

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

TIME: 9:00 A.M.

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

May 17, 2018

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
May 17, 2018

BOARD MEMBERS:

- Cynthia Potter, PT, Chairperson
- Ian J. Harlow, Commissioner of Professional and Occupational Affairs - Absent
- Sandra Campbell, PT
- Jeffrey R. Elliott
- Tammy S. Frey, PTA, Secretary
- Geraldine Grzybek, PT, Vice Chairperson
- Rachel Levine, MD, Physician General - Absent
- Jeremy Robb, Attorney General's Office Designee

BUREAU PERSONNEL:

- Juan Ruiz, Esquire, Board Counsel
- Jason Anderson, Esquire, Board Prosecution Liaison
- Andrea Costello, Esquire, Board Prosecutor
- Steven Mimm, Esquire, Board Prosecutor
- Michelle Roberts, Board Administrator

ALSO PRESENT:

- Scott Voshell, Vice President, Pennsylvania Physical Therapy Association (PPTA)
- Kiersten Baumgardner, Wanner Associates, Association for Professional Acupuncture (APA)
- J. J. Thomas
- John E. Baughman, Select Medical
- Jennifer Wilson, Applicant
- Aubrey Lindner, Applicant

1 ***

2 State Board of Physical Therapy

3 May 17, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Physical Therapy was held on Thursday, May
7 17, 2018.

8 ***

9 Official Call to Order

10 [Cynthia Potter, PT, Chairperson, officially called
11 the meeting to order at 9:00 a.m. A quorum was noted
12 to be present.]

13 ***

14 Approval of Minutes of the January 18, 2018 meeting

15 CHAIRPERSON POTTER:

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

19 If not, is there a motion to
20 approve the minutes?

21 MS. FREY:

22 So moved.

23 MS. GRZYBEK:

24 Second.

25 CHAIRPERSON POTTER:

1 It's been moved and seconded to adopt
2 the minutes as presented. All in favor,
3 say aye. Opposed, no? Abstentions?

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Andrea Costello, Esquire, Board Prosecutor, presented
8 a VRP Consent Agreement for File No. 18-65-01183.]

9 ***

10 [Jason Anderson, Esquire, Board Prosecution Liaison,
11 presented Consent Agreements for File No. 16-65-12711,
12 File No. 17-65-13585, and File No. 17-65-14381.]

13 ***

14 [Steven Mimm, Esquire, Board Prosecutor, presented a
15 Consent Agreement for File No. 14-65-05233.]

16 ***

17 Report of Board Chairperson

18 [Cynthia Potter, PT, Chairperson, discussed the
19 cancellation of Board meetings, as well as meetings of
20 the Governor's Executive Order 2017-03 Advisory Group,
21 due to weather. She also updated the Board as to
22 database developments. Chairperson Potter referenced
23 a SharePoint discussion of the Advisory Group, as well
24 as the contributions from St. Francis University.

25 Chairperson Potter discussed the missed deadline

1 for credentialing a delegate for the Federation of
2 State Boards of Physical Therapy (FSBPT) meeting due
3 to the Governor's travel ban. She related her efforts
4 to lift the ban.

5 Chairperson Potter discussed a Leadership Issue
6 Forum being sponsored by FSBPT in July, which the
7 Board is also precluded from attending. Geraldine
8 Grzybek, PT, as a new board member, expressed her
9 dissatisfaction with not being permitted to
10 participate in the regulatory training in order to
11 better service the state.]

12 ***

13 Report of Board Counsel

14 [Juan Ruiz, Esquire, Board Counsel, referred to the
15 Status of Regulations as prepared by Thomas Blackburn,
16 Esquire, Regulatory Counsel. He noted the approval of
17 the Act 38 rulemaking by the Independent Regulatory
18 Review Commission (IRRC).

19 Mr. Ruiz noted a proposed Adjudication and Order
20 for discussion in Executive Session.]

21 ***

22 Miscellaneous

23 Discussion - CE for acting as clinical instructor

24 [Mr. Ruiz noted the receipt of numerous letters in
25 support of granting CE credit for acting as a clinical

1 instructor.

2 Sandra Campbell, PT, as a Director of Clinical
3 Education, discussed her consistent interaction with
4 clinical instructors. She referenced other states
5 that permit clinical instructors to include the
6 supervising students, which challenges the instructors
7 and the students. Ms. Grzybek voiced her support of
8 this initiative.

9 Mr. Ruiz explained the procedures for developing
10 a regulatory change.

11 Scott Voshell, Vice President, Pennsylvania
12 Physical Therapy Association (PPTA), provided
13 informational material related to student clinical
14 education and dry needling.

15 Mr. Voshell thanked the Board for their time and
16 dedication to the people of Pennsylvania, as well as
17 the Physical Therapy profession. He discussed the
18 importance and the need for clinical education for
19 physical therapy students. He noted the increased
20 productivity demands on clinicians and facilities so
21 students may complete clinical assignments.

22 Mr. Voshell suggested the Board form a task force
23 to establish rules and regulations to provide a
24 formula for awarding CEUs for the clinical instruction
25 of students.

1 Chairperson Potter voiced the Board's desire to
2 pursue this initiative. Mr. Ruiz discussed gathering
3 information and the steps for the Board to proceed
4 with rulemaking.]

5

6 Discussion - Dry Needling

7 [Scott Voshell referred to his handouts related to
8 proposed dry needling regulations. PPTA recognizes
9 the Board's authority to prepare rules and regulations
10 for the safe practice of dry needling, as well as its
11 responsibility to develop education and practice
12 standards.

13 Mr. Voshell discussed the capabilities and
14 continuing education of physical therapists to perform
15 dry needling within their scope of practice. He noted
16 the potential for opposition from other healthcare
17 professionals. He offered PPTA's willingness to
18 participate with any state regulatory authority to
19 facilitate the process for dry needling rulemaking.

20 Chairperson Potter offered the Board's position
21 and input on this particular topic. Mr. Ruiz
22 discussed commencing a legislative initiative on the
23 matter.

24 Mr. Voshell offered to provide additional
25 information and a presentation on dry needling to the

1 Board at a future meeting. The Board appreciated the
2 offer but felt it was not necessary. The Board
3 discussed providing support letters to the appropriate
4 legislators.]

5 ***

6 Discussion - Eligibility before graduation
7 [Mr. Ruiz discussed an email from Wayne C. Crawford,
8 Esquire, Executive Director of the Professional
9 Licensure Committee, questioning the Board's desire to
10 amend Section 40.15 to permit students to take the
11 state exam prior to actual graduation.

12 Chairperson Potter discussed the current
13 participation and criteria of Pennsylvania schools.
14 She noted the debt of students coming out of school
15 and their desire to find employment sooner.
16 Chairperson Potter supported the regulatory change on
17 this matter.

18 Ms. Campbell discussed the challenges for
19 students to timely sit for the exam. She reviewed the
20 conforming regulations of neighboring states. The
21 benefits to Pennsylvania to move forward with this
22 regulation change were noted, particularly keeping the
23 students in Pennsylvania.

24 Mr. Ruiz will review the practices of other State
25 Boards to permit students to sit for exams prior to

1 graduation. The Board directed Board Counsel to move
2 forward with a regulatory change on this matter.]

3

4 Discussion - Telemedicine

5 [Ms. Grzybek discussed a letter from Medrisk regarding
6 the availability of Telerehab. Medrisk is offering
7 continued physical therapy treatments through
8 telerehabilitation. She noted many questions related
9 to the safety and security of patients, as well as the
10 liability of physical therapists performing the
11 initial evaluation.

12 Mr. Ruiz advised the Board to refer the matter to
13 the Prosecutorial Division to investigate and bring
14 back to the Board for further determination.

15 The Board agreed to continue its discussion
16 regarding regulating telemedicine in Pennsylvania.]

17

18 Appointment - Applicant Jennifer Wilson request for
19 3rd attempt

20 [Jennifer Wilson, Applicant, provided information to
21 the Board supporting her request for a third attempt
22 to sit for the exam on July 10, 2018. She reviewed
23 her efforts to study and prepare for the exam, as well
24 as dealing with her testing anxiety. Ms. Wilson
25 discussed her strengths with working with patients,

1 such as being a good hands-on learner and
2 motivationally positive with patients.]

3

4 Appointment - Applicant Aubrey Lindner request for
5 3rd attempt

6 [Aubrey Lindner, Applicant, provided information to
7 the Board supporting her request for a third attempt
8 to sit for the exam on July 10, 2018. She reviewed
9 her current study plan utilizing a mentor,
10 ScoreBuilders Basecamp, ACE, and the NPT app. Ms.
11 Lindner discussed overcoming failures with scenario
12 questions.]

13

14 Report of Commissioner - No Report

15

16 Report of Board Administrator

17 [Michelle Roberts, Board Administrator, noted the
18 Security Awareness Training to be conducted by the
19 Board after its Executive Session.]

20

21 [J. J. Thomas presented before the Board and provided
22 a brief summary of her professional background. She
23 commended the Board for their commitment to serving
24 the people of Pennsylvania.

25 Ms. Thomas requested the Board reconsider the

1 offer for an expert to educate the Board from a
2 physical therapist's perspective on dry needling. She
3 urged the Board to become a governing body on the
4 matter.

5 Chairperson Potter stated a representative of the
6 FSBPT provided a demonstration on dry needling to the
7 Board in the past. Ms. Thomas noted changes to the
8 practice since the demonstration.

9 Chairperson Potter noted that the Board does not
10 have legislative authority on acupuncture. She
11 reviewed the Board's familiarity and support for
12 changes in this practice. Mr. Ruiz referred to the
13 definition of acupuncture under the Acupuncture
14 Licensure Act.

15 Ms. Thomas disputed dry needling falling under
16 the practice of acupuncture. She discussed overlaps
17 in the scope of practice between manipulative
18 professions.]

19

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
21 10:14 a.m. the Board entered into Executive Session
22 with Juan Ruiz, Esquire, Board Counsel, for the
23 purpose of conducting quasi-judicial deliberations.
24 The Board returned to open session at 11:27 a.m.]

25

1 MOTIONS

2 MR. RUIZ:

3 The Board was just in Executive Session
4 conducting quasi-judicial deliberations
5 on a number of matters currently pending
6 before the Board.

7 Is there a motion to approve the
8 VRP Consent Agreement at File No. 18-65-
9 01183?

10 MS. GRZYBEK:

11 So moved.

12 MS. CAMPBELL:

13 Second.

14 CHAIRPERSON POTTER:

15 It's been moved and seconded to adopt
16 the Consent Agreement.

17 All in favor, say aye? Opposed,
18 no? Abstentions?

19 [The motion carried unanimously.]

20 ***

21 MR. RUIZ:

22 Is there a motion to approve the
23 following Consent Agreements at File No.
24 14-65-05233, File No. 16-65-12711, and
25 File No. 17-65-13585?

1 MS. FREY:

2 I'll make the motion.

3 MS. GRZYBEK:

4 I'll second.

5 CHAIRPERSON POTTER:

6 The motion has been moved and seconded.

7 All in favor, say aye? Opposed,
8 no? Abstentions?

9 [The motion carried unanimously. The Respondent's
10 name for File No. 14-65-05233 is Yosry Mohamed
11 Aboseada, PT. The Respondent's name for File No. 16-
12 65-12711 is Donna Jean Kelley, PT. The Respondent's
13 name for File No. 17-65-13585 is Keith E. Flesch, RN,
14 PTA.]

15 ***

16 MR. RUIZ:

17 Is there a motion to approve the Consent
18 Agreement at File No. 17-65-14381,
19 noting for the record that Board Member
20 Grzybek is recused from all
21 deliberations and voting on that?

22 MR. ROBB:

23 I make the motion.

24 MS. CAMPBELL:

25 I'll second.

1 CHAIRPERSON POTTER:

2 The motion has been moved and seconded.

3 All in favor, say aye? Oppose, no?

4 Abstentions?

5 [The motion carried. Ms. Grzybek recused from
6 deliberations and voting on the motion. The
7 Respondent's name for File No. 17-65-14381 is Craig
8 David Moreland, PT.]

9 ***

10 MR. RUIZ:

11 Is there a motion to approve the
12 requests to take the PT exam for the
13 third attempt for the Applicants
14 Jennifer Wilson and Aubrey Lindner?

15 MR. ROBB:

16 I'll make that motion.

17 MR. ELLIOTT:

18 Second.

19 CHAIRPERSON POTTER:

20 The motion has been moved and seconded.

21 All in favor, say aye? Opposed,

22 no? Abstentions?

23 [The motion carried unanimously.]

24 ***

25 MR. RUIZ:

1 Is there a motion to direct Board
2 Counsel to draft a Final Adjudication
3 and Order consistent with our
4 discussions in Executive Session in the
5 case of Gregory Alan Betar, PTA, File
6 No. 17-65-02738?

7 MS. FREY:

8 I make the motion.

9 MS. GRZYBEK:

10 I'll second.

11 CHAIRPERSON POTTER:

12 The motion has been moved and seconded.

13 All in favor, say aye? Opposed,
14 no? Abstentions?

15 [The motion carried unanimously.]

16 ***

17 For Your Information

18 [Chairperson Potter noted the Monthly Case Status
19 Report for the Board's review and information.

20 She noted the Board's next meeting date of July
21 19, 2018.

22 Chairperson Potter discussed the need to fill the
23 Board's vacancies.]

24 ***

25 Adjournment

1 CHAIRPERSON POTTER:

2 Any other business? If not, is there a
3 motion to adjourn?

4 MS. GRZYBEK:

5 So moved.

6 MS. CAMPBELL:

7 Second.

8 CHAIRPERSON POTTER:

9 It's moved and seconded to adjourn. All
10 in favor, say aye. Opposed, no?
11 Abstentions?

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Physical Therapy meeting adjourned at 11:32 a.m.]

16 ***

17

18

19

20

21

22

23

24

25

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

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.

Kayla R. Wargo

Kayla R. Wargo,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX
May 17, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:00	Official Call to Order
8		
9	9:01	Approval of Minutes
10		
11	9:02	Report of Prosecutorial Division
12		
13	9:08	Report of Chairperson
14		
15	9:13	Report of Board Counsel
16		
17	9:54	Appointment - Applicant Jennifer Wilson
18		
19	10:01	Appointment - Applicant Aubrey Lindner
20		
21	10:06	Report of Board Administrator
22		
23	10:14	Executive Session
24	11:27	Return to Open Session
25		
26	11:30	Miscellaneous
27		
28	11:32	Adjournment
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		