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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: 9:07 A.M.

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

January 18, 2018

1 State Board of Physical Therapy
2 January 18, 2018
3
4

5 BOARD MEMBERS:
6

7 Cynthia Potter, PT, Chairperson
8 Kathryn L. Waters, Deputy Commissioner of Professional
9 and Occupational Affairs
10 Sandra Campbell, PT
11 Jeffrey R. Elliott - Absent
12 Tammy S. Frey, PTA, Secretary
13 Geraldine Grzybek, PT, Vice Chairperson
14 Rachel Levine, MD, Physician General - Absent
15 Jeremy Robb, Attorney General's Office designee
16 Timothy M. Schell, PT
17
18

19 BUREAU PERSONNEL:
20

21 Juan Ruiz, Esquire, Board Counsel
22 Jason Anderson, Esquire, Board Prosecution Liaison
23 Thomas A. Blackburn, Esquire, Board Regulatory Counsel
24 Michelle Roberts, Board Administrator
25
26 Kimberly A. Mattis, Director, Bureau of Finance
27 and Operations
28 Julie Snader, Chief, Division of Procurement, Bureau
29 Of Finance and Operations
30 Kimberly Adams, Bureau of Finance and Operations
31
32

33 ALSO PRESENT:
34

35 Scott Voshell, Vice President, Pennsylvania Physical
36 Therapy Association
37 Ted Mowatt, Wanner Associates, Association for
38 Professional Acupuncture
39 John E. Baughman, Select Medical
40 Denise Getgen, Director, Protective Services Office,
41 PA Department of Aging
42 Christina W. Kotsalos, Director, Investor Education
43 and Consumer Outreach, Department of Banking and
44 Securities
45 Jacob Romanuski
46 Patty Allan, Acting Executive Director, Children's
47 Health Insurance Program
48 Peggy Slothower, Children's Health Insurance Program
49 Pat Harvan, Children's Health Insurance Program
50

1 State Board of Physical Therapy

2 January 18, 2018

3 ***

4 The regularly scheduled meeting of the State
5 Board of Physical Therapy was held on Thursday,
6 January 18, 2018.

7 ***

8 Official Call to Order

9 [Cynthia Potter, PT, Chairperson, officially called
10 the meeting to order at 9:07 a.m. Kathryn L. Waters,
11 Deputy Commissioner of Professional and Occupational
12 Affairs, was not present at the commencement of the
13 meeting. A quorum was noted to be present.]

14 ***

15 Approval of Minutes of the September 21, 2017 meeting

16 CHAIRPERSON POTTER:

17 The first item is approval of the
18 minutes. Are there any additions or
19 corrections to the minutes? If not, is
20 there a motion to approve the minutes?

21 MS. GRZYBEK:

22 So moved.

23 MR. SCHELL:

24 Second.

25 CHAIRPERSON POTTER:

1 So moved and seconded to approve the
2 minutes. All in favor, say aye.

3 Opposed, no? Abstentions?

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Jason Anderson, Esquire, Board Prosecution Liaison,
8 presented a Consent Agreement for File No. 15-65-
9 05852.]

10 ***

11 Report of Board Chairperson

12 [Cynthia Potter, PT, Chairperson, discussed her
13 attendance at the Pennsylvania Physical Therapy
14 Association Meeting on October 26, 2017. Chairperson
15 Potter noted discussion on the Governor's Executive
16 Order 2017-03 at that meeting. She mentioned concerns
17 regarding the continuing education approval process.

18 Chairperson Potter noted Act 38 Regulations,
19 which expands approved course sponsorship.

20 She attended the FSBPT Federation of State Boards
21 of Physical Therapy (FSBPT) Meeting in November. She
22 also attended a meeting of the Compact Commission,
23 stating all of the administrative rules were in place
24 for implementation of the compact with participating
25 states anticipating privileges sometime during 2018.

1 Chairperson Potter referred to an Exam,
2 Licensure, and Disciplinary Database (ELDD) and
3 Pennsylvania's rating regarding compact participation.

4 Ms. Roberts stated the Board was required by
5 federal law to report disciplinary action to the
6 National Practitioner Data Bank. Ms. Roberts added,
7 with additional staff, the speed of receiving
8 information would improve.

9 Chairperson Potter discussed the FastTrack
10 Application System with FSBPT staff for students
11 registering for the exam. Ms. Roberts stated the
12 information would soon be available online.

13 Chairperson Potter and the Chair of the State
14 Board of Nursing are on the Executive Order Advisory
15 Committee. Chairperson Potter noted the first meeting
16 on January 9, 2018, to review the intent and the steps
17 to obtain the goal of Pennsylvania's licensing
18 process.]

19 ***
20 [Kathryn L. Waters, Deputy Commissioner, entered the
21 meeting at 9:16 a.m.]

22 ***
23 Report of Deputy Commissioner
24 [Kathryn L. Waters, Deputy Commissioner of
25 Professional and Occupational Affairs, updated the

1 Board regarding the Governor's Executive Order 2017-
2 03. Ms. Waters encouraged the Board to provide any
3 information deemed to be important to the
4 Commissioner's office.

5 Ms. Grzybek suggested forwarding one document
6 versus pieces from different individuals. Board
7 members made suggestions as to what information the
8 Board would provide to the Commissioner's office.]

9

10 Appointment - Fiscal Year 2017-2018 Board Budget

11 Presentation

12 [Julie Snader, Chief, Division of Procurement, Bureau
13 of Finance and Operations, introduced herself and
14 Kimberly A. Mattis, Director, Bureau of Finance and
15 Operations.

16 Ms. Snader reviewed the revenue and expenses for
17 Fiscal Years 2015-2016, 2016-2017 and the current
18 Fiscal Year 2017-2018.

19 Ms. Snader noted the budget for 2016-2017. Ms.
20 Mattis stated the Board did go over budget, possibly
21 due to the expenses incurred with the Pennsylvania
22 Licensing System (PALS). Ms. Mattis then noted the
23 current fiscal year expenses and budget, estimating
24 the Board would be under budget.]

25

1 Report of Regulatory Counsel
2 [Thomas A. Blackburn, Esquire, Regulatory Board
3 Counsel, discussed the status of regulations regarding
4 the Post-Act 38 Corrections, rulemaking 16A-6517
5 recently reviewed by the Office of General Counsel in
6 the Governor's Policy Office. Mr. Blackburn noted
7 updated information and the attendance at a meeting
8 with the Deputy General Counsel, who reviews all of
9 the material.

10 Mr. Blackburn stated the Deputy General Counsel
11 had some suggestions and revisions to the rulemaking
12 package and then referred the draft annex.

13 He noted Section 40.17, foreign-educated physical
14 therapists applying to take the licensure examination
15 and pursue a clinical experience. Mr. Blackburn
16 discussed amending paragraph three, relating to
17 applicants documenting their status according to
18 practice in their home country.

19 Mr. Blackburn discussed clarifying the acceptance
20 of an applicant's invalid foreign credentials. With
21 the current regulatory language, the applicant shall
22 provide written documentation of authorization to
23 practice. Mr. Blackburn noted the language, "written
24 documentation of having held legal authorization to
25 practice."

1 Mr. Blackburn noted the concern for what happens
2 when the authority to practice in the home country was
3 no longer current. OGC suggested revising that
4 language to read, if an applicant's authorization to
5 practice in foreign jurisdiction is not current at the
6 time of applying to the Board, that authorization must
7 have been unrestricted immediately prior to expiring
8 or being placed in inactive status.

9 Mr. Blackburn asked the Board to vote to approve
10 the changes as presented in today's agenda.]

11 MR. SCHELL:

12 I'll make the motion that we approve the
13 changes in the annex for foreign
14 training.

15 MS. FREY:

16 I'll second.

17 CHAIRPERSON POTTER:

18 Okay. It's been moved and seconded to
19 adopt the changes presented. Any
20 further discussion? All in favor, say
21 aye? Opposed, no? Abstentions?

22 [The motion carried unanimously.]

23

24 [Kathryn L. Waters, Deputy Commissioner, exited the
25 meeting at 9:42 a.m.]

1 ***

2 Report of Board Counsel

3 [Juan Ruiz, Esquire, Board Counsel, noted the proposed
4 Adjudication and Order, regulations, and applications
5 for discussion in Executive Session.]

6 ***

7 Discussion - Input for Advisory Board

8 [Sandra Campbell, PT, commented on the direct access
9 legislation. Ms. Campbell stated that Pennsylvania
10 was one of a few states that required a separate
11 certificate, which was a barrier to clinicians in
12 Pennsylvania seeking direct access and then providing
13 that service to the residents in the community. She
14 requested the indirect licenses for PT assistants be
15 explored.

16 Ms. Campbell noted the fingerprinting process
17 difficulties with delays, extra costs, and difficulty
18 in relation to where fingerprints can be taken.

19 Chairperson Potter commented that proof of
20 background was changing and noted discussion on that
21 process at the Advisory Committee meeting.

22 Ms. Campbell suggested there was not a difference
23 between a volunteer or employee application if all
24 were compared to the state standards.

25 Chairperson Potter mentioned the compact issue

1 and looking at the surrounding states.

2 Ms. Campbell referred to the element of
3 telehealth, particularly with licensing, when crossing
4 state lines.

5 Chairperson Potter noted the need for a plan to
6 organize and provide that input.

7 Mr. Ruiz suggested starting a document with the
8 Board's requirements, circulate it amongst each other,
9 bring it back to the Board, and vote to approve that
10 document as the Board's submission. Mr. Ruiz also
11 suggested submitting it informally and ratifying it at
12 the next meeting.

13 Chairperson Potter will draft the document, wait
14 for revisions, and present it to Mr. Ruiz on or before
15 February 2, 2018.]

16

17 Appointment - Department of Banking and Securities -

18 Elder Financial Abuse Prevention

19 [Christina W. Kotsalos, Director, Investor Education
20 and Consumer Outreach, PA Department of Banking and
21 Securities, and Denise Getgen, Director, Protective
22 Services Office, PA Department of Aging gave a
23 presentation to the Board concerning Elder Financial
24 Abuse Prevention.]

25

1 Appointment - Third Attempt at PTA Exam Request

2 [Jacob Romanuski requested permission to sit again for
3 the PTA exam and discussed his plan to prepare himself
4 for a third attempt to take the exam.]

5 ***

6 Administration of Narcan Questions

7 [Scott Voshell, Vice President, Pennsylvania Physical
8 Therapy Association, informed the Board that the
9 executive office was being outsourced by Concepts
10 Management Group (CMG) located in Pittsburgh, who will
11 be managing the day-to-day business of the
12 Pennsylvania Physical Therapy Association (PPTA).

13 Mr. Voshell discussed questions related to the
14 opioid crisis in the United States.]

15 ***

16 [The Board recessed from 10:34 a.m. until 10:44 a.m.]

17 ***

18 Appointment - CHIP Presentation

19 [Patty Allan, Acting Executive Director, Children's
20 Health Insurance Program (CHIP), addressed the Board
21 regarding awareness of a federal mandate deadline to
22 register as a CHIP provider. She also gave an
23 overview of the CHIP program.]

24 ***

25 New Business

1 [Geraldine Grzybek, PT, commented on a question
2 presented by Jamie L. Chichy, DPT, who indicated that
3 she works with individuals with vestibular issues. She
4 is challenged because the Pennsylvania Physical
5 Therapy Practice Act only permits referrals from
6 dentistry and podiatry but not necessarily an
7 optometrist.

8 Ms. Grzybek stated this would require an addition
9 to our Act to broaden the language so these patients
10 can receive the appropriate professional care.]

11 ***

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 11:01 a.m. the Board entered into Executive Session
14 with Juan Ruiz, Esquire, Board Counsel, for the
15 purpose of conducting quasi-judicial deliberations.
16 The Board returned to open session at 12:20 p.m.]

17 ***

18 MOTIONS

19 MR. RUIZ:

20 The Board was just in Executive Session
21 conducting quasi-judicial deliberations
22 in a number of matters currently pending
23 before the Board.

24 Is there a motion to approve the
25 Consent Agreement at File No. 15-65-

1 05852?

2 MS. FREY:

3 So moved.

4 MR. ROBB:

5 I'll second.

6 CHAIRPERSON POTTER:

7 It's been moved and seconded. All in
8 favor? Opposed, no? Abstentions?

9 [The motion carried unanimously. The Respondent's
10 name for that File is Tate Lauleneke Rice, PT.]

11 ***

12 MR. RUIZ:

13 Is there a motion to have Counsel issue
14 a final Adjudication and Order in the
15 case of Commonwealth of Pennsylvania
16 versus Gregory Alan Betar, PTA,
17 consistent with discussions in Executive
18 Session and noting for the record that
19 Timothy Schell was recused from all
20 deliberations and voting on this matter.

21 MS. GRZYBEK:

22 So moved.

23 MS. CAMPBELL:

24 Second.

25 CHAIRPERSON POTTER:

1 Askes and Beata Paterno?

2 MR. SCHELL:

3 So moved.

4 MR. ROBB:

5 I'll second.

6 CHAIRPERSON POTTER:

7 The motion has been moved and seconded.

8 All in favor, say aye? Opposed, no?

9 Abstentions?

10 [The motion carried unanimously.]

11 ***

12 MR. RUIZ:

13 Is there a motion to grant the waiver
14 request for the application of Bhavti
15 Soni?

16 MS. GRZYBEK:

17 So moved.

18 MS. CAMPBELL:

19 Second.

20 CHAIRPERSON POTTER:

21 It's been moved and seconded. All in
22 favor, say aye? Opposed, no?

23 Abstentions?

24 [The motion carried unanimously.]

25 ***

1 For Your Information

2 [Chairperson Potter informed the Board of her
3 unavailability at the Board's next meeting on March
4 22, 2018.

5 Mr. Schell stated the March 22, 2018, would be is
6 last meeting, and noting his appreciation in case he
7 could not attend the meeting.

8 Chairperson Potter thanked Mr. Schell for his
9 years of service.]

10 ***

11 Adjournment

12 CHAIRPERSON POTTER:

13 Any other business? If not, is there a
14 motion to adjourn?

15 MR. ROBB:

16 I'll make that motion.

17 MR. SCHELL:

18 I'll second.

19 CHAIRPERSON POTTER:

20 It's moved and seconded to adjourn. All
21 in favor, say aye. Opposed, no?
22 Abstentions?

23 [The motion carried unanimously.]

24 ***

25 [There being no further business, the State Board of

1 Physical Therapy meeting adjourned at 12:24 p.m.]

2 ***

3 [The next State Board of Physical Therapy Meeting is
4 March 22, 2018.]

5 ***

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CERTIFICATE

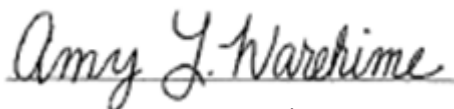
10

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

17

18

19



20

Amy L. Warehime,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX
January 18, 2018

	TIME	AGENDA
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7	9:07	Official Call to Order
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9	9:07	Approval of Minutes
10		
11	9:08	Report of Prosecutorial Division
12		
13	9:09	Report of Chairperson
14		
15	9:17	Report of Deputy Commissioner
16		
17	9:27	Appointment - Board Budget Presentation
18	9:37	
19		
20	9:39	Report of Regulatory Counsel
21		
22	9:48	Report of Board Counsel
23		
24	9:50	Discussion
25		
26	10:02	Appointment - Department of Banking and
27	10:16	Securities/Elder Financial Abuse
28		
29	10:17	Appointment - Jacob Romanuski
30	10:27	
31		
32	10:28	Administration of Narcan Questions
33		
34	10:34	Recess
35	10:44	Return to Open Session
36		
37	10:44	Appointment - CHIP Presentation
38	10:58	
39		
40	10:59	New Business
41		
42	11:01	Executive Session
43	12:20	Return to Open Session
44		
45	12:21	Motions
46		
47	12:24	Adjournment
48		
49		
50		