

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 MICROSOFT TEAMS**

TIME: 10:34 A.M.

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

May 6, 2022

State Board of Physical Therapy  
May 6, 2022

BOARD MEMBERS:

Cynthia L. Potter, PT, DPT, Chairperson  
Arion Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair  
Geraldine M. Grzybek, PT, GCS, Secretary  
Jeremy Robb, Attorney General's Office Designee  
William Werner PT  
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel  
Cynthia K. Montgomery, Esquire, Deputy Chief  
Counsel, Counsel Division, Department of State  
Heather J. McCarthy, Esquire, Board Prosecution  
Liaison  
J. Karl Geschwindt, Esquire, Board Prosecutor  
Michelle Roberts, Board Administrator

ALSO PRESENT:

Scott Voshell, President, American Physical Therapy  
Association Pennsylvania Chapter  
Jen Smeltz, Republican Executive Director, Senate  
Consumer Protection & Professional Licensure  
Committee  
Andrew LaFratte, MPA, Executive Policy Specialist,  
Department of State  
Tyler Burke, Milliron & Goodman, LLC  
Cynthia K. Montgomery, Esquire, Deputy Chief  
Counsel/Regulatory Counsel, Department of State  
Torie Naradko  
Erica Gallagher  
Amanda Clarke

1 \*\*\*

2 State Board of Physical Therapy

3 May 6, 2022

4 \*\*\*

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

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Physical Therapy was held on Friday, May 6,  
15 2022.

16 \*\*\*

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially  
19 called the meeting to order at 10:34 a.m.]

20 \*\*\*

21 [Thomas M. Davis, Esquire, Board Counsel, noted the  
22 meeting was being recorded, and those who continued  
23 to participate were giving their consent to be  
24 recorded.

25 Mr. Davis also informed everyone that the Board

1 met in Executive Session prior to the meeting for the  
2 purpose of conducting quasi-judicial deliberations  
3 and to receive advice of Counsel on matters upon  
4 which the Board would later vote.]

5 \*\*\*

6 Roll Call

7 [A roll call of Board members was taken by Chair  
8 Potter.]

9 \*\*\*

10 Approval of minutes of the March 24, 2022 meeting

11 CHAIR POTTER:

12 The first item on the agenda is the  
13 approval of the minutes from the March  
14 24 meeting.

15 Are there any additions or  
16 corrections to the minutes?

17 [The Board discussed corrections to the minutes.]

18 CHAIR POTTER:

19 Any other additions or corrections that  
20 anyone has?

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

23 MS. GRZYBEK:

24 So moved.

25 DR. CAMPBELL:

1 Second.

2 CHAIR POTTER:

3 It has been moved and seconded to adopt  
4 the minutes as corrected. We have to  
5 do a roll call.

6

7 Potter, aye; Claggett, aye; Campbell,  
8 aye; Grzybek, aye; Robb, aye; Werner,  
9 aye; Wolfe, abstain.

10

11 Any noes? Any abstentions?

12 [The motion carried. Krista Wolfe abstained from  
13 voting on the motion.]

14

\*\*\*

15 Report of Prosecution

16 [Heather J. McCarthy, Esquire, Board Prosecution  
17 Liaison, on behalf of J. Karl Geschwindt, Esquire,  
18 Board Prosecutor, presented the Consent Agreement for  
19 Case No. 19-65-015488.]

20

\*\*\*

21 [Heather J. McCarthy, Esquire, Board Prosecution  
22 Liaison, presented the Consent Agreement for Case No.  
23 21-65-013398 and Case No. 21-65-013151.]

24 MR. DAVIS:

25

After hearing the prosecution's

1 presentation, are there any Board  
2 members who would like to reenter into  
3 Executive Session to further discuss  
4 these matters before the vote? Hearing  
5 none.

6  
7 As far as number 3 on the agenda, based  
8 on the Board's discussions in Executive  
9 Session, I believe the Chair would  
10 accept a motion to reject as too  
11 lenient the Consent Agreement in the  
12 following matter: Case No. 21-65-  
13 013398.

14 Is there a motion?

15 MS. GRZYBEK:

16 So moved.

17 DR. CAMPBELL:

18 Second.

19 MR. DAVIS:

20 Is there anyone who would like to have  
21 any discussion on the motion? Hearing  
22 none.

23 CHAIR POTTER:

24 I will call for the vote.  
25

1                   Potter, aye; Commissioner, aye;  
2                   Campbell, aye; Grzybek, aye; Robb, aye;  
3                   Werner, aye; Wolfe, aye.

4 [The motion carried unanimously.]

5   \*\*\*

6 MR. DAVIS:

7                   Number 2 on the Board's agenda. Based  
8                   on the Board's discussions in Executive  
9                   Session, I believe the Chair would  
10                  accept a motion to reject as too  
11                  lenient the Consent Agreement in the  
12                  following matter: Case No. 19-65-  
13                  015488.

14 CHAIR POTTER:

15                   Is there a motion?

16 MS. GRZYBEK:

17                   So moved.

18 DR. CAMPBELL:

19                   Second.

20 MR. DAVIS:

21                   Is there any further discussion on the  
22                   motion? Hearing none.

23 CHAIR POTTER:

24                   We'll do a roll call vote.

25

1 Potter, aye; Commissioner Claggett,  
 2 aye; Campbell, aye; Grzybek, aye; Robb,  
 3 aye; Werner, aye; Wolfe, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 MR. DAVIS:

7 Number 4 on the Board's agenda. Based  
 8 on the Board's discussions in Executive  
 9 Session, I believe the Chair would  
 10 accept a motion to approve the Consent  
 11 Agreement in the following matter:  
 12 Case No. 21-65-013151.

13 CHAIR POTTER:

14 Is there a motion?

15 MS. GRZYBEK:

16 So moved.

17 DR. CAMPBELL:

18 Second.

19 MR. DAVIS:

20 Is there any discussion on the motion?

21 Hearing none.

22 CHAIR POTTER:

23 We'll do a roll call vote.

24

25 Potter, aye; Commissioner Claggett,





1 would contact her regarding its decision.]

2 \*\*\*

3 Appointment - Erica Gallagher - Request for 3rd  
4 Attempt at NPTE

5 [Erica Gallagher presented to the Board to request a  
6 third attempt at the National Physical Therapy  
7 Examination. She was currently working as a  
8 technician in a physical therapy clinic and learning  
9 a lot. She mentioned working hard on her studies and  
10 is confident she could pass the test.

11 Ms. Gallagher addressed her study plan, including  
12 flash cards and PEAT and putting emphasis on the  
13 cardiovascular system.

14 Dr. Campbell encouraged Ms. Gallagher to also use  
15 textbooks because all of the questions are based on  
16 textbooks. She advised her to spend extra time in  
17 the cardiovascular section but to also keep a balance  
18 between the distribution of questions with time spent  
19 in the cardiovascular, musculoskeletal, and  
20 neurological sections.

21 Chair Potter informed Ms. Gallagher the Board  
22 would discuss her case, and the Board administrator  
23 would contact her regarding its decision.]

24 \*\*\*

25 Report of Board Counsel - Adjudication and Order



1 to be added to the regulations to clarify licensees  
2 and stakeholders may do 100 percent of their  
3 continuing education online. He mentioned that is  
4 what the Board currently allows but is not spelled  
5 out for everyone in the regulations (just for direct-  
6 access physical therapists).

7 He stated Senior Regulatory Counsel suggested  
8 that this new language be added to an existing  
9 regulation. Mr. Davis recommended that Board add it  
10 to 16A-6519 and presented a proposed annex.

11 Mr. Davis noted a reference in § 40.3(a) to  
12 athletic trainers and masseurs that was written in  
13 1977. He stated athletic trainers and massage  
14 therapists have become licensed professions since  
15 that time and is removing both of those references  
16 because it is incorrect. He would be adding new  
17 language regarding the 100 percent CE to § 40.67 and  
18 § 40.192 with new subsections § 40.67(a)(6) and §  
19 40.192(a)(6).

20 Mr. Davis noted the new language would read, "a  
21 licensee may accrue all required hours in distance  
22 education courses offered by approved sponsors of  
23 continuing education as long as the course sponsor  
24 evaluates and assesses the extent of learning that  
25 has taken place." He stated the language is already

1 in the regulations and would be just applying it to  
2 licensees and certificate holders.

3 Mr. Davis informed the Board that he will draft  
4 the preamble.

5 Ms. Grzybek thanked Mr. Davis for his continued  
6 perseverance on those matters.]

7 \*\*\*

8 Appointment - Amanda Clarke - Request for 3rd  
9 Attempt at NPTE

10 [Amanda Clarke presented to the Board to request a  
11 third attempt to take the National Physical Therapy  
12 Examination. She addressed her last two attempts at  
13 the NPTE and what she gained from those attempts,  
14 including buying TherapyEd and putting emphasis and  
15 focus on content areas. She mentioned adapting old  
16 study methods, which is helping her retain more  
17 information.

18 Dr. Campbell encouraged Ms. Clarke to understand  
19 what the right answer is and understand why the wrong  
20 answers are wrong. She believed Ms. Clarke was on  
21 the right track and wished her luck with the practice  
22 exams and preparation. She also recommended she  
23 utilize the Practice Examination & Assessment Tool.

24 Ms. Clarke asked whether anything changes if she  
25 takes the exam in a different state.

1           Chair Potter informed Ms. Clarke that she is able  
2 to take the exam wherever she chooses. She also  
3 informed Ms. Clarke the Board would discuss her  
4 request, and the Board Administrator would contact  
5 her regarding its decision.]

6 MR. DAVIS:

7                       Does anyone want to reenter into  
8 Executive Session to further discuss  
9 these matters now that we have heard  
10 from these three individuals? Hearing  
11 none.

12                      Based on the Board's discussions  
13 in Executive Session, I believe the  
14 Board Chair would accept a motion  
15 approving the requests of the following  
16 individuals for permission to take the  
17 National Physical Therapy Exam a third  
18 time: Torie Naradko, Erica Gallagher,  
19 and Amanda Clarke.

20 CHAIR POTTER:

21                      Is there a motion?

22 MS. GRZYBEK:

23                      So moved.

24 DR. CAMPBELL:

25                      Second.

1 MR. DAVIS:

2 Is there any further discussion on the  
3 motion? Hearing none.

4 CHAIR POTTER:

5 We'll do a roll call vote.

6  
7 Potter, aye; Commissioner Claggett,  
8 aye; Campbell, aye; Grzybek, aye; Robb,  
9 aye; Werner, aye; Wolfe, aye.

10 [The motion carried unanimously.]

11 \*\*\*

12 Report of Board Counsel - Miscellaneous

13 [Thomas M. Davis, Esquire, Board Counsel, referred to  
14 Senate Bill 1160 and Senate Bill 1161, which are  
15 available on the legislation website at  
16 [www.legis.state.pa.us](http://www.legis.state.pa.us). He mentioned the bills were  
17 for PT community's general awareness.

18 Mr. Davis referred to a 2022 Senate memorandum  
19 regarding Senate Bill 1160 and Senate Bill 1161,  
20 which says Pennsylvania has 20 accredited athletic  
21 training programs but graduates cannot fully use  
22 their education and training because athletic  
23 trainers are prohibited from treating anyone other  
24 than a "physically active person." He stated the  
25 memo says this is a dated restriction and no longer

1 relevant because athletic trainers (ATs) are  
2 utilizing the same knowledge and skill set regardless  
3 of whether the person is an athlete.

4 Mr. Davis mentioned the bills propose amending  
5 the definition of athletic training services by  
6 deleting "a physically active person" as defined in  
7 this act and replacing it with, "an individual." He  
8 noted the definition of athletic training services  
9 would read, "The management and provision of care of  
10 injuries to an individual with the direction of a  
11 licensed physician."

12 Mr. Davis informed anyone who wanted to comment  
13 on the pending legislation to contact a physical  
14 therapy association or their local representative.

15 Mr. Davis noted prior Board discussion regarding  
16 virtual supervision of physical therapist assistants  
17 (PTAs) and the possibility of amending sections of  
18 the regulations to allow for virtual supervision.

19 He informed the Board that it would be difficult  
20 to permanently allow virtual supervision of PTAs,  
21 outside of the COVID emergency waiver, because the  
22 Physical Therapy Practice Act specifically defines,  
23 and calls for, direct on-premises supervision.

24 Mr. Werner recommended changing it to general  
25 supervision rather than direct supervision.



1           Mr. Davis commented that the act itself calls for  
2 direct on-premises supervision at the present time,  
3 and the Board cannot lower that standard from what  
4 the act specifies. He stated the Board cannot call  
5 for less supervision than what is required by the  
6 act.

7           Ms. Grzybek respectfully disagreed with Mr.  
8 Werner, stating she is comfortable with direct on-  
9 premises supervision as per the requirements of the  
10 practice act. She mentioned being the president of  
11 the association during practice act revisions and  
12 believed the gist of outlining different practice  
13 settings and introducing indirect supervision of the  
14 physical therapist assistant was that it was  
15 appropriate in some settings but deemed more  
16 appropriate to have direct on-premises supervision in  
17 others to meet the needs and concerns of public  
18 protection.

19           Chair Potter noted the distinctions as far as  
20 practice setting and frequency of supervision, but  
21 wondered if there was some latitude because of the  
22 complexity. She asked whether there would be a way  
23 to simplify and yet still have appropriate  
24 supervision.

25           Mr. Davis explained the Board could amend the

1 supervision regulations as long as what the Board  
2 proposes to do does not contradict what is in the  
3 act.

4 Mr. Davis suggested the Board look at Title 63  
5 P.S. § 1309.1(c)(3) of the Physical Therapy Act and  
6 the regulations under § 40.173(c) between now and the  
7 next meeting for a larger discussion.

8 Dr. Campbell commented that telehealth has made a  
9 dramatic improvement, and there could be amazing  
10 opportunities for the PT to be on this side of the  
11 camera and PT assistant and patient on the other side  
12 to let them be the skilled hands to do the data  
13 gathering. She stated physical therapists could do  
14 both the assessment of the patient and the  
15 supervision of the assistant at the same time and  
16 provide quality supervision without having the PT  
17 driving everywhere, especially in rural areas. She  
18 referred to the Lee and Billings article she shared  
19 with the Board that talks about it in a specific  
20 setting.

21 Chair Potter suggested looking at the requirement  
22 of the supervising PT needing to be within 50 miles  
23 when talking about telehealth. She also mentioned  
24 talking to people from Washington state since they  
25 did change their act to see if they had any issues

1 with supervision that have come before their board  
2 and getting data from other states with supervision  
3 issues.

4 Ms. Grzybek agreed that telehealth changed the  
5 whole landscape from when they did the revisions but  
6 commented that many physical therapists and physical  
7 therapist assistants do not take the time to read the  
8 practice act and review it on an annual or biannual  
9 basis but should read it regularly as part of their  
10 work as professionals.

11 Mr. Werner stated the change would create  
12 flexibility needed to be able to make sure patients  
13 get quality service they need, especially with the  
14 lack of staff and PTs and PTAs in the community to  
15 serve the patients. He noted the importance of  
16 looking at ways to protect the future and allow  
17 current PTs and PTAs to function so everybody could  
18 get the service they need.

19 Mr. Davis stated direct on-premises supervision  
20 is referenced in both the law and the regulations  
21 quite a few times and specifically defined in the law  
22 and regulations. He referred to Title 63 P.S. § 1302  
23 as the standard, where it defines direct on-premises  
24 supervision as the physical presence of a licensed  
25 physical therapist in the facility, including

1 affiliated buildings in immediate proximity who is  
2 immediately available to exercise supervision,  
3 direction, and control.

4 Mr. Davis recommended Board members talk to the  
5 association or a representative in their personal  
6 capacity but not as a Board member if they wanted a  
7 change in the practice act.]

8 \*\*\*

9 Report of Board Chair

10 [Cynthia L. Potter, PT, DPT, Chairperson,  
11 congratulated Gerri Grzybek for receiving the Lucy  
12 Blair Service Award from the American Physical  
13 Therapy Association. She noted it to be a high honor  
14 that reflects her long-term service to the  
15 association and Board.

16 Chair Potter reminded everyone of the virtual  
17 Board member and administrator regulatory training  
18 from the federation August 19-21.]

19 \*\*\*

20 Report of Acting Commissioner - No Report

21 \*\*\*

22 Report of Board Administrator

23 [Michelle Roberts, Board Administrator, informed the  
24 Board they would need to elect delegates for the  
25 Federation of State Boards of Physical Therapy

1 (FSBPT) Annual Meeting and Delegate Assembly October  
2 27-29 in Orange County, CA. She stated the voting  
3 delegates would also be attending the Leadership  
4 Issues Forum in Alexandria, VA, July 23-24.]

5 DR. CAMPBELL:

6 I make a motion that Gerri is our  
7 delegate and Bill is our alternate.

8 CHAIR POTTER:

9 Is there a second to that motion?

10 MR. ROBB:

11 I'll second.

12 CHAIR POTTER:

13 It has been moved and seconded to have  
14 Gerri Grzybek serve as the delegate for  
15 FSBPT and Bill Werner as the alternate  
16 delegate.

17 Any further discussion? We'll do  
18 a roll call vote.

19  
20 Potter, aye; Commissioner Claggett,  
21 aye; Campbell, aye; Grzybek, aye; Robb,  
22 aye; Werner, aye; Wolfe, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 CHAIR POTTER:

1                   Could I have a motion to approve  
2                   sending the Board administrator to  
3                   these meetings?

4 MS. GRZYBEK:

5                   So moved.

6 CHAIR POTTER:

7                   Second?

8 ACTING COMMISSIONER CLAGGETT:

9                   Second.

10 CHAIR POTTER:

11                   Moved and seconded to send the Board  
12                   administrator to the FSBPT Leadership  
13                   Issues Forum and annual meeting. Roll  
14                   call vote.

15  
16                   Potter, aye; Commissioner Claggett,  
17                   aye; Campbell, aye; Grzybek, aye; Robb,  
18                   aye; Werner, aye; Wolfe, aye.

19 [The motion carried unanimously.]

20   \*\*\*

21 [Geraldine M. Grzybek, PT, GCS, reminded everyone  
22 that she would be representing the Board as the  
23 compact delegate on Sunday after the annual meeting  
24 and thanked her colleagues for their vote of  
25 confidence. Chair Potter thanked Ms. Grzybek for

1 serving in that capacity.]

2 \*\*\*

3 Upcoming Meeting Dates

4 [Cynthia L. Potter, PT, DPT, Chairperson, noted the  
5 upcoming 2022 meeting dates and the next scheduled  
6 meeting date on July 21, 2022.]

7 \*\*\*

8 Miscellaneous

9 [Scott Voshell, President, American Physical Therapy  
10 Association Pennsylvania, announced the Pennsylvania  
11 Physical Therapy Association (PPTA) officially  
12 changed its name to the American Physical Therapy  
13 Association Pennsylvania. He informed everyone that  
14 their old website was no longer active and changed to  
15 aptapa.org. He reported that the American Physical  
16 Therapy Association (APTA) Pennsylvania provided  
17 input to the Legislature regarding the athletic  
18 training bill.]

19 \*\*\*

20 Adjournment

21 CHAIR POTTER:

22 Is there a motion to adjourn?

23 MS. GRZYBEK:

24 So moved.

25 DR. CAMPBELL:

1                   Second.

2 CHAIR POTTER:

3                   Moved and seconded to adjourn. We're  
4                   adjourned. See you in July.

5 [The motion carried unanimously.]

6   \*\*\*

7 [There being no further business, the State Board of  
8 Physical Therapy Meeting adjourned at 11:53 a.m.]

9   \*\*\*

10

11   CERTIFICATE

12

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

19

20

21



22

Amber Garbinski,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26



STATE BOARD OF PHYSICAL THERAPY  
REFERENCE INDEX

May 6, 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

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:35	Roll Call
10:35	Approval of Minutes
10:40	Report of Prosecution
10:51	Appointment - Torie Naradko
10:54	Appointment - Erica Gallagher
11:00	Report of Board Counsel
11:11	Appointment - Amanda Clarke
11:20	Report of Board Counsel - Regulations
11:43	Report of Board Chair
11:44	Report of Board Administrator
11:52	Upcoming Meeting Dates
11:52	Miscellaneous
11:53	Adjournment