State Board of Physical Therapy March 21, 2025

BOARD MEMBERS:

Geraldine M. Grzybek, PT, GCS, Chairperson
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Dr. Robert Bonacci, MD, Secretary of Health Designee
Krista Wolfe, DPT, ATC, Vice Chair
Lisa Mackell, PT
Jeremy Robb, Attorney General's Office Designee
Craig Ruby, PT, DEd, MPT, Secretary
Ian S. Steele, MSPT
William Werner, Physical Therapist - ABSENT

BUREAU PERSONNEL:

Sean C. Barrett, Esquire, Board Counsel
William A. Newport, Esquire, Board Prosecution
 Liaison
Michelle Roberts, Board Administrator
Stephanie Dunkerley, Legal Analyst, Office of General
 Counsel

J. Karl Geschwindt, Esquire, Senior Board Prosecutor and Prosecution Liaison

Andrew LaFratte, MPA, Deputy Policy Director, Department of State

Carlton Smith, Deputy Chief Counsel, Prosecution Division

Deena Parmalee, Legal Office Administrator, Department of State

ALSO PRESENT:

Kari L. Orchard, Executive Democratic Director, House
 Professional Licensure Committee
Riley Baker

Liliana Fisher

Erin Badstuebner, Sargent's Court Reporting Services, Inc.

Sargent's Court Reporting Service, Inc. (814) 536-8908

3 * * * 1 2 State Board of Physical Therapy 3 March 21, 2025 * * * 4 5 [Pursuant to Section 708(a)(5) of the Sunshine Act, 6 at 9:30 a.m. the Board entered into Executive Session 7 with Sean C. Barrett, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the 10 Board and to receive advice of counsel. The Board 11 returned to open session at 10:30 a.m.] * * * 12 13 The regularly scheduled meeting of the State 14 Board of Physical Therapy was held on Friday, March 15 21, 2025. * * * 16 17 Official Call to Order 18 [Geraldine M. Grzybek, PT, GCS, Chairperson, called 19 the meeting to order at 10:30 a.m.] 20 * * * 21 Roll Call of Board Members 22 [Geraldine M. Grzybek, PT, GCS, Chairperson, provided 23 a roll call of Board members. A quorum was noted to 24 be present.]

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Introduction of Attendees

2 [Michelle Roberts, Board Administrator, provided an

3 introduction of attendees.]

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5 Approval of minutes of the March 21, 2025 meeting

6 CHAIR GRZYBEK:

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The next order of business is the approval of the Minutes from our meeting of November 14, 2024. I'm sure you've had the opportunity to review the draft minutes.

Are there any edits, corrections, additions, deletions? Hearing none, are you ready for the vote? All in favor of adopting the Minutes from the November 14, 2024, meeting, signify by saying aye.

18 ACTING COMMISSIONER CLAGGETT:

One second. We still need a motion. We need a motion in the second, too.

21 CHAIR GRZYBEK:

Is there a motion to approve the

23 Minutes as printed?

24 ACTING COMMISSIONER CLAGGETT:

So moved.

5 1 MS. MACKELL: 2 So moved. 3 CHAIR GRZYBEK: 4 Is there a second? 5 MR. RUBY: I'll second. 6 7 CHAIR GRZYBEK: 8 It's been moved and seconded to approve 9 the draft Minutes of November 14, 2024 10 meeting. We'll go through the roll call. 11 12 13 Grzybek, aye; Claggett, abstain; 14 Bonacci, aye; Mackell, aye; Robb, aye; 15 Ruby, aye; Steele, aye; Wolfe, aye. 16 [The motion carried. Acting Commissioner Claggett abstained from voting on the motion.] 17 * * * 18 19 Appointment - Annual Report of Prosecution 20 [Carlton Smith, Deputy Chief Counsel for the 21 Prosecution Division, presented the Prosecution 22 annual report. 23 Mr. Smith stated there were 29,000 active 24 licensees as of January 2025. The number of cases 25 opened and closed were similar between January 2023

and January 2024. Mr. Smith discussed how it was important to close as many cases as possible so as to prevent a significant backlog of cases going into the next year. It takes the Board approximately 253 days to close a case, which is a better rate than in 2023.

Mr. Smith also discussed how complaints are processed by administrative staff and then sent to BEI for investigation. This requires BEI to talk to witnesses, obtain records, and memorialize their information in a final investigative report. The report is submitted to the Prosecutorial Division where an attorney reviews the report and makes charging decisions.

Mr. Smith continued by explaining that if there is enough in that report to establish a violation, then an Order to Show Cause would be filed.

Additional investigation steps are taken if necessary. BEI will talk to additional witnesses or perhaps gain additional evidence in the form of documents or records. Moving complaints to a hearing or before the Board in the form of a consent agreement within a year, or in some other way, is the gold standard. Mr. Smith stated the Board is doing fairly well in this category.

Complaints calling into question the standards of

care of various licensees must be examined by experts, in terms of whether there was a breach of the standard of care. This can add to the timeframe as to how long it may take to prosecute a case.

Mr. Smith stated there were some fines in 2024, including citations due to lapsed licenses or continuing education issues. Some cases had mandatory continuing education ordered. There were six probation cases, some reprimands, and some suspensions. Not every case had discipline as an outcome. These cases typically fall into one of two categories: The prosecution not warranted category or the warning letter category. These categories are the same for every board.

Mr. Smith went on to explain that prosecution not warranted relies on the strength of evidence and whether it can be proven that a violation occurred. Witness testimony, records, and expert opinions are considered.

The warning letter category weighs the seriousness of the allegations and the individual's discipline history with this Board. The warning letter is typically given to those with lesser offenses, and a copy of the warning is kept on file. A complainant gets a copy of the letter as well.

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        The withdrawal of complaints category simply
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   means that the complainant withdraws their complaint.
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    This does not mean a case immediately closes,
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   depending on the severity of the allegations.
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        In concluding his presentation, Mr. Smith
   discussed administrative closings and the Voluntary
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7
   Recovery Program.]
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   Report of Board Counsel
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   MR. BARRETT:
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                  We'll start with No. 2 on the Agenda,
                  the Motion to Deem Facts Admitted.
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                        Based on Executive Session
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                  deliberations, I believe the Board Chair
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                  would entertain a motion to grant the
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                  Motion to Deem Facts Admitted and direct
                  counsel to draft a final Adjudication
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18
                  and Order consistent with Executive
                  Session deliberations.
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   CHAIR GRZYBEK:
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                  Is there a motion?
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   ACTING COMMISSIONER CLAGGETT:
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                  So moved.
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   CHAIR GRZYBEK:
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                  Is there a second?
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9 1 MS. MACKELL: 2 Second. 3 CHAIR GRZYBEK: 4 It's been moved and seconded. 5 Is there any further discussion? 6 Hearing none, we'll move through the 7 roll call. 9 Grzybek, aye; Claggett, aye; Bonacci, 10 aye; Mackell, aye; Robb, aye; Ruby, aye; 11 Steele, aye; Wolfe, aye. 12 [The motion carried unanimously. The Respondent's 13 name for Case No. 24-65-016399 is Christine Ann 14 Baker.1 15 * * * 16 Report of Board Counsel Election of Officers 17 18 MR. BARRETT: 19 So then we can move on to No. 3 on the 20 Agenda, the election of officers. Just 21 for the record, we did, I believe, elect 22 a new chair, Board Chair Grzybek, I 23 believe it was in the summer of last 24 year. And also Craig Ruby became the 25 Secretary when Krista Wolfe moved up to

10 Vice Chair, I believe, if I'm accurate 1 2 on that. So typically at the start of 3 every year, we do a new election of officers. 4 5 So is there anyone who would like 6 to make a nomination for the position of 7 Board Chair? 8 MS. WOLFE: 9 I nominate Gerri Grzybek. 10 MR. BARRETT: 11 Okay. And Gerri, if elected to that 12 13 position, would you wish to serve in 14 that capacity? 15 CHAIR GRZYBEK: 16 I would. I do consent. Thank you. MR. BARRETT: 17 18 Okay. Are there any other nominations for that 19 20 position? Okay. 21 Hearing none, can we do a roll 22 call vote for the election of Gerri 23 Grzybek as Board Chair? We'll just do

a roll call vote.

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11 1 Grzybek, aye; Claggett, aye; Bonacci, 2 aye; Mackell, aye; Robb, aye; Ruby, aye; 3 Steele, aye; Wolfe, aye. 4 [The motion carried unanimously.] 5 Election of Vice Chair 6 7 MR. BARRETT: 8 And are there any nominations for the 9 position of Vice Chair of the Board? 10 CHAIR GRZYBEK: I nominate Krista Wolfe to continue to 11 be the Vice Chair of this Board. 12 13 MR. BARRETT: 14 Okay. And Vice Chair Wolfe, if elected 15 to that position, would you wish to 16 serve in that capacity? 17 MS. WOLFE: 18 Yes, I do. 19 MR. BARRETT: 20 Okay. Are there any other nominations 21 for the position of Vice Chair? 22 Okay. Hearing none, we'll do 23 a roll call vote for the election of Krista Wolfe as Vice Chair. 24 25

12 1 Grzybek, aye; Claggett, aye; Bonacci, 2 aye; Mackell, aye; Robb, aye; Ruby, aye; 3 Steele, aye; Wolfe, aye. 4 [The motion carried unanimously.] * * * 5 6 Election of Secretary of the Board 7 MR. BARRETT: 8 Are there any nominations for the 9 position of Secretary of the Board? 10 CHAIR GRZYBEK: 11 I move that Craig Ruby continue to 12 Secretary of this Board. 13 MR. BARRETT: 14 And Secretary Ruby, if elected to that 15 position, would you wish to serve in 16 that capacity? 17 MR. RUBY: 18 I do. MR. BARRETT: 19 20 Okay. Are there any other nominations 21 for the position of Secretary? 22 Okay. Hearing none, I believe we 23 can do a roll call vote for the election 24 of Craig Ruby as Secretary. 25

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Grzybek, aye; Claggett, aye; Bonacci,

aye; Mackell, aye; Robb, aye; Ruby, aye;

Steele, aye; Wolfe, aye.

[The motion carried unanimously.]

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6 Report of Regulatory Counsel

[Sean Barrett, Esquire, Board Counsel, reported on the behalf of Thomas M. Davis, Esquire, Regulatory Counsel, on the topic of the status of regulations.

Mr. Barrett noted information Mr. Davis put in the OneDrive for the January 2025 meeting that was cancelled. He estimated there to be around four regulations or statements of policy combined in the works. Of most importance for the Board to focus on was the early exam and CE for clinical instruction. That will before Independent Regulatory Review Commission (IRRC) on the May 15, 2025 meeting as final.

In May, Mr. Davis and Mr. Barrett will go to IRRC to answer their questions on the proposed regulation to get that approved as final by IRRC. Mr. Barrett's office will then send the regulation to the Attorney General's office for review as to its legality.

Mr. Barrett explained there is a 30-day window to for the Attorney General's office's review. Upon its

1 approval, it can be published as final in the 2 Pennsylvania Bulletin.

In concluding his report, Mr. Barrett estimated that this regulation would likely be finalized sometime around July 2025.]

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7 Report of Board Chairperson

8 [Geraldine M. Grzybek, PT, GCS, Chairperson, provided

9 updates to the Board regarding different

10 opportunities and general news.

Chair Grzybek stated the Commissioner's Office is sponsoring a Pennsylvania Board member orientation on Monday, May 5, 2025. She thanked Acting Commissioner Claggett for offering the opportunity.

Chair Grzybek also discussed how, in November 2024, the Board announced the election results for the Federation of State Boards of Physical Therapy (FSBPT) Boards of Directors by their Vice Chair Krista Wolfe, who is now on the board. In December 2024, she was appointed as their liaison to the Pennsylvania Board. She thanked Ms. Wolfe for her work and asked if she had any updates.

Ms. Wolfe brought forth multiple updates, such as the Board partnering with the Federation in releasing a tool for colleges called Fifth Theory Test Mastery.

1 It is a study tool for all candidates that are taking 2 the national licensure exam.

Ms. Wolfe stated their next regulatory hours will be on April 16th, 2025, at 4:00 p.m. Ms. Wolfe will be hosting it and their guest speaker is Dale Atkinson. The topic is Board Efficiencies, the Doctrine of Delegation. It is free to attend and can be accessed through the FSBPT website.

Ms. Wolfe also mentioned that she recently addressed the State of New York as their liaison. As the Physical Therapy Board's liaison, she wanted to share that as they move forward with compact privileges and their participation in the Exam Licensure and Disciplinary Database (ELDD), the FSBPT offers grants to states in which it will fund and help with any IT access needs. This includes software, third party vendors, and anything that the state could use that could help enhance the Board's participation in those events. Ms. Wolfe offered to get the board members in contact with the appropriate staff at FSBPT.

Chair Grzybek added, for those who cannot attend the regulatory hour on May 16, 2025, they can access prior regulatory hour resources and information through FSBPT's website.

At the conclusion of this report, Chair Grzybek noted that physical therapy is the number three job on the rise according to LinkedIn. She also brought up that the FSBPT is sponsoring a regulatory workshop April 24 to 26, 2025, in person in Alexandria, Virginia, as well as virtually.]

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[Geraldine M. Grzybek, PT, GCS, Chairperson lead the Regulations Crosswalk Discussion.

Ms. Roberts and Chair Grzybek discussed beginning some substantive work on identifying areas in the regulations of the Board's Practice Act. They aim to update areas to be more in line with the Model Practice Act. Their Act 110 was crafted in 1975 and was updated in 2008, and the regulations accompanying it were updated. Based on the Department of State and Legislative directives, the Board has updated their Act to include items, such as the child abuse reporting requirement. She then called on Mr. Barrett to provide ideas as to how the Board could improve their Act in accordance with the rules of the Department of State.

Mr. Barrett gave a brief overview of the structure of the Board in relation to the Department of State. The General Assembly created the Board as

a creation of statute, and its Practice Act gave the
Board certain authorities. Some rules the Board must
follow are explicit while others are less concrete.

The Board can operate within those discretionary

The Board can operate within those discretionary
areas where the Board has been given authority by the
General Assembly.

Mr. Barrett continued explaining that in most acts, there is a general provision stating the Board can implement regulations to enact this legislation. Typically, a specific section of the Act grants the Board the power to regulate in that area. The Model Practice Act is akin to the enabling legislation of the Board. Regarding the differences between the Model Practice Act and the Board's own Act, it is pivotal to find an area that already exists to fit the regulation into.

Mr. Barrett brought up wanting members to start considering these elements more in depth in order to have a more robust discussion on the matter. He went on to discuss two types of regulations that are typically used. One is a general revisions package, where a board will go through all of their existing regulations to modernize it. However, a board may face difficulties with this package due to the scope of most general revisions packages. The number of

- 1 changes a board tries to do can end up bogging the
- 2 whole process down, even at the drafting stage.
- 3 Other regulations are very limited and specifically
- 4 crafted for certain matters like the one the Board
- 5 has for early exam.
- 6 Mr. Barrett stated a topic of immediate concern
- 7 was noted, which the Board has the ability to
- 8 regulate. He stated the best way to proceed at the
- 9 current time would be to assemble a work group to
- 10 discuss the matter after a board meeting. Due to the
- 11 Sunshine Act, however, the meeting would have to be
- 12 open to the public, which would benefit the Board as
- 13 | it allows the associations involved to provide
- 14 feedback on possible changes. This would likely help
- 15 with drafting language that would ensure that the
- 16 regulation is implemented correctly.
- 17 Mr. Barrett then asked Chair Grzybek if she would
- 18 prefer that the Board members review the Practice Act
- 19 or information by FSBPT to identify areas in their
- 20 regulations where modernized language could be
- 21 | implemented. He suggested starting with the Board's
- 22 current regulations.
- 23 Mr. Barrett stated potential legislative changes
- 24 to the Act regarding any granting of authority should
- 25 be investigated. This could only come into being

1 through cooperation with the Governor's Policy
2 Office. Otherwise, the Board must maintain the
3 authority it has from the General Assembly.

Chair Grzybek asked Mr. Barrett whether this question should wait until May when Mr. Davis could join the session or if the Board should decide on the matter at this meeting. Mr. Barrett recommended not committing to a plan.

Mr. Barrett's advice was to identify key areas which need the biggest changes the fastest and stick to those. He stated it would likely be easier to have a few smaller regulation packages going at the same time than to have a big, singular general revisions package on the table. Mr. Barrett offered to forward any ideas of the Board members to Mr. Davis.

Mr. Barrett stated regulations are sent to the Office of General Counsel (OGC) for approval. Most regulations are approved unless OGC deems it unnecessary at the current moment or if other regulations take priority. Due to it being such a long process, Mr. Barrett encouraged the Board members to focus on the areas that need to be addressed and modernized.

In concluding the report, Chair Grzybek suggested

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1 | that any ideas should be submitted to Mr. Barrett by

2 May 1, 2025, prior to their next Board meeting on May

3 22, 2025.]

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5 Report of Acting Commissioner

6 | [Arion R. Claggett, Acting Commissioner, Bureau of

7 | Professional and Occupational Affairs, provided a

brief update on licensure replacement.

Acting Commissioner Claggett brought to the Board's attention that their new vendor's name for its licensing system is Systems Automation. All of the 29 State Licensing Boards have been broken down into two phases. There will be 11 boards in phase one, which will be rolled out in the spring of 2026. Phase two will be rolled out in the summer of 2026. The Physical Therapy board will be included in phase one, making this board slated to roll out in the spring of 2026.

Chair Grzybek questioned if the new system would enable the Board to be able to adopt the Federation ID number system to identify their licensees. Ms. Roberts replied that this system was already in place.

Chair Grzybek questioned whether the new system could afford the Board the opportunity to query

workforce data to identify their licensees.

Acting Commissioner Claggett stated it will have that capacity, but many other boards have complained about having to complete workforce data during their renewal. Those attempting to renew their licenses often do not want to complete workforce data as part of the process.

Acting Commissioner Claggett stated this varies per board, but the new system will not ask for workforce data. However, for the Department of Health, they can provide the email addresses of the licensees, so the Department of Health can reach out for the workforce data.

Acting Commissioner Claggett said that they are still working with the FBI to get final approval regarding receiving the FBI fingerprint background checks.

In concluding the report, Mr. Barrett added that the General Assembly gave authority to start working on temporary regulations. When it becomes active, the Board could implement a fee increase or a fee schedule. There are discussions taking place regarding this, but the main issue they are dealing with is waiting for the FBI fingerprint checks.]

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1 Report of Committees - Education Committee

2 [Krista Wolfe, DPT, ATC, Vice Chair, and Lisa

3 Mackell, PT, discussed the individuals whose requests

4 | were approved and called for a ratification.]

5 MS. WOLFE:

To date, we have approved 14

7 individuals' applications and requests

for their third attempt.

9 Do you need me to read those

10 names, Michelle, or shall you read those

11 for the record?

12 MS. ROBERTS:

I can read them.

14 MR. BARRETT:

And then we'll do a motion to ratify.

16 MS. ROBERTS:

Just to ratify, right? Okay.

18 Yeah, I'll read the list.

19 MR. BARRETT:

20 Sure.

21 MS. ROBERTS:

22 Alec Dobies, Alexis Roberts, Jenna

23 Sanfilippo, Danielle Cady, Melissa

24 Miller, Kade Wooten, Corinn Evans,

25 Christina Huff, Allison Walsh, Matthew

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                  Dehaut, Mckenzie Ferrant, Craig Spialek,
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                  Meghan Simms, and Aaliyah Stewart.
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   MR. BARRETT:
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                  Okay. And I believe the Board Chair
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                  would entertain a motion to ratify the
                  approved third attempt candidates for
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                  the examination that were just listed by
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                  Ms. Roberts.
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   CHAIR GRZYBEK:
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                  Is there a motion?
   ACTING COMMISSIONER CLAGGETT:
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                  So moved.
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   CHAIR GRZYBEK:
                  Is there a second?
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   MS. MACKELL:
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                  Second.
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   CHAIR GRZYBEK:
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                  It's been moved and seconded to take
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                  this action.
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                  Are you ready for the question?
                                                     All
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                  those in favor, signify by saying aye or
22
                  nay.
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                  Grzybek, aye; Claggett, aye; Bonacci,
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                  aye; Mackell, aye; Robb, aye; Ruby, aye;
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1 Steele, aye; Wolfe, aye. 2 [The motion passed unanimously.] 3 4 Report of Board Administrator 5 [Michelle Roberts, Board Administrator, brought up 6 the Election of FSBPT Annual Education Meeting and 7 Delegate Assembly. Ms. Roberts announced that the Board needed to 8 9 select a delegate and an alternate delegate for the 10 annual education meeting and delegate assembly for the FSBPT. The delegate will attend both the 11 12 leadership issues forum in July 2025 in Alexandria, 13 Virginia, and the annual education meeting in October 14 2025 in Spokane, Washington. The alternate delegate 15 will attend the annual meeting in Spokane, 16 Washington. Chair Grzybek will be the alternate and 17 Ms. Mackell will be the voting delegate. A motion to 18 vote on the matter was announced.] 19 MR. BARRETT: 20 Before we do a vote, is there any other 21 discussion on that that anyone wishes to 22 have? 23 I believe the Board Chair Okay. 24 would entertain a motion to elect Lisa 25 Mackell as the delegate to the FSBPT

25 Education meeting and delegate assembly. 1 CHAIR GRYZBEK: 2 3 Is there a second? MS. WOLFE: 4 5 Second. CHAIR GRYZBEK: 6 7 Any discussion? All those in favor, 8 signify by saying aye. 9 10 Grzybek, aye; Claggett, aye; Bonacci, 11 aye; Mackell, aye; Robb, aye; Ruby, aye; 12 Steele, aye; Wolfe, aye. 13 [The motion carried unanimously.] * * * 14 15 MR. BARRETT: And I believe the Board Chair 16 entertained a motion to elect Chair 17 18 Gerry Grzybek as the alternate delegate for the FSBPT Annual education meeting 19 20 and delegate assembly. 21 CHAIR GRZYBEK: 22 Is there a second? 23 ACTING COMMISSIONER CLAGGETT: 24 Second. 25 CHAIR GRZYBEK:

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1
                  Okay. We're ready for the vote.
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                  Grzybek, aye; Claggett, aye; Bonacci,
 4
                  aye; Mackell, aye; Robb, aye; Ruby, aye;
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                  Steele, aye; Wolfe, aye.
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   [The motion carried unanimously.]
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   Upcoming 2025 Meeting Dates
   [Geraldine M. Grzybek, PT, GCS, Chairperson, noted
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   the 2025 Board meeting dates are May 22, July 31,
   September 26, and November 17. The next meeting will
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   be May 22, 2025. The 2026 Board meeting dates are
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   January 29, March 26, May 28, July 30, September 24,
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   and November 18.]
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   Adjournment
   CHAIR GRZYBEK:
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                  May I have motion to adjourn the
19
                  meeting?
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   ACTING COMMISSIONER CLAGGETT:
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                  So moved.
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   CHAIR GRZYBEK:
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                  Is there a second?
24
   MS. MACKELL:
25
                  Second.
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27 CHAIR GRZYBEK: 1 2 The meeting is adjourned. 3 [The motion carried unanimously.] 4 5 [There being no further business, the State Board of 6 Physical Therapy Meeting adjourned at 11:23 a.m.] 7 8 9 CERTIFICATE 10 11 I hereby certify that the foregoing summary minutes of the State Board of Physical Therapy 12 13 meeting, was reduced to writing by me or under my 14 supervision, and that the minutes accurately 15 summarize the substance of the State Board of 16 Physical Therapy meeting. 17 18 19 Erin Badstuebner, 20 Minute Clerk 21 Sargent's Court Reporting 22 Service, Inc. 23 24 25

STATE BOARD OF PHYSICAL THERAPY REFERENCE INDEX

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22 23 24 25 26 27 28 29 30 31 31 31 31 31 31 31 31 31 31 31 31 31		STATE BOARD OF PHYSICAL THERAPY REFERENCE INDEX
		November 14, 2024
	TIME	AGENDA
	9:30	Executive Session
	10:30	Return to Open Session
	10:31	Official Call to Order
	10:31	Roll Call/Introduction of Attendees
	10:32	Approval of Minutes
	10:34	Report of Prosecution
	10:38	Appointment
	10:49	Report of Board Regulatory Counsel
	10:52	Report of Board Chairperson
	11:10	Report of Commissioner
	11:19	Report of Board Administrator
	11:22	Upcoming 2024 Meeting Dates
	11:24	Adjournment
30 37		