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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**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

January 26, 2023

State Board of Physical Therapy  
January 26, 2023

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

BUREAU PERSONNEL:

- Dean F. Picarella, Esquire, Senior Board Counsel
- Thomas M. Davis, Esquire, Board Counsel
- Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State
- Heather J. McCarthy, Esquire, Senior Board Prosecutor
- Kenneth J. Suter, Esquire, Board Prosecution Liaison
- J. Karl Geschwindt, Esquire, Commission Prosecution Liaison
- Michelle Roberts, Board Administrator
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Michelle Witmer, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State
- Amanda Richards, Fiscal Chief, Bureau of Finance and Operations, Department of State
- Jennifer Gage, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State
- Tamie Laudenslager, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State
- Deena Parmelee, Legal Office Administrator 1, Department of State
- David Leshik, Intern, Department of State

State Board of Physical Therapy  
January 26, 2023

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ALSO PRESENT:

- Scott Voshell, President, American Physical Therapy Association Pennsylvania Chapter
- Jennifer Smeltz, Republican Executive Director, Senate Consumer Protection & Professional Licensure Committee
- Nicole Sidle, Executive Director, Professional Licensure Committee, PA House of Representatives
- Alison Cullen
- Erica Romberger
- Matthew Orinick
- Alina Shmakov
- Eliza Olewiler
- Timothy Lee
- Joshua Levitski
- Mark Heim

1 \*\*\*

2 State Board of Physical Therapy

3 January 26, 2023

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5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 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  
9 and to receive advice of counsel on matters upon  
10 which the Board would later vote. The Board  
11 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 January 26, 2023.

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 [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 entered into Executive Session for the purpose of  
2 conducting quasi-judicial deliberations and to  
3 receive advice of counsel on the matters upon which  
4 the Board would later vote.]

5 \*\*\*

6 Roll Call of Board Members

7 \*\*\*

8 Introduction of Attendees

9 [Michelle Roberts, Board Administrator, noted all  
10 Board members are virtual with the exception of  
11 Acting Commissioner Claggett who is present in the  
12 room.

13 Ms. Roberts also provided an introduction of  
14 attendees.]

15 \*\*\*

16 Approval of minutes of the November 3, 2022 meeting

17 CHAIR POTTER:

18 Are there any additions or corrections  
19 to the minutes for November 3, 2022?

20 Hearing none.

21 Is there a motion to approve the  
22 minutes?

23 MS. GRZYBEK:

24 So moved.

25 MR. WERNER:

1 Second.

2 CHAIR POTTER:

3 It has been moved and seconded to adopt  
4 the minutes as presented. We will do a  
5 roll call.

6  
7 Potter, aye; Commissioner Claggett,  
8 aye; Sandy Campbell, aye; Geraldine  
9 Grzybek, aye; Jeremy Robb, aye; William  
10 Werner, aye; Krista Wolfe, aye.

11 [The motion carried unanimously.]

12 \*\*\*

13 Report of Board Prosecution

14 [Heather J. McCarthy, Esquire, Senior Board  
15 Prosecutor, announced she had been reassigned within  
16 the prosecution division and is now supervising a  
17 different team of attorneys. She informed Board  
18 members that Ken Suter would be replacing her as the  
19 Board prosecution liaison, noting it had been a  
20 pleasure to work with the Board, and the Board  
21 thanked her for her service.]

22 \*\*\*

23 [Kenneth J. Suter, Esquire, Board Prosecution  
24 Liaison, presented the Consent Agreements for Case  
25 No. 19-65-018316 and Case No. 19-65-015359.]

1 \*\*\*

2 [J. Karl Geschwindt, Esquire, Acting Senior Board  
3 Prosecutor, presented the Consent Agreement for Case  
4 No. 20-65-000984.]

5 MR. DAVIS:

6 Given that we've now heard from  
7 prosecution regarding three separate  
8 Consent Agreements, I will mention that  
9 these Consent Agreements were discussed  
10 in Executive Session prior to open  
11 session today, but I have an idea as to  
12 how the Board is leaning when it comes  
13 to whether or not they will be  
14 accepted.

15 Now that we've heard from the  
16 prosecutors in the three cases, are  
17 there any Board members who would like  
18 to reenter Executive Session in order  
19 to further discuss these matters?

20 Hearing none.

21 I will put forth the motions that  
22 were discussed in Executive Session.  
23 Turning to number 2 on the Board's  
24 agenda, based on the Board's  
25 discussions in Executive Session, I

1 believe the Chair would accept a motion  
2 to approve the Consent Agreement in the  
3 following matter at Case No. 19-65-  
4 015359.

5 DR. CAMPBELL:

6 So moved.

7 MS. GRZYBEK:

8 Second.

9 CHAIR POTTER:

10 It has been moved and seconded to adopt  
11 the Consent Agreement and Order. We'll  
12 take a roll call vote.

13

14 Potter, aye; Commissioner Claggett,  
15 aye; Campbell, aye; Grzybek, aye; Robb,  
16 aye; Werner, aye; Wolfe, aye.

17 [The motion carried unanimously. Case No. 19-65-  
18 015359 is Commonwealth BPOA v. Peter Grabaskas.]

19

\*\*\*

20 MR. DAVIS:

21 Moving to number 3, based on the  
22 Board's discussions in Executive  
23 Session, I believe the Chair would  
24 accept a motion to approve the Consent  
25 Agreement in the following matter at

1 Case No. 19-65-018316.

2 DR. CAMPBELL:

3 So moved.

4 MS. GRZYBEK:

5 Second.

6 CHAIR POTTER:

7 It has been moved and seconded to adopt  
8 the Consent Agreement and Order. Roll  
9 call vote.

10

11 Potter, aye; Commissioner Claggett,  
12 aye; Campbell, aye; Grzybek, aye; Robb,  
13 aye; Werner, aye; Wolfe, aye.

14 [The motion carried unanimously. Case No. 19-65-  
15 018316 is Commonwealth BPOA v. Daniel B. Hallowell,  
16 PTA.]

17

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18 MR. DAVIS:

19 Number 4 on the Board's agenda. Based  
20 on the Board's discussions in Executive  
21 Session, I believe the Chair would  
22 accept a motion to approve the Consent  
23 Agreement in the following matter at  
24 Case No. 20-65-000984.

25 DR. CAMPBELL:

1 So moved.

2 MS. GRZYBEK:

3 Second.

4 CHAIR POTTER:

5 The motion has been moved and seconded.

6 Roll call vote.

7

8 Potter, aye; Commissioner Claggett,  
9 aye; Campbell, aye; Grzybek, aye; Robb,  
10 aye; Werner, aye; Wolfe, aye.

11 [The motion carried unanimously. Case No. 20-65-  
12 000984 is Commonwealth BPOA v. Dawn Marie Thompsett,  
13 PTA.]

14 \*\*\*

15 Appointment - Bureau of Finance and Operations

16 Annual Budget Presentation

17 [Amanda Richards, Chief of Fiscal Management, Bureau  
18 of Finance and Operations, Department of State,  
19 referred to licensee population over the past seven  
20 years, noting the Board had 26,915 licensees in FY21-  
21 22 and 28,237 licensees in FY22-23, showing and  
22 increase of 1,322 licensees.

23 Ms. Richards noted the Board renews in December of  
24 even years and numbers were not checked this morning  
25 because the renewal is just taking effect and would

1 not be accurate.

2 Dr. Campbell requested information concerning the  
3 dramatic drop in the CE program.

4 Ms. Roberts explained that all the CE programs  
5 expire at the end of December and is why the number  
6 is low. She reported receiving a few hundred of them  
7 in the last two weeks, noting the number gradually  
8 builds and would increase by the summer.

9 Ms. Richards also addressed revenue, noting it is  
10 reviewed on a biennial basis. She reported revenue  
11 for FY20-21 is lower than normal because the Board  
12 requested to waive the renewal fees for that  
13 particular fiscal year. She noted the revenue for  
14 FY20-21 and FY21-22, as well as the biennial total.  
15 She noted 93 percent of revenue is from renewals and  
16 applications. She stated that revenue is received  
17 from other sources but is not a consistent source of  
18 revenue.

19 Ms. Richards noted the two main categories when  
20 reviewing expenses are administrative and legal  
21 costs. She stated that expenses are brought in  
22 through direct charges, timesheet-based charges, and  
23 licensee population. She reported on the Board's  
24 expenses in FY20-21, FY21-22, and as of January 17,  
25 2023. She noted the budgeted figure was adequate for

1 FY22-23.

2 Ms. Richards addressed revenue and expenses noting  
3 the projected balance for FY22-23 and projecting the  
4 Board's balance by FY25-26, which would be a healthy  
5 balance.

6 Dr. Campbell asked when the Board could consider  
7 another waiver or reduction in licensure fees like  
8 the waiver in FY20-21.

9 Ms. Richards stated the Board had an extremely  
10 healthy balance at the present time and did not see a  
11 problem if the Board wished to waive the fees again  
12 at some point.

13 Mr. Davis stated that BFO once suggested that the  
14 Board consider occasionally waiving fees when  
15 appropriate rather than voting to lower fees, because  
16 new fees require amendments to the Board's  
17 regulations.

18 Ms. Grzybek commented that there had been a  
19 dramatic increase in the number of licensees over the  
20 last several years but still has only one Board  
21 administrator and requested information regarding the  
22 process of hiring another full-time staff member to  
23 help the Board administrator.

24 Acting Commissioner Claggett stated the Board has  
25 not had a full staff for a long time and that the

1 Bureau of Professional and Occupational Affairs  
2 (BPOA) is working on hiring additional people. He  
3 noted there are currently 10 vacancies that would  
4 impact the Board as well, and once those are filled,  
5 processing times should decrease.]

6 \*\*\*

7 Appointment - Prosecution Division Annual Report  
8 Presentation

9 [Carolyn A. DeLaurentis, Esquire, Executive Deputy  
10 Chief Counsel, Department of State, informed Board  
11 members that she is now the executive deputy chief  
12 counsel for the Department of State but is presenting  
13 to the Board on behalf of the prosecution division as  
14 part of her duties in her former role.

15 Ms. DeLaurentis summarized the prosecution  
16 division's role and present annual numbers for 2022.

17 She informed Board members that the Bureau of  
18 Professional and Occupational Affairs provides  
19 administrative and legal support to all 29 licensing  
20 boards and commissions under the legal support of the  
21 prosecution division, counsel division, and hearing  
22 examiners. She noted the mission is to protect the  
23 health and safety of the public and the integrity of  
24 the profession.

25 Ms. DeLaurentis explained that the Office of

1 Chief Counsel is under the Governor's Office of  
2 General Counsel and assigned to the Department of  
3 State, noting the prosecution division is one  
4 division under the Office of Chief Counsel. She  
5 noted the prosecution division works with the Bureau  
6 of Enforcement and Investigation (BEI), along with  
7 the Professional Compliance Office (PCO).

8 Ms. DeLaurentis stated BEI, PCO, and prosecution  
9 are all tasked with receiving complaints,  
10 investigating allegations, ensuring public safety,  
11 and enforcing compliance with the acts and  
12 regulations of the 29 licensing boards and  
13 commissions.

14 Ms. DeLaurentis stated the prosecution division  
15 is the largest division under the Office of Chief  
16 Counsel for the Department of State. She explained  
17 that there are five senior prosecuting attorneys  
18 assigned to teams, noting Karl Geschwindt as an  
19 acting senior prosecutor who supervises the attorneys  
20 assigned to this Board, along with other senior  
21 prosecutors for other boards, including Heather  
22 McCarthy, Paul Jarabeck, Ray Michalowski, and William  
23 Newport. She mentioned there are currently 32  
24 prosecuting attorneys serving under the senior  
25 attorneys, including Board liaisons.

1 Ms. DeLaurentis addressed the complaint process,  
2 noting complaints may be received in any manner the  
3 aggrieved party sees fit, but noting that the  
4 preferred method of submission is through  
5 Pennsylvania Licensing System (PALS) at pals.pa.gov  
6 because it is the most efficient. She noted  
7 prosecution also accepts complaints from sister  
8 agencies, federal agencies, law enforcement, and  
9 through media reports.

10 Ms. DeLaurentis discussed levels of review,  
11 including jurisdiction checks, noting administrative  
12 assistants review every complaint to see if it falls  
13 under one of the 29 boards and commissions. She  
14 mentioned complaints are referred to the appropriate  
15 agency if prosecution does not have jurisdiction.

16 Ms. DeLaurentis stated prosecution works with BEI  
17 inspectors and investigators to determine the most  
18 efficient use of resources. She noted investigations  
19 may include interviewing witness and gathering  
20 documents, along with paralegals and legal analysts.

21  
22 Ms. DeLaurentis addressed the various levels of  
23 review and whether there was a violation. She  
24 explained that matters could be closed if there is  
25 not a violation of the act or regulation which allows

1 prosecution to denote resources to other cases, when  
2 there is a violation.

3 Ms. DeLaurentis discussed the post-investigation  
4 process, where attorneys may need to make charging  
5 decisions based on evidence by filing an "order to  
6 show cause" or a citation. She noted there is a  
7 hearing process, which is like a regular trial but  
8 slightly less formal, where both sides are able to  
9 present evidence and arguments.

10 Ms. DeLaurentis noted that if the matter is heard  
11 by a hearing examiner, the hearing examiner usually  
12 issues a proposed adjudication and then it goes to  
13 the boards and commissions for their final decision  
14 because they have the ultimate authority for  
15 discipline. She addressed consent agreements, where  
16 the parties negotiate a resolution which is then  
17 presented to the Board, allowing the Board to accept  
18 or reject the agreement.

19 Ms. DeLaurentis addressed the prosecution  
20 division's role at Board meetings, including  
21 presenting consent agreements and listening to  
22 concerns of the Board. She pointed out that  
23 prosecution has a confidentiality statute that  
24 applies to their files, where all the contents within  
25 their files is confidential under the law unless

1 presented publicly as part of a proposed consent  
2 agreement and is why prosecution's files are kept  
3 confidential except for the final disciplinary  
4 action.

5 Ms. DeLaurentis stated BEI conducts  
6 investigations and interviews, gathers evidence, and  
7 conducts inspections for certain boards. She noted  
8 the role of the investigators is fact gathering and  
9 serving subpoenas, orders, and letters. She  
10 mentioned that prosecution has subpoena authority,  
11 but BEI does not have search warrant authority and is  
12 limited. She noted BEI also testifies to the results  
13 of their investigations and inspections. She also  
14 noted they have inspection authority for six boards  
15 but do not have statutory authority and cannot remain  
16 at that location if asked to leave.

17 Ms. DeLaurentis addressed documents upon request,  
18 where some boards and commissions have regulations  
19 that require cooperation but not everyone complies  
20 and charges may be filed. She stated all of the  
21 evidence gathered is presented to the teams and  
22 reviewed by prosecuting attorneys and legal analysts  
23 to determine whether there was a violation of the act  
24 or regulation to decide whether to close the case or  
25 charge.

1 Ms. DeLaurentis addressed "immediate temporary  
2 suspensions," where a licensee is an immediate danger  
3 to the health and safety of the public, the licensee  
4 may request a hearing within 30 days, and explained  
5 that immediate temporary suspensions are different  
6 than the typical disciplinary process in which  
7 prosecution files an order to show cause, and the  
8 license remains active until the case is resolved.  
9 She noted automatic suspensions include involuntary  
10 mental health commitments, orders for examination,  
11 and drug act violations. She also noted "petitions  
12 for appropriate relief" are filed when prosecution  
13 believes a licensee has violated a board order.

14 Ms. DeLaurentis stated that levels of discipline  
15 include revocations, suspensions, probations,  
16 reprimands, fines, remedial education, and cost of  
17 the investigation. She mentioned that someone could  
18 have more than one type of discipline.

19 Ms. DeLaurentis referred to the confidentiality  
20 statute under 63 Pa.C.S. § 3109, where prosecution and  
21 investigative files are deemed privileged and  
22 confidential under the law. She explained that  
23 Department of State investigative files are deemed  
24 noncriminal investigative records under the Right-to-  
25 Know Law.

1 Ms. DeLaurentis stated that information could be  
2 shared with other licensing boards; law enforcement;  
3 and other agencies in furtherance of investigative  
4 efforts but only their final action could be shared  
5 publicly, including adjudications and orders, consent  
6 agreements, and final letters.

7 Ms. DeLaurentis provided data as of January 3,  
8 2023, where the number of open cases for the  
9 prosecution division was 13,154, which is down from  
10 2021 at 15,141. She stated 16,084 cases were opened  
11 in 2022 and is down from 2021 at 18,363 cases. She  
12 reported closing 17,826 files in 2022 and is up from  
13 2021, where 15,994 cases were closed. She thanked  
14 the prosecution division, counsel division, and Board  
15 for their group effort.

16 Ms. DeLaurentis informed Board members that an  
17 annual report is issued to the General Assembly,  
18 which includes a breakdown of case categories, and  
19 would notify Board Counsel when this report is  
20 available for review.

21 Ms. DeLaurentis addressed specific information  
22 for the State Board of Physical Therapy, noting 82  
23 cases were opened in 2022, which was down from 2021.

24 She reported 88 cases were closed in 2022 and down  
25 from 2021 at 101. She noted 79 cases were open as of

1 January 3 and was also around 79 at this time last  
2 year.

3 Ms. DeLaurentis referred to disposition of closed  
4 cases, including discipline and no discipline. She  
5 mentioned that the Board does not have a lot of  
6 discipline which indicates licensees are following  
7 the rules. She reported 5 suspensions in 2021 and 1  
8 in 2022. She mentioned that non-disciplinary actions  
9 are called "Z codes" in their system, where  
10 prosecution was not warranted.

11 Ms. DeLaurentis addressed warning letters, noting  
12 the Board received 36 warning letters in 2022 and is  
13 consistent with last year at 39. She noted warning  
14 letters are not discipline but help maintain the  
15 integrity of the profession by attempting to correct  
16 any behavior that may become an issue and are given  
17 for de minimis (minor) violations.

18 Chair Potter thanked Ms. DeLaurentis for the  
19 presentation and all of the attorneys within her  
20 division for all of their work. She asked whether  
21 there were any trends among all of the boards showing  
22 an issue that may be coming up more frequently  
23 concerning warning letters.

24 Ms. DeLaurentis explained that warning letters  
25 come into play a lot with lapsed licenses uniformly

1 for the division.

2 Heather J. McCarthy, Esquire, Senior Board  
3 Prosecutor, stated there had not been any specific  
4 trends over the past year with the Board in  
5 particular. She noted allegations of billing fraud  
6 comes up quite a bit and allegations of patient  
7 injury but could not say prosecution has a trend of  
8 warning letters for those.

9 Chair Potter asked whether the opioid epidemic  
10 and substance abuse issues are starting to be  
11 reflective in the complaints prosecution is receiving  
12 from boards in general.

13 Ms. DeLaurentis explained that impairment issues  
14 come up a lot and more with the nurse licensing  
15 population because they have voluntary recovery  
16 program (VRP) or disciplinary monitoring unit (DMU)  
17 agreements. She noted collaboration with the  
18 Department of Health to make sure they are keeping an  
19 eye on trends. She mentioned there were more issues  
20 when the opioid epidemic first came into light  
21 because the bad actors have been identified and  
22 addressed. She stated that prosecution has one  
23 attorney as their liaison with the Prescription Drug  
24 Monitoring Program through the Department of Health.]

25



1 Dr. Campbell asked whether Ms. Cullen was hitting  
2 the targets that Final Frontier has proposed for her  
3 to date.

4 Ms. Cullen was hitting the targets and asking  
5 questions on their Facebook community regarding what  
6 she could be doing better. She reported having a  
7 problem with second-guessing herself.

8 Dr. Campbell told Ms. Cullen to keep up the good  
9 work and wished her the best of luck on the third  
10 attempt.]

11

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12 Appointment - Applicant, Erica Romberger - Request  
13 for

14 Third Attempt at the National Physical Therapy  
15 Examination

16 [Erica Romberger presented to the Board to request a  
17 third attempt at the National Physical Therapy  
18 Examination. She informed Board members that she is  
19 working full-time and became a new mom. She joined  
20 PTA Elevation and created a structured study plan for  
21 2 to 3 hours a day 5 to 6 days a week. She addressed  
22 her goal of retaking practice exams biweekly from the  
23 advice of her tutor because taking the Practice Exam  
24 and Assessment Tools (PEAT) for prior exams was not  
25 helpful.

1 Ms. Romberger mentioned taking away distractions  
2 by studying at the library. She noted sections where  
3 she did poorly and focusing on those and the correct  
4 answers, along with time management.

5 Chair Potter commented that the results of her  
6 first exam were not included in the documents that  
7 were submitted and requested more information.

8 Ms. Romberger offered to provide those documents  
9 to the Board but noted she did worse on the first  
10 exam. She changed her study techniques and did  
11 better on the second exam.

12 Dr. Campbell requested clarification regarding  
13 Ms. Romberger having the Federation of State Boards  
14 of Physical Therapy (FSBPT) PEAT three times. She  
15 mentioned there are only two versions on the  
16 individual unless someone retakes the same exam or  
17 their academic program is willing to help support the  
18 academic version. She commented that PEAT is a great  
19 tool because it explains why the correct answer is  
20 correct and the wrong answer is wrong, along with  
21 referencing commonly used textbooks.]

22

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23 Appointment - Applicant, Matthew Orinick - Request  
24 for

25 Third Attempt at the National Physical Therapy

1 Examination

2 [Matthew Orinick presented to the Board to request a  
3 third attempt at the National Physical Therapy  
4 Examination. He informed Board that he felt  
5 overwhelmed regarding the first exam and then started  
6 tutoring and sought guidance concerning more of a  
7 structured plan for the second exam. He noted having  
8 a different tutor this time around, who is providing  
9 a structured plan, and utilizing Pomodoro and  
10 reviewing the musculoskeletal system. He discussed  
11 finding a balance with the review aspect, new  
12 material, and utilizing Scorebuilders. He addressed  
13 shadowing rehabilitation therapists at a local  
14 hospital. He believed the current study plan has put  
15 him on the right track to be successful this time  
16 around.

17 Ms. Grzybek referred to Mr. Orinick's email,  
18 dated November 27, 2022, and asked whether he had a  
19 written detailed study plan or an organizational type  
20 of setup to continue to stay on track and be prepared  
21 for the next exam.

22 Mr. Orinick offered to send the study plan and  
23 provided a summary of his plan, including reviewing  
24 previous information, categorizing diagnoses,  
25 utilizing Scorebuilders, and providing rationales for

1 past test questions.

2 Dr. Campbell addressed areas where Mr. Orinick  
3 has the most opportunity to grow, including  
4 musculoskeletal and neuromuscular because they have  
5 the biggest number of questions and would move him  
6 into a passing rate. She suggested looking at the  
7 musculoskeletal system just before the exam. She  
8 noted Mr. Orinick is utilizing TherapyEd and  
9 Scorebuilders and recommended he utilize PEAT because  
10 it has practice exams and a study mode to provide all  
11 of the rationale as to why the right answer is right  
12 and the wrong answer is wrong.]

13

\*\*\*

14 Appointment - Applicant, Alina Shmakov - Request for  
15 Third Attempt at the National Physical Therapy  
16 Examination

17 [Alina Shmakov presented to the Board to request a  
18 third attempt at the National Physical Therapy  
19 Examination. She informed Board members that she was  
20 14 points short of passing the second exam in  
21 October. She mentioned that she struggled on the  
22 first exam because of not having a quiet place to  
23 study.

24 Ms. Shmakov also noted having exam anxiety but  
25 tries to overcome that by making a concrete study

1 plan as well as taking the National Physical Therapy  
2 Examination (NPTE) practice exams as well as  
3 Scorebuilders.]

4

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5 Appointment - Applicant, Eliza Olewiler - Request for  
6 Third Attempt at the National Physical Therapy  
7 Examination

8 [Eliza Olewiler presented to the Board to request a  
9 third attempt at the National Physical Therapy  
10 Examination. She informed Board member that she  
11 utilized Scorebuilders and studied with friends for  
12 the first exam. She addressed utilizing notes from  
13 school, Scorebuilders, and PT Final Exam Independent  
14 Study Course for the second exam.

15 Ms. Olewiler mentioned hiring a tutor for the  
16 third exam, currently reviewing the musculoskeletal  
17 system, and scheduling practice tests to start  
18 working on testing strategies.

19 Dr. Campbell applauded Ms. Olewiler for being  
20 proactive in seeking a tutor.

21 Ms. Grzybek suggested Ms. Olewiler utilize some  
22 of the textbooks because the exams are based on  
23 textbook information, along with class notes as a  
24 study resource.]

25

\*\*\*

1 Appointment - Applicant, Timothy Lee - Request for  
2 Third Attempt at the National Physical Therapy  
3 Examination

4 [Timothy Lee presented to the Board to request a  
5 third attempt at the National Physical Therapy  
6 Examination. He addressed his first and second  
7 attempts, noting he was 10 points away from passing  
8 on the first exam. He mentioned taking a couple of  
9 weeks off to decompress the second time around but  
10 believed he may have taken being so close for granted  
11 and scored lower the second time.

12 Mr. Lee mention wanting to take a lot of practice  
13 tests because the first two exams were so different  
14 and that reviewing the rationale helped. He noted  
15 utilizing Therapy Ed, Final Frontier, and  
16 Scorebuilders, along with PT365 focusing on areas  
17 where he could be a better test taker. He believed  
18 the Final Frontier would provide the structure and  
19 foundation to follow.

20 Dr. Campbell asked whether Mr. Lee is  
21 specifically addressing his quote, "I want to learn  
22 to just relax."

23 Mr. Lee mentioned being disappointed with the  
24 score on the second test and thinking about having to  
25 do another test after being so close on the first

1 one. He mentioned that he needed to find a way to get  
2 over that hump and assessing the fact that the first  
3 couple of times did not go well.

4 Dr. Campbell stated there is an element about  
5 stress management and anxiety reduction that needs to  
6 be routine, along with strategies for in the moment.

7 She suggested Mr. Lee build good sleep, good diet,  
8 and good exercise routines now and then something  
9 specific to utilize the day before, the day of, and  
10 in the moment. She encouraged Mr. Lee to explore  
11 those with a tutor or outside resources.

12 Ms. Grzybek told Mr. Lee to remember that he only  
13 has one opportunity to do the best examination and  
14 intervention for a patient and is the reason why they  
15 look for the best answer in licensing examinations.  
16 She also referred to Mr. Lee's email enquiring about  
17 the process suggesting he may be forced out of a  
18 valid next attempt. She mentioned the importance of  
19 following the law in Pennsylvania and encouraged Mr.  
20 Lee read the law and regulations in whatever  
21 jurisdiction he may choose to practice.]

22

\*\*\*

23 Appointment - Applicant, Joshua Levitski - Request  
24 for

25 Third Attempt at the National Physical Therapy

1 Examination

2 [Joshua Levitski presented to the Board to request a  
3 third attempt at the National Physical Therapy  
4 Examination. He addressed his first attempt at the  
5 NPTE, noting he strictly went on Scorebuilders and  
6 what his school advised but became overwhelmed with  
7 taking the exam. He explained that he took many  
8 tests for the second exam but did not focus on the  
9 material side. He noted utilizing Final Frontier for  
10 the third exam and preparing as if the exam was  
11 today.

12 Dr. Campbell requested more information regarding  
13 Mr. Levitski's practice exams.

14 Mr. Levitski explained that he had been doing  
15 better than expected with the exams and hitting the  
16 benchmarks. He noted purchasing PEAT to be able to  
17 take exams structured to the Board exam.

18 Dr. Campbell encouraged Mr. Levitski to continue  
19 to use the feedback to adjust the study pattern. She  
20 also applauded him for realizing he needed to do  
21 something different and finding that source.

22 Ms. Grzybek referred to material sent by Mr.  
23 Levitski and asked whether the detailed syllabus from  
24 the Final Frontier program is his detailed study plan  
25 or whether he has an alternative detailed study plan

1 to keep him on track.

2 Mr. Levitski explained that he uses Final  
3 Frontier for readings but also has a daily study plan  
4 of his own and provided an overview.]

5 \*\*\*

6 Appointment - Applicant, Mark Heim - Request for  
7 Third Attempt at the National Physical Therapy  
8 Examination

9 [Mark Heim presented to the Board to request a third  
10 attempt at the National Physical Therapy Examination.  
11 He stated he has test anxiety and thought he had  
12 enough information from the time he graduated until  
13 he tested. He addressed the second exam, noting he  
14 did not develop a study program like the one he  
15 provided to the Board. He mentioned working with  
16 teachers from Penn State Fayette to create a study  
17 plan for the third exam and taking one Scorebuilders  
18 Exam.

19 Dr. Campbell requested more information regarding  
20 practice exams.

21 Mr. Heim noted receiving a 77 percent on the  
22 Scorebuilders Exam and that he would be taking the  
23 second Scorebuilders Exam tomorrow. He mentioned  
24 that some of the exams are expensive but has PEAT  
25 scheduled.

1 Dr. Campbell encouraged Mr. Heim to use the exams  
2 to adjust his study schedule and to also review the  
3 correct answers to understand all of the content  
4 related to it in the same way as the ones that are  
5 wrong.

6 Chair Potter informed all of the applicants that  
7 the Board would make a decision today and that the  
8 Board administrator would follow up.]

9

\*\*\*

10 Report of Board Counsel - Proposed Adjudication and  
11 Order

12 MR. DAVIS:

13 The Board reviewed this Adjudication  
14 and Order in Executive Session, so I do  
15 have an idea as to how the Board is  
16 looking to vote. I have a prepared  
17 motion.

18 Based on the Board's discussions in  
19 Executive Session, I believe the Chair  
20 would accept a motion to adopt as final  
21 the Proposed Adjudication and Order of  
22 the hearing examiner in the following  
23 matter: Commonwealth BPOA v. KeVonte  
24 Cockrill, Case No. 21-65-013398.

25 DR. CAMPBELL:

1 So moved.

2 MS. GRZYBEK:

3 Second.

4 CHAIR POTTER:

5 It has been moved and seconded to adopt  
6 the Adjudication and Order. We will  
7 have a roll call vote.

8

9 Potter, aye; Commissioner Claggett,  
10 aye; Campbell, aye; Grzybek, aye; Robb,  
11 aye; Werner, aye; Wolfe, aye.

12 [The motion carried unanimously.]

13

\*\*\*

14 Report of Board Counsel - Regulations

15 [Thomas M. Davis, Esquire, Board Counsel, provided  
16 updates regarding the status of the regulations. He  
17 informed Board members that the Office of General  
18 Counsel (OGC) provided comments on November 30  
19 regarding FSBPT's Alternate Approval Pathway (AAP)  
20 Program, which would allow people to contact FSBPT  
21 instead of applying to the Board for the right to  
22 take the examination.

23 Mr. Davis explained that FSBPT would make sure  
24 applicants meet the Board's requirements and then  
25 allow them to sit for the exam.

1           Mr. Davis noted speaking with Jeff Rosa from  
2 FSBPT concerning what other states did as far as  
3 regulations and would be implementing that in the  
4 regulation the Board already approved. He mentioned  
5 that he should be able to get that back to OGC next  
6 week.

7           Mr. Davis informed Board members that one of the  
8 other regulations is on his desk and another one is  
9 with senior regulatory counsel. He mentioned that  
10 all of their regulations are moving forward. He  
11 stated his focus at this time is the regulation  
12 concerning AAP. He noted that wrapped up in that  
13 same regulation is something that has to do with the  
14 requests for a third attempt.

15           Mr. Davis explained that part of being allowed  
16 into the AAP Program would require the Board to get  
17 rid of the Board's requirement that individuals  
18 request a third attempt at the NPTE. He stated the  
19 requirement would no longer be in the Board's  
20 regulation once that passes.

21           Mr. Davis commented that the Board is receiving  
22 more requests and that it is becoming impractical to  
23 handle all of the requests at a Board meeting. He  
24 mentioned that it also slows the process for the  
25 individuals, where they have to wait for a Board

1 meeting to receive permission to sit for a third  
2 time.

3 Mr. Davis suggested the Board empower the  
4 Education Committee to approve the requests for a  
5 third attempt, however, the committee will not be  
6 empowered to deny such a request. If a request is to  
7 be denied, it should be reviewed and denied by the  
8 full Board.

9 Dr. Campbell noted that she is the Education  
10 Committee and asked whether she would be able to  
11 still provide helpful information to these  
12 individuals who are requesting permission to sit for  
13 a third attempt.

14 Mr. Davis explained that approvals would be in  
15 the form of a form letter and did not think there  
16 would be any problem with tailoring the letter, and  
17 the Board agreed to allow Dr. Campbell to respond  
18 individually.]

19 MR. DAVIS:

20 Based on the Board's discussions in  
21 open session, I believe the Board Chair  
22 would accept a motion to allow the  
23 Education Committee with the aid of  
24 Board administration to review all  
25 future requests for permission to take

1 the National Physical Therapy Exam a  
2 third time, noting two caveats: first  
3 the committee is empowered to bring the  
4 request before the full Board if, in  
5 its discretion, the request requires  
6 additional review, and second, that  
7 while the committee is empowered to  
8 grant such requests, only the Board is  
9 empowered to deny such a request.

10 Is there a motion?

11 DR. CAMPBELL:

12 So moved.

13 MS. GRZYBEK:

14 Second.

15 CHAIR POTTER:

16 The motion has been moved and seconded  
17 as read by counsel. Roll call vote.

18  
19 Potter, aye; Commissioner Claggett,  
20 aye; Campbell, aye; Grzybek, aye; Robb,  
21 aye; Werner, aye; Wolfe, aye.

22 [The motion carried unanimously.]

23 \*\*\*

24 MR. DAVIS:

25 The Board discussed these individual

1 requests for a third attempt during  
2 Executive Session, so I have an idea as  
3 to how the Board would most likely be  
4 voting; however, since then, we have  
5 had these individuals come before the  
6 Board and explain their individual  
7 circumstances.

8 Based upon the presentations that  
9 the Board has heard today, are there  
10 any individual Board members who would  
11 ask that we reenter back into Executive  
12 Session in order to further discuss any  
13 of these matters? Hearing none.

14 We are going to have two separate  
15 votes and that is because one of our  
16 Board members has recused herself from  
17 the discussions regarding two of these  
18 individuals. The first vote will have  
19 everyone. The second vote will have  
20 everyone minus this one Board member.

21 Turning to number 5 on the agenda,  
22 based on the Board's discussions in  
23 Executive Session, I believe the Board  
24 Chair would accept the motion approving  
25 the requests of the following

1 individuals for permission to take the  
2 National Physical Therapy Exam a third  
3 time: Alina Shmakov, Alison Cullen,  
4 Matthew Orinick, Timothy Lee, Joshua  
5 Levitski, Mark Heim.

6 DR. CAMPBELL:

7 So moved.

8 MS. GRZYBEK:

9 Second.

10 CHAIR POTTER:

11 The motion has been moved and seconded.  
12 We will do a roll call vote.

13

14 Potter, aye; Commissioner Claggett,  
15 aye; Campbell, aye; Grzybek, aye; Robb,  
16 aye; Werner, aye; Wolfe, aye.

17 [The motion carried unanimously.]

18

\*\*\*

19 MR. DAVIS:

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

1 time: Eliza Olewiler, Erica Romberger.  
2 I will note before the vote that  
3 Board member Krista Wolfe recused  
4 herself from discussion on these  
5 matters and will not be participating  
6 on this particular vote.

7 MS. GRZYBEK:

8 So moved.

9 DR. CAMPBELL:

10 Second.

11 CHAIR POTTER:

12 The motion has been moved and seconded.  
13 We will do a roll call vote.

14  
15 Potter, aye; Commissioner Claggett,  
16 aye; Campbell, aye; Grzybek, aye; Robb,  
17 aye; Werner, aye; Wolfe, recuse.

18 [The motion carried. Krista Wolfe recused herself  
19 from deliberations and voting on the motion.]

20 \*\*\*

21 Report of Board Counsel - Miscellaneous

22 [Thomas M. Davis, Esquire, Board Counsel, referred to  
23 a letter received from the Federation of State Boards  
24 of Physical Therapy in December 2022 regarding the  
25 2023 budget asking that the budget be brought to the

1 attention of the Board, so the Board knows where  
2 FSBT's monies are being spent. He noted the Board  
3 pays annual dues of \$2,500 per year to be a member of  
4 FSBPT.

5 Chair Potter further explained that this budget  
6 has already been adopted by FSBPT and is basically  
7 information for the jurisdiction.]

8 \*\*\*

9 MR. DAVIS:

10 Samantha Marino withdrew her request  
11 for permission for a third attempt,  
12 which is why it was not discussed at  
13 this meeting.

14 \*\*\*

15 [Geraldine M. Grzybek, PT, GCS, Secretary,  
16 volunteered to assist in reviewing applications for  
17 the Education Committee.

18 Mr. Davis suggested all future requests be  
19 forwarded to both Dr. Campbell and Ms. Grzybek, and  
20 Ms. Roberts offered to share folders containing the  
21 information.

22 Chair Potter thanked Ms. Grzybek for volunteering  
23 to assist with the applications.]

24 \*\*\*

25 Report of Board Chair

1 [Cynthia L. Potter, PT, DPT, Chairperson, announced  
2 that the Federation of State Boards of Physical  
3 Therapy is offering additional regulatory training  
4 March 10-12 and encouraged everyone to attend that  
5 training because it is a learning experience.]

6

\*\*\*

7 Report of Acting Commissioner

8 [Arion R. Claggett, Acting Commissioner, Bureau of  
9 Professional and Occupational Affairs, informed Board  
10 members of new functionality within the Pennsylvania  
11 Licensing System (PALS) called Act 35 of 2022 that  
12 provides expedited application review for service  
13 members, veterans, and military spouses. He stated  
14 that application types included in the expedited  
15 review are initial applications, renewal  
16 applications, and reactivation applications.

17 Acting Commissioner Claggett noted Act 35 gives  
18 them the ability to waive the initial application  
19 fees for spouses when they are required to move due  
20 to military orders. He mentioned that the fee  
21 waiving functionality in PALS does not work but would  
22 be able to provide refunds where appropriate.

23 Acting Commissioner Claggett noted that Act 35  
24 also directs the Bureau to create a military  
25 crosswalk explaining how military experience

1 transfers over to licensure and could be found on the  
2 Board web page.

3 Acting Commissioner Claggett stated Act 35 also  
4 gives them the ability to provide temporary permits  
5 for applicants whose application may be lacking  
6 certain requirements.

7 Chair Potter commented that it is a wonderful  
8 step to make things easier for those in the military.

9 Dr. Campbell asked whether there were any new  
10 updates with PALS and the lack of a continuing  
11 education approval list.

12 Ms. Roberts informed Board members that she was  
13 provided a document that has courses and would be  
14 working on that after renewals.

15 Dr. Campbell asked whether the change in governor  
16 slows down or increases the potential of new Board  
17 members being appointed.

18 Acting Commissioner Claggett stated the chances  
19 of getting a Board member would increase under the  
20 new administration.]

21 \*\*\*

22 Upcoming 2023 Meeting Dates

23 [Cynthia L. Potter, PT, DPT, Chairperson, noted the  
24 next scheduled Board meeting date is March 23.]

25 \*\*\*

1 Adjournment

2 CHAIR POTTER:

3                   Is there a motion to adjourn?

4 MS. GRZYBEK:

5                   So moved.

6 DR. CAMPBELL:

7                   Second.

8 CHAIR POTTER:

9                   It has been moved and seconded to  
10                   adjourn this meeting having dealt with  
11                   all the business on the agenda.

12                               We'll adjourn the meeting.

13                                       \*\*\*

14 [There being no further business, the State Board of  
15 Physical Therapy Meeting adjourned at 12:46 p.m.]

16                                       \*\*\*

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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.



Amber Garbinski,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY  
REFERENCE INDEX

January 26, 2023

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Roll Call
10:31	Introduction of Attendees
10:35	Approval of Minutes
10:36	Report of Board Prosecution
10:48	Appointment - Bureau of Finance and Operations Annual Budget Presentation
11:00	Appointment - Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State, Annual Prosecutorial Division Presentation
11:33	Requests for Third Attempt at the National Physical Therapy Examination
12:25	Report of Board Counsel
12:42	Report of Board Chair
12:43	Report of Acting Commissioner
12:45	Upcoming 2023 Meeting Dates
12:46	Adjournment