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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: 10:35 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

November 2, 2023

State Board of Physical Therapy
November 2, 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
- Lisa Mackell, PT - Absent
- Sirisha Reddy, Secretary of Health designee
- Jeremy Robb, Attorney General's Office designee
- Craig Ruby, PT, DEd, MPT
- William Werner, PT
- Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

- Sean C. Barrett, Esquire, Board Counsel
- Thomas M. Davis, Esquire, Board Counsel
- Adrienne McClendon, Esquire, Board Prosecutor
- Michelle Roberts, Board Administrator

ALSO PRESENT:

- Sophia Mahoney

1 ***

2 State Board of Physical Therapy

3 November 2, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Sean C. Barrett, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations on a number of matters currently
10 pending before the Board and to receive advice of
11 counsel. The Board returned to open session at
12 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Physical Therapy was held on Thursday,
16 November 2, 2023.

17 ***

18 Official Call to Order
19 [Cynthia L. Potter, PT, DPT, Chairperson, officially
20 called the meeting to order at 10:35 a.m.]

21 ***

22 [Sean C. Barrett, Esquire, Board Counsel, noted the
23 meeting was being recorded, and those who continued
24 to participate were giving their consent to be
25 recorded.]

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

6

7 Roll Call of Board Members

8 [Cynthia L. Potter, PT, DPT, Chairperson, provided a
9 roll call of Board members.

10 Chair Potter welcomed new Board Counsel, Sean
11 Barrett. She also thanked previous Board Counsel,
12 Tom Davis, noting he has moved on to regulatory
13 counsel and would be helping to draft regulations for
14 all of the boards.]

15

16 Approval of minutes of the July 24, 2023 meeting

17 CHAIR POTTER:

18 Our first item on the agenda this
19 morning is approval of the minutes.

20 Are there any additions or
21 corrections to the minutes? Hearing
22 none.

23 Is there a motion to approve?

24 MS. GRZYBEK:

25 So moved.

1 CHAIR POTTER:

2 Is there a second?

3 DR. RUBY:

4 I'll second.

5 CHAIR POTTER:

6 It has been moved and seconded to adopt
7 the minutes as presented. We will do a
8 roll call vote.

9

10 Potter, aye; Claggett, abstain;
11 Campbell, aye; Grzybek, aye; Reddy,
12 aye; Robb, aye; Ruby, aye; Werner,
13 abstain; Wolfe, aye.

14 [The motion carried. Arion Claggett and William
15 Werner abstained from voting on the motion.]

16 ***

17 Report of Board Prosecution

18 [Adrienne McClendon, Esquire, Board Prosecution,
19 noted the Consent Agreement on the agenda was
20 tabled.]

21 ***

22 Report of Board Counsel

23 [Sean C. Barrett, Esquire, Board Counsel, had no
24 report to offer from Board Counsel.]

25 ***

1 Report of Regulatory Counsel - Status of Regulations
2 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
3 provided an update on 16A-6522 Early Exam and CE for
4 Clinical Instruction to allow applicants to sign up
5 for the examination with the Federation of State
6 Boards of Physical Therapy (FSBPT) instead of having
7 to ask the Board's permission. He discussed its
8 scrutiny by the Office of General Counsel (OGC) and
9 Office of Attorney General (OAG).

10 Mr. Davis noted it was sent to OAG on July 12,
11 2023, and a tolling memorandum with issues was
12 received. He mentioned that the Office of Attorney
13 General does a form and legality review to make sure
14 what the Board is trying to do is permissible under
15 the law. He stated they took issue with the same two
16 things as the Office of General Counsel.

17 Mr. Davis explained that the two issues are
18 related to the Alternate Approval Pathway (AAP)
19 program that allows FSBPT to register people for the
20 exam instead of going through the Board. He referred
21 to the document that FSBPT put online talking about
22 the FSBPT eligibility checks that apply to all
23 candidates, which includes six bullet points. He
24 noted that he put all six of those in the proposed
25 regulation for candidates.

1 Mr. Davis noted the bullet points are education
2 that has been validated, not registering for the exam
3 more than 90 days prior to graduation, cannot have
4 two low scores per exam level, cannot have more than
5 six attempts per exam level, cannot test more than
6 three times in a 12-month period, and cannot have an
7 open security or administrative flag. He mentioned
8 that the administrative flag is more of an internal
9 FSBPT thing and was not put in the proposed
10 regulation.

11 Mr. Davis stated the issues from both OGC and OAG
12 were where it reads, the applicant may not take the
13 National Physical Therapy Examination (NPTE) more
14 than six times and applicant scoring 400 or lower on
15 any two examination attempts will not be allowed any
16 additional attempts. He noted explaining that it is
17 not the Board's rule; it is FSBPT's rule.

18 Mr. Davis mentioned that OAG felt that it gives
19 the impression that the Board is imposing the
20 restrictions even though they are merely adopting the
21 restrictions. He proposed removing the six-time
22 limit and low score limit from the regulations and do
23 something similar to the State Board of Medicine and
24 provided a special notice that he drafted.

25 Mr. Davis referred to the State Board of

1 Medicine's website, where they adopted a United
2 States Medical Licensing Examination (USMLE) policy
3 regarding a maximum limit of four attempts as of
4 January 1, 2021. He noted they have a special
5 notice, dated September 2, 2020, explaining that the
6 Board on January 1, 2013, adopted the USMLE's rule
7 regarding six lifetime attempts on that exam and
8 then updated September 2, 2020, and became effective
9 in January 2021, where examinees would become
10 ineligible to take a step or step component if they
11 have four or more prior attempts on that step or step
12 component.

13 Mr. Davis stated it is essentially the same thing
14 FSBPT has with their exam, but the Board could adopt
15 it rather than putting it in the regulations. He
16 noted contacting a representative from FSBPT, Jeffrey
17 Rosa, and discussed the Board having that special
18 notice with the five things minus the open security
19 tag, and those five would be sufficient to allow the
20 Board and the applicants to participate in the AAP
21 program.

22 Mr. Davis asked the Board to allow him to
23 continue promulgating the regulation as proposed this
24 date minus the 400 low score limit and the six-time
25 limit, along with the Board eventually voting to

1 adopt the special notice.

2 Dr. Campbell wanted to confirm that it removes
3 the requirement of approval for a third attempt.

4 Mr. Davis explained that the proposed regulation
5 would be removing the requirement for requesting the
6 third attempt and is something that was not an issue
7 with OGC or OAG.

8 Mr. Davis referred to the last regulation on the
9 report, adopting the Compact Commission Rules and
10 believed there was a good chance they could also post
11 a special notice saying they adopt the Compact
12 Commission Rules, where every time those Compact
13 Commission Rules are updated, they could do that
14 through special notice as well. He informed Board
15 members that he is working on that and researching
16 that further.]

17 MR. DAVIS:

18 Based on the Board's discussions in
19 open session, I believe the Chair would
20 accept a motion to approve the amended
21 annex and preamble for Proposed
22 Rulemaking 16A-6522 known as the Early
23 Exam and CE for Clinical Instruction
24 Regulation as presented by reg counsel
25 this date.

1 Is there a motion?

2 MS. GRZYBEK:

3 So moved.

4 CHAIR POTTER:

5 Is there a second?

6 DR. RUBY:

7 I'll second.

8 CHAIR POTTER:

9 It has been moved and seconded to adopt
10 the motion as read by counsel. We'll do
11 a roll call vote.

12

13 Potter, aye; Claggett, aye; Campbell,
14 aye; Grzybek, aye; Robb, aye; Ruby,
15 aye; Werner, aye; Wolfe, aye.

16 [The motion carried. Sirisha Reddy was not present
17 during the roll call vote.]

18

19 Report of Acting Commissioner

20 [Arion R. Claggett, Acting Commissioner, Bureau of
21 Professional and Occupational Affairs, informed Board
22 members that the request for proposal (RFP) for the
23 Pennsylvania Licensing System (PALS) replacement was
24 released on September 28, 2023. He mentioned their
25 folks would begin scoring and evaluating vendors who

1 submitted a proposal once the period closes for
2 solicitation, and an update will be provided once a
3 vendor is selected.]

4 ***

5 Report of Committees - Education Committee
6 [Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair,
7 noted two individuals were approved for a third
8 attempt of the National Physical Therapy Examination.
9 She mentioned that results should soon be released
10 according to the federation's website.]

11 ***

12 Report of Board Chairperson
13 [Cynthia L. Potter, PT, DPT, Chairperson, informed
14 Board members that she was asked to provide an update
15 for the American Physical Therapy Association (APTA)
16 Pennsylvania for their annual meeting in October
17 2023. She mentioned that she provided a written
18 report read by the president of APTA PA, Scott
19 Voshell. She offered to provide a copy to Board
20 members.

21 Chair Potter addressed her attendance at the
22 Federation of State Boards of Physical Therapy's
23 (FSBPT) Annual Meeting in Jacksonville October 19-21,
24 2023. She mentioned that the programming was very
25 good, along with a lot of information relevant to

1 issues in Pennsylvania.

2 Ms. Grzybek agreed that it was a very worthwhile
3 meeting and encouraged colleagues on the Board to go
4 to the FSBPT website to view some of the sessions.
5 She mentioned it to be a comprehensive meeting with
6 fascinating breakouts with focus on equity,
7 inclusion, and belonging. She noted attending
8 sessions regarding continued professional development
9 and having a better understanding of decoding
10 credentialing for foreign-trained colleagues. She
11 noted discussion concerning virtual versus
12 synchronous versus in person versus virtual
13 asynchronous education.

14 Ms. Grzybek mentioned there was a breakout
15 session on the Exam, Licensure, and Disciplinary
16 Database (ELDD) and a program on trauma-informed
17 interviewing. She encouraged Board members to attend
18 the 2024 FSBPT Annual Meeting.

19 Chair Potter informed everyone that next year's
20 meeting is October 31 through November 2 in Cedar
21 Rapids, Iowa. She noted FSBPT funds a delegate and
22 alternate delegate. She explained that part of the
23 Board budget could be used for more members and also
24 encouraged Board members to attend, especially new
25 members.

1 Dr. Campbell informed everyone that FSBPT offers
2 a handful of the presentations virtually for those
3 who do not have the capacity to travel. She
4 mentioned attending a discussion virtually regarding
5 workforce data and the potential to collect workforce
6 data, noting she would like to see that as an agenda
7 item in the future.

8 Chair Campbell offered to add that to the agenda
9 for the next meeting.

10 Ms. Grzybek thanked fellow board members for
11 giving her the opportunity to serve as an alternate
12 delegate.

13 Ms. Roberts addressed the Council of Board
14 Administrators, noting it to be amazing how similar
15 issues are between board administrators. She
16 mentioned it to be a great networking event by
17 getting to know the people. She also noted there was
18 a lot of helpful training regarding reporting to the
19 National Practitioner Databank. She also encouraged
20 Board members to attend.

21 Chair Potter also reported a session between the
22 Council of Board Administrators and board chairs and
23 also a separate board chairs meeting. She commented
24 that Board staff is the continuity because of board
25 member turnover and noted the importance of having

1 that link between the board chairs and the board
2 administrators to be able to have that time to get
3 together.

4 Chair Potter reported Steven Scherger from
5 Minnesota and Michelle Sigmund-Gaines from Oregon
6 were elected to the FSBPT Board of Directors, along
7 with new member, Stacy Price, on the FSBPT Nominating
8 Committee. She also noted Missy Anthony from Ohio is
9 the chair of the Council of Board Administrators and
10 Erin DeTomaso from Minnesota is on the CBA Nominating
11 Committee.

12 Chair Potter encouraged everyone to listen to
13 FSBPT webinars, noting the next one is on November 14
14 concerning the National Physical Therapy Examination
15 (NPTE) redesign. She mentioned that the website
16 started to put together executive summaries for
17 various resources for concise information.]

18

19 Report of Board Administrator

20 [Michelle Roberts, Board Administrator, informed
21 Board members that 2024 dates are on the calendar.
22 She also mentioned the need for election of officers
23 for 2024.]

24 MR. BARRETT:

25 Are there any nominations for the Chair

1 position for the 2024 year?

2 MS. GRZYBEK:

3 I nominate Cindy Potter to be our

4 Chair.

5 MR. BARRETT:

6 Is there a second?

7 DR. CAMPBELL:

8 Second.

9 MR. BARRETT:

10 Chair Potter, would you consent to the

11 nomination?

12 CHAIR POTTER:

13 Yes.

14 MR. BARRETT:

15 Roll call.

16

17 Claggett, aye; Campbell, aye; Grzybek,

18 aye; Reddy, aye; Robb, aye; Ruby, aye;

19 Werner, aye; Wolfe, aye.

20 [The motion carried unanimously.]

21 ***

22 MR. BARRETT:

23 Are there any nominations for the Vice

24 Chair position for the 2024 year?

25 MS. GRZYBEK:

1 I nominate Sandy Campbell to be our
2 Vice Chair.

3 MR. BARRETT:

4 Is there a second?

5 MR. ROBB:

6 Second.

7 MR. BARRETT:

8 Vice Chair Campbell, do you consent to
9 the nomination?

10 DR. CAMPBELL:

11 Yes.

12 MR. BARRETT:

13 Could we have a roll call vote?

14

15 Potter, aye; Claggett, aye; Campbell,
16 aye; Grzybek, aye; Reddy, aye; Robb,
17 aye; Ruby, aye; Werner, aye; Wolfe,
18 aye.

19 [The motion carried unanimously.]

20

21 MR. BARRETT:

22 Are there any nominations for Secretary
23 for the 2024 year?

24 MS. GRZYBEK:

25 I nominate Krista Wolfe for Secretary.

1 MR. BARRETT:

2 Is there a second?

3 DR. RUBY:

4 I'll second.

5 MR. BARRETT:

6 Dr. Wolfe, do you consent to that
7 nomination?

8 DR. WOLFE:

9 Yes.

10 MR. BARRETT:

11 Could we have a roll call vote?

12

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

17 [The motion carried unanimously.]

18

19 Upcoming 2024 Meeting Dates

20 [Cynthia L. Potter, PT, DPT, Chairperson, noted
21 upcoming meeting dates are listed on the agenda.]

22

23 Adjournment

24 MR. BARRETT:

25 Is there a motion to adjourn?

1 MS. GRZYBEK:

2 Motion to adjourn.

3 DR. RUBY:

4 I'll second.

5 ***

6 [There being no further business, the State Board of
7 Physical Therapy Meeting adjourned at 11:04 a.m.]

8 ***

9

10 CERTIFICATE

11

12 I hereby certify that the foregoing summary
13 minutes of the State Board of Physical Therapy
14 meeting, was reduced to writing by me or under my
15 supervision, and that the minutes accurately
16 summarize the substance of the State Board of
17 Physical Therapy meeting.

18

19

20



21

Sophia Mahoney,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

26

STATE BOARD OF PHYSICAL THERAPY
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| TIME | AGENDA |
|-------|------------------------------------|
| 10:00 | Executive Session |
| 10:30 | Return to Open Session |
| 10:35 | Official Call to Order |
| 10:35 | Roll Call |
| 10:37 | Approval of Minutes |
| 10:38 | Report of Board Prosecution |
| 10:38 | Report of Board Counsel |
| 10:39 | Report of Board Regulatory Counsel |
| 10:50 | Report of Acting Commissioner |
| 10:51 | Report of Committees |
| 10:51 | Report of Board Chairperson |
| 11:00 | Report of Board Administrator |
| 11:03 | Upcoming Meeting Dates |
| 11:04 | Adjournment |