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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: 09:00 A.M.

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

March 11, 2020

1 State Board of Physical Therapy
2 March 11, 2020
3
4

5 BOARD MEMBERS:
6

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

22 BUREAU PERSONNEL:
23

24 Thomas M. Davis, Esquire, Board Counsel
25 Paul J. Jarabeck, Esquire, Board Prosecution Liaison
26 Kimberly Adams, Chief of Fiscal Management, Bureau of
27 Finance and Operations
28 Michele Roberts, Board Administrator
29
30

31 ALSO PRESENT:
32

33 Ted Mowatt, Vice President/Lobbyist, Wanner Associates
34 Morgan Fink
35 Victoria Lerch
36 Mia Sallavanti
37 Mark Farrell, Deputy Policy Director
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1 ***

2 State Board of Physical Therapy

3 March 11, 2020

4 ***

5 The regularly scheduled meeting of the State Board
6 of Physical Therapy was held on Wednesday, March 11,
7 2020.

8 ***

9 Official Call To Order

10 [Cynthia Potter, PT, DPT, Chairperson, officially
11 called the meeting to order at 9:00 a.m.]

12 ***

13 Approval of minutes of January 16, 2020 meeting.

14 CHAIRPERSON POTTER:

15 The first item of business is the
16 approval of the minutes. Does anyone
17 have any additions or corrections to the
18 minutes?

19 [The Board discussed corrections to the minutes.]

20 CHAIRPERSON POTTER:

21 Does anyone have anything else? If not,
22 is there a motion to approve the minutes
23 as corrected?

24 DR. STAUB:

25 Motion.

1 MS. GRZYBEK:

2 Second.

3 CHAIRPERSON POTTER:

4 It's been moved and seconded to approve
5 the minutes as corrected. All in favor,
6 say aye. Opposed, no? Abstentions?

7 MR. STAUFFER:

8 Abstain.

9 CHAIRPERSON POTTER:

10 One abstention. The motion carries.

11 [The motion carried. Mr. Stauffer abstained from
12 voting on the motion.]

13 ***

14 Report of Prosecutorial Division

15 [Paul J. Jarabeck, Esquire, Board of Prosecution
16 Liaison, presented Item number 2, the Consent
17 Agreement for Case Number 19-65-018339.]

18 ***

19 Appointment - Bureau of Professional and Occupational
20 Affairs, Physical Therapy - Physical Therapist
21 Examination Request.

22 [Morgan A. Fink presented before the Board to request
23 to sit for the NPTE exam for a third time. She
24 admitted to her unpreparedness on her first two
25 attempts. Ms. Fink believed she had a lot to give to

1 the profession and looked forward to working as a
2 physical therapist. She reviewed her efforts to reach
3 out to the Physical Therapy Program Chair of Duquesne
4 University for studying tips on preparing for her
5 exam, as well as reaching out to family friends who
6 are currently Physical Therapists to discuss the
7 topics she is struggling with. Ms. Fink had also been
8 working on her mental health provider to be more
9 positive as during her second attempt she was dealing
10 with an illness.

11 Vice Chair Campbell inquired as to Ms. Fink's
12 knowledge of the functions of the Musculoskeletal and
13 Neuromuscular systems, which cover half of the exam.
14 Ms. Fink was working hard on those topics in order to
15 achieve a higher score. She noted her utilization of
16 the Practice Exam and Assessment Tool (PEAT) and
17 changing her plan to focus on her weak areas.

18 Ms. Fink reviewed her work to analyze the
19 questions she had gotten incorrect. She studies
20 approximately 3 to 3.5 hours a day. Ms. Campbell
21 encouraged Ms. Fink to use the textbook as her
22 resource.]

23 ***

24 Appointment - Bureau of Professional and Occupational
25 Affairs, Physical Therapy - Physical Therapist

1 Assistant Examination.

2 [Victoria L. Lerch presented before the Board to
3 request to sit for the NPTE exam for a third time.
4 She reviewed a different study plan, focusing on where
5 she needs to be in the future in order to be a good
6 Physical Therapist Assistant and grow in her skills to
7 promote the profession. Ms. Lerch discussed utilizing
8 additional resources and taking more study exams.

9 Ms. Lerch responded to Krista Wolfe, DPT, ATC,
10 that she had purchased PEAT. Ms. Wolfe encouraged her
11 investigate the PEAT as it was a great tool. Ms.
12 Lerch discussed focusing on her weaknesses from her
13 recent exam scores, specifically at all possible
14 interventions for Physical Therapy. She also noted
15 focusing on reading and reviewing each question.

16 Ms. Campbell noted Ms. Lerch's scores on
17 Musculoskeletal were on the lower side, which
18 Musculoskeletal and Cardio put together comprise
19 approximately a third of the exam. She encouraged Ms.
20 Lerch to focus on those with interventions. Ms.
21 Lerch believed she was more prepared this time than in
22 the past.]

23 ***

24 CHAIRPERSON POTTER:

25 Is Mia Sallavanti here? We are ahead of

1 schedule. We will go ahead and proceed
2 with the agenda and circle back when she
3 gets here.

4 ***

5 Report of Board Chair

6 [Cynthia L. Potter, PT, DPT, Chairperson, referenced
7 an email regarding the training for The Federation of
8 State Boards of Physical Therapy (FSBPT). She
9 informed the Board the training would be a follow-up
10 from the last year's annual meeting. Ms. Potter
11 indicated the two-day training would be excellent.
12 Ms. Potter stated the time frame did not permit a
13 funded delegate specific to this training. Anyone
14 interested in attending would attend on their own.
15 Ms. Potter questioned whether anyone was able to
16 attend.

17 Ms. Potter provided a Legislative update. She
18 noted the Compact Legislation Bill 640, which was
19 approved unanimously by the Senate Committee, and
20 being reviewed by the House Professional Licensure
21 Committee.

22 Ms. Potter discussed an effort by the Pennsylvania
23 Physical Therapy Association (PPTA) to get a bill
24 regarding Dry Needling and changing the requirements
25 for direct access. She noted the bill would clarify

1 that Dry Needling was part of the practice of Physical
2 Therapy.

3 Ms. Potter stated the stand with Direct Access was
4 to extend the period to 90 days and eliminate the 2-
5 year period of practice before applying for a license.
6 She noted that a letter had been sent in search of
7 cosponsors to the legislation.

8 Ms. Potter questioned if there was any further
9 information regarding the development of a course list
10 and getting the vendor in place that they had heard
11 from the Commissioner at the last meeting. Mr. Davis
12 had not received a reply as yet.

13 Ms. Potter discussed being at the end of their
14 renewal cycle without a course list. She expressed
15 her concern with regard to auditing therapists for
16 continuing education for compliance with the
17 regulations and offering the course list. Ms. Potter
18 suggested the Board communicate with the Governor or
19 Legislator with updated information, which she
20 believed to be a significant issue.

21 Ms. Grzybek stated generally renewals go out late
22 October. She believed numerous phone calls would be
23 handled by the staff to check compliance. Ms. Grzybek
24 stated the staff would be working on renewals, as well
25 as many other items. She suggested a resource be

1 offered to licensees.

2 Christopher Staub, DPT, questioned the point at
3 which there must be a consideration of waving the
4 senior requirement for renewal. He noted an undue
5 burden on the Licensure of PA to track down CE
6 (Continuing Education) in a short period of time. Ms.
7 Potter questioned the Board's defense in challenging
8 compliance. The Board continued to discuss the course
9 list.

10 Mark Farrell, Deputy Policy Director, noted his
11 unfamiliarity with the issue entirely. However, he
12 offered to investigate the matter further for the
13 Board. Ms. Potter indicated this had not been
14 reviewed since 2018 and almost two years overdue.]

15 ***

16 Report of Counsel

17 [Thomas M. Davis, Esquire, Board Counsel, referred to
18 the Status of Regulations of the State. He stated the
19 regulation subject, Child Abuse Reporting Requirements
20 16A-6518, had not been finalized. He referred to
21 regulation 16A-6519 regarding the Student Educational
22 Program, which will be stated as a policy into a
23 regulation. Mr. Davis addressed 16A-6522 regarding
24 Early Exam and CE for Clinical Instruction. He
25 indicated a draft package was being finalized and

1 reviewed.]

2

3 MR. DAVIS:

4 Based on the discussion of the Board, may
5 I suggest the Chair set a motion to no
6 longer move forward with regulation 16A-
7 6520, Foreign Trained Applicant
8 Evaluation.

9 MS. GRZYBEK:

10 So moved.

11 MS. FREY:

12 Second.

13 CHAIRPERSON POTTER:

14 Motion has been moved and seconded by
15 Counsel. All in favor, say aye.
16 Opposed, no? Abstentions? The motion
17 passes.

18 [The motion carried unanimously.]

19

20 [Mr. Davis next referred to regulation 16A-6523, which
21 was the proposed Annex. He discussed defining
22 substantially equivalent. Mr. Davis referred to
23 section 416A and 81. He made a change to the PT
24 section on the Annex and not the PTA section, which
25 includes 163. Mr. Davis referred to section 163C-1 as

1 similar format. He proposed a change in the language
2 in their regulation for clarity from 'endorsements' to
3 'reciprocity'.]

4 ***

5 MR. DAVIS:

6 Based on the discussions of the Board on
7 record. I believe the Chair would accept
8 a motion to allow Board Counsel to
9 compose a draft on regulation 16A-6523,
10 Proposed Annex Licensure by endorsement
11 under Act 41 to partisan parties and
12 stake holders.

13 MS. FREY:

14 So moved.

15 MS. CAMPBELL:

16 Second.

17 CHAIRPERSON POTTER:

18 It's been moved and seconded the motion
19 presented by counsel. All in favor, say
20 aye. Opposed, no? Abstentions?

21 MR. STAUFFER:

22 Abstained.

23 CHAIRPERSON POTTER:

24 One Abstention. The motion passes.

25 [The motion carried. Mr. Stauffer abstained from

1 voting on the motion.]

2

3 Appointment - Bureau of Professional and Occupational
4 Affairs, Physical Therapy - Physical Therapy
5 Examination.

6 [Mia Sallavanti presented before the Board to request
7 to sit for the NPTE exam for a third time. She
8 reviewed a study plan until July, wherein she would be
9 working with two licensed Physical Therapists twice a
10 week. Ms. Sallvanti discussed taking the Final
11 Frontier course with daily assignments along with
12 reading through the week. She was utilizing the
13 O'Sullivan textbook as a resource. She had taken the
14 exam in New York in January and missed three
15 questions. She noted her score had significantly
16 improved each time.

17 Ms. Sallavanti acknowledged that this would be her
18 fourth attempt, her third attempt in Pennsylvania.
19 Ms. Potter recognized a dramatic difference in her
20 performance on the exam and questioned whether there
21 was an occurrence while Ms. Sallavanti was taking the
22 exam. Ms. Sallvanti stated, in the first two sections
23 of the exam, there was someone sitting next to her and
24 their typing was loud and distracting. Ms. Sallvanti
25 stated she was devoting approximately 8 hours or more

1 to studying.

2 Ms. Campbell noted Ms. Sallavanti's most recent
3 Musculoskeletal System scoring reports were low. Ms.
4 Sallvanti recognized not being as strong in Cardio and
5 Neuro and would focus on those more, as well as
6 Musculoskeletal. Ms. Sallvanti informed the Board one
7 of the PT's that was tutoring her is very strong in
8 Musculoskeletal. Ms. Campbell encouraged her to study
9 the textbooks instead of relying on the tutors.]

10 ***

11 Executive Session

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 09:49 a.m. the Board entered into Executive Session
14 with Thomas Davis, Esquire, for the purpose of
15 conducting quasi-judicial deliberations and to receive
16 advice of Counsel. The Board returned to open session
17 at 10:19 p.m.]

18 ***

19 MOTIONS

20 MR. DAVIS:

21 Number 2 on the agenda, based on the
22 Board discussions in Executive Session,
23 the Board will entertain a motion to
24 adopt the Consent Agreement at Case No.
25 19-65-018339.

1 MS. FREY:

2 So moved.

3 DR. STAUB:

4 Seconded.

5 CHAIRPERSON POTTER:

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

8 Abstentions? The motion passes.

9 [The motion carried unanimously.]

10 ***

11 MR. DAVIS:

12 For the record, the licensees' name has
13 been withheld, because he is entering
14 into a voluntary recover program. His
15 participation in that program will remain
16 confidential as long as he abides by the
17 terms and conditions of the program.

18 ***

19 MR. DAVIS:

20 Numbers 3, 4 and 5 on the agenda, based
21 on the Board's discussions in Executive
22 Session, I believe the Chair will accept
23 a motion approving the requests of Morgan
24 Fink, Victoria Lerch, and Mia Sallavanti
25 for permission to take the National

1 Physical Therapy Examination (NPTE) for a
2 third time.

3 MR. ELLIOT:

4 So moved.

5 MS. GRZYBEK:

6 Second.

7 CHAIRPERSON POTTER:

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

10 Abstentions? The motion passes.

11 [The motion is carried unanimously.]

12 ***

13 MR. DAVIS:

14 Number 8 on the agenda, based on the
15 Board discussions in Executive Session, I
16 believe the Chair would accept a motion
17 to adopt the proposed Adjudication and
18 substitute the Board's order in the
19 following matter: Commonwealth, BPOA
20 (Bureau of Professional and Occupational
21 Affairs) vs. Daniel George Mundorff, PT,
22 Case No. 19-65-012486.

23 MS. WOLFE:

24 So moved.

25 MS. GRZYBEK:

1 Second.

2 CHAIRPERSON POTTER:

3 It's been moved and seconded. All in
4 favor say aye. Opposed, no? Any
5 abstentions?

6 MS. CAMPBELL:

7 I need to abstain.

8 CHAIRPERSON POTTER:

9 One abstention. And the motion passes.

10 [The motion carried. Ms. Campbell abstained from
11 deliberations and voting on the motion.]

12 ***

13 MR. DAVIS:

14 For the record, the abstention is because
15 Board Member Sandra Campbell was recused
16 due to serving in the Probable Cause
17 Screening Committee.

18 ***

19 Miscellaneous

20 Email correspondence of Rachael Miller

21 [Mr. Davis discussed a conversation with Rachel Miller
22 and her follow-up email regarding individuals

23 marketing themselves as "certified or specialized."

24 Chairperson Potter stated the issue of certification
25 was certainly a concern. She believed the Board

1 should inform the public of how individuals identify
2 themselves as clinical specialists.

3 Ms. Frey questioned whether the issue was that a
4 Board-Certified Pelvic Specialist was APTA Board
5 Certified or Pennsylvania State Board Certified. Ms.
6 Grzybek noted the issue of individuals indicating they
7 were specialists and not having the required
8 credentials.

9 Chairperson Potter questioned whether any other
10 Boards had this issue. Mr. Davis was unaware of any
11 Boards that specifically addressed this kind of an
12 issue without it being first addressed in the statute.
13 Mr. Davis offered to investigate the matter further
14 and obtain legal opinions for the Board.

15 Mr. Staub believed Ms. Miller had a legitimate
16 concern and would be supportive of Mr. Davis looking
17 into this matter further. Mr. Straub believed to be a
18 potential for some type of false advertising.

19 Kimberly Early, LSW, Secretary of Health Designee,
20 suggested providing public education on the matter.

21 Jeremy Robb, Attorney General's Office Designee,
22 stated the Attorney General's office request proof of
23 documentation indicating the specialized area of
24 service. The Attorney General's office would like to
25 be aware of issues with patients being affected by

1 this practice.

2 Mr. Davis offered to obtain additional information
3 for the Board to consider at its next meeting.]

4 ***

5 Fully Executed LOU

6 [Mr. Davis discussed a Letter of Understanding
7 (LOU)referencing the Board's intent to have the
8 Physical Therapy National Examination as the official
9 exam. He noted this LOU covered four years and had
10 been fully executed.]

11 ***

12 FSBPT Training 2020

13 [Chairperson Potter announced there was funding from
14 the Federation to send a Board members and staff to
15 the training. The Board discussed the FSBPT
16 Training.]

17 ***

18 MR. DAVIS:

19 I believe the Chair will accept a motion
20 to accept Board Member Christopher Staub
21 and Board Counsel to represent the Board
22 at 2020 FSBPT Mandatory Training for
23 members and Board Staff.

24 MS. GRZYBEK:

25 So moved.

1 MS. CAMPBELL:

2 Second.

3 CHAIRPERSON POTTER:

4 It's been moved and seconded as read by
5 Counsel. All in favor, say aye.

6 Opposed, no? Abstentions?

7 [The motion carried unanimously.]

8 ***

9 Delegates to FSBPT Conference

10 [Michelle Roberts, Board Administrator, announced the
11 conference was October 22nd through the 24th, 2020, in
12 Orange County, California. Ms. Roberts stated the
13 voting delegate would also attend the Leadership
14 Issues Forum held April 18th through the 19th, 2020 in
15 Alexandria.

16 The Board discussed sending a delegate and an
17 alternate.]

18 ***

19 CHAIRPERSON POTTER:

20 Do I have a motion to send a delegate?

21 MS. CAMPBELL:

22 So moved.

23 DR. STAUB:

24 Seconded.

25 MS. CAMPBELL:

1 To the addition may I have a motion to
2 support Michelle as the Board
3 Administrator to both the conference and
4 the annual meeting?

5 DR. STUAB:

6 Secoded.

7 CHAIRPERSON CAMPBELL:

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

10 Abstentions? The motion passes.

11 [The motion carried unanimously.]

12 ***

13 [Ms. Potter noted a meeting to discuss the topics for
14 the annual conference. She encouraged emails from the
15 Board members proposing topics of discussion for the
16 annual meeting, such as keynote speakers and sessions.

17 Ms. Potter stated next Board meeting would be May
18 18th, 2020.]

19 ***

20 Adjournment

21 CHAIRPERSON POTTER:

22 Is there a motion to adjourn?

23 DR. STAUB:

24 I motion.

25 MS. CAMPBELL:

1 Seconded.

2 CHAIRPERSON POTTER:

3 It's been moved and seconded to adjourn.

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

5 Abstentions? And we are adjourned.

6 [The motion carried unanimously.]

7 ***

8 [There being no further business, the State Board of

9 Physical Therapy meeting adjourned at 10:41 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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX
March 11, 2020

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TIME	AGENDA
9:00	Official Call to Order
9:03	Approval of Minutes
9:04	Report of Prosecutorial Division
9:05	Appointment - Morgan Fink
9:12	Appointment - Victoria Lerch
9:19	Report of Board Chairperson
9:30	Report of Counsel
9:43	Appointment - Mia Sallavanti
9:49	Executive Session
10:19	Return to Open Session
10:19	Motions
10:41	Adjournment