 MS. GRZYBEK:

19 So moved.

20 MR. ROBB:

21 Second.

22 CHAIR POTTER:

23 It's been moved and seconded. Any
24 further discussion? We will do a roll
25 call.

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Potter, aye; Commissioner Claggett,
aye; Campbell, aye; Grzybek, aye; Robb,
aye; Werner, aye; Wolfe, aye.

[The motion carried unanimously. For the record, the licensee's name has been withheld because he is entering into the Voluntary Recovery Program. His participation in that program will remain confidential provided that he abides by the terms and conditions of the program.]

Report of Board Counsel - Adjudication and Order

MR. DAVIS:

Number 7 on the Board's agenda is a case the Board dealt with a little bit earlier in regard to a Motion to Deem Facts Admitted. Now we have a Final Order before the Board, and the Board reviewed it in Executive Session.

Based on the Board's discussions in Executive Session, I believe the chair would accept a motion to approve as final the Draft Adjudication and Order in the following matter:

Commonwealth BPOA v. Jason Talley, PT,

1 Case No. 19-65-006566.

2 CHAIR POTTER:

3 Is there a motion?

4 MS. GRZYBEK:

5 So moved.

6 MR. ROBB:

7 Second.

8 CHAIR POTTER:

9 It's been moved and seconded to adopt
10 the Adjudication and Order in this
11 case. Any further discussion? Roll
12 call vote.

13

14 Potter, aye; Commissioner Claggett,
15 aye; Campbell, recuse; Grzybek, aye;
16 Robb, aye; Werner, aye; Wolfe, aye.

17 [The motion carried. Sandra Campbell recused herself
18 from deliberations and voting on the motion.]

19

20 Report of Board Counsel - Applications

21 MR. DAVIS:

22 Number 8 on the Board's agenda is the
23 Application of Mark Williams. The
24 Board reviewed this in Executive
25 Session, and prepared a motion.

1 In the Matter of the Application
2 for Certification by Endorsement as a
3 Physical Therapist Assistant of Mark
4 Williams, based on the Board's
5 discussions in Executive Session, I
6 believe the chair would accept a motion
7 to initially approve the Application.
8 If the Applicant agrees to the terms of
9 the Probationary Order, counsel shall
10 be authorized to issue a PTA
11 Certificate on probation to Mark
12 Williams.

13 CHAIR POTTER:

14 Is there a motion?

15 MS. GRZYBEK:

16 So moved.

17 DR. CAMPBELL:

18 Second.

19 CHAIR POTTER:

20 It's been moved and seconded. Any
21 further discussion? If not, we'll do
22 the roll call vote.

23

24 Potter, aye; Commissioner Claggett,
25 aye; Campbell, aye; Grzybek, aye; Robb,

1 aye; Werner, aye; Wolfe, aye.

2 [The motion carried unanimously.]

3 ***

4 MR. DAVIS:

5 Number 9 on the Board's agenda is an
6 Application that was reviewed by the
7 Board, the Application of Christian
8 Luna.

9 In the Matter of the Application
10 for Licensure by Endorsement as a
11 Physical Therapist of Christian Luna,
12 based on the Board's discussions in
13 Executive Session, I believe the chair
14 would accept a motion approving the
15 Application.

16 CHAIR POTTER:

17 Is there a motion?

18 MS. GRZYBEK:

19 So moved.

20 DR. CAMPBELL:

21 Second.

22 CHAIR POTTER:

23 The motion has been moved and seconded.
24 Any further discussion? We'll do the
25 roll call vote.

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Potter, aye; Commissioner Claggett,

3

aye; Campbell, aye; Grzybek, aye; Robb,

4

aye; Werner, aye; Wolfe, aye.

5

[The motion carried unanimously.]

6

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Report of Board Counsel - Regulations

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[Thomas M. Davis, Esquire, Board Counsel, referred to

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the status of regulations. He referred to 16A-6522

10

regarding licensure by endorsement under Act 41,

11

noting it is complete and with Senior Regulatory

12

Counsel for review.

13

Mr. Davis noted 16A-6523 regarding early exam and

14

continuing education (CE) for clinical education is

15

also complete and with Senior Regulatory Counsel for

16

review.

17

Mr. Davis addressed correspondence received from

18

the House and Senate Professional Licensure

19

Committees concerning Act 41. He noted that each of

20

the 29 licensing boards at BPOA received a letter in

21

June 2022 urging prompt promulgation of regulations

22

to implement licensure under Act 41, licensure by

23

endorsement.

24

Mr. Davis stated the Commissioner's Office

25

drafted a response letter on behalf of all 29 boards

1 informing the respective Chairs that the absence of
2 fully promulgated final regulations has not impacted
3 the board's ability to implement Act 41 and hundreds
4 of licenses by endorsement have been issued under Act
5 41. He mentioned the letter also noted that the
6 Physical Therapy Board's regulatory package has been
7 completed, formally voted on, and approved by the
8 State Board of Physical Therapy.

9 Chair Potter thanked Acting Commissioner Claggett
10 for responding to the concerns raised.

11 Mr. Davis addressed 16A-6519 regarding the
12 proposed annex for distance continuing education (CE)
13 and student practice of physical therapy. He
14 mentioned there is currently no "cap" on the amount
15 of distance continuing education hours that physical
16 therapists or PTAs can obtain, and the proposed
17 regulation is based on Act 100 of 2021, and it is
18 intended to clarify the Board's position on distance
19 continuing education.

20 Mr. Davis provided a draft annex last time which
21 mirrored the language already found in the regulation
22 that relates to direct access physical therapy. He
23 noted that Senior Regulatory Counsel suggested he
24 utilize the language of Act 100 instead of utilizing
25 the current language, and he amended the proposed

1 annex to add the definition for "distance education"
2 as it appears in Act 100.

3 Ms. Grzybek requested clarification as to whether
4 all of the CE could be online for the next licensing
5 period since licensees would be renewing starting in
6 the fall because licenses expire December 31, 2022.

7 Ms. Roberts informed Ms. Grzybek that all of the
8 CE could be online.

9 Mr. Davis informed Board members that he would
10 continue drafting the preamble and Regulatory
11 Analysis Form (RAF) and is hoping to have that
12 available for the next meeting.]

13 ***

14 Report of Board Counsel - Miscellaneous

15 [Thomas M. Davis, Esquire, Board Counsel, addressed
16 Senate Bill 1160 regarding athletic trainers. He
17 informed Board members that amended SB 1160 proposes
18 to amend the definition of "physically active
19 person." He noted the prior version of SB 1160 said,
20 "An individual who participates in organized,
21 individual, or team sports, athletic games, or
22 recreation sport activity."

23 Mr. Davis explained that the bill would change
24 the definition of "physically active person" to "an
25 individual who engages in an activity that may be

1 associated with any injury, disorder, or medical
2 condition which requires a level of strength,
3 endurance, flexibility, range of motion, speed, or
4 agility or could result from exercise, sports,
5 recreation, wellness, or employment.”

6 Mr. Davis suggested anyone who wants to comment
7 regarding the pending legislation to contact a
8 professional organization that represents their
9 interest or a local representative.

10 Mr. Davis referred to Senate Bill 485 regarding
11 dry needling, where there was a complete rewrite of
12 the bill which, unlike the last draft, would no
13 longer remove the term “certificates of
14 authorization,” so everything with regard to
15 certificates of authorization would remain the same.
16 He stated it would still add a definition for dry
17 needling and adds the practice of dry needling to the
18 definition of physical therapy.

19 Mr. Davis mentioned the new amendments propose to
20 add conditions that a practitioner must first meet
21 before providing dry needling and provided a summary.
22 He stated newest version of the bill would allow the
23 Board input and empower the Board to promulgate
24 additional requirements the Board deems necessary.

25 Mr. Davis also suggested anyone with questions to

1 contact the professional organization that represents
2 their interest or a local representative.]

3 ***

4 Appointment - Sierra Clabaugh for 3rd Attempt
5 at NPTE

6 [Sierra Clabaugh presented to the Board to request a
7 third attempt to take the National Physical Therapy
8 Examination. She addressed her first and second
9 attempts, noting she now has a mentor and has made
10 flashcards rather than buying ones from Scorebuilders
11 because writing the information down helps her retain
12 things better.

13 Dr. Campbell addressed Ms. Clabaugh's schedule
14 and encouraged her to touch material on a regular
15 basis to truly learn it and be able to utilize it
16 effectively. She suggested Ms. Clabaugh make
17 modifications based on how she does on the practice
18 tests for strengths and weaknesses. She encouraged
19 her to do an analysis afterwards as far as what
20 questions were answered correctly and why, and to
21 look at the wrong answer and determine how to do
22 things differently moving forward. She noted to
23 remember NPTE questions come from textbooks; not
24 notes.

25 Chair Potter informed Ms. Clabaugh that the Board

1 would consider her request, and the Board
2 administrator would provide a decision later today.]

3 ***

4 MR. DAVIS:

5 Now that the Board has heard from the
6 two individuals, Emily Longenecker and
7 Sierra Clabaugh, does any Board member
8 wish to reenter into Executive Session
9 to further discuss the request?

10 Hearing nothing.

11 Based on the Board's discussions
12 in Executive Session, I believe the
13 Board chair would accept a motion
14 approving the requests of the following
15 individuals for permission to take the
16 National Physical Therapy Exam a third
17 time of Emily Longenecker and Sierra
18 Clabaugh.

19 CHAIR POTTER:

20 Is there a motion?

21 MS. GRZYBEK:

22 So moved.

23 DR. CAMPBELL:

24 Second.

25 CHAIR POTTER:

1 The motion has been moved and seconded.
2 Roll call vote.

3
4 Potter, aye; Commissioner Claggett,
5 aye; Campbell, aye; Grzybek, aye; Robb,
6 aye; Werner, aye; Wolfe, aye.

7 [The motion carried unanimously.]

8 ***

9 Report of Board Chair

10 [Cynthia L. Potter, PT, DPT, Chairperson, reminded
11 everyone that the Leadership Issues Forum will be
12 starting this weekend for the Federation of State
13 Board of Physical Therapy. She noted Gerri Grzybek
14 is the Board's delegate and Michelle Roberts would
15 also be attending the forum. She suggested everyone
16 present any questions or feedback before Saturday.]

17 ***

18 Report of Acting Commissioner

19 [Arion R. Claggett, Acting Commissioner, Bureau of
20 Professional and Occupational Affairs, notified
21 everyone of in-person Board member training on
22 October 24, 2022, in Harrisburg. He mentioned that
23 some of the items include the role of Board counsel
24 and prosecution and Board member travel. He noted
25 the training is mandatory for public members but also

1 encouraged professional members to attend.

2 Dr. Campbell asked whether there were any
3 updates regarding moving forward with the PT Compact.

4 Mr. Davis has not had any recent discussions
5 regarding the Federal Bureau of Investigation (FBI)
6 background check issue. He could not offer any
7 updates.]

8 ***

9 Report of Board Administrator

10 [Michelle Roberts, Board Administrator, noted the
11 proposed 2023 meeting dates for the Board's review.]

12 ***

13 Miscellaneous

14 [Geraldine M. Grzybek, PT, GCS, Secretary, informed
15 Board members that she participated in a Federation
16 of State Boards of Physical Therapy (FSBPT) Candidate
17 Forum and FSBPT would be electing a president, vice
18 president, and a nominating committee member at the
19 annual meeting in October 2022.

20 Ms. Grzybek noted candidate statements could be
21 found on the FSBPT website and encouraged fellow
22 Board members to indicate how they would like her to
23 vote on their behalf before the September meeting.]

24 ***

25 Adjournment

1 CHAIR POTTER:

2 Is there a motion to adjourn?

3 MS. GRZYBEK:

4 So moved.

5 CHAIR POTTER:

6 Is there a second?

7 MR. ROBB:

8 Second.

9 CHAIR POTTER:

10 It's been moved and seconded to adjourn
11 the meeting. All in favor? We'll do a
12 roll call vote.

13

14 Potter, aye; Commissioner Claggett,
15 aye; Campbell, aye; Grzybek, aye; Robb,
16 aye; Werner, aye; Wolfe, aye.

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Board of
20 Physical Therapy Meeting adjourned at 11:14 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Physical Therapy meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Physical Therapy meeting.



Amber Garbinski,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Roll Call
10:32	Approval of Minutes
10:34	Report of Board Prosecution
10:34	Appointment - Emily Longenecker
10:40	Report of Board Prosecution - Motions
10:43	Report of Board Counsel
11:02	Appointment - Sierra Clabaugh
11:09	Report of Board Chair
11:10	Report of Acting Commissioner
11:11	Report of Board Administrator
11:12	Miscellaneous
11:14	Adjournment