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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: 9:01 A.M.

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

March 21, 2019

1 State Board of Physical Therapy
2 March 21, 2019
3
4

5 BOARD MEMBERS:
6

7 Cynthia Potter, PT, Chairperson
8 Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs - Absent
10 Geraldine M. Grzybek, PT, Vice Chairperson
11 Tammy S. Frey, PTA, Secretary
12 Sandra Campbell, PT
13 Jeffrey R. Elliott - Absent
14 Kimberly Early, LSW, Secretary of Health
15 designee - Absent
16 Jeremy Robb, Attorney General's Office designee
17 Christopher Staub, PT - Absent
18
19

20 BUREAU PERSONNEL:
21

22 Thomas Davis, Esquire, Board Counsel
23 Paul J. Jarabeck, Esquire, Board Prosecution Liaison
24 David Smith, Esquire, Board Prosecutor
25 Michelle Roberts, Board Administrator
26
27 Kimberly Adams, Chief of Fiscal Management, Bureau of
28 Finance and Operations
29 Amanda Richards, Fiscal Management Specialist, Bureau
30 of Finance and Operations
31
32

33 ALSO PRESENT:
34

35
36 Scott Voshell, Vice President, Pennsylvania Physical
37 Therapy Association
38 John E. Baughman
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1 ***

2 State Board of Physical Therapy

3 March 21, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Physical Therapy was held on Thursday, March
7 21, 2019.

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 December 21, 2018 meeting

14 CHAIRPERSON POTTER:

15 The first item on the agenda is the
16 approval of the draft minutes. Are
17 there any additions or corrections to
18 the minutes?

19 [The Board discussed corrections to the minutes.]

20 CHAIRPERSON POTTER:

21 Any other additions or corrections to
22 the minutes?

23 If not, is there a motion to approve as
24 amended?

25 MS. GRZYBEK:

1 So moved.

2 MS. CAMPBELL:

3 Second.

4 CHAIRPERSON POTTER:

5 So moved and seconded to approve the
6 minutes. All in favor, say aye.

7 Opposed, no? Abstentions?

8 [The motion carried unanimously.]

9 ***

10 Report of Prosecutorial Division

11 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
12 presented the VRP Consent Agreement for File No. 18-
13 65-009433.]

14 ***

15 Report of Board Counsel - Regulations

16 [Thomas Davis, Esquire, Board Counsel, addressed
17 16A-6522 regarding early examination and continuing
18 education (CE) for clinical instruction. He noted
19 prior discussion of § 40.15(a) and suggested changes
20 in language, such as applications for licensure by
21 examination must be submitted to the State Board of
22 Physical Therapy in a format approved by the Board.
23 He commented that the change was due to paper
24 applications no longer being accepted.

25 Mr. Davis also referred to prior discussion under

1 § 40.63(j) regarding continuing education for direct
2 access certificate holder. The language was changed
3 to the following: Credits earned via this subsection
4 will not count toward credits required under
5 § 40.61(a)(1)(ii).

6 Chairperson Potter referred to 40.192(c)(7)
7 regarding continuing education for certified physical
8 therapist assistant, noting that the second and third
9 line should read that accredits physical therapist
10 assistant programs.

11 Mr. Davis stated, once approved, he will present
12 a finished annex as well as a preamble with the
13 suggested changes for the Board to formally vote to
14 promulgate this regulation at the next meeting.

15 Mr. Davis addressed House Bill 138 of 2019,
16 former House Bill 2617 of 2018 that died in committee
17 last session. He stated House Bill 138 of 2019
18 received a unanimous vote in the committee and in the
19 House, as well as complements the direction of the
20 Board with the 90-day language.

21 Mr. Davis addressed House Bill 862, former House
22 Bill 1836 that died in the Veterans Affairs &
23 Emergency Preparedness Committee regarding the
24 Physical Therapy Licensure Compact. He noted that the
25 Bill was introduced to the Professional Licensure

1 Committee.

2 Chairperson Potter noted contiguous states that
3 passed the compact, which will take on more relevance
4 for the Board as Pennsylvania gets surrounded by
5 states that have already adopted the compact. She
6 noted implementation to be a time-consuming process,
7 suggesting the Board be proactive in the process and
8 what needs to be done if legislation passes.

9 Ms. Campbell offered a website for the Board's
10 review concerning the PT Compact at ptcompact.org.]

11

12 Appointment - National Physical Therapy Assistant
13 Examination Third Attempt Request

14 [Karly Klein addressed the Board with her plan to
15 prepare herself for a third attempt to take the
16 National Physical Therapy Assistant Exam. She
17 commented that she relied too much on her hands-on
18 skills and is more prepared and optimistic than the
19 first two exams.]

20

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

23 [Kimberly Adams, Chief of Fiscal Management, Bureau of
24 Finance and Operations introduced herself and Amanda
25 Richards, Fiscal Management Specialist 2.

1 Ms. Adams addressed licensee population from a
2 revenue standpoint. She reviewed FY 2014-2015,
3 FY 2016-2017, and FY 2018-2019 with a current licensee
4 count at 27,185 with a recent addition of 105. She
5 noted an additional 5,467 licensees from FY 2014-2015.

6 Ms. Adams stated 95.9% of revenue was from
7 renewals and applications. The current biennial total
8 was noted.

9 Ms. Adams reviewed the categorical breakdown of
10 administrative and legal expenses for FY 2016-17 and
11 FY 2017-18, FY 2018-2019 budget, and expenses as of
12 February 28. She noted a recent increase in expenses.
13 She noted that expenses incur from direct-based cost,
14 timesheet-based charges, and licensee-based charges.

15 Ms. Adams addressed revenues and expenses from
16 FY 2016-2017, FY 2017-2018, and the FY 2018-2019
17 budget balance. She noted that revenue was exceeding
18 expenditures and licensee population growth was
19 showing a healthy balance for future years.

20 Chairperson Potter questioned whether the fee
21 waiver in July 2020 was guaranteed.

22 Mr. Davis stated the current regulation that is
23 being drafted by regulatory counsel concerning
24 lowering fees was not yet complete.

25 Ms. Adams noted the FY 2019-2020 projection was

1 far lower due in part of the waiver taking place.

2 Ms. Adams provided a breakdown of Board member
3 expenses for FY 2016-2017 and FY 2017-2018, noting the
4 budget for FY 2018-2019. She noted expenses as of
5 February 28, 2019, with a recent increase. She
6 commented that the budget will remain the same for FY
7 2019-2020. She commented that any excess goes back to
8 the restricted account for the Board's use.

9 Ms. Adams reviewed the expenditure sheet
10 reflecting a pictorial overview of the fluctuation of
11 expenses since 2006.

12 Chairperson Potter questioned whether devoting
13 some of the surplus in the budget could be used to
14 increase support administratively to lessen the burden
15 on staff. Mr. Davis commented that the issues was
16 being considered and suggested getting in touch with
17 the Commissioner's Office for a contact person.]

18 ***

19 Report of Board Chair

20 [Cynthia Potter, PT, Chairperson, stated that the
21 Membership Survey Task Force by the Federation of
22 State Boards of Physical Therapy's (FSBPT) final
23 meeting was in February and thanked those who
24 completed the survey. She commented that the
25 satisfaction level with the federation was 95% or

1 above in every single category, which reflects well on
2 the federation meeting the needs of the licensure
3 Boards around the country.

4 Chairperson Potter stated that FSBPT does a good
5 job of figuring out what states need and would like
6 the Board to bring forward topics of interest.]

7

8 Report of Board Counsel (Continued) - Revised General
9 Order of Delegation

10 [Thomas Davis, Board Counsel, addressed revisions of
11 the current general order of delegation. Mr. Davis
12 explained that the Board sends everything to hearing
13 examiners except for matters directly related to the
14 practice of physical therapy. He stated the matter
15 would come before the Board if there was a question of
16 the correct practice.

17 Mr. Davis noted discussion requiring
18 reinstatements to also come before the Board and
19 suggested discussing the matter in executive session.]

20

21 Report of Board Counsel (Continued) - Final Draft
22 Email

23 Blast

24 [Cynthia Potter, PT, Chairperson, stated that the
25 intent of the email blast was to increase the

1 awareness of licensees of looking at the continuing
2 education requirements and dispelling confusion. She
3 noted it to be an effort in communication and finding
4 answers in terms of continuing education.]

5 ***

6 MS. FREY:

7 I would like to make a motion that we
8 move on sending out this email blast,
9 the Pennsylvania State Board of Physical
10 Therapy for your information email blast
11 to the licensees.

12 CHAIRPERSON POTTER:

13 Is there a second?

14 MS. GRZYBEK:

15 I'll second it.

16 CHAIRPERSON POTTER:

17 Moved and seconded to send this email
18 blast to the licensees. Further
19 discussion? Any Board member
20 discussion? All in favor, say aye.
21 Opposed, no? Abstentions?

22 [The motion carried unanimously.]

23 ***

24 Probable Cause Committee Assignments

25 [Cynthia Potter, PT, Chairperson, noted the need for

1 another member to join the Probable Cause Committee.

2 Ms. Campbell explained her duties as a Probable
3 Cause Committee member, working in a timely manner
4 with the prosecutorial division to make quick
5 decisions to protect the public while allowing the
6 rest of the formal process to move forward.

7 Mr. Davis explained the process when serving on
8 the Probable Cause Committee.

9 Ms. Frey offered to be the alternate committee
10 member.]

11 ***

12 CHAIRPERSON POTTER:

13 Do I have a motion?

14 MS. CAMPBELL:

15 So moved.

16 MS. GRZYBEK:

17 Second.

18 CHAIRPERSON POTTER:

19 So moved and seconded to appoint Tammy
20 Frey as the second member of the
21 Probable Cause Committee. All in favor,
22 say aye. Opposed, no? Abstentions?

23 [The motion carried unanimously.]

24 ***

25 [Scott Voshell, Vice President, Pennsylvania Physical

1 Therapy Association, commented that PPTA was in favor
2 of the PT Licensure Compact and was working with
3 cosponsor, Steve Barrar. He also noted meeting with
4 Chris Quinn in regards to the student issue, in which
5 PPTA was also in favor.

6 Mr. Voshell offered to have the Executive
7 Committee for PPTA write a letter in support of
8 alleviating some of the pressure on current Board
9 administrative staff and commended Ms. Roberts
10 regarding a recent incident.]

11 ***
12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 9:50 a.m. the Board entered into Executive Session
14 with Thomas Davis, Esquire, Board Counsel, for the
15 purpose of conducting quasi-judicial deliberations and
16 to receive advice of Counsel. The Board returned to
17 open session at 11:07 a.m.]

18 ***

19 MOTIONS

20 MR. DAVIS:

21 Pursuant to Section 708(a)(5) of the
22 Sunshine Act, the Board met in Executive
23 Session for the purpose of conducting
24 quasi-judicial deliberations and to
25 receive advice of Counsel on the matters

1 upon which the Board is about to vote.

2 Number 3 on the agenda. Based on
3 the Board's discussions in Executive
4 Session, I believe the Board Chair would
5 accept a motion approving Karly Klein's
6 request for permission to take the
7 National PTA Exam the third time.

8 CHAIRPERSON POTTER:

9 Is there a motion?

10 MS. FREY:

11 I make a motion.

12 MS. CAMPBELL:

13 Second.

14 CHAIRPERSON POTTER:

15 Moved and seconded that Karly Klein be
16 approved for a third request to take the
17 PTA Exam. All in favor, say aye.

18 Opposed, no? Abstentions?

19 [The motion carried unanimously.]

20 ***

21 MR. DAVIS:

22 Number 6 on the agenda. Based on the
23 Board's discussions in Executive
24 Session, I believe the Chair would
25 accept a motion to approve as final the

1 draft adjudication and order presented
2 by Board counsel in the following
3 matter: Commonwealth of Pennsylvania
4 BPOA vs. Leslie Ellen Dutcher, RN, PTA,
5 Case No. 17-65-05082.

6 CHAIRPERSON POTTER:

7 Is there a motion?

8 MS. GRZYBEK:

9 So moved.

10 MR. ROBB:

11 I'll second.

12 CHAIRPERSON POTTER:

13 Moved and seconded to adopt the motion
14 as read by legal counsel. All in favor,
15 say aye. Opposed, no? Abstentions?

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 As mentioned earlier, we discussed No. 8
20 on the agenda, the revised general order
21 of delegation. This does not require
22 vote as there was no change in the
23 current order of delegation.

24 ***

25 MR. DAVIS:

1 Number 2 on the agenda. Based on the
2 Board's discussions in Executive
3 Session, I believe the Board would will
4 entertain a motion to adopt the Consent
5 Agreement at Case No. 18-65-009433.

6 CHAIRPERSON POTTER:

7 Is there a motion?

8 MS. GRZYBEK:

9 So moved.

10 MS. CAMPBELL:

11 Second.

12 CHAIRPERSON POTTER:

13 Moved and seconded to adopt the motion
14 as read by legal counsel. All in favor,
15 say aye. Opposed, no? Abstentions?

16 [The motion carried unanimously.]

17 ***

18 [Thomas Davis, Esquire, Board Counsel, noted that for
19 the record, the licensee's name has been withheld
20 because he is entering into the Voluntary Recovery
21 Program and his participation in that program will
22 remain confidential as long as he abides by the terms
23 and conditions of that program.]

24 ***

25 Report of Board Administrator

1 [Michelle Roberts, Board Administrator, noted election
2 of officers, which was tabled until the May meeting.

3 Ms. Roberts announced that the Federation of
4 State Boards of Physical Therapy 2019 Annual Meeting &
5 Delegate Assembly will be held October 24-26 in
6 Oklahoma City.]

7 ***

8 MS. GRZYBEK:

9 We move to have Cindy be our delegate
10 and Tom be our alternate delegate at the
11 FSBPT Annual Meeting in 2019.

12 MS. FREY:

13 Second.

14 CHAIRPERSON POTTER:

15 Any discussion? All in favor? No?

16 [The motion carried unanimously]

17 ***

18 MS. GRZYBEK:

19 I move that our Board Administrator,
20 Michelle Roberts, be delegated to attend
21 the FSBPT in Oklahoma in 2019.

22 CHAIRPERSON POTTER:

23 Is there a second?

24 MR. ROBB:

25 I'll second.

1 CHAIRPERSON POTTER:

2 Moved and seconded. All in favor?

3 Opposed, no? Abstentions?

4 [The motion carried unanimously]

5 ***

6 MS. FREY:

7 I'll make a motion the Board fund Gerry
8 Grzybek and Sandra Campbell to attend
9 the FSBPT Regulatory Training Meeting
10 August 16-18 in Alexandria, VA.

11 MR. ROBB:

12 I'll second.

13 CHAIRPERSON POTTER:

14 Moved and seconded. All in favor, say
15 aye? Opposed, no? Abstentions?

16 [The motion carried unanimously]

17 ***

18 Miscellaneous - 2019 Meeting Dates

19 [Cynthia Potter, PT, Chairperson, noted remaining 2019
20 meeting dates.]

21 ***

22 Adjournment

23 CHAIRPERSON POTTER:

24 Is there a motion to adjourn?

25 MS. GRZYBEK:

1 So moved.

2 MR. ROBB:

3 Second.

4 CHAIRPERSON POTTER:

5 All in favor, say aye.

6 [The motion carried unanimously.]

7 ***

8 [There being no further business, the State Board of
9 Physical Therapy Meeting adjourned at 11:18 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

March 21, 2019

TIME	AGENDA
9:01	Official Call to Order
9:01	Approval of Minutes
9:05	Report of Prosecutorial Division
9:06	Report of Board Counsel
9:19	Appointment - Karly Klein
9:26	Appointment - Bureau of Finance and Operations Annual Budget Presentation
9:37	Report of Chairperson
9:39	Report of Board Counsel (Continued)
9:47	Probable Cause Screening Committee Assignments
9:50	Executive Session
11:07	Return to Open Session
11:07	Motions
11:10	Report of Board Administrator
11:17	Miscellaneous
11:18	Adjournment