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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF PHYSICAL THERAPY

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 21, 2024

State Board of Physical Therapy
March 21, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Sean C. Barrett, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
J. Karl Geschwindt, Esquire, Senior Board Prosecutor
and Prosecution Liaison
Adrienne Rachelle McClendon, Esquire, Board
Prosecutor
Julius Zeitlinger, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director,
Senate Consumer Protection & Professional Licensure
Committee
Erin R. Kawa, Principal, Commercial Litigation,
Regulatory & Administrative Agency Law, and
Professional Licensure Practice Groups, Post &
Schell
Melissa Dehoff, Director, Rehabilitation Services
Divisions, Rehabilitation and Community Providers
Association
Stephanie Dunkerley
Derek Richmond, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Physical Therapy

3 March 21, 2024

4 ***

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

12 ***

13 The regularly scheduled meeting of the State
14 Board of Physical Therapy was held on Thursday, March
15 21, 2024.

16 ***

17 Official Call to Order

18 [Cynthia L. Potter, PT, DPT, Chairperson, officially
19 called the meeting to order at 10:30 a.m.]

20 ***

21 [Sean C. Barrett, 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. Barrett also noted the Board entered into

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

5 ***

6 Roll Call of Board Members
7 [Cynthia L. Potter, PT, DPT, Chairperson, provided a
8 roll call of Board members.]

9 ***

10 Approval of minutes of the January 25, 2024 meeting

11 CHAIR POTTER:

12 Are there any additions or corrections
13 to the draft minutes presented for
14 January 25, 2024? Hearing none.

15 Is there a motion to approve the
16 minutes?

17 MS. GRZYBEK:

18 So moved.

19 CHAIR POTTER:

20 Is there a second?

21 MS. MACKELL:

22 Second.

23 CHAIR POTTER:

24 It has been moved and seconded to
25 approve the minutes as presented. We

1 will do a roll call vote.

2

3 Potter, aye; Claggett, aye; Campbell,
4 aye; Grzybek, aye; Mackell, aye; Reddy,
5 aye; Ruby, aye; Wolfe, aye.

6 [The motion carried unanimously.]

7

8 Report of Board Prosecution

9 [Adrienne Rachelle McClendon, Esquire, Board

10 Prosecutor, presented the Consent Agreement and Order
11 for Case No. 22-65-004125.]

12

13 [J. Karl Geschwindt, Esquire, Senior Prosecutor and
14 Board Prosecution Liaison, presented the Consent
15 Agreement and Order for Case No. 21-65-013247 and
16 Case No. 23-65-014013.]

17

18 Report of Board Counsel - Adjudication and Order

19 MR. BARRETT:

20

Based on Executive Session

21

deliberations, at item 5, Case No. 23-

22

65-007594, Gregory Alan Betar II, I

23

believe the Board Chair would entertain

24

a motion to adopt the Proposed

25

Adjudication and Order and direct

1 counsel to draft a Substitute Final
2 Order.

3 CHAIR POTTER:

4 Is there a motion?

5 MS. GRZYBEK:

6 So moved.

7 CHAIR POTTER:

8 Is there a second?

9 MS. MACKELL:

10 Second.

11 CHAIR POTTER:

12 It has been moved and seconded to adopt
13 the Adjudication and Order as stated by
14 counsel. We'll do a roll call vote.

15

16 Potter, aye; Claggett, aye; Campbell,
17 recuse; Grzybek, aye; Mackell, aye;
18 Reddy, aye; Ruby, aye; Wolfe, aye.

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

21

22 Report of Board Prosecution (cont.)

23 MR. BARRETT:

24 Items 2, 3, and 4. Based on the Report
25 of Prosecution, does any Board member

1 wish to return to Executive Session for
2 further discussion? Hearing none.

3 Based on Executive Session
4 deliberation, I believe the Board Chair
5 would entertain a motion to approve the
6 Consent Agreement and Order at Case No.
7 22-65-004125.

8 CHAIR POTTER:

9 Is there a motion?

10 MS. GRZYBEK:

11 So moved.

12 CHAIR POTTER:

13 Second?

14 MS. MACKELL:

15 Second.

16 CHAIR POTTER:

17 It's been moved and seconded to adopt
18 the Consent Agreement and Order in the
19 case as read by counsel. We'll do a
20 roll call vote.

21

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

25 [The motion carried unanimously. The Respondent's

1 name is Christopher Joseph Masiello, PT.]

2

3 MR. BARRETT:

4

Moving on to item 3. Based on

5

Executive Session deliberation, I

6

believe the Board Chair would entertain

7

a motion to approve the Consent

8

Agreement at item 3, Case No. 21-65-

9

013247.

10 CHAIR POTTER:

11

Is there a motion?

12

MS. GRZYBEK:

13

So moved.

14 CHAIR POTTER:

15

Is there a second?

16

MS. MACKELL:

17

Second.

18 CHAIR POTTER:

19

It's been moved and seconded to approve

20

the Consent Agreement and Order. We'll

21

do another roll call vote.

22

23

Potter, aye; Claggett, aye; Campbell,

24

aye; Grzybek, aye; Mackell, aye; Reddy,

25

aye; Ruby, aye; Wolfe, aye.

1 [The motion carried unanimously. The Respondent's
2 name is Rowena Ramirez Solomon, PT.]

3 ***

4 MR. BARRETT:

5 Item 4. Based on Executive Session
6 deliberations, I believe the Board
7 Chair would entertain a motion to
8 approve the Consent Agreement and Order
9 at item 4, Case No. 23-65-014013.

10 CHAIR POTTER:

11 Is there a motion?

12 MS. GRZYBEK:

13 So moved.

14 CHAIR POTTER:

15 Is there a second?

16 MS. MACKELL:

17 Second.

18 CHAIR POTTER:

19 It's been moved and seconded to approve
20 the Consent Agreement and Order for the
21 case as read by counsel. Roll call
22 vote.

23

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

1 Reddy, aye; Ruby, aye; Wolfe, aye.
2 [The motion carried. Sandra Campbell recused herself
3 from deliberations and voting on the motion. The
4 Respondent's name is Daniel Albert Leonard, PT.]

5 ***
6 Report of Regulatory Counsel - Status of Regulations
7 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
8 provided a Status of Regulations Report for the
9 Board's review and an update on 16A-6522 regarding
10 early exam and continuing education (CE) for clinical
11 education.

12 Mr. Davis informed Board members that they have
13 three active regulations at the moment and a possible
14 fourth. He reported that the only one that has seen
15 movement since the last meeting is 16A-6522 regarding
16 early exam and CE for clinical education. He again
17 noted it was published as proposed on January 27,
18 2024, in the *Pennsylvania Bulletin*, which kicked off
19 a 30-day comment period.

20 Mr. Davis stated the Board received one comment
21 in support of the regulation and awaited any comments
22 from the Independent Regulatory Review Commission
23 (IRRC). He noted IRRC has until March 27, 2024, to
24 provide any comments, and the Board will review any
25 comments in detail at the next meeting. He mentioned

1 that any comments received have to be fleshed out in
2 the final preamble and then the preamble itself has
3 to be approved by the Board. He will provide a
4 better timeframe once all of the comments, if any,
5 are received.

6 Chair Potter asked whether there would need to be
7 redrafting if they do not receive any comments.

8 Mr. Davis explained that it would require minimal
9 redrafting if no comments are received but would have
10 to redraft the preamble into a final draft that he
11 could turn around almost immediately.

12 Chair Potter asked Mr. Davis to review the whole
13 regulatory process.

14 Mr. Davis explained that two things need to
15 happen with regulations when it comes to the
16 published as proposed phase and the published as
17 final-form rulemaking phase. He reported being past
18 the published as proposed phase, but to get there, it
19 must go through the policy offices, fiscal offices,
20 Office of General Counsel, Office of Attorney
21 General, and IRRC before it actually can be published
22 as proposed. He also noted it has to go through the
23 Legislative Reference Bureau (LRB), etc., and each of
24 those groups take roughly 30 days.

25 Mr. Davis addressed a regulation that has nothing

1 to review or does not have any comments when it comes
2 to the final phase, where they can just look back,
3 and if it was fine for the proposed phase, the
4 regulation can move forward. He explained that a
5 regulation that took a while in the proposed phase
6 should not take much time in the final phase, but it
7 still has to go through all of those offices one more
8 time for comments.

9 Mr. Davis noted the Office of Attorney General
10 (OAG) and Office of General Counsel (OGC) will most
11 likely take 30 days, and then the Governor's Policy
12 Office, and again would depend on how many comments
13 were received from IRRC.

14 Ms. Grzybek asked whether the regulation takes
15 effect when it is published in the *Pennsylvania*
16 *Bulletin* as final or does it take effect in 30 days.

17 Mr. Davis stated it will take effect the day it
18 is published as final-form rulemaking.

19 Mr. Davis informed Board members that licensure
20 by endorsement under Act 41 at 16A-6523 is still in
21 the proposed stage but is under final internal review
22 and will most likely be published in the next few
23 months.

24 Mr. Davis referred to the student in education
25 program, noting it started as a statement of policy

1 and then became a regulation, and he would need more
2 time look into that one.

3 Mr. Davis informed Board members of a correction
4 when he mentioned four active regulations, because
5 there are only three. The fourth one on the list is
6 adopting the Compact Commission Rules but did not
7 believe the Board would need a regulation for that
8 one. He believed the Board could just reference that
9 on the Board website and continue to work on that,
10 and they are actively working on the early exam.

11 Mr. Davis addressed licensure by endorsement
12 under Act 41. He mentioned that the Board is already
13 utilizing Act 41 for licensure by endorsement
14 purposes, where anyone who applies under Act 41 is
15 being licensed as long as an applicant can be
16 licensed under 41 regardless of whether or not the
17 regulation is in place.

18 Dr. Campbell requested an update regarding the
19 Compact Commission regulations and Physical Therapy
20 Compact concerning the Federal Bureau of
21 Investigation (FBI) background check.

22 Mr. Davis had nothing new to offer concerning the
23 FBI background check.

24 Mr. Barrett also had nothing new to report but
25 did mention work being done to implement it with the

1 Pennsylvania Licensing System (PALS) as soon as that
2 is fixed.]

3 ***

4 Report of Board Chairperson

5 [Cynthia L. Potter, PT, DPT, Chairperson, informed
6 Board members that the Federation of State Boards of
7 Physical Therapy (FSBPT) redesigned their website to
8 make it more use-friendly, along with providing a a
9 number of new resources. She mentioned that not all
10 of the information for Pennsylvania was accurate on
11 the FSBPT website and noted a correction needed to be
12 made regarding the exam early, where there is still a
13 waiver in place for COVID.

14 Chair Potter recommended having a system of their
15 own or periodically checking to make sure all
16 information related to their jurisdiction is accurate
17 and to alert FSBPT staff of inaccuracies, because
18 people do look at that licensure reference guide.

19 Ms. Grzybek agreed that it is everyone's
20 responsibility and suggested alerting Ms. Roberts of
21 any corrections, so one individual can communicate
22 with FSBPT versus several Board members.

23 Chair Potter commented that it would be
24 reasonable to have one point of contact to avoid any
25 confusion.]

1 ***

2 [Arion R. Claggett, Acting Commissioner, Bureau of
3 Professional and Occupational Affairs, provided an
4 update regarding the Pennsylvania Licensing System
5 (PALS). He reported nothing has changed since the
6 last meeting, and they continue to review and score
7 vendors.

8 Ms. Grzybek noted appreciation for Acting
9 Commissioner Claggett's efforts and Dr. Campbell's
10 periodic inquiries but commented that it is a long
11 process and can be discouraging.]

12 ***

13 Report of Committees - Education Committee
14 [Sandra L. Campbell, PT, Ph.D., MBA, Vice Chair,
15 reported two individuals were approved for a third
16 attempt at the National Physical Therapy Examination
17 (NPTE). She noted two more were approved after the
18 agenda was posted that will be listed on the next
19 agenda, and one to be looked at and cleared in time
20 for the April NPTE.

21 Dr. Campbell mentioned that her Until Successor
22 Qualifies (USQ) and term soon ends but will
23 temporarily leave the committee in good hands with
24 Ms. Wolfe and Ms. Mackell.]

25 CHAIR POTTER:

1 Is there a motion by the Board to
2 approve the Applicants, Zion Gibbs and
3 Sydney Keister for the third attempt at
4 the NPTE.

5 DR. CAMPBELL:

6 So moved.

7 MS. GRZYBEK:

8 Second.

9 CHAIR POTTER:

10 Moved and seconded to approve the
11 Applicants, Zion Gibbs and Sydney
12 Keister. We'll do a roll call vote.

13

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

17 [The motion carried unanimously.]

18

19 Adjournment

20 CHAIR POTTER:

21 Is there a motion to adjourn?

22 ACTING COMMISSIONER CLAGGETT:

23 So moved.

24 MS. GRZYBEK:

25 Second.

1 CHAIR POTTER:

2 It has been moved and seconded to
3 adjourn the meeting.

4 ***

5 [There being no further business, the State Board of
6 Physical Therapy Meeting adjourned at 10:58 a.m.]

7 ***

8

9 CERTIFICATE

10

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

17

18

19



20

Derek Richmond,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

26

STATE BOARD OF PHYSICAL THERAPY
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call
10:33	Approval of Minutes
10:33	Report of Board Prosecution
10:38	Report of Board Counsel
10:39	Report of Board Prosecution (cont.)
10:44	Report of Board Regulatory Counsel
10:52	Report of Board Chairperson
10:55	Report of Acting Commissioner
10:56	Report of Committees
10:58	Adjournment