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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: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

January 25, 2024

State Board of Physical Therapy
January 25, 2024

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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
- Lisa Mackell, PT
- Sirisha Reddy, Secretary of Health designee
- Jeremy Robb, Attorney General's Office designee
- Craig Ruby, PT, DEd, MPT
- William Werner, PT - Absent
- Krista Wolfe, DPT, ATC, Secretary

BUREAU PERSONNEL:

- Sean C. Barrett, Esquire, Board Counsel
- J. Karl Geschwindt, Esquire, Senior Board Prosecutor
- Adrienne McClendon, Esquire, Board Prosecutor
- Michelle Roberts, Board Administrator
- Carlton Smith, Deputy Chief Counsel, Prosecution Division

ALSO PRESENT:

- Scott Voshell, President, American Physical Therapy Association Pennsylvania Chapter
- Madeline Helmstetter

1 ***

2 State Board of Physical Therapy

3 January 25, 2024

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
8 purpose of conducting quasi-judicial deliberations on
9 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 Thursday,
15 January 25, 2024.

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 ***

21 Roll Call of Board Members

22 [Cynthia L. Potter, PT, DPT, Chairperson, provided a
23 roll call of Board members.]

24 ***

25 [Sean C. Barrett, Esquire, Board Counsel, noted the

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

4 Mr. Barrett also noted the Board entered into
5 Executive Session for the purpose of conducting
6 quasi-judicial deliberations on a number of matters
7 currently pending before the Board and to receive
8 advice of counsel.]

9

10 Approval of minutes of the November 2, 2023 meeting

11 CHAIR POTTER:

12 Next item on the agenda is approval of
13 the minutes.

14 Are there any additions or
15 corrections to the minutes? If there
16 are not, is there a motion to approve
17 the minutes?

18 MS. GRZYBEK:

19 So moved.

20 CHAIR POTTER:

21 Is there a second?

22 ACTING COMMISSIONER CLAGGETT:

23 Second.

24 CHAIR POTTER:

25 It has been moved and seconded to

1 approve the minutes as presented.

2 We'll do a roll call vote.

3

4 Potter, aye; Claggett, aye; Campbell,

5 aye; Grzybek, aye; Mackell, abstain;

6 Reddy, aye; Robb, aye; Ruby, aye;

7 Wolfe, aye.

8 [The motion carried. Lisa Mackell abstained from
9 voting on the motion.]

10

11 Appointment - Annual Prosecution Division

12 Presentation

13 [Carlton Smith, Esquire, Deputy Chief Counsel,

14 Prosecution Division, informed Board members that he

15 assumed his role in March 2023 when Carolyn

16 DeLaurentis was promoted to the Executive Deputy

17 Chief Counsel position and provided a brief summary

18 of his professional background.

19 Mr. Smith reported a decrease in the number of

20 Bureau of Professional and Occupational Affairs

21 (BPOA) complaints for all boards and commissions from

22 around 22,000 in 2022 to roughly 19,000 in 2023.

23 Mr. Smith presented the 2023 Prosecution

24 Division's Annual Report for the State Board of

25 Physical Therapy. He reported a little over 27,000

1 active licensees with 89 opened cases in 2023 and 82
2 in 2022. He also reported 85 open cases and 88 cases
3 closed. He stated the average age to close a case
4 was 329 days. He informed Board members that their
5 gold standard is to be able to dispose of a case
6 within a year across all boards.

7 Mr. Smith referred to closed cases and reported
8 fines to be the most common type of discipline for
9 the Board. He reported 4 fines and 4 reprimands and
10 only a couple of probations.

11 Mr. Smith addressed cases where there is no
12 discipline, including prosecution not warranted and
13 warning letters. He noted that cases for the Board
14 in 2023 were similar to 2022. He stated warning
15 letters are the most appropriate course of action
16 when cases are fairly de minimis, where the person
17 does not have an extensive discipline history or
18 there may be problems from an evidentiary standpoint.

19 Chair Potter thanked Mr. Smith for the
20 presentation.]

21

22 Report of Board Prosecution

23 [Adrienne McClendon, Esquire, Board Prosecutor,

24 presented the Consent Agreement and Order for VRP

25 Case No. 23-65-016587.]

1 MR. BARRETT:

2 Is there any member, based on the
3 report of prosecution, that wishes to
4 reenter Executive Session to discuss
5 this further? Hearing none.

6 Based on Executive Session
7 deliberations, I believe the Board
8 Chair would entertain a motion to
9 approve the Consent Agreement for Case
10 No. 23-65-016587.

11 CHAIR POTTER:

12 Is there a motion?

13 MS. GRZYBEK:

14 So moved.

15 CHAIR POTTER:

16 Is there a second?

17 DR. RUBY:

18 I'll second.

19 CHAIR POTTER:

20 It has been moved and seconded to
21 approve the Consent Agreement and Order
22 as read. We'll do a roll call vote.

23

24 Potter, aye; Claggett, aye; Campbell,
25 aye; Grzybek, aye; Mackell, aye; Reddy,

1 aye; Robb, aye; Ruby, aye; Wolfe, aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Board Counsel - Adjudication and Order

5 MR. BARRETT:

6 Number 4 is an Adjudication and Order
7 at Case No. 22-65-002092. I'll note
8 for the record that during Executive
9 Session deliberations, Board member
10 Sandra Campbell recused herself from
11 deliberations on this matter.

12 Based on Executive Session
13 deliberations, I believe the Chair
14 would entertain a motion to adopt the
15 Proposed Adjudication and Order in the
16 matter of Case No. 22-65-002092,
17 Commonwealth v. Christine Baker.

18 CHAIR POTTER:

19 Is there a motion?

20 MS. GRZYBEK:

21 So moved.

22 CHAIR POTTER:

23 Is there a second?

24 DR. RUBY:

25 I'll second.

1 CHAIR POTTER:

2 It has been moved and seconded to adopt
3 the Adjudication and Order as read.
4 Roll call vote.

5
6 Potter, aye; Claggett, aye; Campbell,
7 recuse; Grzybek, aye; Mackell, aye;
8 Reddy, aye; Robb, aye; Ruby, aye;
9 Wolfe, aye.

10 [The motion carried. Sandra Campbell recused herself
11 from deliberations and voting on the motion.]

12 ***

13 Report of Board Counsel - Sunshine Act and Recusal
14 Presentation

15 [Sean C. Barrett, Esquire, Board Counsel, noted
16 providing a presentation during Executive Session
17 regarding the Sunshine Act and Recusal Guidelines for
18 Board members. He mentioned that the materials are
19 also available in the OneDrive for review.]

20 ***

21 Report of Regulatory Counsel - Status of Regulations

22 [Sean C. Barrett, Esquire, Board Counsel, on behalf
23 of Thomas M. Davis, Esquire, Board Regulatory
24 Counsel, informed Board members that the report is on
25 the OneDrive for the Board's review. He addressed

1 16A-6522 regarding early exam and continuing
2 education (CE) for clinical instructions. He noted
3 the Office of Attorney General approved the proposed
4 rulemaking on December 29, 2023, was delivered on
5 January 12, 2024, and is scheduled to be published in
6 the *Pennsylvania Bulletin* on January 27, 2024.

7 Dr. Campbell commented that publication is the
8 last step and then it would be effective in 30 days.
9 She requested information as far as how it is going
10 to impact the April exam because the jurisdiction
11 needs to make approval for physical therapists (PTs)
12 by March 27 but needs to make approval for physical
13 therapist assistants (PTAs) by March 6. She asked
14 how quickly the regulation goes into effect and how
15 quickly they are going to switch to the Alternate
16 Approval Pathway (AAP) process.

17 Ms. Roberts explained that the software testing
18 for the Alternate Approval Pathway was being deployed
19 on Friday, January 26, 2024, for the scores and all
20 that to be automatic, and then they will start
21 accepting the verification of education forms.

22 Mr. Barrett informed Board members that it would
23 be effective upon the date of publication.

24 Dr. Campbell was hopeful of getting the
25 operational piece in so that spring graduates could

1 take the April exam if their school approves them and
2 the applicant desires.

3 Ms. Grzybek asked how the Board is going to
4 communicate the change to the academic programs if
5 there is no significant objection in the public
6 comments and is effective with publication. Acting
7 Commissioner Claggett explained that it is typically
8 communicated on the Board website. He also noted
9 that the academic programs could be notified if there
10 is a list available.

11 Scott Voshell, President, American Physical
12 Therapy Association, Pennsylvania Chapter, thanked
13 everyone for their assistance in the process and
14 offered to work with the Board regarding language.

15 Acting Commissioner Claggett informed Mr. Voshell
16 that Ms. Roberts would send him the language from the
17 Board's website, so he could send the email blast to
18 members.

19 Mr. Barrett had no other regulatory updates to
20 report at this time.]

21 ***

22 Report of Board Chairperson

23 [Cynthia L. Potter, PT, DPT, Chairperson, provided a
24 follow-up to previous Board discussions regarding
25 Minimum Data Set. She informed Board that she

1 attended an informational meeting on December 1 with
2 Acting Commissioner Claggett and Richard Woolf, Chief
3 Professional Officer at the Federation of State
4 Boards of Physical Therapy.

5 Chair Potter reminded everyone that the
6 federation has been working with some researchers to
7 develop a Cross-Profession Minimum Data Set, which is
8 basically a core set of data elements that boards
9 gather for the purpose of workforce planning and
10 looking at trends in their state.

11 Chair Potter informed Board members of regulatory
12 training sponsored by the Federation of State Boards
13 of Physical Therapy in May. She encouraged new Board
14 members and anyone who needs a refresher to
15 participate, noting it is the first in-person
16 regulatory training since COVID.]

17

18 Report of Acting Commissioner - No Report

19 [Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair,
20 requested an update regarding the Pennsylvania
21 Licensing System (PALS) request for proposal (RFP).

22 Acting Commissioner Claggett stated the testing
23 is ongoing and a list of vendors were identified. He
24 also mentioned they now have a Request for Proposal
25 Scoring Committee researching the vendors who were

1 identified and chosen. He offered to provide another
2 update at the next meeting.]

3

4 Report of Committees - Education Committee

5 [Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair,
6 reported nine individuals were approved for their
7 third attempt on the licensure exam.]

8

9 Report of Board Administrator

10 [Michelle Roberts, Board Administrator, also
11 mentioned the regulatory training that is funded by
12 the Federation of State Boards of Physical Therapy
13 (FSBPT) and provided travel information.

14 Ms. Roberts mentioned receiving notification that
15 they can select a voting delegate, alternate
16 delegate, and administrator for the FSBPT Leadership
17 Issues Forum (LIF) in Arlington VA, July 13-14, 2024.
18 She also noted the Annual FSBPT Education Meeting in
19 Cedar Rapids, IA, October 31-November 1.

20 Ms. Roberts stated whoever is selected to attend
21 the annual meeting as the delegate and the
22 administrator who attends the Leadership Issues Forum
23 in July are fully funded by the federation. Ms.
24 Grzybek and Dr. Wolfe noted being interested in
25 attending.]

1 MS. GRZYBEK:

2 I nominate Krista Wolfe to be the
3 acting delegate for the Pennsylvania
4 State Board of Physical Therapy.

5 MR. BARRETT:

6 Board Member Wolfe, do you accept the
7 nomination as acting delegate?

8 DR. WOLFE:

9 Yes.

10 CHAIR POTTER:

11 The motion is for Krista Wolfe as the
12 acting delegate.

13

14 Potter, aye; Claggett, aye; Campbell,
15 aye; Grzybek, aye; Mackell, aye; Reddy,
16 aye; Robb, aye; Ruby, aye; Wolfe, aye.

17 [The motion carried unanimously.]

18

19 MR. BARRETT:

20 Could we have a nomination for the
21 alternate delegate?

22 DR. CAMPBELL:

23 I nominate Gerri Grzybek to be the
24 alternate delegate.

25 MR. BARRETT:

1 Board Member Grzybek, do you accept the
2 nomination as an alternate delegate?

3 MS. GRZYBEK:

4 Gladly, thank you.

5 MR. BARRETT:

6 Could we have a roll call?

7

8 Potter, aye; Claggett, aye; Campbell,
9 aye; Grzybek, aye; Mackell, aye; Reddy,
10 aye; Robb, aye; Ruby, aye; Wolfe, aye.

11 [The motion carried unanimously.]

12

13 [Cynthia L. Potter, PT, DPT, Chairperson,
14 congratulated and thanked Dr. Wolfe and Ms. Grzybek
15 for their willingness to give their time.

16 Chair Potter mentioned that the federation is
17 looking for suggestions for the LIF meeting by the
18 end of February and any feedback should go to the
19 federation because it is based on the input from the
20 jurisdictions that put the LIF program together.

21 Ms. Roberts informed Board members that she would
22 also need approval to represent the Board as the
23 Board administrator.]

24 MR. BARRETT:

25 Is there a nomination for the Board

1 administrator delegate?

2 DR. CAMPBELL:

3 I nominate Michelle Roberts to fill the
4 Board administrator role at these
5 meetings.

6 MR. BARRETT:

7 Board Administrator Roberts, would you
8 accept that nomination?

9 MS. ROBERTS:

10 Yes.

11 MR. BARRETT:

12 Could we have a motion for the election
13 of Michelle Roberts to the Board
14 administrator delegate position?

15 MS. GRZYBEK:

16 So moved.

17 CHAIR POTTER:

18 We'll do a roll call.

19

20 Potter, aye; Claggett, aye; Campbell,
21 aye; Grzybek, aye; Mackell, aye; Reddy,
22 aye; Robb, aye; Ruby, aye; Wolfe, aye.

23 [The motion carried unanimously.]

24

25 Report of Board Administrator

1 [Michelle Roberts, Board Administrator, noted FSBPT
2 budget information is also available in the OneDrive
3 folder. She encouraged anyone who is interested in
4 the FSBPT Regulatory Workshop to reach out to her.

5 Ms. Grzybek mentioned that the workshop is being
6 held in person and virtually and strongly encouraged
7 Board members to attend.]

8 ***

9 Report of Committees

10 DR. CAMPBELL:

11 I make a motion to ratify the nine
12 candidates that have been approved for
13 the third attempt on the NPTE.

14 CHAIR POTTER:

15 Is there a second to that motion?

16 DR. RUBY:

17 I'll second.

18 CHAIR POTTER:

19 It has been moved and seconded to
20 ratify the applicants for the third
21 attempt. We'll do a roll call.

22
23 Potter, aye; Claggett, aye; Campbell,
24 aye; Grzybek, aye; Mackell, aye; Reddy,
25 aye; Robb, aye; Ruby, aye; Wolfe, aye.

1 [The motion carried unanimously.]

2 ***

3 Upcoming 2024 Meeting Dates

4 [Cynthia L. Potter, PT, DPT, Chairperson, noted
5 upcoming 2024 meeting dates on the agenda. She also
6 noted the next scheduled Board meeting date is March
7 21.]

8 ***

9 Adjournment

10 CHAIR POTTER:

11 Is there a motion to adjourn?

12 MS. GRZYBEK:

13 So moved.

14 CHAIR POTTER:

15 Is there a second?

16 DR. RUBY:

17 I'll second.

18 CHAIR POTTER:

19 It has been moved and seconded to
20 adjourn.

21 ***

22 [There being no further business, the State Board of
23 Physical Therapy Meeting adjourned at 11:03 a.m.]

24 ***

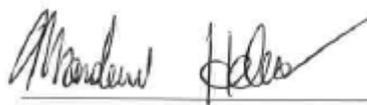
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CERTIFICATE

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.



Madeline Helmstetter,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

January 25, 2024

1
2
3
4
5
6
7
8
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11
12
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14
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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call
10:31	Approval of Minutes
10:32	Appointment - Carlton Smith, Deputy Chief Counsel, Annual Prosecution Division Report
10:40	Report of Board Prosecution
10:43	Report of Board Counsel
10:45	Report of Board Regulatory Counsel
10:50	Report of Board Chairperson
10:52	Report of Committees
10:53	Report of Board Administrator
11:01	Report of Committees (cont.)
11:02	Upcoming Meeting Dates
11:03	Adjournment