

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 24, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Physical Therapy
March 24, 2022

BOARD MEMBERS:

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

BUREAU PERSONNEL:

- Thomas M. Davis, Esquire, Board Counsel
- Heather J. McCarthy, Esquire, Board Prosecution Liaison
- Michelle Roberts, Board Administrator
- Michelle Witmer, Bureau of Finance and Operations, Department of State

ALSO PRESENT:

- Erin Hamm
- Gabriel Sieh
- Grace Banfe
- Jessica Burton
- Michael Lewis

1 ***

2 State Board of Physical Therapy

3 March 24, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 10:00 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 and
9 to receive advice of Counsel on matters upon which the
10 Board will later vote. The Board commenced open
11 session at 10:30 a.m.]

12 ***

13 Meeting Instructions

14 [Michelle Roberts, Board Administrator, provided
15 instructions to be followed during the virtual
16 meeting.]

17 ***

18 The regularly scheduled meeting of the State
19 Board of Physical Therapy was held on Thursday, March
20 24, 2022.

21 ***

22 Official Call to Order

23 [Cynthia L. Potter, PT, DPT, Chairperson, officially
24 called the meeting to order at 10:32 a.m.]

25 ***

1 Roll Call

2 [A roll call of Board members was taken by Chair
3 Potter.]

4 ***

5 [Thomas M. Davis, Esquire, Board Counsel, noted the
6 meeting was being recorded, and those who continued to
7 participate were giving their consent to be recorded.

8 Mr. Davis also informed everyone that the Board
9 met in Executive Session prior to this meeting for the
10 purpose of conducting quasi-judicial deliberations and
11 to receive advice of Counsel upon which the Board will
12 later vote.]

13 ***

14 Approval of minutes of the January 6, 2022 meeting

15 CHAIR POTTER:

16 The first item on the agenda is the
17 approval of the minutes.

18 Are there any additions or
19 corrections to the minutes as
20 distributed? Hearing none.

21 Is there a motion to approve the
22 minutes?

23 MS. GRZYBEK:

24 So moved.

25 DR. CAMPBELL:

1 Second.

2 CHAIR POTTER:

3 The motion has been moved and seconded
4 to adopt the minutes of the January 6,
5 2022 meeting. We'll do a roll call
6 vote.

7
8 Potter, aye; Acting Commissioner
9 Claggett, aye; Sandy Campbell, aye;
10 Geraldine Grzybek, aye; Jeremy Robb,
11 aye; William Werner, abstain; Krista
12 Wolfe, aye.

13 [The motion carried. William Werner abstained from
14 voting on the motion.]

15 ***

16 Appointment - Applicant, Erin Hamm - Request for
17 3rd Attempt

18 [Erin Hamm presented to the Board to request a third
19 attempt to take the National Physical Therapy
20 Examination. She mentioned working at a physical
21 therapy clinical as a tech and helping the physical
22 therapist assistant and physical therapist going
23 through exercises with patients. She also noted
24 utilizing Scorebuilders, TherapyEd, and Final Frontier
25 to prepare for the exam.]

1 Chair Potter noted the last time she took the
2 test was in October 2020 and asked why she was waiting
3 so long between testing because chances of improving
4 and passing the exam decrease the longer someone waits
5 to test.

6 Ms. Hamm explained that she was denied taking the
7 test in January after the October test because she did
8 not know approval was necessary for the third attempt.

9 Dr. Campbell encouraged Ms. Hamm to make sure she
10 understands why she is getting questions wrong and use
11 an analysis like the analysis received from the
12 National Physical Therapy Examination (NPTE). She
13 noted musculoskeletal and neuro areas are a weakness
14 for her and encouraged her to use textbooks as a
15 resource because every question in the NPTE is based
16 on a textbook. She recommended using the list of
17 textbooks commonly used from the Federation (FSBPT).

18 Chair Potter informed Ms. Hamm the Board would
19 consider her request, and the Board administrator
20 would contact her regarding the Board's decision.]

21

22 Appointment - Applicant, Gabriel Sieh - Request for
23 3rd Attempt

24 [Gabriel Sieh presented to the Board to request a
25 third attempt at the National Physical Therapy

1 Examination - Physical Therapist Assistant Exam. He
2 commented that he feels better prepared mentally
3 compared to the first two times. He noted doing an
4 academic review on every system and taking a prep
5 course. He plans to utilize the performance reports
6 from the first two attempts, changed his study
7 routine, and is going to start a study group with
8 classmates. He noted he would be testing in possibly
9 June or July.

10 Chair Potter asked whether Mr. Sieh was connected
11 with any former faculty members or licensed
12 practitioners in preparation for the exam.

13 Mr. Sieh commented that he has been in contact
14 with Mike Scott, a professor, through email and also
15 communicates with physical therapists he worked with
16 during clinicals.

17 Chair Potter encouraged Mr. Sieh to continue to
18 prepare for the exam.

19 Dr. Campbell encouraged Mr. Sieh to explore
20 whether it is a knowledge gap, where he is not
21 remembering the content to answer the questions or
22 possibly has test-taking strategy issues. She
23 recommended Mr. Sieh analyze what questions he is
24 getting wrong and why they are wrong. She emphasized
25 the importance of going back to textbooks. She also

1 mentioned there is a six-time lifetime limit and to
2 make sure he is prepared to take the exam in July or
3 push it back.

4 Chair Potter informed Mr. Sieh the Board would
5 discuss his request, and the Board administrator would
6 contact him regarding their decision.]

7 ***

8 Appointment - Applicant, Grace Banfe - Request for
9 3rd Attempt

10 [Grace Banfe presented to the Board to request a third
11 attempt at the National Physical Therapist Examination
12 - Physical Therapy Assistant Exam. She commented that
13 her mental state is better going into the third
14 attempt. She mentioned knowing all of the answers on
15 Scorebuilders and plans on purchasing a Practice Exam
16 and Assessment Tool (PEAT).

17 Ms. Banfe noted being in contact with one of her
18 professors and believed it is more of a test-taking
19 problem than a knowledge problem. She mentioned
20 needing to take advantage of the 15-minute breaks
21 during the exam after looking at the score report.

22 Dr. Campbell encouraged Ms. Banfe to utilize the
23 study mode with PEAT because it would point her to the
24 textbook chapter and verse regarding the correct
25 answer and why. She mentioned there are four versions

1 of PEAT, but two of those are called Academic PEAT and
2 that her academic institution might be able to help
3 with gaining access.

4 Ms. Banfe mentioned taking the last two attempts
5 in Columbia, Maryland and asked whether there was a
6 difference in tests per state or whether it the same
7 everywhere.

8 Chair Potter explained that the exam is a
9 national exam and is the same regardless of where it
10 is taken.

11 Chair Potter informed Ms. Banfe the Board would
12 consider her request, and the Board administrator
13 would contact her regarding their decision.]

14

15 Appointment - Applicant, Jessica Burton - Request for
16 3rd Attempt

17 [Jessica Burton presented to the Board to request a
18 third attempt at the National Physical Therapy
19 Examination - Physical Therapy Exam. She mentioned
20 not having the correct study technique on the first
21 two exams. She noted one of the biggest mistakes was
22 taking the PEAT a week before the exam, where she did
23 poorly and was not in a good mental place.

24 Ms. Burton mentioned completely changing her
25 study habits and taking a more hands-on approach. She

1 noted having a tutor twice a week for 11 weeks,
2 utilizing the Final Frontier program, TherapyEd prep
3 course, Final Exam prep course, and taking the PEAT.
4 She believed she is prepared for the April exam if
5 approved but is also prepared to wait and continue
6 studying for the July exam.

7 Dr. Campbell reviewed her score report and
8 encouraged her to pay attention to the examination
9 section, emphasizing the importance of a PT having the
10 capacity to examine and evaluate a patient. She noted
11 Ms. Burton is varying by section and recommended she
12 seek some other support to help identify what is
13 happening in specific sections that cause lower
14 scores.

15 Dr. Wolfe mentioned working with many techs and
16 PTAs throughout the years, noting getting the hands-on
17 experience is great because a lot of people learn
18 kinesthetically. She also noted the exam is validated
19 by textbooks and noted the importance of following
20 standards.]

21

22 Appointment - Applicant, Michael Lewis - Request for
23 3rd Attempt
24 [Michael Lewis presented to the Board to request a
25 third attempt at the National Physical Therapy

1 Examination - Physical Therapy Exam. He mentioned
2 being a graduate of D'Youville College and utilizing
3 Final Frontier and Scorebuilders on his first exam but
4 changed to PT Hustle by Dr. Kyle Rice, which seemed to
5 help with a 17-point increase from the first exam. He
6 utilized PEAT before the second attempt but plans to
7 use PT Hustle again for the third attempt in October.
8 He noted having issues with the exam, including the
9 length of the exam and neuro.

10 Dr. Campbell commented that Mr. Lewis improved
11 from his first to second attempt but noted neuro is
12 the second largest category when it comes to body
13 systems. She encouraged him to spend time in that
14 area and understand why he is getting those answers
15 wrong. She recommended he find strategies that are
16 going to work to get through that 5-hour time frame
17 and still be on point.

18 Chair Potter informed Mr. Lewis the Board would
19 make a decision on his request, and the Board
20 administrator would contact him with the decision.]

21

22 Appointment - Bureau of Finance and Operations Annual
23 Budget Presentation

24 [Michelle Witmer, Bureau of Finance and Operations,
25 Department of State, informed the Board that the

1 Bureau of Finance and Operations (BFO) looks at the
2 licensee population on a biennial basis from a revenue
3 standpoint. She reported a continued growth in
4 license population from FY16-17 to FY18-19, noting an
5 increase of 4,157 licensees; FY18-19 to FY20-21
6 another increase of 2,639 licensees; and as of the
7 date of the report 26,915 licensees. She noted an
8 additional 64 licenses after pulling the numbers
9 again.

10 Ms. Witmer mentioned the Board waived the license
11 fees for FY20-FY21 period and reported a much lower
12 renewal total than normal years.

13 Ms. Witmer noted the Board incurs most expenses
14 through direct costs, and timesheets (personnel
15 costs). She reported expenses in FY19-20, FY20-FY21,
16 and the figure on the date the report was created on
17 March 15, 2022. She noted a recent increase. She
18 stated revenue was meeting the goals to cover the
19 expenses. She noted actual revenue in FY19-20 and
20 FY20-FY21 are similar but in FY21-FY22 and FY22-FY23
21 is where nonrenewal year and renewal year coming back
22 into play with the projected balance.

23 Chair Potter asked Ms. Witmer why expenses for
24 FY20-FY21 were higher considering the impact of COVID,
25 where most organizations are finding a decrease in

1 expenses due to COVID.

2 Ms. Witmer explained that most of the expenses the
3 Board incurs are actually legal fees and is complaint-
4 driven. She stated the Bureau of Enforcement and
5 Investigation is staying around the same number at 32
6 investigations in FY19-FY20 and 33 investigations in
7 FY20-FY21. She noted prosecution seems to be the
8 highest one projected around \$114,623.21 until the end
9 of the fiscal year but is consistent with the past few
10 years. She also mentioned salary increases come into
11 play.

12 Ms. Witmer stated administrative fees will
13 fluctuate from one year to the next and be lower in
14 non-renewal years. She also reported a 3 percent
15 increase in expenses due to salary increases.

16 Ms. Grzybek asked whether it would be appropriate
17 for the Board to petition for an additional full-time
18 staff member, as workloads increase. She also
19 reported hearing complaints from licensees that
20 actions and time lags of work being completed is long,
21 and the Board administrator is working tirelessly.

22 Acting Commissioner Claggett explained that there
23 is no need to petition to have an additional person
24 onboard. He stated the department is currently in the
25 process of filling some positions for the Board of

1 Physical Therapy.

2 Chair Potter thanked Acting Commissioner Claggett
3 for making progress with respect to additional staff.

4 Ms. McCarthy mentioned Ms. DeLaurentis presented
5 the annual numbers on January 6 from the prosecution
6 cost perspective, where there was a significant
7 increase in open cases in 2021 at 108 cases compared
8 to 2020 at 53 cases.

9 Ms. Witmer reported Board member expenses for
10 FY19-20 and FY20-21, which was the year nobody was
11 traveling. She noted the Federation of State Boards
12 of Physical Therapy (FSBPT) dues have been discounted
13 50 percent due to COVID, and BFO is keeping the
14 projection of that at \$2,500 because they are not sure
15 how long the 50 percent decrease will last.

16 Ms. Witmer reported on the total Board member
17 expenses for the current fiscal year, and since the
18 \$15,000 budgeted for Board member expenses has always
19 been sufficient, BFO was leaving it at that number.
20 She mentioned any excess left in that account is
21 returned to the restricted funds for the Board's use.

22 Dr. Campbell asked whether some of the revenue
23 could be used to address the ongoing issue of the
24 public not having accessibility to what courses are
25 approved for continuing education and the PT Compact

1 issue with examination, licensee, and disciplinary
2 database.

3 Mr. Davis stated that the promulgation of a list
4 of all available continuing education (CE) and
5 prepping the database in order to prepare for the
6 compact should be taken care of once the Pennsylvania
7 Licensing System (PALS) is replaced.

8 Acting Commissioner Claggett further explained
9 that both of those items will be addressed once the
10 new system is available. He noted going through the
11 request for information (RFI) process for the new
12 system to replace PALS and the department is now
13 finalizing the request for proposal (RFP) process. He
14 mentioned the new system probably would not be in
15 place until 2023 at the earliest.

16 Mr. Werner commented that he would urge the state
17 to influence the compact licensure working with payers
18 to actually have them accept the licensure. He
19 mentioned a compact license does not help an employer
20 because it does not help them be recognized as a
21 provider in the system and believed it is a multiple
22 state issue, not just a PA state issue

23 Chair Potter stated working with payers would not
24 be within the authority of the Board and would be more
25 related to professional association activity. She

1 noted the Board's role in the compact would be to look
2 at it from the regulatory standpoint and compliance
3 from that perspective, not tied to reimbursement.]

4 ***

5 Report of Board Chair

6 [Cynthia L. Potter, PT, DPT, Chairperson, welcomed and
7 congratulated Bill Werner on his appointment to the
8 Board as a professional member.

9 Chair Potter also congratulated Krista Wolfe for
10 being appointed to the FSBPT Finance Committee, noting
11 Gerri Grzybek is also part of that important financial
12 committee.

13 Chair Potter addressed her attendance, along with
14 Gerri Grzybek and Sandy Campbell, at the regulatory
15 training held by the FSBPT in February. She mentioned
16 the plan going forward is to continue to have online
17 regulatory training. She encouraged anybody who has
18 not been a part of the regulatory training to take
19 advantage of that.

20 Chair Potter addressed grant money currently
21 available from FSBPT. She stated FSBPT has an ongoing
22 program of being able to financially support
23 jurisdictions in implementing FSBPT's Exam, Licensure,
24 and Disciplinary Database (ELDD) in helping to
25 facilitate transmission of jurisdiction information

1 into the ELDD system.

2 Chair Potter noted ELDD is the next frontline as
3 far as protecting the public because information from
4 the database is being shared all across the country.

5 Chair Potter stated the FSBPT had a surplus of
6 funds because of COVID and the savings with virtual
7 programming and chose to devote \$2.2 million for the
8 purpose of helping jurisdictions with implementation
9 of ELDD and other aspects that would help facilitate
10 compact participation.

11 Chair Potter noted the money is available through
12 the end of 2022 and asked whether the Board could
13 apply for some of that money to facilitate the
14 transition to a new system. She suggested asking the
15 FSBPT if they would earmark the money until some of
16 the details are in place knowing the Board's
17 particular situation.

18 Acting Commissioner Claggett noted the department
19 would look into the possibility of asking FSBPT to
20 earmark the money.

21 Mr. Davis commented that the Board has made the
22 Commissioner's Office and the Bureau of Professional
23 and Occupational Affairs (BPOA) Counsel aware of the
24 existence of these funds. He noted talking to a
25 representative from FSBPT about the funds and

1 receiving parameters that need looked at that he
2 passed on to the Commissioner's office, along with
3 contact information for two individuals from FSBPT.
4 Mr. Davis stated that the department's switch from
5 PALS to a new IT vendor will complicate things, and
6 stated that based on the criteria he has reviewed, the
7 FSBPT funds are meant for jurisdictions that are
8 having a difficult time securing the funds necessary
9 to implement IT upgrades related to the Compact. He
10 stated that under the PT Act, the Board is required to
11 raise fees if revenue does not meet expenditures, and
12 reminded the Board that its current financial state is
13 secure.

14 Chair Potter mentioned she was invited to present
15 on the State Board to students at Slippery Rock
16 University in the next couple of weeks.

17 Chair Potter informed Board members that a
18 delegate would need to be chosen at the May meeting
19 for the Federation of State Boards of Physical Therapy
20 Annual Physical Therapy Meeting & Delegate Assembly.
21 She noted the meetings would be the FSBPT Leadership
22 Issues Forum July 23-24 and then the FSBPT Annual
23 Meeting & Delegate Assembly scheduled for October 27-
24 29. She also noted the Board has the opportunity to
25 submit topics for consideration for the FSBPT

1 Leadership Issues Forum.]

2 ***

3 Report of Board Counsel

4 MR. DAVIS:

5 Number 9 on the Board's agenda. For the
6 record, Board Member Sandra Campbell
7 signed a Preliminary Order, which was
8 related to this particular matter, so
9 she is recused from this matter at the
10 moment.

11 Based on the Board's discussions in
12 Executive Session, I believe the Chair
13 would accept a motion to grant the
14 Motion to Enter Default and Deem
15 Admitted the Facts in the following
16 matter: Commonwealth BPOA v. Jason
17 Talley, PT, Case No. 19-65-006566.

18 Is there any discussion on the
19 motion? Hearing none.

20 Is there a motion?

21 MS. GRZYBEK:

22 So moved.

23 MR. ROBB:

24 Second.

25 CHAIR POTTER:

1 The motion has been moved and seconded
2 as read by Counsel. We need to do a
3 roll call vote.

4
5 Potter, aye; Acting Commissioner
6 Claggett, aye; Sandy Campbell, recuse;
7 Geraldine Grzybek, aye; Jeremy Robb,
8 aye; Bill Werner, aye; Krista Wolfe,
9 aye.

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

12 ***

13 MOTIONS

14 MR. DAVIS:

15 On the agenda, numbers 2 through 6.
16 Before we have the vote, now that we
17 have heard from these individuals, is
18 there any Board member who would like to
19 reenter Executive Session to have
20 further discussion on any of these five
21 individuals? Hearing none.

22 Based on the Board's discussions in
23 Executive Session, I believe the Board
24 Chair would accept a motion approving
25 the requests of the following

1 individuals for permission to take the
2 National Physical Therapy Examination a
3 third time: Erin Hamm, Gabriel Sieh,
4 Grace Banfe, Jessica Burton, Michael
5 Lewis.

6 CHAIR POTTER:

7 Is there a motion?

8 MS. GRZYBEK:

9 So moved.

10 DR. CAMPBELL:

11 Second.

12 CHAIR POTTER:

13 The motion has been moved and seconded
14 as read by Counsel regarding the third
15 attempts. Roll call vote.

16
17 Potter, aye; Acting Commissioner
18 Claggett, aye; Sandy Campbell, aye;
19 Geraldine Grzybek, aye; Jeremy Robb,
20 aye; Bill Werner, aye; Krista Wolfe,
21 aye.

22 [The motion carried unanimously.]

23 ***

24 Report of Board Counsel - Regulations

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

1 the Status of Regulations Report. He mentioned
2 licensure by endorsement, formerly known as Act 41, at
3 16A-6523, is being reviewed by Senior Regulatory
4 Counsel.

5 Mr. Davis noted Senior Regulatory Counsel
6 approved the early exam and CE for clinical education
7 with a few stylistic edits, and he amended the
8 preamble and the Regulatory Analysis Form (RAF) and
9 requested a review on March 11.

10 Mr. Davis addressed Act 53 of 2020 regarding
11 criminal offenses directly related to the profession,
12 which changed the way all of the boards look at
13 criminal convictions when it comes to licensure and
14 discipline. He mentioned that part of Act 53 of 2020
15 is § 3117 and is codified as 63 Pa.C.S. § 3117,
16 allowing the commissioner's office to, with help from
17 the Board, come up with a list of criminal offenses
18 "directly" related to the practice of the particular
19 profession.

20 Mr. Davis stated the Board approved the list
21 month ago, and the list is available on the Board's
22 website. He noted having a criminal conviction for
23 one of those offenses makes it more difficult to
24 obtain a PT license or PTA certificate. He stated the
25 lists are being put together into one particular BPOA

1 regulation and that it has been suggested that two
2 particular statutes be added to the list, in the
3 interest of uniformity between the medical boards: 62
4 P.S. § 1407, commonly known as Medicaid Fraud, and 63
5 P.S. § 1312(a) penalties; injunctive relief, where an
6 individual who violates any provision of the PT Act
7 shall be guilty of a misdemeanor. He explained that
8 adding them to the list would be to consider any
9 conviction under those statutes to be directly related
10 to the practice of the profession and asked whether
11 the Board wished to add those two criminal offenses to
12 the list of offenses under Act 53 of 2020.]

13 MR. DAVIS:

14 After the Board's discussions in open
15 session, I believe the Chair would
16 accept the motion to add Title 63 P.S.
17 § 1312(a) relating to the penalties;
18 injunctive relief and Title 62 P.S.
19 § 1407 relating to provider prohibited
20 acts, criminal penalties, and civil
21 remedies, also known as Medicaid fraud,
22 to the Board's online schedule of
23 criminal convictions that may constitute
24 grounds to refuse to issue; suspend; or
25 revoke a license, certificate,

1 registration, or permit under Title 63
2 Pa.C.S. § 3117, otherwise known as Act
3 53 of 2020.

4 Is there any discussion?

5 CHAIR POTTER:

6 Hearing no discussion, is there a motion
7 to adopt?

8 MS. GRZYBEK:

9 So moved.

10 CHAIR POTTER:

11 Is there a second?

12 DR. CAMPBELL:

13 Second.

14 CHAIR POTTER:

15 It has been moved and seconded to adopt
16 the motion. Roll call vote.

17

18 Potter, aye; Acting Commissioner
19 Claggett, aye; Sandy Campbell, aye;
20 Geraldine Grzybek, aye; Jeremy Robb,
21 aye; Bill Werner, aye; Krista Wolfe,
22 aye.

23 [The motion carried unanimously.]

24

25 Report of Board Counsel - Regulations

1 [Thomas M. Davis, Esquire, Board Counsel, addressed
2 Act 100 of 2021, noting the first two sections have to
3 do with open meetings and BPOA-related issues and the
4 second two directly relate to the Board. He referred
5 to section (c) of Act 100 of 2021 requiring all boards
6 add language to regulations that deal with distance
7 education as it applies to continuing education. He
8 explained that PTs and PTAs can obtain all of their
9 continuing education credits via online education at
10 the current time; however, in his opinion the act
11 requires the Board to add that language to the Board's
12 regulations.

13 Mr. Davis addressed direct access certificate
14 holders, where a certificate holder may accrue all
15 required hours in distance education courses offered
16 by approved sponsors of continuing education as long
17 as the course sponsor evaluates and assesses the
18 extent of learning that has taken place under
19 § 40.63(e) of the regulations.

20 Mr. Davis noted he would be adding a similar
21 sentence to both the physical therapist section and
22 physical therapist assistant section to make it clear
23 that it applies to PTs and PTAs and prepare a proposed
24 annex for the Board's review.

25 Mr. Davis addressed the virtual supervision

1 section, where in order to meet in order to meet the
2 supervision requirements for license, certificate,
3 registration, or permit hours in a practice act, Act
4 53 suggests addressing virtual supervision and
5 allowing that when it comes to those particular hours.

6 Mr. Davis noted Act 100 of 2021 reads, "in order
7 to meet the supervision requirements for license,
8 certificate, registration, or permit hours in the
9 practice act," meaning it only relates to obtaining
10 and should not have anything to do with the current
11 supervision requirements when it comes to a PT and
12 PTA.

13 Mr. Davis provided an example from the
14 Occupational Therapy Act under Section 8 that
15 specifically requires an occupational therapist
16 applicant to complete a minimum of six months of
17 supervised fieldwork in order to obtain the license,
18 so some licenses require a specific amount of
19 supervised fieldwork.

20 Mr. Davis noted looking through the Board's
21 practice act, where this only applies to required
22 hours in a practice act. He mentioned not seeing
23 anything along those lines with the closest exception
24 being 9.1(c)(4), where a PTA requires direct on-
25 premises supervision of a PT until the PTA proves

1 2,000 hours of experience or employment for three to
2 five years.

3 Mr. Davis noted it to be his opinion that Act 100
4 of 2021 does not apply to that because the Board's
5 indirect supervision certificate is not discussed in
6 the PT act. He also did not think it applies to that
7 particular situation because in order effectuate that
8 particular situation and incorporate virtual
9 supervision, core supervision requirements would need
10 changed for all PTAs in the Commonwealth of
11 Pennsylvania to allow virtual supervision, and Act 100
12 only discusses supervision requirements related to
13 initial licensure or certification.

14 Mr. Davis believed the act's intent is only to
15 obtain the initial license or certificate and nothing
16 needs to be done when it relates to Section (d), the
17 virtual supervision section, under Act 100 of 2021.

18 Mr. Davis noted it to be his opinion as things
19 currently are that the Board does not have to do
20 anything in relation to the virtual supervision aspect
21 of that particular act, but the Board does have to do
22 something about the distance education, just putting
23 in the regulations that they allow 100 percent online
24 education for continuing education.

25 Dr. Campbell referred to previous discussion

1 regarding occupational therapy (OT) and hours required
2 to obtain licensure. She mentioned those hours are
3 actually part of accrediting requirements for PT and
4 PTA education, where universities are held to those
5 regarding the number of hours and/or weeks and could
6 present it both ways. She noted onsite supervision is
7 expected when it comes to students and students
8 learning in PT with the exception of telehealth-based
9 services, and the educational side is covered under
10 the universities and accrediting process.

11 Dr. Campbell commented that the Board may want to
12 have a discussion at some point in the future about
13 changing supervision requirements. She mentioned the
14 state of Washington did do a trial and changed their
15 state practice act that allows PTs to provide virtual
16 supervision of PTAs. She offered to provide the
17 published article for the Board's review.

18 Mr. Davis commented that the topic would be left
19 to the Board and Chair to decide on further
20 discussion. He noted the need for further research,
21 along with the topic having to be Sunshined.

22 Mr. Werner mentioned the increase in open cases
23 from 53 to 128 from 2020 to 2021 and suggested looking
24 at data to see if there was an increase in cases
25 concerning incidents with PTA supervision during the

1 state of emergency and whether moving to virtual
2 supervision is warranted.

3 Mr. Davis commented that the Board does not have
4 access to the complaints and only gets to see orders
5 to show cause and see complaints when the prosecution
6 department actually levies charges against
7 individuals.

8 Chair Potter commented that it sounds like an
9 area Mr. Werner feels the Board should be exploring.

10 Mr. Werner mentioned that virtual supervision was
11 a positive change under the state of emergency from an
12 employer standpoint, especially with staffing
13 shortages across the state.

14 Mr. Davis stated that having a discussion about
15 possibly changing the supervision requirements should
16 be Sunshined and added to the next meeting so everyone
17 knows of the discussion. He offered to provide
18 additional information and asked Dr. Campbell to
19 provide the report she mentioned available for the
20 Board's review.]

21

22 Report of Board Counsel - Miscellaneous

23 [Thomas M. Davis, Esquire, Board Counsel, noted
24 addressing Recusal Guidelines and the Sunshine Act at
25 the last meeting but informed everyone that he would

1 be reviewing those again for the new Board member.

2 Mr. Davis addressed Recusal Guidelines. He noted
3 mandatory recusals include having a played a
4 prosecutorial role in a matter or having a direct
5 financial interest in the matter. He stated strongly
6 suggested recusals would include having a personal
7 affection for someone directly involved in a case or
8 having knowledge from outside of the case. He noted
9 discretionary recusals include the possibility of not
10 being able to be fair and decide the case without
11 prejudice.

12 Mr. Davis encouraged Board members to contact him
13 for advice if anyone is uncertain whether they should
14 recuse themselves in any particular matter.

15 Mr. Davis also addressed the Sunshine Act, noting
16 the act is available to everyone on the Office of Open
17 Records (OOR) website at www.openrecords.pa.gov. He
18 stated the general rule is everything the Board does
19 must be on the record at a public meeting. He noted
20 exceptions include conferences, training programs,
21 seminars, and Executive Session. He emphasized the
22 importance of not discussing Board business outside of
23 the Board meeting.

24 Mr. Davis also discussed Act 65 of 2021, which is
25 a recent update to the Sunshine Act, where the Board

1 may not take official action on a matter of Board
2 business at a meeting if the matter was not included
3 on the published agenda. He noted emergency
4 exceptions to the rule include clear and present
5 danger or de minimis matters not involving the
6 expenditure of funds.]

7

8 Report of Acting Commissioner

9 [Arion R. Claggett, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs, informed
11 everyone that all Board meetings moving forward will
12 be held in a hybrid format providing the option of
13 attending virtually or in person for Board members and
14 the public. He also mentioned the platform is
15 switching from Cisco Webex to Microsoft Teams for more
16 functionality. He also noted he and Ms. Roberts would
17 be attending all Board meetings in person.]

18

19 Miscellaneous

20 [Cynthia L. Potter, PT, DPT, Chairperson, noted the
21 next scheduled Board meeting is Friday, May 6 and
22 reminded anyone traveling to Harrisburg the meeting is
23 on Friday that month instead of Thursday.]

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 DR. CAMPBELL:

8 Second.

9 CHAIR POTTER:

10 Moved and seconded to adjourn the
11 meeting of the State Board of Physical
12 Therapy. We'll do a roll call vote.

13

14 Potter, aye; Acting Commissioner
15 Claggett, aye; Sandy Campbell, aye;
16 Geraldine Grzybek, aye; Jeremy Robb,
17 aye; Bill Werner, aye; Krista Wolfe,
18 aye.

19 [The motion carried unanimously.]

20

21 [There being no further business, the State Board of
22 Physical Therapy Meeting adjourned at 11:58 a.m.]

23

24

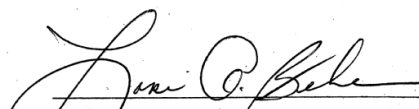
25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

March 24, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	10:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:32	Official Call to Order
13		
14	10:31	Roll Call
15		
16	10:34	Approval of Minutes
17		
18	10:36	Appointment - Erin Hamm
19		
20	10:41	Appointment - Gabriel Sieh
21		
22	10:47	Appointment - Grace Banfe
23		
24	10:53	Appointment - Jessica Burton
25		
26	10:57	Appointment - Michel Lewis
27		
28	11:02	Appointment - Bureau of Finance and
29		Operations Annual Budget Presentation
30		
31	11:26	Report of Board Chair
32		
33	11:36	Report of Board Counsel
34		
35	11:38	Motions
36		
37	11:39	Report of Board Counsel - Regulations
38		
39	11:53	Report of Acting Commissioner
40		
41	11:55	Miscellaneous
42		
43	11:58	Adjournment
44		
45		
46		
47		
48		
49		
50		