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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: 10:31 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

September 15, 2022

State Board of Physical Therapy
September 15, 2022

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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 - Absent
Jeremy Robb, Attorney General's Office designee
William Werner PT
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution Division
Heather J. McCarthy, Esquire, Senior Board
Prosecution Liaison
Michelle Roberts, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Ted Mowatt, CAE, Vice President/Lobbyist, Wanner
Associates
Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Committee
Kari Orchard, Democratic Executive Director, House
Professional Licensure Committee
Scott Voshell, President, American Physical Therapy
Association Pennsylvania Chapter

1 ***

2 State Board of Physical Therapy

3 September 15, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:15 a.m. the Board entered into Executive
7 Session with Thomas M. Davis, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive advice of counsel on
10 matters upon which the Board would later vote. The
11 Board commenced open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Physical Therapy was held on Thursday,
15 September 15, 2022.

16 ***

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially
19 called the meeting to order at 10:31 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 discussing matters upon which the Board
3 would later vote.]

4 ***

5 Roll Call

6 [A roll call of Board members was taken by Chair
7 Potter. She noted all Board members participating in
8 this meeting are present virtually (participating via
9 Microsoft Teams) with the exception of Acting
10 Commissioner Claggett (physically present in Board
11 Room C).]

12 ***

13 Introduction of Attendees

14 ***

15 Approval of minutes of the July 21, 2022 meeting

16 CHAIR POTTER:

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

19 Are there any additions or
20 corrections to the minutes from the
21 July 21 meeting?

22 [The Board discussed corrections to the minutes.]

23 CHAIR POTTER:

24 If there are not any other additions or
25 corrections, is there a motion to

1 approve the minutes?

2 DR. CAMPBELL:

3 So moved.

4 CHAIR POTTER:

5 Is there a second?

6 MR. WERNER:

7 Second.

8 CHAIR POTTER:

9 It has been moved and seconded to
10 approve the minutes of July 21. Any
11 further discussion? We have to do a
12 roll call vote.

13

14 Potter, aye; Commissioner Claggett,
15 aye; Sandra Campbell, aye; Jeremy Robb,
16 aye; William Werner, aye; Krista Wolfe,
17 aye.

18 [The motion carried unanimously.]

19

20 Report of Board Prosecution - No Report

21

22 Report of Board Counsel - Report

23 [Thomas M. Davis, Esquire, Board Counsel, provided
24 the 2021 Bureau of Professional and Occupational
25 Affairs (BPOA) Annual Report for the Board's review.]

1 He stated the report is sent to the professional
2 licensure committees annually regarding cases. He
3 reported 26,581 active licensees, 108 opened cases,
4 79 current open cases as of the close of 2021, and 99
5 closed cases with the average time to close a case
6 being 305 days.

7 Chair Potter requested information regarding
8 whether "failure to keep clean" on the report is
9 related to COVID issues.

10 Carolyn A. DeLaurentis, Esquire, Deputy Chief
11 Counsel, Prosecution Division, explained that
12 prosecution did not think COVID was going to last so
13 long and did not create a COVID code for cases in the
14 Pennsylvania Licensing System (PALS) but had an extra
15 "failure to keep clean" code not being used during
16 the pandemic and decided to track COVID using that
17 code.

18 Ms. DeLaurentis stated such cases are related to
19 COVID and do not necessarily have anything to do with
20 cleanliness or sanitation and that prosecution kept
21 using the code at that point to not have confusing
22 numbers.]

23 ***

24 Report of Board Counsel - Regulations

25 [Thomas M. Davis, Esquire, Board Counsel, addressed

1 three active regulations that include 16A-6519
2 regarding students and educational programs, 16A-6522
3 regarding early education and continuing education
4 (CE) for clinical instruction, and 16A-6523 regarding
5 licensure by endorsement under Act 41.

6 Mr. Davis informed Board members that the
7 proposed Act 41 regulation is with Senior Regulatory
8 Counsel and awaiting review. He stated he is still
9 drafting the preamble and Regulatory Analysis Form
10 (RAF) for the proposed "student in educational
11 programs" regulation and that there has been some
12 movement on the proposed "early examination and CE
13 for clinical instruction" regulation.

14 Mr. Davis noted he received communication from
15 Senior Regulatory Counsel on September 8, 2022,
16 approving the annex but noted that she wanted minor
17 amendments to the preamble and RAF that did not
18 affect the underlying regulation. He is hoping to
19 have approval by Senior Regulatory Counsel for the
20 early examination and CE for clinical instruction by
21 the next meeting.

22 Mr. Davis informed Board members that the
23 regulation goes to the Office of General Counsel
24 (OGC), Attorney General (AG), and Budget after Senior
25 Regulatory Counsel approval. He explained that the

1 AG has 30 days to review it and OGC usually takes
2 about 30 days but all proposed regulations must still
3 be published in the *Pennsylvania Bulletin* to allow
4 for a comment period.

5 Dr. Campbell commented that it had been more than
6 three years since commencing the process, and if the
7 regulation were passed, it would address the issue at
8 agenda item 5.]

9

10 [Arion R. Claggett, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs, exited the
12 meeting at 10:40 a.m.]

13

14 Report of Board Counsel - Miscellaneous

15 [Thomas M. Davis, Esquire, Board Counsel, referred to
16 correspondence from the United States Department of
17 Transportation Federal Motor Carrier Safety
18 Administration (FMCSA) asking if the scope of
19 practice for a physical therapist in the Commonwealth
20 of Pennsylvania permits a physical therapist to
21 conduct testing and physical examination of body
22 systems required to become a certified medical
23 examiner listed on the FMCSA National Registry of
24 Certified Medical Examiners.

25 Mr. Davis provided a proposed letter for the

1 Board's review and read, "while the practice of
2 physical therapy involves the evaluation and
3 examination and testing of individuals and a
4 performance of tests and measurements in diagnosis
5 for evaluation, the scope of practice for a physical
6 therapist/doctor of physical therapy in the
7 Commonwealth of Pennsylvania does not permit
8 licensees to conduct all of the testing and physical
9 examination of the body systems required on the
10 Medical Examination Report. Notably testing related
11 to urinalysis, vision, and hearing are not within the
12 scope of practice of physical therapy."

13 Mr. Davis also read, "such testing is not listed
14 in the Commission on Accreditation in Physical
15 Therapy Education (CAPTE) Standards and Required
16 Elements for Accreditation of Physical Therapist
17 Education Programs, nor is such testing contemplated
18 in the Analysis of Practice of the Physical Therapy
19 Profession conducted by the Federation of State
20 Boards of Physical Therapy (FSBPT), the organization
21 responsible for the National Physical Therapy
22 Examination (NPTE)."

23 ***

24 [Arion R. Claggett, Acting Commissioner, Bureau of
25 Professional and Occupational Affairs, reentered the

1 meeting at 10:44 a.m.]

2

3 [Chair Potter agreed with the contents of the
4 letter.]

5 MR. DAVIS:

6 Based on the Board's discussions in
7 open session, I believe the Chair would
8 accept a motion allowing Counsel to
9 respond to the US Department of
10 Transportation Federal Motor Carrier
11 Safety Administration (FMCSA) inquiry
12 regarding PT scope of practice by
13 providing the US Department of
14 Transportation FMCSA with the letter
15 presented to the Board and discussed on
16 the record in the state.

17 CHAIR POTTER:

18 Is there a motion?

19 DR. CAMPBELL:

20 So moved.

21 CHAIR POTTER:

22 We need a second.

23 MR. WERNER:

24 Second.

25 CHAIR POTTER:

1 It has been moved and seconded to adopt
2 the motion read by Counsel. Any
3 further questions or discussion? We'll
4 do a roll call vote.

5
6 Potter, aye; Commissioner Claggett,
7 abstain; Sandra Campbell, aye; Jeremy
8 Robb, aye; William Werner, aye; Krista
9 Wolfe, aye.

10 [The motion carried. Arion Claggett abstained from
11 voting on the motion.]

12 ***

13 Report of Board Counsel - Miscellaneous

14 [Thomas M. Davis, Esquire, Board Counsel, addressed
15 correspondence from the University of Pittsburgh
16 requesting acceptance of a letter verifying
17 completion in lieu of the standard record of
18 graduation form.

19 Mr. Davis noted the University of Pittsburgh is
20 stating that the spring 2023 cohort would meet all
21 program requirements of didactic and clinical on
22 March 24, 2023; however, the University of Pittsburgh
23 is not able to confer degrees until after April 29,
24 2023, meaning the spring of 2023 cohort would not be
25 able to obtain the official University seal on the

1 education verification form until after this date.

2 Mr. Davis stated the Board "speaks" through
3 adjudications and promulgation of regulations, and
4 opined that the Board should not attempt to give any
5 particular school special permission to do anything
6 like this. He noted the regulations state that an
7 applicant for license by examination must have
8 graduated from a physical therapy program accredited
9 by CAPTE or by another National organization
10 recognized by the Board that accredits physical
11 therapy programs, and the individual must present to
12 the Board the required credentials of professional
13 education from an approved institution.

14 Mr. Davis explained that the verification issue
15 is just verification from a school that someone has
16 graduated.

17 Chair Potter referred to Dr. Campbell's comments
18 earlier, noting the Board has been working on this
19 issue for a long time and that would solve the issue.

20 Dr. Campbell agreed, noting students could
21 otherwise test out of state and then reciprocity/
22 endorsement license back in but at additional cost to
23 them and a delay in starting jobs. She noted it to
24 be very much the intent of the regulation, and in
25 accordance with the practice act, where it says the

1 applicant needs to have graduated and passed the
2 exam, not one before the other.]

3 ***

4 Report of Board Chair

5 [Cynthia L. Potter, PT, DPT, Chairperson, reminded
6 Board members that FSBPT elections are in October
7 2022 and that Ms. Grzybek is the Board's delegate.
8 She encouraged Board members to review the candidate
9 statements to become more familiar with the people
10 who will be leading FSBPT and provide feedback to Ms.
11 Grzybek prior to the elections. She mentioned that
12 the next delegate assembly would be on October 24,
13 2022, but the actual meeting is October 28-29, 2022,
14 and is when elections will take place.]

15 ***

16 Report of Acting Commissioner

17 [Arion R. Claggett, Acting Commissioner, Bureau of
18 Professional and Occupational Affairs, informed
19 everyone that PALS external website is down, and
20 information technology (IT) is working on it. He
21 also noted the phones have been turned off due to
22 internal problems as well.

23 Acting Commissioner Claggett addressed renewals,
24 noting the Board is currently not in a renewal period
25 but noted that because of the issues the Bureau is

1 experiencing with PALS, the renewal periods for some
2 of the other boards that are in renewal will be
3 extended.

4 Dr. Campbell requested an update on prior
5 discussions regarding a Request for Proposal (RFP)
6 and a request for a new system with the functionality
7 to identify approved continuing education courses.

8 Acting Commissioner Claggett stated there would
9 not be anything to track CEs until the new system is
10 in place. He noted the RFP was not submitted in
11 order to get a proposal but hoped to have the new
12 system in place by the end of 2023.

13 Dr. Campbell expressed concern because the Board
14 is regulatory obligated to provide that information
15 to licensees and do not have an effective way to do
16 it.

17 Dr. Campbell asked whether there was any
18 information about the PT Compact or any resolution to
19 the Federal Bureau of Investigation (FBI) situation
20 which is slowing down Compact licensing.

21 Mr. Davis stated the Compact issue is a top
22 priority and is still actively being worked on
23 because numerous boards would like to see this
24 resolved.

25 Dr. Campbell commented that Delaware, Maryland,

1 West Virginia, and Ohio are all neighboring states
2 issuing and receiving Compact privileges. She
3 mentioned the importance of the Compact for licensees
4 to work in neighboring states or those who live in
5 neighboring states to work in Pennsylvania. She
6 noted it would be a benefit for employees,
7 clinicians, and patients within the Commonwealth of
8 Pennsylvania.

9 Acting Commissioner Claggett informed Dr.
10 Campbell that even when this is finalized and the
11 Compact issues are resolved that it would be quite
12 some time until they could link the Compact's
13 computer system with the Bureau's computer system.
14 He noted having great hesitancy linking the Compact's
15 computer system with PALS and would like to instead
16 link the Compact's system with the Bureau's new
17 computer system.

18 Acting Commissioner Claggett addressed the cost
19 of the Compact, where he gets around 600 development
20 hours every two months into PALS, and the first
21 initial Compact privileges would cost the
22 Commonwealth approximately 3000 hours. He explained
23 that it would be some time before the Compact could
24 be added to the new system and wanted to make it
25 known that it would not be immediate.

1 Chair Potter suggested looking into whether the
2 Federation of State Boards of Physical Therapy still
3 have funds available to offset some of that cost, and
4 Acting Commissioner Claggett agreed to do so.]

5 ***

6 Report of Board Administrator

7 [Michelle Roberts, Board Administrator, addressed
8 changes to the 2023 meeting dates. She noted July 21
9 has been changed to July 24, 2023, and proposed
10 September 29, 2023, instead of September 28, 2022.
11 She asked Board members to contact her if anyone had
12 any conflicts with those dates.]

13 ***

14 Upcoming Meeting Dates

15 [Cynthia L. Potter, PT, DPT, Chairperson, noted the
16 next scheduled meeting date is November 3.]

17 ***

18 Adjournment

19 CHAIR POTTER:

20 Is there a motion to adjourn?

21 DR. CAMPBELL:

22 So moved.

23 CHAIR POTTER:

24 Second?

25 MR. WERNER:

1 Second.

2 CHAIR POTTER:

3 It's been moved and seconded to adjourn
4 the meeting. We have adjourned this
5 meeting.

6 ***

7 [There being no further business, the State Board of
8 Physical Therapy Meeting adjourned at 10:59 a.m.]

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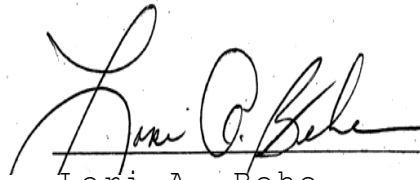
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CERTIFICATE

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.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
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TIME	AGENDA
10:15	Executive Session
10:30	Commence Open Session
10:31	Official Call to Order
10:31	Roll Call
10:32	Introduction of Attendees
10:34	Approval of Minutes
10:35	Report of Board Counsel
10:49	Report of Board Chair
10:51	Report of Acting Commissioner
10:57	Report of Board Administrator
10:58	Upcoming Meeting Dates
10:59	Adjournment