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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: 9:02 A.M.

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

November 14, 2019

State Board of Physical Therapy
November 14, 2019

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BOARD MEMBERS:

Cynthia L. Potter, PT, DPT, Chairperson
Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair
Tammy S. Frey, PTA, Secretary
Theodore Stauffer, Legal Assistant/Executive
Secretary, Bureau of Professional and Occupational
Affairs, on behalf of K. Kalonji Johnson, Acting
Commissioner, Bureau of Professional and
Occupational Affairs
Kimberly Early, LSW, Secretary of Health designee
Geraldine M. Grzybek, PT, GCS
Brandie J. McClinton, DPT
Jeremy Robb, Attorney General's Office designee
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Board Prosecution Liaison
Michelle Roberts, Board Administrator

ALSO PRESENT:

Scott Voshell, Vice President, Pennsylvania Physical
Therapy Association
John E. Baughman, Select Medical

1 ***

2 State Board of Physical Therapy

3 November 14, 2019

4 ***

5 The regularly scheduled meeting of the State Board
6 of Physical Therapy was held on Thursday, November 14,
7 2019.

8 ***

9 Official Call to Order

10 [Cynthia Potter, PT, DPT, Chairperson, officially
11 called the meeting to order at 9:02 a.m. Theodore
12 Stauffer, Legal Assistant/Executive
13 Secretary, Bureau of Professional and Occupational
14 Affairs, was not present at the commencement of the
15 meeting.

16 Chairperson Potter congratulated new Board member
17 Krista Wolfe and welcomed Geraldine Grzybek back. She
18 also congratulated Ms. Campbell, who was reappointed
19 to her second term.]

20 ***

21 Introduction of Board Members

22 [Cynthia Potter, PT, DPT, Chairperson, requested the
23 introduction of Board members.]

24 ***

25 Approval of Minutes of the September 12, 2019 meeting

1 CHAIRPERSON POTTER:

2 The first item on the agenda is the
3 approval of the Minutes from our
4 September meeting. Are there any
5 additions or corrections to the minutes?

6 Hearing none. Is there a motion to
7 approve?

8 MS. FREY:

9 I make a motion to approve the Minutes.

10 MR. ROBB:

11 I'll second.

12 CHAIRPERSON POTTER:

13 It's been moved and seconded to approve
14 the Minutes as presented. All in favor,
15 say aye. Opposed, no? Abstentions?

16 [The motion carried. Ms. Grzybek abstained from
17 voting on the motion.]

18 ***

19 Report of Prosecutorial Division

20 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
21 presented the VRP Consent Agreement for File No. 19-
22 65-009565.]

23 ***

24 Report of Board Chairperson

25 [Cynthia Potter, PT, DPT, Chairperson, thanked

1 Ms. Frey for representing the Board at the
2 Pennsylvania Physical Therapy Association (PPTA)
3 Conference. Chairperson Potter also represented the
4 Board at the Federation of State Boards of Physical
5 Therapy Conference.

6 Ms. Frey stated the comments and information
7 provided to the PPTA Board and its members regarded
8 the updates of the Board from the past year and some
9 concerns were well received. She was very
10 appreciative of the opportunity to represent the
11 Board.

12 Ms. Potter thanked Mr. Davis for attending the
13 Federation of State Boards of Physical Therapy
14 Conference with her and noted both were part of the
15 delegate assembly. Ms. Potter stated the delegate
16 assembly had two motions to consider, the first one to
17 adopt the areas of focus of the Federation and the
18 second to streamline the credentialing process for
19 delegates. She stated Nancy Kirsch was reelected as
20 president. Dave Relling from North Dakota was
21 reelected as vice president, and the new nominating
22 committee member was Deb Kubota from Hawaii.

23 Ms. Potter discussed the educational sessions,
24 one having to do with the role of marijuana and
25 related regulatory issues and the other having to do

1 with the impact of trauma on boundary violation
2 issues.

3 She also indicated there was discussion with
4 regard to the membership survey, which occurred last
5 year and was reviewed in February of 2019. Positive
6 reviews were provided to the Federation, but Ms.
7 Potter noted the value of ProCert was slightly lower,
8 which was a consideration that the Board of Directors
9 used in making the decision to eliminate ProCert as a
10 way of tracking continuing competence. Ms. Potter
11 stated the ProCert system will be completely gone by
12 December 31, 2019, and the Federation is considering a
13 replacement that to ensure competence.

14 A different type of continuing competence model
15 was being explored, one that evaluates the risks that
16 are present to each licensee and a way to determine
17 those most at risk. The Federation is also analyzing
18 disciplinary data to identify trends based on
19 frequency of violations.

20 Ms. Potted stated this type of activity falls
21 within the research initiative part of the Federation
22 that has contracted with an outside group to assist
23 with the data analysis. She commented that Arizona
24 was the "pilot state" for utilizing the data and
25 referred members to the Federation's website for

1 additional information.

2 Ms. Potter stated sessions regarding digital PT
3 were held and referred members to the "whitepaper"
4 developed by the International Network for Physical
5 Therapy Regulators (INPTR).

6 She referenced a presentation made by T.J.
7 Cantwell, Administrator for the PT Compact, with
8 regard to roadblocks to PT Compact implementation.]

9

10 Appointment - Brittany Hoover - Request for 3rd PA

11 Attempt

12 [Brittany Hoover presented before the Board to request
13 another attempt to take the National Board Exam for
14 Physical Therapy. She indicated she has been
15 diligently studying as well as working full time in an
16 outpatient clinic as an aide and patient coordinator.]

17

18 [Theodore Stauffer, Legal Assistant/Executive
19 Secretary, Bureau of Professional and Occupational
20 Affairs, entered the meeting at 9:18 a.m.]

21

22 Appointment (Continued)

23 [Ms. Hoover was recently diagnosed with narcolepsy,
24 which she felt contributed to her circumstances but
25 has sought professional help to manage that diagnosis.]

1 She stated her passion for the physical therapy field
2 is genuine and read into the record a letter from her
3 clinic director, which she asked members to consider.

4 Ms. Hoover requested to retake the exam in April
5 of 2020. She answered questions from Board members
6 with regard to her education and the types of exams
7 she had taken previously.

8 Ms. Campbell encouraged Ms. Hoover to focus on
9 musculoskeletal and neuro, which are areas where her
10 performance was below expectations and suggested that
11 Ms. Hoover obtain an understanding of why she got
12 questions wrong and why the right answer is the right
13 answer.

14 Ms. Hoover discussed the revised study habits she
15 had recently implemented.]

16 ***

17 Report of Board Counsel

18 Regulations

19 [Thomas M. Davis, Esquire, Board Counsel, addressed
20 Regulation 16A-6522, Proposed Annex for the early
21 exam. He noted some fairly simplistic language was
22 added to delete reference to ProCert.

23 He discussed correspondence received prior to
24 adding the ProCert language related to the CE and
25 early exam. He stated the first comment from Anthony

1 Bujno, PT, DPT, was in support of the proposed
2 rulemaking 16A-6522, and another from J. Irrgang,
3 PhD., PT, FAPTA, University of Pittsburgh, expressed
4 concerns regarding the language in Section 40.63(j).

5 Mr. Davis suggested this section not be changed
6 and referred to power under the Permissible Delegation
7 Legislative Authority for further explanation and
8 discussion.

9 He explained the next step in the process would
10 be the drafting of the preamble, which explains the
11 regulation, as well as the draft, which is a question
12 and answer document. Mr. Davis provide that
13 information at the next meeting in January 2020 for
14 discussion, after which the next steps would be a
15 vote, vetting by the Governor's Office, and
16 publication in the Pennsylvania Bulletin for public
17 comment.]

18 ***

19 Miscellaneous

20 [Mr. Davis referred to the Clean Slate Requirements
21 Memo, which concerns automatic record sealing for
22 those with certain low level criminal records. There
23 was discussion related to the FBI fingerprinting
24 process requirement for new licensees.

25 Mr. Davis read into the record a portion of Scam

1 Phone Calls Memo from Cynthia Montgomery, Deputy Chief
2 Counsel, with regard to telephone calls purporting to
3 be from Board members to licensees.

4 Scott Voshell, Vice President PPTA, would copy a
5 memo from the webpage for circulation to members.]

6 CHAIRPERSON POTTER:

7 Does anyone care to make a motion?

8 MS. GRZYBEK:

9 I move that the State Board of Physical
10 Therapy send an email communication to
11 all licensees regarding this scam phone
12 call activity.

13 MS. CAMPBELL:

14 Second.

15 CHAIRPERSON POTTER:

16 All in favor say aye? Opposed, no?

17 Abstentions?

18 [The motion carried unanimously. There was further
19 discussion regarding the email communication.]

20 ***

21 Report of Board Administrator

22 [Michelle Roberts, Board Administrator, referred
23 members to correspondence from Derek Camilleri, COO,
24 Foreign Academic Credentialing Tools and Service
25 (FACTS) for further discussion.]

1 Mr. Davis explained in Section 40.17, foreign
2 educated physical therapists applying to take the
3 licensure exam, it states that to be eligible to take
4 the examination for licensure, foreign educated
5 applicants for licensure shall comply with the
6 following conditions, one of which is 40.11(a),
7 securing a credentials evaluation from a recognized
8 and accredited evaluation agency approved by the
9 Board.

10 He further explained a regulation under review
11 with regard to amending this language to say the
12 applicant shall secure a credentials evaluation from a
13 foreign credentialing commission on physical therapy
14 or by another recognized and accredited evaluation
15 agency. Mr. Davis opined that, based on current
16 information, this service did not fit the bill to be
17 recognized by the Board. He suggested a motion
18 denying the request at this time.]

19 CHAIRPERSON POTTER:

20 Do we have a motion?

21 MS. CAMPBELL:

22 I move to deny their request of this
23 organization, Foreign Academic
24 Credentialing Tools and Service (FACTS),
25 as an approved reviewer of foreign

1 education.

2 MS. GRZYBEK:

3 Second.

4 CHAIRPERSON POTTER:

5 It's been moved and seconded to deny the
6 request from FACTS. All in favor, say
7 aye? Opposed, no? Abstentions?

8 [The motion carried unanimously.]

9 ***

10 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
11 10:06 a.m. the Board entered into Executive Session
12 with Thomas M. Davis, Esquire, Board Counsel, for the
13 purpose of conducting quasi-judicial deliberations and
14 to receive advice of Counsel. The Board returned to
15 open session at 11:18 a.m.]

16 ***

17 [Scott Voshell, Vice President, Pennsylvania Physical
18 Therapy Association, commented that Ms. Frey
19 represented the State Board of Physical Therapy in a
20 very positive way at a recent meeting and thanked her
21 for her attendance.]

22 ***

23 MOTIONS

24 MR. DAVIS:

25 Pursuant to Section 708(a)(5) of the

1 Sunshine Act, the Board met in Executive
2 Session for the purpose of conducting
3 quasi-judicial deliberations and to
4 receive advice of Counsel on the matters
5 upon which the Board is about to vote.

6 Number 2 on the agenda, based on
7 the Board's discussion in Executive
8 Session, I believe the Board Chair will
9 entertain a motion to adopt the Consent
10 Agreement for File No. 19-65-009565.

11 MR. ROBB:

12 I make that motion.

13 MS. FREY:

14 Second.

15 CHAIRPERSON POTTER:

16 Moved and seconded. All in favor, say
17 aye? Opposed, no? Abstentions?

18 [The motion carried unanimously. Mr. Davis stated for
19 the record that the Respondent's name was withheld
20 because he would be entering a voluntary recovery
21 program and his participation in that program will
22 remain confidential as long as he abides by the terms
23 and conditions of the program.]

24 ***

25 MR. DAVIS:

1 Number 3 on the agenda, based on the
2 Board's discussion in Executive Session,
3 I believe the Board Chair will entertain
4 a motion approving Brittany Hoover's
5 request for permission to take the
6 National PT Exam for the third time.

7 MS. FREY:

8 I'll make the motion.

9 MS. CAMPBELL:

10 Second.

11 CHAIRPERSON POTTER:

12 Moved and seconded to allow Brittany
13 Hoover to take the exam the third time.
14 All in favor, say aye? Opposed, no?
15 Abstentions?

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 Number 7 on the agenda, based on the
20 Board's discussion in Executive Session,
21 I believe the Board Chair will entertain
22 a motion to adopt the Proposed
23 Adjudication and substitute the Board's
24 Order in the following matter: In the
25 Matter of the Petition for Reinstatement

1 of License to Practice Physical Therapy
2 for Daniel A. Leonard, PT, File No. 18-
3 65-01038.

4 MR. ROBB:

5 I'll make that motion.

6 MS. CAMPBELL:

7 It's been moved and seconded to approve
8 the motion as read by Counsel. All in
9 favor, say aye? Opposed, no?
10 Abstentions?

11 [The motion carried unanimously.]

12 ***

13 Miscellaneous

14 Board Meeting Dates

15 [The Board discussed changes to three meeting dates.
16 March 12, 2019 was changed to March 11, 2019; May 14,
17 2019 was changed to May 13, 2019; and September 10,
18 2019 was changed to September 24, 2019. The 2019
19 Board meeting dates are as follows: January 16, March
20 11, May 13, July 16, September 24 and November 12.]

21 ***

22 Adjournment

23 CHAIRPERSON POTTER:

24 Is there a motion to adjourn the
25 meeting?

1 MS. GRZYBEK:

2 So moved.

3 MR. ROBB:

4 Second.

5 CHAIRPERSON POTTER:

6 Moved and seconded to adjourn. All in
7 favor, say aye? Opposed, no?

8 Abstentions?

9 [The motion carried unanimously.]

10 ***

11 [There being no further business, the State Board of
12 Physical Therapy Meeting adjourned at 11:26 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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

November 14, 2019

TIME	AGENDA
9:02	Official Call to Order
9:02	Introduction of Board Members
9:03	Approval of Minutes
9:04	Report of Prosecutorial Division
9:05	Report of Board Chairperson
9:17	Appointment - Brittany Hover
9:36	Report of Board Counsel
10:01	Report of Board Administrator
10:06	Executive Session
11:18	Return to Open Session
11:18	Motions
11:22	Miscellaneous
11:26	Adjournment