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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: 10:42 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

July 24, 2023

State Board of Physical Therapy
July 24, 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
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

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Counsel, Counsel
Division
Heather J. McCarthy, Esquire, Senior Board
Prosecutor
Michelle Roberts, Board Administrator
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Michael McDonald, Policy Director, Department of State
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Kari Orchard, Democratic Executive Director, House
Professional Licensure Committee
Melissa Dehoff, Director, Rehabilitation Services
Divisions, Rehabilitation and Community Providers
Association
Derek Richmond

1 ***

2 State Board of Physical Therapy

3 July 24, 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 Monday, July
15 24, 2023.

16 ***

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially
19 called the meeting to order at 10:42 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 Introduction of Attendees

1 [Thomas M. Davis, Esquire, Board Counsel, provided an
2 introduction of attendees.

3 ***

4 Approval of minutes of the May 4, 2023 meeting

5 CHAIR POTTER:

6 Are there any additions or corrections
7 to the minutes? Hearing none.

8 Is there a motion to approve the
9 minutes?

10 DR. CAMPBELL:

11 So moved.

12 CHAIR POTTER:

13 Is there a second?

14 MR. ROBB:

15 Second.

16 CHAIR POTTER:

17 It has been moved and seconded to
18 approve the minutes as presented. We
19 will do a roll call vote.

20
21 Potter, aye; Campbell, aye; Grzybek,
22 abstain; Mackell, aye; Reddy, abstain;
23 Robb, aye; Ruby, abstain; Wolfe,
24 abstain.

25 [The motion carried. Geraldine Grzybek, Sirisha

1 Reddy, Craig Ruby, and Krista Wolfe abstained from
2 voting on the motion.]

3

4 Appointment - Introduction

5 [Michael McDonald, Policy Director, Department of
6 State, introduced himself and provided a brief
7 history of his professional background. He informed
8 everyone that the policy office assists all of the
9 licensing boards and commissions to review and draft
10 policy initiatives, along with reviewing legislation.

11 Mr. McDonald noted they work closely with Board
12 Counsel to review and draft regulations and other
13 strategies and policies the Board would like to
14 implement. He offered to be a resource for the Board
15 concerning research and questions on other
16 jurisdictions.

17 Mr. McDonald thanked Board members for their
18 service to the Commonwealth of Pennsylvania.

19 Dr. Campbell commented that it takes over two
20 years to get policies from start to finish and
21 several steps in the process that take a long time.

22 Mr. McDonald explained that many of those steps
23 are out of their control, because people need to
24 weigh in on policies and regulations. He noted being
25 aware of the length of time it takes to get those

1 across the finish line and that counsel is looking at
2 how they can expedite some of those issues and
3 policies.

4 Chair Potter asked whether it would be
5 appropriate for the Board to modernize and update
6 language in the Physical Therapy Practice Act because
7 it dates from 1975.

8 Mr. McDonald stated the Board could make those
9 changes and the Office of Policy could be
10 participants in the legislative process. He noted
11 that changes to the act would have to be enacted in
12 the legislature, but they could work with the
13 legislature to recommend changes to practice acts or
14 legislation that may impact licensees or the Board.

15 Mr. McDonald also mentioned that they could take
16 ideas from the Board to their partners in the General
17 Assembly because there is a process for requesting
18 legislative changes or recommending legislative
19 proposals.

20 Chair Potter welcomed and thanked Mr. McDonald
21 for the introduction.]

22 ***

23 Report of Board Prosecution

24 [Kenneth J. Suter, Esquire, Board Prosecution

25 Liaison, on behalf of J. Karl Geschwindt, Esquire,

1 Acting Senior Prosecutor, presented the Consent
2 Agreement for Case No. 22-65-007384.]

3 MR. DAVIS:

4 Now that we've heard the presentation
5 of the Consent Agreement, are there any
6 Board members who would like to reenter
7 Executive Session to further discuss
8 this particular matter? Hearing none.

9 Based on the Board's discussions in
10 Executive Session, I believe the Chair
11 would accept a motion to approve the
12 Consent Agreement in the following
13 matter: Case No. 22-65-007384?

14 MS. GRZYBEK:

15 So moved.

16 CHAIR POTTER:

17 Is there a second to the motion as read
18 by counsel?

19 DR. RUBY:

20 I'll second it.

21 CHAIR POTTER:

22 The motion has been moved and seconded.
23 We will do a roll call vote.

24

25 Potter, aye; Campbell, aye; Grzybek,

1 together the annex for the next Board meeting. He
2 reminded everyone that the regulation is held up
3 because of the need for legislation regarding the FBI
4 background check.

5 Dr. Campbell asked whether Mr. Davis had any
6 conversations with the commissioner's office
7 concerning the delay of data sharing out of the
8 Pennsylvania Licensing System (PALS) or a new system.

9 Mr. Davis explained that Commonwealth Procurement
10 has received a few quotes and he noted a committee has
11 been formed to review those quotes.]

12 ***

13 Report of Board Counsel - Miscellaneous

14 [Thomas M. Davis, Esquire, Board Counsel, addressed
15 House Bill 1491 regarding expanding direct access to
16 physical therapy. He noted the prime sponsor is
17 Representative Pat Gallagher and the bill has been
18 put forward in the House. He provided a memorandum
19 written by the bill's cosponsors that read:

20 Currently physical therapists may treat patients
21 without a referral from their licensed physician for
22 up to 30 days after the first treatment was given.
23 In most cases, there is no need for an individual to
24 see a primary care physician before seeing a physical
25 therapist, so making an additional trip for a

1 referral prior to the 30-day time frame is
2 unnecessary and time-consuming. I plan to introduce
3 legislation to timeframe this deadline from 30 to 60
4 days to save individuals' valuable time and money.
5 This change gives individuals longer direct access to
6 physical therapy, during which many of their issues
7 may be solved. The legislation also removes a
8 redundant and unnecessary certificate of
9 authorization to practice physical therapy without a
10 referral from a physician.

11

12 Mr. Davis stated House Bill 1491 was referred to
13 the House Professional Licensure Committee on June
14 22, 2023, and he explained that he presented it to the
15 Board for general awareness. He encouraged anyone
16 who wished to have their voice heard regarding the
17 pending legislation to contact a professional
18 organization that represents their interests or local
19 representative.

20 Mr. Davis provided an overview of the annual
21 report from prosecution to the General Assembly. He
22 noted Carolyn DeLaurentis, the deputy chief counsel
23 for the prosecution division, presented this same
24 information to the Board at a past meeting and
25 mentioned at that time of her presentation she

1 promised to provide the Board with a written report.

2

3 Mr. Davis noted receiving that report and
4 disseminating it to Board members that showed 28,042
5 active licensees with 82 opened cases, 79 current
6 open cases, 88 closed cases, and average time to
7 close a case was 325 days.

8 Mr. Davis noted the Board had 26 cases in which
9 prosecution was not warranted, 36 cases that ended in
10 a warning letter being sent out, 13 professional
11 conduct cases, 26 DUIs, and 10 fraud cases in the
12 practice of the profession.

13 Mr. Davis stated the report is public information
14 but not on the Board's website. He noted providing
15 an overview of the largest numbers, noting the rest
16 are less than 1 percent of the cases. He encouraged
17 anyone who wished to have a copy to email the Board
18 or contact him.]

19

20 Report of Board Chairperson

21 [Cynthia L. Potter, PT, DPT, Chairperson, addressed
22 her attendance at the Federation of State Boards of
23 Physical Therapy Model Practice Act Workshop in
24 Alexandria, VA, along with Board Administrator
25 Michelle Roberts. She noted the American Physical

1 Therapy Association (APTA) Pennsylvania Chapter
2 President, Scott Voshell was in attendance as well.

3 Chair Potter informed everyone that the
4 Federation of State Boards of Physical Therapy has
5 updated the Model Practice Act to provide
6 jurisdictions around the country with some model
7 language as a resource for those updating or changing
8 their practice acts.

9 Chair Potter explained that the purpose of the
10 FSBPT Model Practice Act Workshop was for both
11 jurisdictional board members and APTA chapter
12 presidents to look jointly at the practice act,
13 compare it to the model language, and have a
14 discussion on areas that may need to be improved.

15 Chair Potter also addressed the Federation of
16 State Boards of Physical Therapy Leadership Issues
17 Forum, noting Michelle Roberts is their delegate for
18 federation meetings this year and attended on the
19 Board's behalf.

20 Ms. Roberts informed Board members that she would
21 be sending out an email regarding voting delegates
22 and requested feedback from Board members for
23 October.

24 Chair Potter commented that the main purpose of
25 the FSBPT Leadership Issues Forum is to get feedback

1 from jurisdictions about Board issues.

2 Dr. Campbell noted being identified as the
3 alternate delegate for October because Ms. Grzybek
4 and Dr. Wolfe were in a gap regarding terms. She
5 mentioned that she would give up that appointment if
6 other Board members were interested.

7 Mr. Davis suggested placing that on the agenda
8 for the next meeting because the Board should not be
9 voting on anything that is not on the agenda but also
10 noted the Board could amend the agenda and have a
11 vote for the alternate.]

12 CHAIR POTTER:

13 Is there a motion to amend the agenda
14 to add voting for an alternate delegate
15 to the annual FSBPT Meeting?

16 MS. GRZYBEK:

17 So moved.

18 DR. CAMPBELL:

19 Second.

20 CHAIR POTTER:

21 It has been moved and seconded to amend
22 the agenda. We will do a roll call
23 vote.

24

25 Potter, aye; Campbell, aye; Grzybek,

1 aye; Mackell, aye; Reddy, aye; Robb,
2 aye; Ruby, aye; Wolfe, aye.

3 [The motion carried unanimously.]

4 ***

5 [Geraldine Grzybek and Lisa Mackell both wished to be
6 the alternate delegate, but Lisa Mackell later
7 withdrew from the position of alternate.

8 CHAIR POTTER:

9 Gerri is the only name for the
10 alternate delegate position.

11 Is there a motion?

12 DR. CAMPBELL:

13 So moved.

14 CHAIR POTTER:

15 Is there a second?

16 DR. WOLFE:

17 Second.

18 CHAIR POTTER:

19 It has been moved and seconded to have
20 Gerri Grzybek as the alternate delegate
21 for the federation's annual meeting.
22 We will do a roll call vote.

23

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

1 aye; Ruby, aye; Wolfe, aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Board Chairperson

5 [Cynthia L. Potter, PT, DPT, Chairperson, noted Dr.
6 Campbell participated at the Compact Commission
7 Meeting since Ms. Grzybek was off the Board during
8 that period.

9 Dr. Campbell reported minor edits to the bylaws
10 regarding member terms being more staggered.

11 Chair Potter noted that they did have a PT
12 Compact presentation during the FSBPT Leadership
13 Issues Forum Meeting, and the number of compact
14 privileges has continued to escalate rapidly over the
15 past few years as more states are participating.]

16 ***

17 Report of Acting Commissioner - No Report

18 ***

19 Report of Committees - Education Committee

20 MR. DAVIS:

21 Based on the Board's discussions in
22 Executive Session, I believe the Chair
23 would accept a motion to ratify the
24 Education Committee's decision to grant
25 the requests of the following

1 individuals permission to take the
2 National Physical Therapy Exam a Third
3 Time: Oksana Seiple, Madison Novotny,
4 Madisson Bear, Emily Ledyard, Eduardo
5 Garnica, Alyssa Cairns, Zachary Muye.

6 CHAIR POTTER:

7 Is there a motion?

8 MS. GRZYBEK:

9 So moved.

10 CHAIR POTTER:

11 Is there a second?

12 MR. ROBB:

13 Second.

14 CHAIR POTTER:

15 It has been moved and seconded to have
16 ratify the Applicants for the third
17 attempt of the NPTE. We will do a roll
18 call vote.

19
20 Potter, aye; Campbell, aye; Grzybek,
21 aye; Mackell, aye; Reddy, aye; Robb,
22 aye; Ruby, aye; Wolfe, aye.

23 [The motion carried unanimously.]

24 ***

25 Report of Board Administrator - No Report

1 ***

2 Upcoming 2023 Meeting Dates

3 [Cynthia L. Potter, PT, DPT, Chairperson, noted the
4 remaining upcoming meeting dates are September 29 and
5 November 2.]

6 ***

7 [Geraldine M. Grzybek, PT, GCS, volunteered to assist
8 with the committees.

9 Dr. Campbell requested the addition of another
10 person on the Education Committee and Probable Cause
11 Screening Committee.

12 Mr. Davis noted that the Board could amend the
13 agenda to have that vote or wait until the next
14 meeting.

15 Dr. Campbell provided an overview of the
16 Education Committee's responsibilities, including
17 reviewing requests for a third attempt that take
18 approximately 10 or 15 minutes per applicant. She
19 also provided an overview of applicants via Act
20 41endorsement.

21 Dr. Campbell addressed the role of the Probable
22 Cause Screening Committee, noting they review any of
23 the immediate actions that prosecution would like to
24 have done and provided an example. She noted that
25 anyone on the committee and involved with individual

1 cases would need to recuse themselves from further
2 discussion and voting. She mentioned that the cases
3 oftentimes happen relatively quickly because of
4 having a time-sensitive element and take anywhere
5 from 20 minutes to 45 minutes but may take longer.]

6 CHAIR POTTER:

7 Is there a motion to amend our agenda
8 to add committee members?

9 MS. GRZYBEK:

10 So moved.

11 CHAIR POTTER:

12 Is there a second?

13 DR. CAMPBELL:

14 Second.

15 CHAIR POTTER:

16 It has been moved and seconded to amend
17 the agenda to discuss the addition of
18 committee members. We will do a roll
19 call vote.

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

24 [The motion carried unanimously.]

25

1 [Geraldine M. Grzybek, Krista Wolfe, and Lisa Mackell
2 offered to help Dr. Campbell on the Education
3 Committee. Geraldine Grzybek withdrew from the
4 Education Committee and volunteered for the Probable
5 Cause Screening Committee.]

6 MR. DAVIS:

7 We would have a motion to add both
8 Krista Wolfe and Lisa Mackell to the
9 Education Committee with Dr. Campbell,
10 thereby creating a committee of three
11 members.

12 CHAIR POTTER:

13 Is there a motion to that effect?

14 MS. GRZYBEK:

15 So moved.

16 CHAIR POTTER:

17 Second?

18 MR. ROBB:

19 Second.

20 CHAIR POTTER:

21 It has been moved and seconded to add
22 Ms. Mackell and Krista Wolfe to the
23 Education Committee. We will do a roll
24 call vote.
25

1 MR. ROBB:

2 Second.

3 CHAIR POTTER:

4 It has been moved and seconded to
5 appoint Gerri Grzybek as the secondary
6 individual on the Probable Cause
7 Screening Committee. We will do a roll
8 call vote.

9

10 Potter, aye; Campbell, aye; Grzybek,
11 aye; Mackell, aye; Reddy, aye; Robb,
12 aye; Ruby, aye; Wolfe, aye.

13 [The motion carried unanimously.]

14 ***

15 Adjournment

16 VICE CHAIR CAMPBELL:

17 Move to adjourn and see you in
18 September.

19 ***

20 [There being no further business, the State Board of
21 Physical Therapy Meeting adjourned at 11:30 a.m.]

22 ***

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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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PHYSICAL THERAPY
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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:42	Official Call to Order
10:42	Roll Call
10:42	Introduction of Attendees
10:46	Approval of Minutes
10:54	Report of Board Prosecution
10:57	Report of Board Counsel
11:06	Report of Board Chairperson
11:16	Report of Committees
11:18	Upcoming Meeting Dates
11:19	Board Business
11:30	Adjournment