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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: 9:00 A.M.

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

December 21, 2018

1 State Board of Physical Therapy
2 December 21, 2018
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4

5 BOARD MEMBERS:
6

7 Cynthia Potter, PT, Chairperson
8 Ian J. Harlow, Commissioner of Professional and
9 Occupational Affairs - Absent
10 Sandra Campbell, PT
11 Jeffrey R. Elliott
12 Tammy S. Frey, PTA, Secretary - Absent
13 Geraldine M. Grzybek, PT, Vice Chairperson
14 Kimberly Early, LSW, Department of Health designee
15 Jeremy Robb, Attorney General's Office designee
16 Christopher Staub, PT - Absent
17
18

19 BUREAU PERSONNEL:
20

21 Thomas Davis, Esquire, Board Counsel
22 Paul Jarabeck, Esquire, Board Prosecution Liaison
23 Jason T. Anderson, Esquire, Board Prosecutor
24 Michelle Roberts, Board Administrator
25
26

27 ALSO PRESENT:
28

29 Scott Voshell, Vice President, Pennsylvania Physical
30 Therapy Association
31 Ted Mowatt, Chiropractic Fellowship of PA
32 Mara Jackel, Esquire, Counsel for Respondent
33 Trevor Bradshaw, PT, Respondent
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2 State Board of Physical Therapy

3 December 21, 2018

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5 The regularly scheduled meeting of the State
6 Board of Physical Therapy was held on Thursday,
7 December 21, 2018.

8 ***

9 Official Call to Order

10 [Cynthia Potter, PT, Chairperson, officially called
11 the meeting to order at 9 a.m.]

12 ***

13 Approval of Minutes of the July 19, 2018 meeting

14 CHAIRPERSON POTTER:

15 The first item on the agenda is the
16 approval of the minutes. Are there any
17 additions or corrections from July 19,
18 2018?

19 [The Board discussed corrections to the minutes.]

20 CHAIRPERSON POTTER:

21 Any other additions or corrections?

22 If not, is there a motion to approve the
23 minutes as corrected?

24 MS. GRZYBEK:

25 So moved.

1 MS. CAMPBELL:

2 Second.

3 CHAIRPERSON POTTER:

4 All in favor, say aye. Opposed, no?

5 [The motion carried unanimously.]

6 ***

7 Report of Prosecutorial Division

8 [Jason T. Anderson, Esquire, Board Prosecutor,
9 presented a Consent Agreement for File No. 15-65-
10 13814. Mara Jackel, Esquire, Counsel for the
11 Respondent, and the Respondent were also present and
12 participated in the discussion.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 9:05 a.m. the Board entered into Executive Session
16 with Thomas Davis, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations and
18 to receive advice of Counsel. The Board returned to
19 open session at 10:19 a.m.]

20 ***

21 MOTIONS

22 MR. DAVIS:

23 Pursuant to Section 708(a)(5) of the
24 Sunshine Act, the Board met in Executive
25 Session for the purpose of conducting

1 quasi-judicial deliberations and to
2 receive advice of Counsel on matters
3 upon which the Board is about to vote.

4 Based on the Board's discussion in
5 Executive Session, I believe the Chair
6 would accept a motion to approve the
7 Consent Agreement in the following
8 matter: File No. 15-65-13814.

9 MR. ELLIOTT:

10 So moved.

11 MS. CAMPBELL:

12 Second.

13 CHAIRPERSON POTTER:

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

17 Abstentions? The motion passes.

18 [The motion carried unanimously. The Respondent's
19 name is Trevor John William Bradshaw, PT.]

20 ***

21 MR. DAVIS:

22 Based on the Board's discussion in
23 Executive Session, I believe the Chair
24 would accept a motion authorizing
25 Counsel to draft an Adjudication and

1 Order consistent with the Board's
2 discussion in the following matter:
3 Commonwealth of Pennsylvania, Bureau of
4 Professional and Occupational Affairs
5 vs. Leslie Ellen Dutcher, R.N., P.T.A.,
6 File No. 17-65-05082.

7 MR. ROBB:

8 So moved.

9 MS. GRZYBEK:

10 Second.

11 CHAIRPERSON POTTER:

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

14 Abstentions? The motion passes.

15 [The motion carried unanimously.]

16 ***

17 MR. DAVIS:

18 Based on the Board's discussion in
19 Executive Session, I believe the Chair
20 would accept a motion to approve as
21 Final the draft Adjudication and Order
22 in the following matter: In the Matter
23 of Petition for Reinstatement of the
24 License to Practice Physical Therapy of
25 Elizabeth K. Laughlin, PT, Case No. 18-

1 65-02814.

2 MS. CAMPBELL:

3 So moved.

4 MS. GRZYBEK:

5 Second.

6 CHAIRPERSON POTTER:

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

9 Abstentions? The motion passes.

10 [The motion carried unanimously.]

11 ***

12 Report of Board Chair

13 [Cynthia Potter, PT, Chairperson, discussed her
14 attendance at the Federation of State Boards of
15 Physical Therapy (FSBPT) Meeting in October. She
16 noted FSBPT's involvement in a variety of matters,
17 including the development of regulations and keeping
18 with the state's goal to remove barriers to permit
19 individuals to practice to the extent of their
20 licenses.

21 Chairman Potter addressed telehealth, noting
22 participation in a telehealth session with a patient.
23 She discussed the telehealth technology and
24 interaction with the therapist and patient. She
25 commented on the discussion regarding regulations.

1 She noted that the Federation of State Boards of
2 Physical Therapy does have a telehealth resource that
3 was developed by the Ethics and Legislation Committee.

4 Chairperson Potter discussed the Physical Therapy
5 (PT) Compact. She stated 21 states have enacted the
6 PT Compact, and as far as contiguous states to
7 Pennsylvania, New Jersey and West Virginia are two
8 with enacted legislation.

9 Ms. Campbell questioned, on the PT Compact,
10 whether the bill that was introduced died.

11 Chairperson Potter explained that the bill would be
12 reintroduced, suggesting the Board voice their opinion
13 on Compact legislation to support those efforts.

14 Ms. Early commented that Senate Bill 780 passed
15 the Senate last session but had not moved in the
16 House.

17 Chairperson Potter stated the exam licensure and
18 disciplinary database was maintained by the FSBPT and
19 discussed the 5-star rating system. She stated
20 Pennsylvania was at two stars, mentioning the request
21 from FSBPT for the Board to report more frequently
22 into the database.

23 Ms. Roberts explained the requirements for
24 renewals and CE issues, including reporting to the
25 National Practitioner Data Bank.]

1 ***

2 [Jeffrey R. Elliott exited the meeting at 10:30 a.m.]

3 ***

4 Report of Board Chair (Continued)

5 [Cynthia Potter, PT, Chairperson, referred to a study
6 reviewing the last 10 years of the states with a 5-
7 star rating, which demonstrated that the most frequent
8 violation was failure to comply with PT continuing
9 education requirements.

10 Chairperson Potter noted an updated version of
11 the dry needling paper from FSBPT in December. She
12 discussed the dry needling case in North Carolina
13 where it was the Acupuncture Board vs. the Physical
14 Therapy Board that started in 2015 but went all the
15 way to the Supreme Court, who found in favor of the PT
16 Board. She noted previous discussion where the FSBPT
17 contracted with Human Resources Research Organization
18 (HumRRO) to conduct a study regarding the skills and
19 schooling necessary for dry needling, which
20 information from the study helped support that case.

21 Chairperson Potter noted that the 2019 FSBPT
22 Regulatory Training for Board Members and Staff is
23 scheduled for August 16-18, the Leadership Issues
24 Forum is July 13-14, and the Annual Meeting and
25 Delegate Assembly is October 24-26 in Oklahoma City.

1 Ms. Grzybek noted Board orientation presented by
2 Mr. Jason McMurry. She questioned Mr. McMurry
3 regarding the travel ban and not being able to take
4 advantage of the opportunities for further education.
5 She suggested sending Mr. McMurry a copy of the
6 registration material.

7 Ms. Roberts addressed the travel exception that
8 must go to the Governor's office for signature due to
9 the out-of-state travel ban.

10 Ms. Roberts explained that FSBPT will fund up to
11 \$2,500 and the remaining costs would be the Board's
12 responsibility.

13 Chairperson Potter noted conflicts with the
14 Pennsylvania Physical Therapy Association (PPTA)
15 Conference, October 25-27, 2019, at Seven Springs
16 Mountain Resort. Chairperson Potter suggested an
17 email be sent to those not present at the meeting to
18 respond if interested.

19 Ms. Grzybek noted much discussion at the PPTA
20 Meeting regarding approval time. She discussed
21 confusion and challenges regarding licensees being
22 able to navigate the forms and the process. Ms.
23 Roberts addressed the new system, stating the
24 developers and information technology (IT) staff were
25 working on the issues. She discussed problems with

1 confirming CE courses and suggested developing a memo
2 or special announcement to clarify the new regulations
3 regarding approval from other states and bigger
4 organizations.

5 Chairperson Potter stated the Board needs a way
6 to communicate more frequently with licensees and
7 questioned the ability to send email alerts to
8 licensees. Ms. Roberts suggested drafting a message
9 for an email blast, noting that email addresses will
10 be more accurate in January.

11 Ms. Grzybek suggested a newsletter in the first
12 quarter of 2019. She offered to work on the content
13 for the newsletter.

14

15 Ms. Campbell requested discussion on the audit
16 process. Ms. Roberts stated the audit process will
17 not occur until March. She explained the process,
18 noting that the audit would be conducted
19 administratively.

20 Chairperson Potter referred to the FSBPT inquiry
21 regarding ProCert. She conversed with Heidi Herbst
22 Paakkonen, Continuing Competence Programs Manager,
23 regarding Pennsylvania's ability to accept ProCert and
24 the utilization of ProCert. Ms. Roberts commented
25 that the Board can make individuals aware of the

1 regulations and the ability to submit their
2 application to ProCert. The Board directed Board
3 Counsel to draft a response to the FSBPT inquiry.

4 Ms. Roberts discussed the frequency of
5 publications for reference to the public by the
6 Board.]

7 ***

8 Report of Board Counsel - Regulations

9 [Thomas Davis, Esquire, Board Counsel, reviewed the
10 status of the Board's pending regulations. He first
11 discussed the Child Abuse regulation, which is being
12 promulgated by the State Board of Dentistry to be
13 adopted by all Boards.

14 Mr. Davis specifically discussed the status and
15 language of the Foreign Training Application Review
16 regulation. He next reviewed the Master's Program
17 Statement of Policy and read Section 4a. Mr. Davis
18 stated a listing of Board-approved schools of Physical
19 Therapy currently does not exist. Schools accredited
20 by the Commission on Accreditation in Physical Therapy
21 Education (CAPTE) would be considered Board-approved.
22 Both regulations are being reviewed by Regulatory
23 Counsel.

24 Mr. Davis noted the draft Fees Regulation (16A-
25 3522), which was also being revised by Regulatory

1 Counsel. He noted the Board's direction at its last
2 meeting to draft additional provisions regarding early
3 examinations and continuing education for teaching,
4 which was provided for the Board's review.

5 Mr. Davis addressed § 40.15(b) regarding previous
6 changes to the examination section. He stated the
7 proposed section states that both physical therapists
8 (PTs) and physical therapist assistants (PTAs) can
9 take the NPTE within 90 days of graduating.

10 Mr. Davis discussed taking the same language but
11 transposing it into a different regulation as more PTA
12 centric, thinking along the lines of § 40.164. It
13 would be practically the exact same language. He
14 would mirror the language with rest of the PTA section
15 and will provided a finished version at the next
16 meeting. He noted no changes to the continuing
17 education for direct access certificate holder section
18 and requested the Board's opinion.

19 Ms. Campbell mentioned § 40.15(a) regarding
20 examination application and questioned whether there
21 would be a change as everyone would be applying
22 online. Ms. Roberts noted her concerns with including
23 any sort of website email address. Mr. Davis will
24 contact other Boards for suggestions.

25 Ms. Campbell questioned § 40.15(b), where the

1 language states that the program director shall
2 certify in written format, implying that that there
3 would be a new form. Ms. Roberts stated a new form
4 will be utilized because all of the other components
5 of the new system were being worked on and getting us
6 to the point of FSBPT doing the approval method would
7 be a while.

8 Mr. Davis did not have any other suggestion than
9 the language as written but will reexamine that issue.

10 Ms. Early questioned if other sections of the
11 regulations would need to be updated if the change in
12 § 40.15 to remove the address and put website or
13 online or electronically. Mr. Davis will also
14 reexamine that matter as well.

15 Chairperson Potter commented that §§ 40.67 and
16 41.92 implies that only PTs can supervise PT students,
17 whereas PTs can supervise PTAs. She suggested
18 modifications to clarify the matter. Ms. Campbell
19 commented that PTA should only be the physical
20 therapist assistant program because PTAs cannot
21 supervise PT students.

22 Ms. Grzybek stated that under 40.63 regarding
23 continuing education for the direct access certificate
24 holder, which does not qualify as the 10 hours of
25 differential diagnosis and medical screening. Ms.

1 Grzybek commented that a clinician may argue that
2 during clinical instructors are teaching a student
3 differential diagnosis and medical screening;
4 therefore, those hours should be applied to the 10.

5 Ms. Campbell noted that Mr. Staub did suggest 2
6 or 3 of the total 6 for the direct access license,
7 which is still less than half of the required.

8 Ms. Campbell discussed writing letters confirming
9 clinical education experience in reply requests from
10 students in other states. Ms. Roberts stated letters
11 are needed for audit purposes.

12 Mr. Davis suggested stating program director or
13 designee. He will prepare another version for the
14 Board's review at its next meeting.

15 Mr. Davis stated House Bill 2617 was being
16 reviewed by the Committee of Professional Licensure
17 and not moving anywhere soon. He stated, as long as
18 the Board is mirroring the dates, the 90-day language,
19 the Board should continue drafting its early exam
20 registration procedures.

21 Mr. Davis noted very few disciplinary cases, two
22 Orders to Show Cause, another one designated to a
23 Hearing Examiner that was continued, two Petitions for
24 Appropriate Relief (PAR), one Immediate Temporary
25 Suspension also continued, and one Petition for

1 Reinstatement.]

2

3 Miscellaneous - 2019 Meeting Dates

4 [Cynthia Potter, PT, Chairperson, noted 2019 meeting
5 dates.

6 Ms. Roberts informed the Board that all of the
7 Department of State websites were being redone with
8 new formats and additional links, which caused a
9 disruption with the Board's webpage.

10 Ms. Roberts updated the Board regarding renewals,
11 noting that many individuals were waiting due to the
12 Act 31 child abuse course that must be repeated for
13 every renewal. She also stated that the Board
14 included those 2 hours for the child abuse course in
15 the 30 hours of continuing education as of 2015.

16 Scott Voshell, Vice President, Pennsylvania
17 Physical Therapy Association, thanked Ms. Roberts for
18 her assistance to the staff.

19 Mr. Voshell noted comments received this year
20 concerning cardiopulmonary resuscitation (CPR) for
21 PTs, stating that the American Heart Association does
22 not track contact hours.

23 Ms. Roberts explained that a valid renewal CPR
24 card through the American Red Cross, American Heart
25 Association, or the American Safety & Health Institute

1 will count as 4 hours.

2 Mr. Vosshell stated that the Pennsylvania Physical
3 Therapy Association supports compact licensure and
4 highly supports PTs getting contact hours for taking
5 PTAstudents, stating that approximately 75 percent of
6 their PTAstudents are supervised by a PT.]

7 ***

8 Adjournment

9 CHAIRPERSON POTTER:

10 Is there a motion to adjourn?

11 MR. ROBB:

12 I'll make that motion.

13 MS. GRZYBEK:

14 Second.

15 CHAIRPERSON POTTER:

16 All in favor, say aye.

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Board of
20 Physical Therapy Meeting adjourned at 11:55 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
December 21, 2018

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7	9:00	Official Call to Order
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9	9:01	Approval of Minutes
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11	9:02	Report of Prosecutorial Division
12		
13	9:05	Executive Session
14	10:19	Return to Open Session
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16	10:20	Motions
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18	10:22	Report of Chairperson
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20	11:18	Report of Board Counsel
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22	11:48	Miscellaneous
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24	11:55	Adjournment
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