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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: 10:33 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**

March 23, 2023

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State Board of Physical Therapy  
March 23, 2023

BOARD MEMBERS:

Cynthia L. Potter, PT, DPT, Chairperson  
Arion Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs - Absent  
Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair  
Geraldine M. Grzybek, PT, GCS, Secretary  
Jeremy Robb, Attorney General's Office  
designee - Absent  
William Werner, PT - Absent  
Krista Wolfe, DPT, ATC

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel  
Dean F. Picarella, Esquire, Senior Board Counsel  
J. Karl Geschwindt, Esquire, Acting Senior Prosecutor  
Andrea L. Costello, Esquire, Board Prosecutor  
Michelle Roberts, Board Administrator  
Marc Farrell, Esquire, Regulatory Counsel,  
Office of Chief Counsel, Department of State

ALSO PRESENT:

Scott Voshell, President, American Physical Therapy  
Association Pennsylvania Chapter  
Nicole Sidle, Executive Director, Professional  
Licensure Committee, PA House of Representatives  
Seth Rolko, Executive Director, Senate  
Consumer Protection & Professional Licensure  
Committee  
Melissa Dehoff, Director, Rehabilitation Services  
Divisions, Rehabilitation and Community Providers  
Association

1 \*\*\*

2 State Board of Physical Therapy

3 March 23, 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 Thomas M. Davis, Esquire, Board Counsel,  
8 for the purpose of conducting quasi-judicial  
9 deliberations and to receive advice of counsel on  
10 matters upon which the Board would later vote. The  
11 Board 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, March  
15 23, 2023.

16 \*\*\*

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially  
19 called the meeting to order at 10:33 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 [Cynthia L. Potter, PT, DPT, Chairperson, provided a  
8 roll call of Board members.]

9 \*\*\*

10 Introduction of Attendees

11 [Michelle Roberts, Board Administrator, provided an  
12 introduction of attendees.]

13 \*\*\*

14 Approval of minutes of the January 26, 2023 meeting

15 CHAIR POTTER:

16 Are there any additions or corrections  
17 to the minutes that were presented?

18 Hearing none.

19 Is there a motion to approve the  
20 minutes?

21 MS. GRZYBEK:

22 So moved.

23 DR. CAMPBELL:

24 Second.

25 CHAIR POTTER:



1 Geschwindt.]

2

\*\*\*

3 Report of Board Counsel - Adjudication and Order  
4 [Thomas M. Davis, Esquire, Board Counsel, referred to  
5 Case No. 19-65-015488 regarding James Mars, noting  
6 that at the May 6, 2022 Board meeting, the Board  
7 rejected the proposed agreement as too lenient. He  
8 mentioned the Board discussed the matter at the  
9 November 2022 meeting and directed him to draft an  
10 adjudication and order, which was reviewed during  
11 Executive Session.]

12

\*\*\*

13 MR. DAVIS:

14

Based upon the Board's discussions in  
15 Executive Session, I believe the Chair  
16 would accept a motion to approve as  
17 final the Draft Adjudication and Order  
18 in the following matter: Commonwealth  
19 BPOA v. James F. Mars, PTA, Case No.  
20 19-65-015488.

21 MS. GRZYBEK:

22

So moved.

23 DR. CAMPBELL:

24

Second.

25 CHAIR POTTER:



1 currently making sure there would be no legality  
2 issues regarding the AAP Program. He further  
3 explained that, at face value, participating in the  
4 AAP Program is allowing another entity to make the  
5 decision the Board was currently making, which is  
6 whether or not the applicant should be allowed to sit  
7 for the national exam. However, he explained that  
8 the Board's requirements are detailed in the  
9 regulations and allow this "third party" - the FSBPT-  
10 to look at the applicants credentials and determine  
11 whether the applicants credentials meet or exceed the  
12 Board's requirements to sit for the examination.

13

14 Dr. Campbell stated the AAP process allows the  
15 applicant's university to certify that the graduate  
16 is a bona fide candidate to graduate because they  
17 will soon be able to sit for the examination up to 90  
18 days before graduation, but the state and Board is  
19 still requiring proof of graduation for licensure.  
20 She noted that while the university and FSBPT have  
21 the decision-making or input into eligibility to sit  
22 for the exam, the state still has the responsibility  
23 and the authority to issue the license.

24 Dr. Campbell mentioned that it is a nuanced  
25 distinction, in that the Board ultimately holds



1 accountability and responsibility for ensuring that,  
2 before iussuing a license, the applicant has  
3 graduated from an accredited institution.]

4

\*\*\*

5 Report of Board Counsel - Miscellaneous

6 [Thomas M. Davis, Esquire, Board Counsel, addressed  
7 Act 35 of 2022 regarding a temporary license for  
8 military applicants. He noted Act 35 allows for  
9 another path to licensure for military families or  
10 military licensees into Pennsylvania.

11 Mr. Davis wanted to have a discussion as to its  
12 impact on the Board. He referred to Act 35 of 2022 §  
13 3303(b) regarding temporary licensing, where a  
14 licensing board may issue a temporary license to a  
15 military applicant who complies with the licensing  
16 board's requirements for temporary licensure for a  
17 limited period of time at the discretion of the  
18 licensing board while the military applicant  
19 completes additional requirements for licensure in  
20 this Commonwealth.

21

22 Mr. Davis mentioned that he did not have a  
23 recommendation as to what the Board can or should be  
24 waiving to allow for the temporary licensure. He  
25 informed Board members that they could wait until

1 they receive a few military applicants, run it past  
2 the applications committee, or maybe waive a CPR  
3 requirement.

4 Dr. Campbell asked whether there was a definition  
5 of military applicant because active-duty individuals  
6 in the Department of Defense (DoD) and Veterans  
7 Affairs have to be licensed in a state and not  
8 necessarily Pennsylvania when they are working on a  
9 federal property but state licensure becomes an issue  
10 when an active-duty military person wants to treat  
11 patients in the community.

12 Dr. Campbell mentioned that it makes sense if the  
13 definition of a military applicant includes family,  
14 spouses, significant others, etc. because those  
15 individuals are likely going to be working in the  
16 community.

17 Mr. Davis provided a definition of "military  
18 applicant" as a servicemember, veteran, or military  
19 spouse who submits for an application for a license  
20 and documentation demonstrating status as a  
21 servicemember, veteran, or military spouse.

22 Dr. Campbell pointed out that the Physical  
23 Therapy Compact will also provide another route but  
24 stated the Compact continues to be at a standstill,  
25 where the law has passed but the Board is unable to

1 issue privilege.

2 Mr. Davis noted the PT Compact will eventually  
3 allow certain individuals to practice in the  
4 Commonwealth without first obtaining licensure and  
5 mentioned Act 41 allows for licensure by  
6 endorsement. He mentioned the Legislature and  
7 Governor's Office have been prioritizing expedited  
8 licensure in the last few years. He noted the  
9 Legislature passed the compact legislation, but there  
10 is an issue with the Federal Bureau of Investigation  
11 (FBI) background checks, and he mentioned several  
12 other boards have been affected by the same issue.

13 Mr. Davis informed Board members that the  
14 Legislature is working to amend the Compact statute in  
15 order to allow for FBI background checks, which  
16 should then allow the Compact Commission to issue  
17 privileges in the Commonwealth.

18 \*\*\*

19 MOTIONS

20 MR. DAVIS:

21 Based on the Board's discussions in  
22 Executive Session, I believe the Chair  
23 would accept a motion to approve the  
24 Consent Agreement in the following  
25 matter: Case No. 23-65-001596.

1           I want to mention that we do have  
2           the ability to reenter Executive  
3           Session if anyone wants to discuss  
4           these matters further before voting.  
5           Is there anyone who feels we need to  
6           reenter executive after the  
7           presentations?

8           I've read the proposed motion.

9 CHAIR POTTER:

10           Is there a motion?

11 MS. GRZYBEK:

12           So moved.

13 DR. CAMPBELL:

14           Second.

15 CHAIR POTTER:

16           The motion has been moved and seconded  
17           to adopt the Consent Agreement and  
18           Order. We will do a roll call vote.

19  
20           Potter, aye; Campbell, aye; Grzybek,  
21           aye; Wolfe, aye.

22 [The motion carried unanimously. The licensee's name  
23 is being withheld because he or she is entering into  
24 the Voluntary Recovery Program. He noted the  
25 licensee's participation in the program will remain

1 confidential as long as the licensee abides by the  
2 terms and conditions of the program.]

3 \*\*\*

4 MR. DAVIS:

5 Number 3 on the Board's agenda. I will  
6 note that Dr. Campbell recused herself  
7 from discussions and will be recusing  
8 herself for the vote in this matter  
9 because she signed the immediate  
10 temporary suspension (ITS) that is  
11 related to this so technically playing  
12 a prosecutorial role.

13 Number 3, based on the Board's  
14 discussions in Executive Session, I  
15 believe the Chair would accept a motion  
16 to approve the Consent Agreement in the  
17 following matter: Case No. 19-65-  
18 013753.

19 CHAIR POTTER:

20 Is there a motion?

21 MS. GRZYBEK:

22 So moved.

23 CHAIR POTTER:

24 We need a second.

25 DR. WOLFE:



1 Account (PLAA) that is shared between all the boards  
2 in the Bureau of Professional and Occupational  
3 Affairs (BPOA). He recommended having a  
4 representative from the commissioner's office present  
5 when there is a vote to waive the fee.

6 Mr. Davis noted that someone asked BPOA at the  
7 last financial presentation if the Board could once  
8 again waive renewal fees and BPOA answered in the  
9 affirmative, but BFO has not specifically recommend  
10 that this Board waive renewal fees. He mentioned the  
11 Board has a year and a half until the next renewal  
12 and could wait to see what the numbers look like this  
13 time next year when BFO presents the next annual  
14 report.

15 Ms. Roberts suggested BFO provide numbers with  
16 and without the waiver.

17 Mr. Davis agreed with Ms. Roberts.

18 Ms. Grzybek asked whether the Board would have to  
19 petition for that additional information to make a  
20 more informed choice.

21 Mr. Davis explained that the Board could have BPO  
22 prepare those numbers for the next annual  
23 presentation in February or March 2024, which would  
24 still be more than six months away from the renewal.

25 He commented that the Board may find itself in a

1 difficult position if it were to vote now to waive  
2 fees only to be told a year from now that it might  
3 not be the wisest thing to do.

4 Dr. Campbell expressed concern with pushing it so  
5 far down the pike would not allow the Board  
6 sufficient time to implement it considering it took  
7 at least two renewal cycles the last time from  
8 concept to implementation. She commented that they  
9 may not be able to implement it with the next renewal  
10 if they run into barriers and delays. She requested  
11 some level of assurance that if they table it for now  
12 and ask for the information to make an informed  
13 decision next year that they actually could implement  
14 it in a timely fashion.

15 Ms. Grzybek asked whether the Board could request  
16 the information be presented in November so that all  
17 of the information is available when the budget  
18 presentation is presented in January.

19 Mr. Davis offered to look into whether the Board  
20 could be provided with information in November before  
21 the budget presentation in January.

22 Chair Potter addressed FSBPT regulatory training  
23 in March, noting they have created a new PowerPoint  
24 presentation for students regarding the National  
25 Physical Therapy Examination (NPTE), regulations in



1 general, and benefits of the compact.

2 Chair Potter mentioned that the sessions from  
3 that regulatory training are available to any members  
4 from member boards.]

5 \*\*\*

6 Report of Acting Commissioner - No Report

7 \*\*\*

8 Report of Committees - Education Committee

9 [Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair,  
10 noted she and Ms. Gryzbek reviewed and approved  
11 Kirsten Labate and Anthony Buzzelli for a third  
12 attempt at the NPTE.]

13 \*\*\*

14 Report of Board Administrator - Election of Delegates  
15 to the FSBPT Annual Education Meeting & Delegate  
16 Assembly

17 [Michelle Roberts, Board Administrator, requested  
18 selection of a delegate and alternate delegate to  
19 attend FSBPT's Annual Education Meeting October 19-21  
20 in Jacksonville, FL, and FSBPT's Delegate Assembly  
21 October 16, 2023. She noted the delegate would also  
22 need to attend the FSBPT Leadership Issues Forum July  
23 15-16 in Arlington, VA.]

24 \*\*\*

25 CHAIR POTTER:

1 Do I have a nomination?

2 MS. GRZYBEK:

3 I'd like to nominate Michelle Roberts  
4 as our official delegate and Sandy  
5 Campbell as our alternate delegate.

6 CHAIR POTTER:

7 Motion has been made. Is there a  
8 second?

9 DR. WOLFE:

10 Second.

11 CHAIR POTTER:

12 It has been moved and seconded have  
13 Michelle Roberts as our delegate this  
14 year and Sandy Campbell as the  
15 alternate delegate. We will do a roll  
16 call vote.

17

18 Potter, aye; Campbell, aye; Grzybek,  
19 aye; Wolfe, aye.

20 [The motion carried unanimously.]

21

\*\*\*

1 [Thomas M. Davis, Esquire, Board Counsel, asked  
2 whether the Board wanted to vote to ratify the  
3 committee approval decision to allow those two  
4 individuals a third attempt at the NPTE.]

5 CHAIR POTTER:

6 Is there a motion to approve the two  
7 applicants Dr. Campbell reported on?

8 DR. CAMPBELL:

9 I'll motion.

10 MS. GRZYBEK:

11 Second.

12 CHAIR POTTER:

13 It has been moved and seconded to grant  
14 the two applicants, Kirsten Labate and  
15 Anthony Buzzelli, a third attempt at  
16 the NPTE. We will do a roll call vote.

17

18 Potter, aye; Campbell, aye; Grzybek,  
19 aye; Wolfe, aye.

20 [The motion carried unanimously.]

21

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22 Upcoming 2023 Meeting Dates

23 [Cynthia L. Potter, PT, DPT, Chairperson, noted the  
24 next scheduled Board meeting date is May 4.]

25

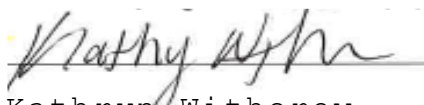
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## CERTIFICATE

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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY  
REFERENCE INDEX

March 23, 2023

	TIME	AGENDA
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5		
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7		
8		
9	10:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:33	Official Call to Order
13		
14	10:33	Roll Call
15		
16	10:33	Introduction of Attendees
17		
18	10:35	Approval of Minutes
19		
20	10:36	Report of Board Prosecution
21		
22	10:39	Report of Board Counsel
23		
24	10:51	Report of Board Prosecution Motions
25		
26	10:54	Report of Board Chair
27		
28	11:00	Report of Committees
29		
30	11:02	Report of Board Administrator
31		
32	11:04	Upcoming 2023 Meeting Dates
33		
34	11:05	Adjournment
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