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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
VIA VIDEOCONFERENCE**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

September 16, 2021

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State Board of Physical Therapy
September 16, 2021

BOARD MEMBERS:

Cynthia L. Potter, PT, DPT, Chairperson
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Peter Blank, Policy Director, Secretary of Health
Designee
Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair
Geraldine M. Grzybek, PT, GCS, Secretary
Brandie J. McClinton, DPT - Absent
Jeremy Robb, Attorney General's Office designee
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Heather J. McCarthy, Esquire, Board Prosecution
Liaison
Michelle Roberts, Board Administrator

ALSO PRESENT:

Jared Krater
Jessica Zimmerman

1 ***

2 State Board of Physical Therapy

3 September 16, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 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 and
9 to receive advice of Counsel on matters upon which the
10 Board will later vote. The Board entered open session
11 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 16, 2021.

16 ***

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially
19 called the meeting to order at 10:30 a.m.]

20 K. Kalonji Johnson, Commissioner, Bureau of
21 Professional and Occupational Affairs, and Peter
22 Blank, Policy Director, Secretary of Health designee,
23 were not present at the commencement of the meeting.]

24 ***

25 [Thomas M. Davis, Esquire, Board Counsel, noted the

1 meeting was being recorded, and those who continued to
2 participate were giving their consent to being
3 recorded.

4 Mr. Davis also informed everyone that the Board
5 met in Executive Session prior to this meeting for the
6 purpose of conducting quasi-judicial deliberations and
7 to receive advice of counsel.]

8 ***

9 Roll Call

10 [A roll call of Board members was taken by Chair
11 Potter.]

12 ***

13 Approval of minutes of the July 22, 2021 meeting

14 CHAIR POTTER:

15 We will move on to approval of the
16 minutes.

17 Are there any additions or
18 corrections to the minutes? Hearing
19 none.

20 Is there a motion to adopt the
21 minutes?

22 MS. GRZYBEK:

23 So moved.

24 CHAIR POTTER:

25 Is there a second?

1 MR. ROBB:

2 Second.

3 CHAIR POTTER:

4 It's been moved and seconded to adopt
5 the draft minutes as presented. We'll
6 have a roll call vote.

7

8 Potter, aye; Sandy Campbell, yea;
9 Geraldine Grzybek, aye; Jeremy Robb,
10 aye; Krista Wolfe, aye.

11 [The motion carried unanimously.]

12 ***

13 Report of Prosecution - No Report

14 ***

15 Report of Board Chair

16 [Cynthia L. Potter, PT, DPT, Chairperson, announced
17 receiving notification that the state of Delaware will
18 begin issuing and accepting Compact privileges as of
19 September 20. She mentioned that the Board's Compact
20 activity would be more practical with more neighboring
21 states having Compact privileges.

22 Chair Potter stated that the Federation of State
23 Boards of Physical Therapy (FSBPT) also sent a letter
24 to the National Governors Association regarding
25 appointments to state licensure boards. She noted the

1 letter was in regard to guidelines for Governors to
2 consider when making appointments to state boards.

3 Chair Potter stated that Governors should
4 consider diversity, equity, inclusion, and belonging
5 initiatives when looking for board candidates and
6 review their guidelines for making appointments so
7 that boards may become more representative of
8 consumers of physical therapy rather than just the
9 members of the profession that are being regulated.

10 Chair Potter noted the Federation of State Boards
11 of Physical Therapy is also encouraging timely
12 appointments to the licensing and regulatory boards
13 because people are best served when there is a full
14 complement of board members.

15 Chair Potter commented that she was not sure what
16 happens to the letters or how they are distributed to
17 the individual governors but wanted to make the Board
18 aware of the effort.]

19 ***

20 Report of Board Counsel - Regulations

21 [Thomas M. Davis, Esquire, Board Counsel, provided a
22 regulatory update, noting the early exam regulation
23 16A-6522 and licensure by endorsement under Act 41
24 16A-6523 have been moving a little bit. He noted that
25 he and Regulatory Counsel have passed the early exam

1 and continuing education (CE) back and forth a few
2 times regarding administrative changes, but she wants
3 a greater explanation as to why the Board has decided
4 to do what it is doing or why the Board chose to go in
5 one direction versus another.

6 Mr. Davis informed the Board that he was working
7 on the changes and is hoping to have that to her by
8 the end of the month.

9 Mr. Davis addressed licensure by endorsement
10 under Act 41 and said he is waiting to be provided
11 with application numbers from last year but that
12 regulation should also be moving in the very near
13 future.

14 Mr. Davis provided an update on the child abuse
15 regulation, noting it was published as final in the
16 *Pennsylvania Bulletin* on August 7, 2021, and is
17 currently in full force and effect.

18 Ms. Grzybek thanked Mr. Davis for the report and
19 working diligently on 16A-6522 and 16A-6523 and
20 requested further information concerning the next
21 step.

22 Mr. Davis explained that after the language is
23 finalized with Regulatory Counsel, the package goes to
24 the Office of General Counsel (OGC) for review. He
25 noted the package then goes to the Office of Attorney

1 General for form and legality review and explained it
2 also must be approved by the Budget office, Policy
3 office, and a few other offices before finally going
4 to the Legislative Reference Bureau for publication in
5 the *Pennsylvania Bulletin*.

6 Mr. Davis stated, upon publication as a proposed
7 rulemaking in the *Pennsylvania Bulletin*, that
8 publication starts the 30-day comment period. He
9 explained that it is then brought back to the Board
10 after the 30-day comment period, where he would inform
11 the Board of any public comments and for discussion of
12 any possible amendments.

13 Mr. Davis commented that the child abuse
14 regulation went quickly because every board at the
15 Bureau of Professional and Occupational Affairs (BPOA)
16 is utilizing essentially the exact same rulemaking, so
17 once they got that locked down, it has been moving
18 very quickly.

19 Dr. Campbell requested an update regarding the
20 physical therapy (PT) Compact now that Delaware is
21 going to be issuing privilege, noting legislation has
22 passed but mentioned some hang-ups before the Board
23 could start moving forward with writing regulations
24 and issuing privileges.

25 Mr. Davis explained that there are issues

1 concerning the Federal Bureau of Investigation (FBI)
2 background check language and noted contacting an
3 individual at the Pennsylvania State Police last month
4 for more information.

5 Mr. Davis stated the background check issue is
6 not at the Board level right now and require
7 legislative tweaking. He explained that the FBI has
8 their own rules and regulations and trying to make
9 them congruent with both the Pennsylvania State Police
10 and the Department of State is a juggling act.

11 Mr. Davis believed that the legislature is more
12 than aware of it because the background check issue
13 affects several of the Compacts and is being worked
14 on. He noted sending a copy of the PT Compact over to
15 the Pennsylvania State Police, and they were
16 transmitting to the FBI, trying to get a definitive
17 answer as to what changes were needed in the language
18 but had not heard a response as of yet.

19 Mr. Davis stated it is at the legislative level,
20 and he would provide any information once he receives
21 a response.]

22 ***

23 Appointment - Applicant, Jared Krater - Request for
24 3rd Attempt

25 [Jared Krater presented to the Board to request a

1 third attempt at the National Physical Therapy
2 Examination. He informed the Board of stressors in
3 his life over the past two years.

4 Mr. Krater addressed his study plan to prepare
5 for the examination, including more emphasis on
6 musculoskeletal and anatomy sections of the actual
7 exams and practical exams. He noted not being able to
8 the Practice Exam and Assessment Tool (PEAT) because
9 he has not been approved for the exam by the
10 Federation of State Boards of Physical Therapy (FSBPT)
11 but would be soon. He has been utilizing
12 Scorebuilders and the National Physical Therapy Exam
13 prep course.

14 Mr. Krater commented that he wanted to save a lot
15 of the prep work until the month before he takes the
16 exam, whether in October or January, to make sure it
17 was fresh in his mind. He noted having a good friend,
18 who is a physical therapist, and how this friend has
19 been helping him but said he would get a mentor if he
20 fails the exam again.

21 Dr. Campbell appreciated Mr. Krater's desire to
22 utilize PEAT because she personally feels they are the
23 "best" because they utilize old exam questions. She
24 emphasized the importance of understanding what the
25 right answer is and why and to also understand why the

1 other answers are wrong. She recommended he utilize
2 the study mode and remember that all questions on the
3 National Physical Therapy Examination (NPTE) link back
4 to textbooks and should be a primary source.

5 Ms. Wolf asked Mr. Krater whether he would best
6 excel in October or January given the life stressors,
7 noting the difficulty of the exam because she helps
8 prepare it.

9 Mr. Krater commented that he did not want to push
10 it off again but would understand if he was given
11 until January because it would give him four months.
12 He would know he was taking the exam in January and
13 push through it, but at the same time, would not mind
14 trying to power through over the next month and a half
15 as well.

16 Chair Potter informed Mr. Krater that the Board
17 would act on his request today, and he would hear from
18 the Board administrator.

19 Mr. Krater asked whether he could request to take
20 the exam a fourth time if he fails the third attempt.

21 Chair Potter informed Mr. Krater that FSBPT
22 allows six attempts; however, regulations only allow
23 three attempts in Pennsylvania.]

24 ***

25 Appointment - Applicant, Jessica Zimmerman - Request

1 for 3rd Attempt

2 [Jessica Zimmerman presented to the Board to request a
3 third attempt at the National Physical Therapy
4 Examination. She addressed the previous two attempts
5 at the exam and utilizing Scorebuilders. She
6 mentioned taking a class through PT Final Exam, but it
7 was not as structured as the Scorebuilders class. She
8 noted other physical therapists and instructors at
9 school suggested she try the Scorebuilders class
10 again.

11 Ms. Zimmerman commented that she had intentions
12 of taking the October exam but would not make the
13 deadline for the September 8 jurisdiction approval but
14 would be happy to take it as soon as possible.

15 Ms. Zimmerman addressed her study habits and
16 Scorebuilders, stating she studies about an hour and
17 45 minutes to 2 hours a day.

18 Dr. Campbell also recommended Ms. Zimmerman
19 utilize PEAT. She emphasized the importance of
20 understanding why she is getting questions wrong and
21 getting questions right for all of the right reasons.
22 She suggested looking at the analysis afterward to
23 look at strengths and weakness to adjust her schedule
24 and studying.

25 Chair Potter informed Ms. Zimmerman that the

1 Board would act on her request today, and she would
2 hear from the Board administrator.]

3 ***

4 Report of Board Counsel - Adjudication and Order

5 MR. DAVIS:

6 Number 6 on the Board's agenda is Case
7 No. 19-65-017354. The Board discussed
8 this in Executive Session, so I am going
9 to read the following: Based on the
10 Board's discussions in Executive
11 Session, I believe the Chair would
12 accept a motion to approve as final the
13 Draft Adjudication and Order in the Paul
14 John Krofka, PTA, matter at Case No. 19-
15 65-017354.

16 Is there a motion?

17 MS. GRZYBEK:

18 So moved.

19 CHAIR POTTER:

20 Is there a second?

21 MR. ROBB:

22 Second.

23 CHAIR POTTER:

24 It's been moved and seconded to adopt
25 the motion as presented by counsel. We

1 will do a roll call vote.

2

3 Potter, aye; Commissioner Johnson, aye;
4 Peter Blank, aye; Sandy Campbell,
5 recuse; Geraldine Grzybek, aye; Jeremy
6 Robb, aye; Krista Wolfe, aye.

7 [The motion carried. Dr. Campbell recused herself
8 from deliberations and voting on the motion.]

9

10 MR. DAVIS:

11 Going back to numbers 2 and 3 on the
12 Board's agenda. I am going to ask if
13 anyone on the Board wished to reenter
14 Executive Session to discuss the
15 requests for a third attempt now that we
16 have heard from the requesters.

17 Is there anyone asking to return to
18 Executive Session. Seeing no one
19 asking:

20 Based on the Board's discussions in
21 Executive Session, I believe the Chair
22 would accept a motion approving the
23 following requests for permission to
24 take the National Physical Therapy
25 Examination a third time, the request of

1 Jared Krater and the request of Jessica
2 Zimmerman.

3 CHAIR POTTER:

4 Is there a motion?

5 DR. CAMPBELL:

6 So moved.

7 CHAIR POTTER:

8 Second?

9 COMMISSIONER JOHNSON:

10 Second.

11 CHAIR POTTER:

12 It's been moved and seconded to adopt
13 the motions for a third attempt on the
14 exam. We will do a roll call vote.

15

16 Potter, aye; Commissioner Johnson, aye;
17 Peter Blank, aye; Sandy Campbell, aye;
18 Geraldine Grzybek, aye; Jeremy Robb,
19 aye; Krista Wolfe, aye.

20 [The motion carried unanimously.]

21

22 Report of Commissioner

23 [K. Kalonji Johnson, Commissioner, Bureau of
24 Professional and Occupational Affairs, announced the
25 expiration of the COVID-19 emergency declaration on

1 September 30, 2021. He informed the Board of the
2 return to in-person meetings beginning October 1,
3 2021, at Penn Center. He noted all Commonwealth of
4 Pennsylvania employees will require masks and observe
5 the Centers for Disease Control and Prevention (CDC)
6 guidelines.

7 Commissioner Johnson announced the ban on
8 physical travel has been lifted and requests for
9 regional or national conferences are being accepted.
10 He encouraged Board members to submit paperwork early
11 due to staffing shortages. He mentioned the allowance
12 of two members for physical travel but encouraged
13 virtual attendance. He reminded everyone that a
14 formal motion and vote for travel requests must be on
15 the record as part of the Sunshine Act requirements.

16 Chair Potter questioned whether there has been
17 any progress with the request for information (RFI) or
18 request for proposal (RFP) regarding continuing
19 education.

20 Commissioner Johnson stated they are continuing
21 to formalize the RFI and have completed their initial
22 review of the continuing education (CE) requirements
23 for each of the boards and would be happy to share
24 that information at the next meeting. Dr. Campbell
25 requested more information concerning returning to in-

1 person meetings and whether there is any capacity as
2 far as a technology perspective and an opportunity for
3 any guests to participate virtually. She mentioned
4 students, candidates, and visitors are driving across
5 the state for 10 minutes of the Board's time, which is
6 not an effective use of their time and travel
7 resources.

8 Commissioner Johnson commented that it would
9 involve some form of legislation change in half of the
10 boards because it is a legislative provision within
11 the practice act. He noted the General Assembly was
12 aware of that burden and working on solutions, and
13 there was not much the Board could do. He explained
14 that currently, Penn Center is not wired for a virtual
15 type of platform, but they are working on acquiring
16 the proper technology.

17 Dr. Campbell mentioned prior discussion during
18 the Board meeting concerning the PT Compact, where Mr.
19 Davis indicated the issue is a legislative one and
20 related to FBI background checks. She asked
21 Commissioner Johnson whether he had anything else to
22 add about the PT Compact for all of the boards.

23 Commissioner Johnson noted Mr. Davis to be
24 correct, stating the United States Department of
25 Justice is about as stringent with their information

1 sharing policy as it gets and have put a strangle hold
2 on most, if not all, of the Compacts because of the
3 data transfer protocols they require as opposed to
4 what is envisioned in any of the Compact charter
5 agreements.

6 Ms. Grzybek referred to the User Guide for
7 Boards, Commission Members, and Non-Commonwealth
8 Travelers, dated April 13, 2021, regarding traveling
9 guidelines and questioned whether it is the resource
10 everyone should be referring to when making travel
11 plans.

12 Commissioner Johnson commented that it should be
13 the updated document but would provide the Board with
14 the correct information. He mentioned it to be the
15 specific site of the online process through the cost
16 of travel portal.]

17 ***

18 Report of Committees

19 [Geraldine M. Grzybek, PT, GCS, Secretary, addressed
20 the upcoming Federation of State Boards of Physical
21 Therapy Meeting Delegate Assembly October 21-23, 2021.
22 She informed everyone that a Candidate Forum will be
23 conducted on Thursday, October 21, 2021, with the
24 Delegate Assembly on October 23, 2021. She stated one
25 job of the assembly is to elect future leadership and

1 proudly announced the Board's own Cindy Potter from
2 Pennsylvania as a candidate for secretary, along with
3 Tina Baum from South Dakota, who is also running for
4 that position.

5 Ms. Grzybek noted Ruggie Cunizares of Oregon and
6 Steven Scherger of Minnesota are on the slate for
7 treasurer; Ellen Donald of Florida and Elizabeth Locke
8 from Virginia for director; and Ron Barredo of
9 Tennessee and Deborah Richardson Peter of the Virgin
10 Islands for a nominating committee member. She stated
11 the candidate forum will be conducted for another
12 opportunity to hear from the candidates and interview
13 the candidates on Thursday, October 21, 2021, with
14 elections on October 23, 2021.

15 Ms. Grzybek addressed four motions to be brought
16 forward at the Delegate Assembly Meeting, including an
17 update of the bylaws. She noted the FSBPT is looking
18 at the rules of the delegates and to further clarify
19 across the leadership forum, the annual meeting, and
20 delegate assembly. She stated the proposed bylaws
21 also include a provision for annual elections to be
22 held online. She noted the third revision in the
23 bylaw changes is that submission of annual reports
24 will be conducted annually without a specific
25 requirement to be reported in conjunction with the

1 meeting.

2 Ms. Grzybek stated motion number two looks at
3 adoption of areas of focus, including examinations;
4 membership; states' rights, responsibilities, and
5 professional standards; education; leadership; and
6 organizational and financial stability.

7 Ms. Grzybek discussed motion number three, which
8 would rescind the requirement for an annual review of
9 areas of focus. She stated currently the areas of
10 focus represent the activities required to achieve the
11 mission of the FSBPT. She noted the areas of focus
12 rarely change, much like the mission and vision of the
13 FSBPT. She noted the FSBPT Board of Directors pledge
14 they would engage the membership in discussion prior
15 to adoption should a change be recommended.

16 Ms. Grzybek noted the fourth motion proposes to
17 increase the FSBPT Board of Directors stipend from
18 \$10,000 for the board president and \$5,000 for all
19 other members of the Board to \$16,000 for the
20 president and \$8,000 per member of the board. She
21 mentioned that the stipends have been in place since
22 inception in 1998. She stated they are considering
23 the stipend amount be reviewed as a matter of policy
24 and submitted in the annual budget.

25 Ms. Grzybek encouraged Board members to review

1 the information on the FSBPT web page. She mentioned
2 the site also has FSBPT financials and a listing of
3 award recipients, along with future meetings dates.
4 She noted the 2022 FSBPT Annual Meeting & Delegate
5 Assembly October 27-29, 2022, in Orange County,
6 California and the 2023 meeting slated for
7 Jacksonville, Florida October 19-21, 2023.

8 Ms. Grzybek encouraged Board members to provide
9 feedback by October 17, 2021, so she could vote
10 appropriately on the Board's behalf and prepare
11 adequately for the meeting.

12 Ms. Grzybek wished Chair Potter good luck on her
13 candidacy.]

14 ***

15 Miscellaneous

16 [Cynthia L. Potter, PT, DPT, Chairperson, noted the
17 proposed 2022 meeting dates.

18 Ms. Roberts noted the May date is a Friday but
19 requested Board members email her if anyone has issues
20 with any of the dates.]

21 ***

22 Adjournment

23 CHAIR POTTER:

24 Is there a motion to adjourn?

25 MS. GRZYBEK:

1 So moved.

2 CHAIR POTTER:

3 Second?

4 DR. CAMPBELL:

5 Second.

6 CHAIR POTTER:

7 Moved and seconded to adjourn the
8 meeting. Roll call vote.

9

10 Potter, aye; Commissioner Johnson, aye;
11 Peter Blank, aye; Sandy Campbell, aye;
12 Gerri Grzybek, aye; Jeremy Robb, aye;
13 Krista Wolfe, aye.

14 [The motion carried unanimously.]

15 ***

16 [There being no further business, the State Board of
17 Physical Therapy Meeting adjourned at 11:25 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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call
10:32	Approval of Minutes
10:33	Report of Board Chair
10:35	Report of Board Counsel - Regulations
10:40	Appointment - Jared Krater
10:56	Appointment - Jessica Zimmerman
11:02	Report of Board Counsel - Adjudication and Order
11:06	Report of Commissioner
11:16	Report of Committees
11:22	Miscellaneous
11:25	Adjournment