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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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 21, 2021

1 State Board of Physical Therapy
2 January 21, 2021
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5 BOARD MEMBERS:
6

7 Cynthia L. Potter, PT, DPT, Chairperson
8 K. Kalonji Johnson, Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair
11 Jeffrey R. Elliott, Esquire, Public Member - Absent
12 Tammy S. Frey, PTA, Secretary
13 Peter Blank, Policy Director, Secretary of Health
14 Designee
15 Geraldine M. Grzybek, PT, GCS
16 Brandie J. McClinton, DPT
17 Jeremy Robb, Attorney General's Office designee
18 Christopher Staub, DPT - Absent
19 Krista Wolfe, DPT, ATC
20
21

22 BUREAU PERSONNEL:
23

24 Thomas M. Davis, Esquire, Board Counsel
25 Paul J. Jarabeck, Esquire, Board Prosecution Liaison
26 Michelle Roberts, Board Administrator
27 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
28 Division
29 Theodore Stauffer, Executive Secretary, Bureau of
30 Professional and Occupational Affairs
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32

33 ALSO PRESENT:
34

35 Jen Smeltz, Republican Executive Director, Senate
36 Consumer Protection & Professional Licensure
37 Committee
38 Jerry J. Livingston, Democratic Executive Director,
39 Senate Consumer Protection & Professional Licensure
40 Committee
41 Scott Voshell, Vice President, Pennsylvania Physical
42 Therapy Association
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1 ***

2 State Board of Physical Therapy

3 January 21, 2021

4 ***

5 The regularly scheduled meeting of the State
6 Board of Physical Therapy was held on Thursday,
7 January 21, 2021.

8 ***

9 Official Call to Order

10 [Cynthia Potter, PT, DPT, Chairperson, officially
11 called the meeting to order at 10:30 a.m.

12 ***

13 Roll Call

14 [A roll call of Board members was taken by Chairperson
15 Potter.]

16 ***

17 [Thomas M. Davis, Esquire, Board Counsel, noted the
18 meeting was being recorded, and those who remained on
19 the line were giving their consent to being recorded.

20 Mr. Davis also noted the Board did not meet in
21 Executive Session prior to the meeting.]

22 ***

23 Approval of minutes of the November 30, 2020 meeting

24 CHAIR POTTER:

25 The next item of business is approval of

1 the minutes, which were received as a
2 draft from November 30, 2020.

3 Are there any additions or
4 corrections to those minutes?

5 [The Board discussed corrections to the minutes.]

6 CHAIR POTTER:

7 Any other additions or corrections? If
8 not, is there a motion to approve?

9 MS. GRZYBEK:

10 So moved.

11 CHAIR POTTER:

12 Is there a second?

13 MR. ROBB:

14 Second.

15 CHAIR POTTER:

16 It has been moved and seconded to
17 approve the minutes as corrected. All
18 in favor, say aye.

19

20 Campbell, aye; Frey, aye; Blank, aye;
21 Grzybek, aye; McClinton, aye; Robb, aye;
22 Wolfe, aye; Johnson, aye; and Potter,
23 aye.

24 [The motion carried unanimously.]

25

1 Report of Board Counsel

2 [Thomas M. Davis, Esquire, Board Counsel, reported the
3 Act 53 list of crimes directly related to the
4 profession of physical therapy reviewed by the Board
5 was posted to the website.

6 Mr. Davis updated the Board on child abuse
7 reporting requirements. He noted the regulation was
8 with the Independent Regulatory Review Commission
9 (IRRC) since December 9, 2020, and comments should be
10 received by the Board by February 17, 2021.

11 Mr. Davis informed the Board that the student
12 education program proposed regulation was on the
13 backburner for the moment, because of Act 41
14 regulation and the early exam regulation.

15 Mr. Davis referred to the proposed early exam
16 regulation and continuing education regulation, noting
17 the addition of requirements from the Federation of
18 State Boards of Physical Therapy (FSBPT) in regard to
19 the Alternate Approval Pathway (AAP) program that
20 would allow individuals to register for the exam with
21 FSBPT.

22 Mr. Davis noted regulatory counsel requested an
23 elaboration in certain sections. He reported that
24 most of the revisions to the Regulatory Analysis Form
25 (RAF) were complete. He stated regulatory counsel

1 requested direction from the Board on a few sections,
2 and suggested that the Board discuss those sections at
3 some point during the meeting.

4 Mr. Davis addressed licensure by endorsement
5 under Act 41, where the Office of General Counsel
6 (OGC) requested administrative revisions regarding
7 reformatting in mid-December. He mentioned 63 Pa.C.S.
8 § 3111, noting every reference to Act 41 in each
9 section needed to be changed.

10 Mr. Davis again referred to the proposed
11 regulation regarding early examination, continuing
12 education (CE) for clinical education, and the AAP
13 requirements. He noted prior discussion with Ms.
14 Roberts, where 1,067 applicants per year would be
15 affected by the early examination, which should
16 translate to both the AAP and early exam.

17 Mr. Davis stated the Board did not currently
18 track the number of individuals employed as clinical
19 instructors, so there was no way to identify the
20 number of individuals that would be impacted by that
21 part of the regulation.

22 Ms. Grzybek commented that each clinical setting
23 had their own process for tracking and did not believe
24 there was a realistic way to track it.

25 Dr. Campbell agreed from the academic side that

1 it was not tracked, but they could try to put numbers
2 on it.

3 Mr. Davis mentioned applicants would still have
4 to pay the Board's application fees for the actual
5 license of certificate. However, applicants would pay
6 FSBPT to take the examination.

7 Mr. Davis addressed cost savings for individuals
8 receiving credit hours through clinical education,
9 saying that for individuals able to take advantage of
10 this would have to pay for 4 fewer credit hours than
11 they would have to pay for otherwise.

12 Mr. Davis questioned whether the Board would like
13 to create new forms but suggested getting a letter
14 from the program instructor with all of the
15 information confirming the individual had worked there
16 for so many hours for those who are audited. He
17 explained that the hours the individual worked as a
18 clinical instructor would be tracked by the program,
19 rather than the individual.

20 Dr. Campbell commented that the letter could be
21 requested immediately upon the completion of a
22 clinical instructor-student relationship and then
23 saved in their files. She mentioned how, at her job,
24 she has multiple sources and data to be able to
25 confirm that somebody had been a clinical instructor

1 after the fact that could be used for an audit.

2 Mr. Davis questioned whether the Board wanted to
3 develop and utilize a standard form, and the Board
4 declined.]

5

6 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
7 Chief Counsel, Prosecution Division Presentation
8 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
9 Counsel, Prosecution Division, provided highlights of
10 the prosecution division's work during the past year.
11 She commended staff for all of their hard work to make
12 telework successful. She noted all decisions were
13 made thoughtfully and with the safety of all in mind.

14 Ms. DeLaurentis stated the Board prosecutors made
15 every effort to monitor the restrictions, waivers,
16 policies, and new procedures specific to the practice
17 in each profession regarding challenges imposed on
18 licensees by the COVID-19 pandemic.

19 Ms. DeLaurentis noted the Pennsylvania Licensing
20 System (PALS) to be a lifeline. She stated the Bureau
21 of Enforcement and Investigation (BEI) worked closely
22 with prosecution to continue investigations and figure
23 out the best methods during statewide shutdowns and
24 stay-at-home orders. She also noted the Professional
25 Compliance Office continued opening cases and

1 processing files, and legal assistants had been
2 working a hybrid schedule to ensure mailings and
3 filings were completed.

4 Ms. DeLaurentis commented that the Board, Board
5 staff, and counsel all adapted to virtual Board
6 meetings and prosecution will continue to work with
7 everyone to ensure efficient and effective
8 presentation and resolution of cases. She mentioned
9 2020 was a year filled with challenges, but the
10 prosecution division led by the incredible senior
11 staff rose to the challenge and will continue to do
12 so.

13 Ms. DeLaurentis informed the Board that 53 files
14 were opened in 2020 and 105 in 2019 with 59 cases
15 closed in 2020 for the Board of Physical Therapy. She
16 noted 72 open files as of January 1, 2021. She
17 thanked Timothy Smith for his assistance providing
18 information for 2020.

19 Ms. DeLaurentis addressed enforcement actions
20 with 4 total cases that resulted in discipline in 2020
21 for the Board of Physical Therapy. She reported 10
22 warning letters, 3 suspensions, and 2 probation cases
23 in 2020.

24 Ms. DeLaurentis discussed 2020 overall
25 prosecution as a whole. She noted 44 immediate

1 temporary suspensions in 2020. She mentioned 4 of the
2 1,223 opened COVID-19 cases were for the Board of
3 Physical Therapy in 2020. She reported the total
4 number of open cases as of January 1, 2021, was 12,250
5 and the total number of cases opened overall in 2020
6 was 13,394, which is down from 2019 at 16,295. She
7 noted 13,274 files were closed in 2020.

8 Ms. Frey informed the Board that her 6-month
9 until successor qualifies (USQ) period will end on
10 April 2, noting the need to fill her position on the
11 Probable Cause Screening Committee.

12 Mr. Davis requested appointing a member to the
13 Probable Cause Screening Committee at the March
14 meeting.

15 Chairperson Potter thanked Ms. DeLaurentis for
16 the information and for being so productive in the
17 legal office despite all of the obstacles.]

18 ***

19 Report of Commissioner - No Report

20 [K. Kalonji Johnson, Commissioner, Bureau of
21 Professional and Occupational Affairs, wished everyone
22 a Happy New Year and thanked everyone for their work
23 throughout the last several months despite all of the
24 barriers.]

25 ***

1 Report of Board Chair

2 [Cynthia Potter, PT, DPT, Chairperson, requested a
3 follow-up discussion regarding the Physical Therapy
4 Licensure Compact. She noted recent discussion with
5 T. J. Cantwell, the administrator of the Physical
6 Therapy Compact Commission, concerning requirements to
7 be able to issue compact privileges in Pennsylvania.

8 Chairperson Potter reported that a fee must be
9 determined and encouraged the Board to read through
10 the attachment about compact states fee guidance. She
11 mentioned four contiguous states that are issuing
12 compact privileges and most states are charging \$50
13 and \$60 for a compact privilege in addition to a \$45
14 fee from the Physical Therapy Compact Commission. She
15 requested Ms. Roberts assist with information
16 concerning administrative costs and extra work.

17 Ms. Roberts offered to work with the revenue
18 office but suggested waiting until further along in
19 the process as the numbers could shift.

20 Mr. Davis noted the need for another regulation
21 to effectuate the PT Compact. He stated the rule book
22 and proposed regulations to go along with the compact
23 would have to be incorporated and made into the
24 Board's own regulation, along with incorporating the
25 fee.

1 Mr. Davis mentioned prior discussion concerning
2 the Board of Medicine, where they have been trying to
3 enter into the compact for some time, but the
4 Pennsylvania State Police (PSP) requested more
5 language. He noted PSP suggested new language and
6 medical was trying to get that new PSP language
7 passed. He stated the legislature was aware of the
8 Physical Therapy Compact and the need for the same
9 type of language change.

10 Commissioner Johnson informed the Board that
11 conversations have been happening on the legislative
12 side with PSP since late fall of 2020. He stated they
13 were actively coordinating with PSP to get the
14 language where it needed to be to meet the concerns
15 articulated by the state police and requirements of
16 the Justice Department.

17 Jen Smeltz, Republican Executive Director for the
18 Senate Consumer Protection & Professional Licensure
19 Committee, noted the committee wanted to make those
20 changes but were told by the PT Association that they
21 did not want those changes and would oppose the
22 legislation.

23 Commissioner Johnson requested stakeholders and
24 the association provide insight to find out where the
25 middle ground needs to be. He stated the legislation

1 passed needed implemented. He stated, fees and
2 expenses associated with necessary background checks
3 are discussed, the Board must navigate the reality of
4 what the impacts of these operational costs are going
5 to be across all of the licenses. He stated none of
6 those questions would be addressed until the immediate
7 barrier is remedied, which is the Federal Bureau of
8 Investigation (FBI) background check and making that
9 functional.

10 Jerry J. Livingston, Democratic Executive
11 Director, Senate Consumer Protection & Professional
12 Licensure Committee, mentioned that Senator Boscola
13 had also been the prime sponsor of the legislation in
14 the Senate version and want to get this resolved.

15 Dr. Campbell referred to the material received
16 regarding a data outlay of what needs to go into the
17 compact database. She requested information on how
18 the Pennsylvania Licensing System (PALS) and other
19 data would be transmitted.

20 Mr. Davis explained that FSBPT was expecting a
21 big upload of information regarding discipline
22 followed by weekly updates and described the weekly
23 updates as being akin to adding data to an Excel
24 spreadsheet and the FSBPT data entry folks matching
25 and uploading all of the information.

1 Ms. Roberts commented that FSBPT needed the whole
2 licensure database, which was provided a few times a
3 year of uploaded new licenses, license status, and
4 expiration dates. She stated the information stopped
5 when the BPOA switched to PALS and information upload
6 became a big hurdle, noting FSBPT wants a regular
7 update of the database.

8 Mr. Davis believed FSBPT wanted something similar
9 to an Excel spreadsheet filled out weekly as well as a
10 large initial upload.

11 Ms. Roberts stated the spreadsheet part of this
12 was the disciplinary database. She noted going into
13 the National Practitioner Data Bank to report actions.
14 She also noted that FSBPT was requesting this be done
15 weekly. She had no issue with the request, but the
16 direct access to the data bank had been the issue.

17 Mr. Davis stated the issue would be ironed out
18 through the rules and the adoption of the new
19 regulation. He noted the need to have a policy and
20 the Commissioner's Office review the matter to see if
21 they were asking for too much access to PALS.

22 Scott Voshell, Vice President, Pennsylvania
23 Physical Therapy Association, noted being aware that
24 legislation passed and colleagues actively working
25 with the legislature to make sure this happens. He

1 requested an appointment at the March meeting for
2 Kevin Hall or Paul Welk to present a full report.

3 Chairperson Potter congratulated Ms. Roberts on
4 receiving the PPTA Service Award in October and
5 thanked her, especially for this past year with all of
6 the challenges.

7 Chairperson Potter also congratulated Ms. Grzybek
8 on her appointment to the Federation of State Boards
9 of Physical Therapy Finance Committee.

10 Chairperson Potter announced the FSBPT Conference
11 in October would be held virtually and no in-person
12 meetings were planned for the federation. She
13 reported the Leadership Issues Forum will occur
14 virtually July 17-18, 2021. She also noted the
15 Delegate Assembly will be held October 22-24, 2021,
16 and the Board would need to vote on a delegate at the
17 next meeting.

18 Chairperson Potter noted continuing on the
19 Education Committee with the plan to continue regular
20 webinars but to increase the frequency or the length
21 of those.

22 Chairperson Potter referred to an email from
23 Chief Professional Officer Richard Woolf at the
24 federation requesting input by January 31, 2021, from
25 the Board on topics or current issues where FSBPT

1 could provide assistance.

2 Chairperson Potter noted prior discussion
3 concerning House Bill 64/Act 116 regarding legislation
4 that allows carryover of continuing education.

5 Commissioner Johnson mentioned that every board
6 discussed their position relative to the language. He
7 stated the legislation provided the ability to
8 carryover continuing education but did not mandate
9 carryover, which would be an individualized
10 determination with respect to their particular
11 initiatives.

12 Mr. Davis reported almost across-the-board
13 negative opinions when it comes to carryover from an
14 administrative view and for licensees because of the
15 difficulty tracking carryover and even more so when it
16 comes to audits.

17 Ms. Grzybek expressed not being in favor of
18 carryover but would focus more on a system being able
19 to support a document where licensees could access
20 approved continuing education programs. Other Board
21 members agreed.

22 Chairperson Potter noted the Board would not
23 pursue continuing education carryover due to lack of
24 support.]

25

1 Miscellaneous

2 [Cynthia Potter, PT, DPT, Chairperson, noted 2021
3 Board meeting dates.

4 Dr. Campbell requested information regarding
5 filling open positions and reappointments.

6 Mr. Stauffer reported that the information goes
7 to the Governor's Office and will follow up with the
8 Board.

9 Commissioner Johnson stated the Governor's Office
10 is aware of vacancies and reappointments and
11 encouraged those in attendance to reach out to their
12 legislator or elected officials regarding solicitation
13 for new membership.]

14 ***

15 Adjournment

16 CHAIR POTTER:

17 Is there any other business for the
18 Board?

19 If not, is there a motion to
20 adjourn?

21 MS. GRZYBEK:

22 So moved.

23 MS. FREY:

24 Second.

25 CHAIR POTTER:

1 Moved and seconded to adjourn the
2 meeting. All in favor, say aye.

3 [The motion carried unanimously.]

4 ***

5 [There being no further business, the State Board of
6 Physical Therapy Meeting adjourned at 11:48 a.m.]

7 ***

8

9 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.

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Evan Bingaman,

21

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

January 21, 2021

TIME	AGENDA
10:30	Official Call to Order
10:30	Roll Call
10:35	Approval of Minutes
10:38	Report of Board Counsel
11:00	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Presentation
11:08	Report of Board Chairperson
11:45	Miscellaneous
11:48	Adjournment